MINUTES OF EVIDENCE

TAKEN BEFORE THE ROYAL COMMISSION APPOINTED TO INQUIRE INTO THE PROGRESS OF SETTLEMENT UNDER THE LAND ACT OF 1869; ALSO TO SUGGEST SUCH AMENDMENTS THEREIN AS MAY APPEAR TO BE NECESSARY; AND FURTHER TO REPORT UPON THE STEPS NECESSARY TO MEET THE REQUIREMENTS OF THE COUNTRY ON THE TERMINATION OF THE PASTORAL TENURE AT THE CLOSE OF THE YEAR 1880.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

[The Progress Report of the Commission, which was founded on the evidence given herewith, and which formed the basis of the Amending Land Act of 1878, was presented to Parliament in October 1878, and appeared amongst the Parliamentary Papers for that year. The Minutes of Evidence, however, were not ready before the close of the Session (1878). They are presented therefore now, when the Commission's investigations are brought to a close; but as they refer to a different branch of the inquiry from that which engaged the attention of the Commission in the present year (1879), they are given in a detached form. The proceedings of the Commission in the latter year (1879) deal solely with the pastoral lands, and are embodied in the Minutes of Evidence which accompany the Final Report now printed, September 1879.]

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Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith:


Greeting:

Whereas the Governor of our Colony of Victoria with the advice of the Executive Council thereof, has deemed it expedient that a Royal Commission should forthwith issue to inquire into and report upon the permanency or otherwise of settlement on the lands of the colony under the provisions of the Land Act 1859; the difficulties experienced by selectors in fulfilling the covenants and conditions under which they occupy their selections, and the causes that lead thereto; to suggest such amendments therein as may seem necessary to secure permanent and beneficial settlement; and further to report on the steps necessary to meet the requirements of the country on the termination of the present pastoral occupation of the waste lands of the Crown: Now know ye that We, reposing great trust and confidence in your zeal, discretion, and ability, have authorized and appointed, and by these presents do authorize and appoint you the said William Joseph O'Hea, John Lamond Dow, Robert Clarke, Henry Roberts Williams, Albert Lee Tucker, John Reed, and Thomas Cope, to be our Commissioners for the purposes aforesaid: And we do by these presents give and grant unto you, or any three or more of you, full power and authority to call before you such person or persons as you shall judge likely to afford you any information upon the subject of this our Commission, and to inquire of and concerning the premises by all other lawful ways and means whatsoever: And We will and command by these presents ordain that this our Commission shall continue in full force and virtue, and that you our said Commissioners or any three or more of you shall and may from time to time and at any place or places proceed in the execution thereof and of every matter and thing therein contained, although the same be not continued from time to time by adjournment: And lastly We direct that you do with as little delay as possible report to us under your hands and seals your opinions resulting from the said inquiry.

Witness our trusty and well-beloved Sir George Ferguson Bowen, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies and Vice-Admiral of the same, Esq., Esq., Esq., at Melbourne, this sixteenth day of May, One thousand eight hundred and seventy-eight, and in the forty-first year of our reign.

G. F. Bowen.

By His Excellency's Command,

GRAHAM BERRY.

Note.—Mr. Andrew, M.P., and Mr. E. M. Davies, M.P., were subsequently added to the Commission.
MINUTES OF EVIDENCE

TAKEN BEFORE THE ROYAL COMMISSION APPOINTED TO ENQUIRE INTO THE PROGRESS OF SETTLEMENT UNDER "THE LAND ACT OF 1869."

(Taken at Horsham.)

TUESDAY, 11TH JUNE 1878.

Members present:

W. J. O'HEA, Esq., M.L.A., in the Chair;
J. Andrew, Esq., M.L.A.;
A. L. Toller, Esq., M.L.A.;
J. Rees, Esq., M.L.A.;

Walter Madden examined.

1. Are you the district surveyor here?—I am.
2. How long have you been?—Five years, rather over.
3. What is the extent of your district?—Well, it comprises the counties of Borung and Lowan.
4. When you say "counties" you distinguish those from shires. Could you name the shires included in your district?—Winneara, Lowan, and Dunnanklo, and part of Rowteen—these whole shires and part of a fourth.
5. None of St. Arnaud.—Now that you remind me of it, there is a small part of St. Arnaud.
6. Can you produce a map of your district showing the present state of selection?—Yes; I have two maps with me showing the counties I refer to. Most of the information I can give is based on the statistics furnished by the Government. As it embraces part of five shires you could not satisfactorily supply statistics for the parts, but taking the whole counties you can supply satisfactory statistics from the Government gazetted statistics—producing and exhibiting maps showing selections under Land Acts 1862, 1865, and 1869, and purchased land.
7. The map you now produce you say will show us the present state of selection?—It will.
8. Up to what date?—Up to the present date.
10. In the coloring of the map are the selections of 1869 different from those of 1865 and 1862?—Blue represents the selection under the Land Act of 1869.
11. And what is the color under the 1865 Act?—Green.
12. And under the Duffy Act of 1862?—They are all embraced under the green; all selections under the 1862 Act are now held in fee-simple, and are therefore embraced under the purchased land, which is colored red; that plan refers to the county of Borung; about eighteen-twentieths of the 19th section is in the county of Borung.
13. Is that the country round this town?—Yes; at least Harsham lies rather in the south-western part of it—(explaining the same on the map).
14. Could you define precisely the nature of the selection that has taken place in the county that you mention?—Selection under the 19th section of the Land Act 1869.
15. What class are the occupiers?—There are various classes. For instance, there are a number of persons who have not selected before in any colony; a number of others who have selected small holdings in other parts of this colony, before coming here; and again, a large number of foreigners, from South Australia, who have come over and settled.
16. As to the land in your district, can you give a general idea of the nature of it; what is the character of the occupation?—The land is for the most part excellent land—good agricultural land; that is, in the county of Borung. In the county of Lowan it is not so good.
17. The question referred rather to what calling the selectors carry on. Do they grow grain or sheep?—They grow grain, and they also graze sheep. They combine both, but for the most part they are grain growers in Borung.
18. Do you think that that is in consequence of the requirements of the Act that they grow a portion of grain, or is it simply owing to fertility of soil?—Owing to fertility of soil, and because it pays best.
19. But they are obliged to cultivate a portion of their holding?—Yes, but in this case it is not simply because they are obliged but, as I have said, because it pays best.
20. What is the predominant crop?—Yes.
21. And they grow that because it pays best?—Yes.
22. Is the area laid down under wheat increasing?—Yes, rapidly.
23. Can you give any idea of the proportion of the land used as grazing ground to the land cultivated for wheat areas?—Say in a selection of 320 acres, there is a third, or a fourth, or a fifth, or what proportion is there for wheat, and what proportion for grass?—I should think about twenty-fifths of the total quantity of land held is cultivated. The Act provides that one-tenth shall be. I estimate that there are about a million acres selected under the 19th section, and of that I estimate that between 100,000 or 200,000 acres are under crop.
24. All for wheat?—Yes, wheat does the best here; most of the other crops do not do so well here.
25. As to the area increasing, do you think that the tendancy of the cultivation in the district is that each selector shall go on adding to what he is cultivating till he cultivates all over his selection?—There is a good deal of that. Men are cultivating and each year adding to their cultivation paddock; and some have broken a considerable extent of new ground, and allowed the old cultivated ground to rest.

26. Do you know of any selection all under wheat?—I do, several.

27. What proportion do they bear to the whole—where all the selection is under wheat?—They are isolated cases. You could not give any such idea as that. You could give no proper idea. Besides I think it would not be a good thing. It is injudicious to keep the whole selection under crops, because if a man does so he exhausts his land. It is better to cultivate 80 or 100 acres at a time, and to have rotation of crops.

28. How much land, previous to the Act of 1869, had been alienated in this district from the Crown?—In 1873 I find from the Government statistics that 188,146 acres in the county of Bunging and 294,123 in Lowan had been alienated in 1873; these were absolutely held in fee.

29. Did any of that alienation take place under the 1869 Act?—None.

30. Can you tell under what Acts it took place?—Some was sold at auction. Some was given under the Land Act of 1862, and some under the Land Act of 1865.

31. Some would be got by those certificate under the Act of 1865?—Yes.

32. Does that comprise any of the land round Horsham?—Yes.

33. How far round?—There is a good deal of land held in fee. Taking Horsham as the centre and describing a circle with a radius of seven miles, that circle would include purchased land to the north-west, north, and north-east.

34. To what use are those areas put?—As grazing lands.

35. Net in cultivating wheat?—No.

36. Do I understand you, that taking Horsham as the centre, that a radius extending seven miles from the west to the east is all in the hands of that class generally called squatters?—Yes.

37. And that all this land is now under grass?—Yes, nineteen-twentieths of it; there are a few scattered selections.

38. Is the land of equal quality to that held by selectors?—Yes, quite as good.

39. Those gentlemen do not consider it advantageous to grow wheat?—Well, certain of them have advertised to let land under lease; but there were no applications to take it. The rent is considered too high at present, but when there is a railway to Horsham I believe it will be largely cut up into farms; I have no doubt about it.

40. Where selection occurred in this district before 1869, are you able to throw any light on this question: do any of those men who then selected hold that land; are they still in occupation?—Under what Act—1865 or 1865, or the 42nd section?

41. 1862 and 1865. I want to know whether selection occurred in this district before 1869, and whether any of those men who then selected prior to that date still occupy the land?—I know very few instances indeed of selectors who still hold the land they selected under the 12th and under the 7th section of the Land Act of 1865.

42. Those was no selection here under the Land Act of 1862?—Exactly, 1865 you may call it; but there were some selections under the 42nd section of the Land Act of 1865 which are still held by the selectors.

43. Late whose hands have these lands passed?—Into the hands of the pastoral licensees for the most part.

44. Then they have purchased out the great majority of the selectors under the Act of 1865?—Certainly, I think so!—but as I said there are some of those who took up land under the 42nd section who are still there.

45. What are they?—They were the 20-acre allotments allowed on a goldfield; afterwards the area was extended to 80 acres, and subsequently to 160 acres.

46. Do you know whether the lands selected under the 12th section of the 1865 Act were cultivated to any extent by the persons who selected?—I cannot say from my own knowledge, but from the appearance of the ground I imagine not; certainly not since I have been here.

47. What land under the Act of 1865, which has passed into the hands of the pastoral tenants, was it good agricultural soil?—Yes, that under the 7th and 12th sections—much of it.

48. Did that comprise any river frontages?—Yes; but it happens that that is not exceptionally good here, on the contrary, the frontages are rather poor, except near Horsham.

49. That is an exceptional state of things?—Yes, it is a fact that much of the land fronting the Wimmera is not selected.

50. Is it liable to flood?—No, most of it is sandy, rubbishy stuff.

51. Were not those frontages purchased before there was a chance of selection?—That is the case south. What I say is, that much of the river-frontage land is poor north of Horsham. [The witness explained the course of the river on the map.]

52. Can you give us any idea of what the price generally was which an outgoing selector of 1865 obtained for his land when he sold to the landholder proprietor?—I have very little idea as to the lands bought by the pastoral licensee under the 7th and 12th sections, because they were sold before I came here; but under the 42nd section I am told they have realized prices from 22 to 23 per acre.

53. Those were the 20-acre people?—Yes, at first, but subsequently, as I have explained, they may have been extended to 80 acres and 160 acres.

54. What was the nature of the improvements of the selectors prior to the disposal of the land in that way?—I cannot say; it was nearly all disposed of before I came here. I have been only five years, but I must say I have not seen many improvements on the land. I have seen ruins of huts and some fencing, but no considerable improvements.

55. Is it your opinion that it was what was called “developed” land?—I have heard that there was a good deal of that, but I do not know of my own knowledge; but that is the appearance of it certainly.

56. Can you give us any reason from your own experience, or after knowledge of the district, what induced those men to sell their lands. Was it a hopeless case, too far from market, or the land poor, that would have made that not be done—that is the bound fide men?—I have had no experience of bound fide selectors except under the 42nd section of the Land Act 1865 and under the present Act. The 42nd section selectors were for the most part Germans.
57. You are able to throw no light on that as to the reason why they gave up?—No; I cannot of my own knowledge. I suppose they must have been paid for it.

58. They thought they would make a good thing of it?—I suppose so. I have heard so. I cannot speak of my own knowledge.

59. Can you state with any accuracy what is the total area now selected up to the present moment in this district?—I would like if you will permit me to distinguish the 19th section of the Land Act, which I know from every other section.

60. Yes, I specially desire the 19th section?—I estimate between 4,000 and 5,000 selectors in this district. There are about a million acres of land held under that section in this district—close up to 4,000 selectors.

61. The periods of selection I suppose vary from 1870 to the present time?—Under the 19th section land commenced to be taken up in 1872, but they vary, as you say, from 1870 to the present time. The rush began in 1873.

62. Is which year was the largest amount selected?—The rush commenced in 1873, and in 1874 and 1875 there was a tremendous quantity taken up.

63. About what was taken up last year?—I can give you a rough estimate. Roughly it would be between 150,000 and 200,000 acres licensed from the 1st January to the 31st December 1877. That is only an approximation. I estimate it by the average quantity selected and the average quantity of cases dealt with as the boards.

64. You could furnish it accurately?—I could.

65-6. Will you do so?—Yes; I shall be very happy to.

67. Are you able to distinguish the average held under license and that held under lease at present?—That is under the 20th section, which is after the expiration of the 19th section license?

68. Yes; those who hold under license under the 19th section and those who have obtained their leases, you say there is a million acres allotted—how many of those are held under lease and how many under license?—Of course I could give it exactly at another time.

69. You stated that the rush occurred in 1873, 1874, and 1875—then most of it would be under lease now; would you say it is three-fourths altogether?—No; not as much as that; you might say perhaps half.

70. Of those we have referred to one-half hold under license and the others under lease?—Yes, something like that.

71. Can you give any idea of the acreage transferred in free-sale under the same conditions. Of course the land they originally held under the 19th they now hold under the 20th, and can dispose of in that way?—The proportion is very small indeed.

72. That is the number of selectors who have anticipated the getting of the Crown grant by paying up the whole money at once?—That number is very small. The number of selectors who apply for leases in preference to grants is something like nine-hundred-thousand of them all, perhaps more. I know that, for nearly all the applications are filed up in my office, and I take a particular note of those things.

73. Now, scaling with the selection under the Land Act 1869 (and the question I now put refers to that, and not to the selection under the 1865 Act, do you know of any instances where the selectors have been bought out by the large landed proprietors?—I do know of a few, but very few indeed; and the few I know of held their selections between the purchased blocks of the large proprietors.

74. Do you think they were taken up with a view of ultimately selling?—It is hard to answer that; of course that may have entered into a man’s calculation.

75. It looks very like it?—I think you are slightly mistaken in that. A man took it up because it was near Horsham, and he was in the midst of civilization. There are severe! I will point out on the plans. [The witness did not.]

76. Are you able to state approximately the area that was so disposed of by those 1869 Act selectors?—can you give an general idea of the area disposed of by them to the large landed proprietors?—In proportion to the whole of the selection I dare say it is not a hundredth part. You must distinguish in this way, that part have sold to the adjoining selectors, and not to the large landed proprietors. Some selectors have sold to the latter, but not the majority. A very small quantity indeed has been sold to large landed proprietors.

77. That is contrary to the general opinion?—Yes, I am aware of that, but it is a fact nevertheless; but this is an exceptional case. This plan will explain that. You will find that most of the stations are simply things of the past. They are no longer there, all the lands having been selected.

78. Can you give any opinion as to whether those persons were used as dummies, employed for the purpose?—I know the men, and I do not think they were dummies.

79. What could you induce them to sell? Suppose you were a selector and sold to your neighbor, what would induce you to do that?—It is simply because his next door neighbor had more money, that is, more capital. The one man had got into debt, and the other had not; and one wanted to get away and the other did not want to go. The man who is careful and saving will buy out the other.

80. Would not the man who sold out have had that in contemplation all the time whether he sold to the neighboring squatter or the neighboring selector?—It is impossible to say; they may have.

81. So that they virtually were dummies?—I do not know when they were dummies for.

82. Had the State known the reason for which those people took the land they would not have given it?—I would have been hard to judge that. You have a case of a man without money who comes here and selects land. In three years he is supposed to put on £320 worth of improvements and pay £100 of rent, and he is expected to, or rather he must, support himself and his family during the time. The man cannot do that; he must get into debt, and it is those men who have sold out. Not all of them, for even of that class there are many who hold their land satisfactorily still.

83. They might have intended well, but they misconceived?—That is exactly the case.

84. It was not any madefoles on their part at all. They thought they would have been able to carry on, but found they were not able to do so?—It is hard to cover a sweeping assertion on either side. There may have been a proportion of each class—part dummies and part not.

85. That would cover about 10,000 acres?—It is hard to say that. I do not think there is as much as that.
Not that much disposed of altogether to large landed proprietors?—I do not think so.

Could you fix any figure at all?—I do not think 4,000 acres have been disposed of in that way.

That does not include the sale by selectors to their neighbors?—Of course not. I am always speaking of the 19th section now.

Have you any idea of the acreage so disposed of?—That is difficult to say.

Would it be larger do you think?—Decidedly I think so.

Those people who selected this approximate amount of 5,000 acres, which were afterwards disposed of to squatters, do you think they were employed as dummies by those squatters?—I certainly think not. I have made careful enquiries, and have kept a careful watch upon all, and I do not know half a dozen cases of the sort.

Was there any organized system of dummying amongst the selectors of those 5,000 acres?—I do not think so. At one time, as you are probably aware, there was 14,000 acres selected by dummies in one parish, but it was not allowed. They were swept away. That was land in the Warranook run. They were found out, and they were swept away. That was at the special board at Stawell, some years ago.

What became of that land?—It was thrown open, and bona fide selectors have taken it up.

That is in your district?—All in my district.

What have you stated comes upon me by surprise?—I have no doubt it will surprise many who did not know the facts.

It is also a surprise to find that there has been no organized system of dummying, and that those men were not agents and dummies?—I assert that with confidence; and I am satisfied that all the witnesses you examine will support my statement. I am certain of that.

You are aware that there was a great deal of talk about the difficulties arising from mortgaging and so on—can you give an idea of this, if there are any who have been obliged to part with their land through mortgaging their land?—Yes, there are numerous instances of it in the district.

Of the persons who have lost their land through the operation of the mortgaging system?—That would be rather a sweeping statement to make, but I would put it in this way—they have lost their land by the abuse of the system of mortgaging.

Borrowing more money than they could repay, and at a high interest?—Yes, some of them. Of course you must have some system of mortgage or a man cannot carry on, and I do not condemn the system of mortgage, but the abuse of the system.

Are there applications for permission to mortgage referred to you?—No, not as a rule, but I have some knowledge of them.

What official would they be referred to?—Generally to the authorities in Melbourne, occasionally to the Crown lands board, and occasionally to me, but not as a rule.

As a rule, when a man wants to raise money on mortgage on his lease, has he not to apply direct to the Minister for permission to do so?—Yes, he has.

How long is it since that no legislation has been in force?—For permission to mortgage? I think it was since the present Ministry came into office; I cannot say for certain.

Can you give any idea of the acreage possessed away from the original holders, through what you call this abuse of the mortgage system?—I cannot give it reliably.

Whom could we get that from on the spot?—I do not know any officer here. It would have to be obtained at the Land office in Melbourne.

You cannot tell the acreage area nor the number of selectors who have parted with their land in that way?—No; I could not reliably.

Can you tell us in whose hands those lands are now?—I am speaking of the mortgaged lands—what character of persons hold them now?—I have heard of a number of capitalists, and some are in the hands of the banks, and some in the hands of agents here; but I do not quite know exactly the relationship of those agents to the banks, or the capitalists they represent.

Do the banks do the business direct with the selectors, or through an agent?—I do not exactly know, but I think some do it by agents. I suspect that that is the case. I have no official knowledge of the fact.

Without speaking officially, could you also tell us, generally, the rate of interest charged to those persons who have mortgaged their land?—I think a good deal depends upon the character of the mortgagee, his circumstances, and so forth, and what his position is.

A man greatly in need is made to pay through the nose?—No; I do not mean that. There must be something of that; but I mean a man of known good character will get it on better terms than a man of known bad character.

You think the circumstance of reputation exercises an influence upon the terms of the loan?—I do; in fact, I know it does. I am aware that money is to be had at 10 per cent, and 1½ per cent, for commission allowances.

Is the money lent for any term of years?—Yes; varying from two to three years.

That cannot be bank money?—No, that is not bank money; that is capitalists'.

In reference to bank money—when the bank advances they do it on three months' bills, and then the selector gets those bills renewed; are you aware whether he pays commission for every renewal?—I think the work is done largely on bills, but I do not know.

Would the bank managers object to give the information?—I cannot say; some will, but others will not.

There have been two modes of raising money, one from the private money lender and the other from the banks. In the case of a mortgagor who gets it from the private capitalist, does he obtain the money for any number of years, and, if so, how many?—I have heard of selectors (I will call them lessees) obtaining the money for our, two, and three years.

And generally at what rate of interest?—Ten per cent., and two and a half for commission. I have heard of a good many instances of that sort.

Did you ever hear of any where the monetary relations between the lender and the selector also involved the payment of the rent of the selector by the money lender?—No; those cases I refer to are not cases of that sort.
120. In such a case as this: a selector does business with the storekeeper, and has mortgaged his land to the storekeeper, and he asks him when his rent becomes due to pay it for him—do you know any instance where the selector has done so, but has held back the payments, and it has not been discovered by the selector till some months afterwards, when the Crown lands bailiff fancied him—I have heard of a few instances of that sort.

121. In that case the storekeeper could use the acceptance of the selector all the time although he had not paid the money—Yes; but there are two classes of transactions: the storekeeper may have just agreed to do it without any bills, just charged it to his account.

122. Say the storekeeper says—"I am going to pay £32 for you; I will want a bill endorsed by you," and he signs it, and the money becomes due, and he does not pay the Government?—You would divide them into two classes; there is a great difference between them. There are the selectors to whom the selectors are to some extent in debt; in consequence of that debt of the selectors, and their inability to pay it off, the storekeeper is obliged to carry them on further until crop time or until the selectors pay their leases; therefore he may be called upon to pay the last two cents. He may or not get bills for that. That is quite different from the case of a man getting bills and using them improperly. But I have heard of another case, where a selector goes to a person who is in the habit of advancing money, he has given bills or other security, and asked him to pay rents; but the selector finds, a few months after the rent is due, that the rent has not been paid, although he made arrangements. We will say in January a month's rent becomes due, £16, the selector is in the township in December, and he goes to a money lender, and says—"I want you to pay my rent when it becomes due," and very likely he gives him money or security for the money. In June it appears in the Gazette—or sometime between January and June—that the rent is not paid. The selector is informed of that fact, and he comes to ask the reason, and he finds that the money lender did not pay his rent. I have heard of a few cases of that sort.

123. The money lender's object would be to get the man out of his land for not paying rent?—No, I think that is not the case usually.

124. Those cases are very few?—Very few indeed, a mere nothing to the great bulk of the selectors' transactions.

125. Of course you are acquainted with the regulation issued some time ago by the present Land Minister that the amount of a loan on any selection should not exceed £1 per acre?—Yes.

126. Are you aware whether that has caused any great dissatisfaction amongst the selectors?—I am aware it has caused great dissatisfaction amongst them. It came upon them as a surprise, and the way they took it was, that they were abolished, and they imagined that it might affect them in this way, that wanting to obtain money they thought that very likely they would have more difficulty in obtaining it, owing to that regulation; but at the same time I think some such regulation is needed. I think the amount a selector can borrow should be limited, if not on a pound, at any rate to some extent; because the large landed proprietors may advance money—may lend as much as £5 per acre—an amount which the man could not hope to pay, and the proprietor would be able to get the land; but I think a pound is just a little too low.

127. Why do you think it is too low? If there are dry seasons, for instance, is it not for the safety of the selector, and also for the security of the State, to give him from losing his land, so that the State's lands be kept for the purpose the State has in view that the man who was involved should clear out, and the selection be thrown upon so that a new selector might come, and thus the incoming selector be benefited in the position of the selectors—the object being to improve the land and to secure the people to work the land with the men and with pioneer of food?—There is a very serious objection to that, that selectors will not select land that is improved; they prefer to make their own improvements. A man would have to fetch a large sum and pay it for improvements that might not be used to him; and he prefers to make his own improvements, for the improvements are supposed to be worth £200, and sometimes they go up as high as £700. When the adjoining man gets the land free, the total is not so much.

128. Take five years' payments, £160,—the interest of the selector in his land in the fifth year would be £480: what proportion of that £480 do you think it would be wise to allow him to borrow from any person willing to lend?—That comes back to the original starting point.

129. You state that £1 an acre is too low; do you think that the advance might be made to cover the whole of his improvements as well as the £200?—No; but I think £2 is too little; I think 30s. would be a better limit.

130. Would you place a man in the fourth year of his settlement on the land in the same position as a man in the eighth year?—No; there is a difference, one is in a better position than the other.

131. Suppose the selector were allowed to borrow four-fifths of his value?—That is going into detail; I can hardly express an opinion on that. My opinion is based on this: when a man has obtained his lease, say, paid one or two cents, then he ought to be able to raise (where the land is worth £2 or £3 an acre, as here) 30s. an acre.

132. What would save the selector from ruin and not endanger the State's policy?—I think it is about the right amount.

133. You would allow the selector of four or five years and the selector of nine years the same?—Perhaps the latter might have a little more.

134. Would you not make it proportioned, according to the time of holding?—It might be well to do so.
And I suppose it would be this way: you would allow four-fifths or five-sixths of the value of the select’s improvements—as matter what may be the period of his settlement, whether four or six or eight years—let him, whatever the amount of his expenditure has been, raise four-fifths of that in a loan?—Besides the £20?  

Yes?—That is to say, the man obtains £320, and, as he pays 2s. per acre annually, that will be 2s. extra each year, so that the man holding a two years’ lease would be able to raise about £550.  

What would you calculate about the entire of his payments at the end of those two years, the value he would attach to his holding at the end of his second year’s lease?—I think he might be allowed to obtain 30s. per acre, plus the proportion of the rents paid by him subsequent to his first payments under the 20th section.  

Take it this way: that a man has paid for five years—half his time—£160, he would then be allowed to borrow £120.—Exactly.  

Would you stick to that five-sixths, leaving the improvements out, taking the land itself and the price of that land regulated by payments of 2s. per acre?—That is a very small amount when you come to think of it; only £22 a year. But there is one material point you have not taken into consideration, namely, too element of fictitious value.  

What would be the value a piece of land improved—£2?—There is very little land here not worth more than £2 an acre. There is very little of the land that comes so low as £2.  

 Might it not so happen that two or three droughts might succeed each other, and a man not be able to retrieve his position; would not 30s. per acre be a very large amount to be exposed to that danger?  

There are sure to be some dangers in every investment: but I think land here would always bring 30s. an acre. I know of no land that is selected here that would not be bought at that rate.  

Unimproved or improved?—Just as it stands, with the improvements and everything. Our experience goes up to £3 18s.  

A great many of the selectors have made more than £320 out of their improvements?—A great deal more. I have known as much as £700.  

What has been the effect of this regulation of Mr. Longmore’s, limiting the borrowing powers—what has been the effect in the district?—in what way?  

Has it arrested the spirit of improvement, has it caused great dissatisfaction, and was it a wise regulation to adopt?—I have already said that I thought it was brought in too suddenly, and that it was fixed too low; but I say that a check of that sort is necessary, but that the amount might be increased, and that more notice should be given of it.  

That was not the first regulation on the subject?—The first.  

Did not the first go a little further?—It was assumed before that the capitalist would look after his own interests; the other point was not looked at—that the large landed proprietor might have power. Say that he lent £5 per acre, which a man could not pay: that is a possible case but an improbable one.  

Did the regulation cause any restriction in the advances to selectors generally?—I have heard it stated that it interfered in this way, that the capitalist considered, that the making of the regulation proved that a third person could interfere with the security, and therefore that it, to some extent, interfered with the selecters.  

When a limit was fixed, was it not really an additional security to the lender?—Quite so.  

That did not injure the security but improved it?—Yes; but still, what I state now is merely what I have heard that the people said; and the capitalists have stated in my presence that they considered that the regulation having been made proved that the security could be interfered with in some way, and consequently, on account of the uncertainty, that the security was not so good, that they did not know what regulation might come next.  

By limiting the borrowing powers the danger of that land being completely lost to the selector, and passing into the hands of the money lender, was reduced to a minimum?—I come back to the point, that the check is a useful one, but the limit is too low. There is a necessity for some such limitation.  

The point I mean is this: I should suspect of the money lender to this limitation was that it destroyed the chance of his getting the land ultimately?—No. I do not think that was taken into consideration.  

The money lender said?—I lend this money, and I know he will want more, and after a time he will not be able to retrieve himself, and the land will become mine?—I do not think that the case.  

Do not you think that that feeling was encouraged in the money lender: there are two elements?—I shall get the interest, and finally the property altogether.—Was that the system on which the business was done?—I do not think it was to any extent. Most of the money was advanced by the banks and others who would rather have the money than the land. This district is exceptional in that respect. Here there is no third person, a capitalist, behind the scene, who would spur on the banks to do that.  

Your evidence is very satisfactory as to this district?—Yes; last year we sent out about a million bushels of grain.  

Then, do you think this regulation causes any pressure upon the selectors?—I simply say what I have heard, of the reasons given for the new that I have described. The reason that I have heard was this, that capitalists stated that they considered it was an interference by a third party with their security, and they had no assurance that some other interference would not come next.  

But they must have seen that the interference was not one that would lessen their security?—That may be so, but it is hard to explain the views of capitalists. They are always very careful.  

Do you know of any parties who lessened their advances on that consideration?—I have heard that the banks have ceased to advance partly on that account; that they did not care for the security. They want their business clean between themselves and their clients. They will have no third party interfering.  

To what extent did that operate upon advances limited by that regulation?—It is an extremely difficult question to answer.  

Was it so small as to affect the borrowers?—It affected them in this way. It drove them to seek money aid from less reputable people than they were previously obtaining it from.
168. Might it not be a feeling of plea, or a mere matter of sentiment with the banks that their position ought not to be interfered with, not that they thought there was any real danger?—No matter what the cause may be, if the money is not forthcoming the result is the same to the selectors.

169. The one thing that has been really a personal endeavor to protest against the interference of the Minister of Lands in their dealings with the selectors.—It is very hard to explain their views on the subject; but what I have heard I have told you, namely, that any third party's interfering was considered as likely to lead to a depreciation in the value of selection securities.

170. Have you heard them adduce a political reason for it?—They said, “Here is a regulation between us and our clients. We have no security that another will not be enforced to-morrow.” They felt there was an uncertainty.

171. Had the regulation any effect upon transactions already closed?—I have heard that the banks and capitalists and other people, or extortionists, desired to get rid of that class of security; and the selectors were driven into the hands of money lenders instead of the bankers and capitalists—into the hands of people who would not treat them so leniently. I do not know it for a fact, but I have heard it.

172. The banks said, “This is a troublesome account, and we do not know what may turn up next”—Just so; that they did not want an account about which there was any uncertainty.

173. Do you think that there was any political or party feeling in the matter?—I do not think so. As I have already told you, I am only speaking from hearsay.

174. Some of the banking institutions might say, “Here is a great lever whereby we can make the selectors dissatisfied with the Government.” We will press the selectors.—I could not possibly give you any such information as that. That would be a thing that the managers in Melbourne would have to deal with.

175. You say the feeling has died out now?—It is not so strong as it was at first; perhaps it has not quite died out.

176. Tho' the fear may have died out the consequence remains that the banks will not touch that business?—It seems so.

177. Did the banks advance more than a pound an acre before the regulation?—I do not think they did.

178. You think on the whole a million of acres is not selected at the present time, and one half of that is first-class land?—I do not say first-class land exactly. I put it in this way: that of the land still remaining in this district of the million acres, half would be selected under the present Act; that is to say, that of the 500,000 acres that we have, there is land such as would pay holding 320 acres. Of the other quantity it would not pay to select a lesser area than 640 acres. I can speak with certainty; the proof of that being, at every monthly board we have about 50 applications for land coming in as regularly as clockwork, which shows there is a quantity of land still available of being selected. Of course it is much further ahead. The good land is distant between 40 and 90 miles north-west of Horsham and west. The roads are marked out and lines laid in advance, so that we can cut up the land for the selectors when they come.

179. Do you think that 320 acres to combine grazing and agriculture?—I do not say that. What I say is this—that of the land I described, alone 500,000 acres would be selected under the present Act, and of the balance they could not make it pay with only 320 acres.

180. Would you be able to give us, before we leave Horsham, the detailed account of the acreage of land selected in each year since the Act of 1860 came into operation?—Yes; I could.

181. How is the selecting going on now?—We have about 30 applications every board day; but of course people are somewhat hasty to go away from the centres of population such as Horsham, but I have no doubt at all that when we have a railway to Horsham the selection will extend further afield. It is only the difficulty of getting produce to market that interferes at present.

182. Would you not increase the area to select in the 500,000 acres of good land—you would still fix the minimum that is a hard question while the 320 acres has paid in other districts.

183. Is the land equal to that already selected?—Yes; I think so.

184. But are you certain you would recommend the increase to 640 acres in the inferior part?—I say that the land would not be selected under the 320 acres; whether it is politic I cannot say.

185. But you think if we are to utilize the inferior land that the maximum ought to be 640?—Certainly not more. A man and his family ought to be able to do well on that.

186. Suppose in the two areas of 500,000 acres you have spoken of it is open in the one to select 640 and in the other 320, which would a selector choose of the two?—If he threw it open the 640-acre lots would be gone in a month. For this reason, that by allowing a man to take up 640, all those who have already taken up 320 would be set free to select the additional 320.

187. How would they reside on the second?—The leaseholder is not compelled to reside.

188. You think they would be so eager for the land they would take it up in a month?—I am perfectly convinced of that in this district. They might work the selections together. There are a dozen things they could do; or a man might sell his first holding and go to his new holding with a capital of £500 say; the want of capital is the difficulty that steps in the way of a man—that must be looked at.

189. Do you think there is a general desire to increase the present holdings?—Many of them would be glad to do it. I do not altogether say that 640 acres should be improved. If a man could have 320 acres of agricultural and 320 acres of grazing land, it would be a good thing—and work the two together.

190. Do you think the short probation of three years before they get their tithe has prevented selection?—I do not understand you.

191. The selector gets his title in three years, and has a right to transfer his land then. If the probation was altered from three to seven or ten years, then he would be confined to his land longer—he could not sell?—I think it would be desirable that the period of probation should be increased, and that the rental and improvements should be to some extent reduced.
189. From your experience, would you meet your views: if the preliminary period of license was extended to six years, at a rental of 1s. per acre per annum, so that you would reduce the preliminary burden upon the lessee, and at the same time giving him a longer period to make his improvements in; and then give the lessee the option either of paying 2s. per acre per annum, as at present, or of extending the time double, and making it 1s. per acre per annum, so that he would be twenty years before he got his Crown grant?—Do you mean that, during the currency of the lease, the lessee could pay up the balance between the amount already paid and the £1 paid?

185. Yes, say after ten years?—I think it is most desirable that lessees should not be called upon to do so much in the first years of their residence, and that has been the case that so many have been thrown into debt and obliged to borrow, and thus got into difficulties.

190. Would not the preliminary period of license extended to six years obviate that, with the rent 1s. an acre per annum?—Yes, I think so. I believe the land would have been taken up just as readily under that as under the present system.

191. Suppose a new regulation were made, extending the period to six years, and altering the rental to 1s. per acre, would the present lessees come under that, if invited?—I do not think they would.

192. Would they not gladly accept the longer time?—Many would; but it would be very hard to introduce that, because many of them have got their improvements completed, and therefore they have placed themselves in debt to some extent; and the stockkeepers and others would very likely object.

193. In building societies, a man may take money for six years, and then discover that his payments are rather too hard, and he arranges to go out of the six years period into ten years?—That is making it optional. If you did that, then I think it would be a desirable thing.

194. Suppose the invitation were given that it was open to a man to say:—I will put my land under another section, which will give me twenty years to pay instead of ten?—I think it would be very desirable.

195. It would not be necessary to extend the time in this district to avoid dunnamery, but only as a relief to the lessees in the matter of capital?—I do not believe there is anything of the sort of real dunnamery here to the squatters. You may have families, sons and nephews, working together; but that is the best sort of selection.

196. That is very desirable?—Yes.

197. Suppose a new Land Act was brought in soon, which would enact that, for the future, the system should be this: that the period of license should be eight years, instead of three, and that the payments should be 1s. per acre per annum, instead of 2s.; and when the leasing time began in six years, that the lessee should have the option of paying 1s. per acre per annum, for three years, instead of 2s., and getting his Crown grant at the end of seven years; and that there was a clause enabling all the present lessees or lessees-to come under that, as you pointed out; do you not think it would be a benefit to them?—I think many would consider it a benefit. If they did not think it a benefit they would not come under it.

198. Would not, in a considerable extent, relieve them from the necessity of borrowing?—Yes, I think it would.

199. Do you think that the land still open in this district is equal to what has been selected?—I think the land is equally good, but the distance from market makes it less valuable for the selector; but the railway would remove that objection.

200. How much of the land?—Pretty nearly the half million acres I have described.

201. Can you give an idea of the amount of land in the hands of the large landed proprietors in the Victorian shires?—There are only three large holders in the county of Borung portion of my district.

202. Who are they?—Messrs Austin and Bellivant.

203. What acreage?—I cannot say exactly, but I roughly, I say about 20,000 acres.

204. Is that agricultural land?—Yes, generating income.

205. If it was open for selection I suppose it would be taken up in three days?—Yes; if they could do it quicker they would.

206. The other?—Messrs Carter Brothers; they have about the same quantity—about 20,000 acres, speaking approximately.

207. Who is the third?—Messrs A. and B. White.

208. What acreage?—Somewhere between 10,000 and 15,000 acres.

209. Of course all those holdings are in grass—more cultivated?—No.

210. How far does this stare go back?—To a line running south of Dung Drung.

211. On the large estates we pass through coming from Stawell?—That is Bellivant's, and partly White's.

212. Are there any holdings from 3,000 to 4,000?—In the county of Loman, on the other side of the Wimmera, which is the boundary to the westward, there are a number of holdings.

213. Are those large holdings increasing in this district?—I do not think so; for instance, the holding of the Messrs. White is increasing somewhat; a few of the selectors holding small blocks under the 42nd section at Dung Drung, for instance—they will all sell. The squatter can afford to give a good price; but they are only a very small proportion to the large number of selectors.

214. Are there many?—Those colored blue on the plan; they are just blocks left in between large quantities of purchased land—[explaining on the map].

215. Can you give an idea of the number of those selectors who will be bought out?—A couple of dozens, I suppose—not very many more—under 50.

216. Those three estates go to 52,000 acres—are there some smaller?—Those are immediately round Horsham; over in Loman we have some considerable estates, too—[pointing out the same on the plan]; Messrs. Officer, 16,000 acres; Arnyngue, 12,000; Phillips, 10,000; Matheson, about 20,000 acres in several blocks; Robinson, about 12,000 acres; Allbeck, 12,000 or 14,000 acres; other small estates aggregating about 10,000.

217. About 100,000 acres in the Loman county held by the large holders?—Yes.

218. And about 60,000 in the Borung?—More than that. There are other holders: Mr. Simmonds and Mr. Hobbs have some land, but 60,000 is about it.
219. About 160,000 acres in those two counties in the hands of large holders?—I can tell you by the statistics exactly... if you take the Government statistics you take all the selections—the whole of the purchased land in the counties of Lowan and Borung—275,145 in Borung and 225,285 in Lowan.

220. That includes small holdings as well?—Everything; there are a large number of holdings.

221. That is about 500,000 acres, and the great majority is large estates?—There is a good large slice of it.

222. Would it come to half?—About that.

223. Five hundred thousand allocated in those two counties, and of those one-half are of that class called large proprietors?—[The witness subsequently forwarded the following list from the Land Tax Register as being the exact statement of the average area of the landed estates in the district.]

<table>
<thead>
<tr>
<th>List of Estates held in fee in the Horsham survey district (compiled from the Land Tax Register).</th>
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<tr>
<td>Acres</td>
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<tr>
<td>Austin &amp; Hallwass, Longereenong estate, &amp;c</td>
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<tr>
<td>Carter Bros, Walmer and N. Bichilton</td>
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<tr>
<td>J. and A. B. White, South Brighton</td>
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<tr>
<td>Matthews, Maccarone and UWatner</td>
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<tr>
<td>Latlew and Gordon, Newlands</td>
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<tr>
<td>D. Edgar, Pine Hills</td>
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<td>Affleck, (trustee of), Moreton</td>
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<td>Armstong, C.H., (trustee of), Fulham N.</td>
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<tr>
<td>W. J. Lewis, Maccarone</td>
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<td>E. Simmons</td>
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<td>H. J. G. Cattenslie, Tallegieira</td>
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<td>J. Phillips, Maccarone</td>
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<td>A. H. and N. Wilson, Velets</td>
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224. I would like to ask a question or two about the roads in those large holdings—are all the roads, or many of them, or any of them enclosed by the squatters?—I think that some of them are—in fact I know a good many.

225. Has the survey been conducted on this plan, that there is a road round every 640 acres?—Yes, pretty well.

226. That being so, are those roads surrounding each square mile closed to the public as a rule?—I think a great many of them must be; I have not noticed particularly; my business lies amongst the selectors mostly.

227. Those large holdings are large blocks with no roads fenced off?—The halfiell would be able to give better information on that than I can, but I think a good many must be.

228. Do you think that the Land Act of 1869 has really promoted settlement, to plant population on the land, and make up the common? Has the Land Act been successful in this district?—I can give good proofs that it has. Five years ago, when I came here, the population of Horsham was 200 and the district 600. It is now 2,000 of Horsham and 20,000 of the district.

229. Settled population?—Yes; very little wheat was forwarded from the district in 1873, whereas the last year we sent close on a million bushels. We have a number of mills in the district. In 1873, I think, the first mill was built; we have now eight, and another being built.

230. Where are they?—Two at Horsham, one at Dunmuckle, one at Longereenong, one at Glenorecy, one at Rupanyup, and one being built at Waracknabeal—another at Natimuk—in each of the centres of selection.

231. In your opinion, the Act has been successful in this district?—In my opinion, very successful.

232. Will you state from your experience what are the difficulties generally that surround selectors in this district; are there any, and what are they?—Could you indicate in what direction you mean?

233. In settling themselves. Supposing a bond fide man wants to settle here and live by his farm, what are the difficulties he would have to contend with?—Dry seasons would be one. Do you mean difficulties where the selector is the licensee?—

234. Simply as a settler; difficulties that could be removed by legislation, such as his rent being too high, and survey fees being excessive?—I think, that I stated before, that the fact of the selector having too great an outlay in the early years of his farming, when getting no return, is one of the things that must, at any rate be removed by legislation.

235. To lessen the money outgoings to the State, to make the land as cheap to him as possible, is one of the first requisites to facilitate settlement?—You should not make it too cheap, but it would be well to give him more time.

236. I mean so that his money outgoings may be as small as can be at first, till he is well started.

237. The State would say, "We give you your land, and will give you plenty of time, but you must live by it; make it your home, and we will give you ten or twenty years' time to do it in, and charge a nominal price"—

238. I think, no doubt, that would be satisfactory.

239. What would a man have to do, coming here to select; has he to travel about to search for a piece of land?—Yes, that is the usual way.

240. Do not your maps show the unsold land?—Yes. My knowledge of the district is considerable, and I can recommend the man where best to go to; and it is not one man out of a hundred that does not get the sort of land he wants in the direction I tell him to go.

241. The system in America was that, at the survey office, the intending selector sees on the map all the land taken up, and all the land available, and, taking that as his guide, he makes his selection?—That would never work here.

242. And have they the quality of the soil shown on the map?—We have it as clearly as it can be, but our maps, according to the present practice of selection before survey, are necessarily made piece-meal, commencing with the bare parish, and then filled up as the men gradually select.

243. From the time that a man arrived in Horsham, at the present moment, and the time he could be on his selection, having all his documents completed with the Land office, what time would elapse?—It varies very much indeed.

244. As a rule does not he lose six months?—Sometimes you get it done in six weeks—two months—sometimes if there are difficulties up to six, if there are any difficulties. If the surveyor has to go to an out of the way place, away from the surveyor's camp, time is consumed.
243. What are the reasons that it would not be a good practical plan for a man looking at the map, and seeing selectable land, to make his choice; would not it be easier for the selector to choose by the map instead of sending him to grope about?—As a rule selectors have no knowledge of maps, they do not comprehend the sort of map that would be given to them. It would be all very well if a man selected 1,000 acres, but the selector of 320 acres must see that there is a little piece of timber, a piece of plain to cultivate, and a little piece for a waterhole, and so on.

244. What is the amount of capital that the selectors as a rule commence with?—It is an extremely difficult question; some commence with nothing and some with £2,000.

245. Having discovered the piece of land what does he do next?—He pegs out the land in the shape he wants it.

246. What does the pegging out mean?—He knows the 320-acre blocks measure a mile by a half a mile, and he goes to a piece, takes in the plain to cultivate, a piece of timber for shelter, and a good place to make a waterhole. He fixes his pegs to meet all those things.

247. How about those roads?—That is arranged afterwards, and if necessary a road is run through. He comes in and informs me or my deputy in the office of the piece of land he has pegged, and describes it as nearly as he can. He then lodges his application with me, and pays his survey fees to the Treasury officer.

248. What would the survey fees be?—£8 or £10; depending upon where the land is. It is seldom more than £10, unless it is some place perfectly out of the way.

249. Then it is possible for a man to see the land and be back within ten days?—Yes, but they do not do it. Sometimes if they pay their money right away they can get it done in a month. They can be before the board in a month; it sits once a month; but they do not do that. A great many postpone the paying of the survey fees for a month. That is their own doing. The surveyor, directly the survey fees are paid, is instructed to mark out the piece the selector has marked out, and he keeps as nearly as he can to that (keeping within the departmental regulations). We seldom interfere to any material extent with the shape of the block.

250. Then the case goes to the board?—The man is advised to attend the local land board a fortnight before. He does so, and if there are no objections his application is recommended for approval.

251. Is there any other fee?—The registration fee of £1.

252. Those recommendations of the board then go to the Minister?—Yes.

253. How long does the Lands Department keep the man waiting?—Sometimes a considerable time longer than should be.

254. When there are difficulties?—When there are none even.

255. The next step is to see the member for the district, and push things through?—That does sometimes hurry things on.

256. But would you be against allowing the selector, when he has pointed out on the plan where he wants to go to, to give him the land and let the surveyor adjust the boundaries?—It would lead to great difficulty, because men would peg over each other.

257. Taking it for granted there is only the one selector who has pegged out?—It is hard to tell that; one man may lodge an application before a man who really pegged out before him. I think they would be perfectly satisfied by the compromise that, after the recommendation of the local land board, the selector could go on his land without delay. There ought to be some sort of arrangement of that sort, except in cases where there are competing applicants.

258. Do you refund the survey fees where the land is not granted?—Yes.

259. The registration fee?—No.

260. Do you know of instances where the selector, disgusted with the delay, has shown up the whole thing?—Very few.

261. You see no objection where there are not two or more competing selectors for the same block, that, as soon as the land board has decided that the man should have the land, that he should go on it at once if he likes. What objection can there be to that; referring it to Melbourne loses time?—Yes; referring to Melbourne a man sometimes loses a season. I think something of the sort would be a good thing.

262. Was there not a regulation something like that in 1873?—I think that applied to surveyed blocks.

263. What is the system in appointing those land boards?—By the Minister. Usually the district surveyor and the members of the shire council, honorary members.

264. Is it often the case that the local board recommends a piece of land that the Government refuses to grant?—Yes.

265. And the other way round, the board refusing and the Minister recommending?—There are cases. The Minister is the court of appeal in either case.

266. If there is any suggestion in your own mind that would be of any value to us, or any calculations that will be of use to us, we shall be glad to get them from you in writing—anything to add to your evidence?—I do not think of anything particularly just now. The questions have been very exhaustive.

*The witness withdrawn.*

Patrick Bloomer examined.

267. What are you?—A farmer. I believe I was born a farmer.

268. Are you a selector under the Land Act of 1869?—Yes.

269. How many acres do you hold?—Three hundred and twenty. But it is not my own graviance, but my son's I have come about.

270. Is he a selector also?—Yes; the main road divides our selections.

271. Have you got the lease of your ground?—Yes; I have paid my eightieth rent. I have had the lease for about one year. I have come here to speak for my son.

272. What is your son's name?—Michael.

273. Is he not able to speak for himself?—Yes, but I have rather a better gift of the gab than he has, so I want to represent him.
274. How old is he?—Twenty-four years.

275. What is his grievance?—It is a private grievance, about the forfeiture of his lease.

276. Is that a matter for the Minister of the department to deal with?—There is some animosity against me on the part of the officials, that is the cause. I have no fault to find with the Government or the Minister; but there are bad points in the law. If my son was agreeable to do so he could get his lease by paying £2, but he did not see that he ought to have to. If my son does not get his right, I will sell out and go on the other side. I let him go to earn money to keep him out of the land-jobber's hands.

277. Is it then that he did not reside on the land?—He was three months off sheep shearing the first year, and the second year he was seven months. He got a contract down about Hamilton and sent the money to me, and I paid the rents as they came due.

278. You mean that as he has not complied with the conditions in the Act by continuously residing on the land for three years the Minister has refused the lease?—Not at all. The Minister had nothing to do with it.

279. You stated that you objected to give an agent some money to get this lease?—Yes.

280. Do you mean that there is any person in this town does that?—Yes.

281. How many months did he reside the third year?—This last two years he was never off once.

282. Did any one offer to secure this land by paying the money?—Yes, he offered to obtain the lease for £2.

283. Who?—Mr. Bennett.

284. The Chairman informed the witness that it would be necessary for the son to make his own statement. The witness called for his son, Michael Bloomer, who failed to put in an appearance.

285. Your son makes a statement that he has been refused his lease and cannot get it because he will not pay Mr. Bennett £2?—Yes.

286. And though he is here now he will not come in and confirm that statement?—No.

287. Well, then, we can do nothing with it?—No.

The witness withdrew.

James Hornbrook examined.

288. What are you?—Crown lands bailiff.

289. Can you give us an idea pretty accurately of how selection is carried on in this district—what the improvements required by the Act fully and faithfully carried out as a general rule?—In nearly every case I think they are.

290. How long have you been Crown lands bailiff?—Three years last February—part of the time in Hamilton, and two years in Horsham.

291. Your business as bailiff brings you over the land periodically, and you are able to state fairly and distinctly the nature of the improvements made—whether they comply with the Act, and whether everything that you see indicates bona fides?—As regards the bona fides, I do not think there is a mere sand flat district in Victoria, and I was at Hamilton before.

292. How did you find the state of matters there?—There I had to seek out many cases of a doubtful nature.

293. Of dummyism?—Yes.

294. You think this district is free from that?—I think so, almost entirely.

295. You heard the evidence given by Mr. Madden, do you concur with his evidence as a whole?—I do indeed.

296. You heard what Mr. Madden said about the roads?—I was not present then.

297. He stated that as a general rule the land was supplied with a road round every 640 acres; and we wanted to ascertain from him how many of those roads were closed to the public, and whether they were closed as a general rule and utilized by the large landed proprietors for grazing purposes. Can you tell us the state of the district in reference to that?—All the surveys that have taken place since I have been here are principally under the 15th section, and have been completed since 1859. Of course there are roads at every mile, and most of those roads are only used by the selectors above.

298. What about the roads in the large holdings?—None have been surveyed in the large holdings since I have been here.

299. Are you aware of surveyed roads existing on various large estates, which said roads are closed to the public?—I believe there are a good many in the large holdings.

300. In the large estates of the large landed proprietors are you able to say that the roads generally are all closed to the public?—In some of the large estates I have noticed that a great many have been opened to the public—where large paddocks have been subdivided where roads would be of any use to the public.

301. We mean this: the roads exist there, they are public property—these roads are closed against the public and used by large landed proprietors for grazing, though they are not entitled to do that in justice. Are there many cases of that sort?—In very few instances are the roads made at all; they are enclosed in large paddocks.

302. A man might enter such a paddock at the point where the road begins and not know where the road went?—Quite so.

303. In such a case might not the large landed proprietor come and say, you are trespassing on my land and I will take action?—Yes, there are such cases. In cases of travelling stock it would apply most. It is very difficult for a stranger to find the road in a large paddock.

304. You confirm what Mr. Madden said about the general absence of dummyism and the character of the selections being bona fides?—Yes, I am certain of that; and no one knows better than I do about that, because I am amongst them so frequently.

305. Are you aware of the number of persons who have mortgaged their holdings?—No! I am not in a position to say that. I could only speak from hearsay.

306. Have you heard the selectors making complaints as to paying 2s. per acre per annum and making certain improvements?—I have, and I think it is rather a hardship, because the selectors in the first three years, when they have to lay out so much money, as a rule have little capital. They have to make £320 worth of improvements in the first three years, and I think it is too much to ask them.
306. You heard what the district surveyor said about the proposal to extend the time and reduce the amount of payment accordingly? — Yes, and I think it would be very sensible.

307. Would such a regulation be availed of by the selectors? — Yes, I think so.

308. Extending the licensing period from three years to six, and at the same time reducing the rent from 2s. to 1s. per acre per annum, would that be considered as a substantial easement to them?— Undoubtedly it would.

309. And save them from the necessity of going to borrow after that period? — I think so.

310. After six years on the land, when his leasing time would elapse in the seventh year, would you think it too much to exact the 2s. at present? — No, I certainly think he will be in a position then to pay the 2s.

311. Would not you think it a good thing to give him the option of taking out his lease in seven years' payments of 2s. per acre or extending it over fourteen years at 1s.? — I think it ought to be left optional.

312. If there are any suggestions which do not occur to you at the present moment, and which you think of afterwards, will you be kind enough to send them to the Commission in Melbourne? — I shall be very happy to do so.

The witness withdrew.

John Langlands, J.P., examined.

313. You are a storekeeper, residing at Horsham? — Yes.

314. You have large money transactions with the selectors? — Yes.

315. Are you aware whether any of these selectors have got into difficulties through dealing with money lenders? — They have got into difficulties through coming here without capital—through want of capital.

316. Are you aware of any particular cases where overcharges have been made in the interest charged? — They have been charged the bank rate of interest and 2½ per cent. commission.

317. Are you aware of any particular cases? — I am aware of several of that sort.

318. How much is the bank rate of interest? — Ten per cent, and 2½ per cent. commission on each renewal every four months.

319. Are you aware of any other charges? — Yes, for security. That, I think, is a fair charge—that is, on bills of sale.

320. What is the usual charge for drawing up those instruments? — From three to five guineas.

321. So that in the first year a man would have to pay 17½ per cent, and five guineas besides? — Yes.

322. That is £22 1½s., the first year for the use of £100? — Yes.

323. And the selector all the time is liable to have the renewal of his bill refused? — I do not think that would be likely to occur, because the lender would not get his money.

324. What is the object of renewal? — To get the bill discounted, and to get the use of the money.

325. Every time is it discounted is there an extra charge of 2½ per cent. — Yes.

326. These are cases where there is a medium between the selector and the bank? — Cases where the selector has no security to offer, those occur in the three years' productions.

327. Are there not documents signed making the selector liable, at the end of the three years, to make over the lease to the money lender? — I do not know of any legal documents that could bind the selector, except good faith.

328. Do you know a selector of the name of McCree, of Lallock? — Yes.

329. Would you state to the commission your first monetary transaction with him—the nature of it? — I am not sure that I am justified in doing so without Mr. McCree's permission.

330. With whom was the transaction? — Myself.

331. Was there any transaction between Mr. Bennett and Mr. McCree? — Yes, he owed Mr. Bennett some £224 twelve months ago, and he owed me £200 besides other creditors, and as Mr. Bennett was going to proceed against him, it became a question of losing the £200 or carrying him on. In consequence of that I took up Mr. Bennett's debt.

332. Did you check over Mr. Bennett's accounts? — Yes.

333. Were there any errors? — There were some rents charged as being paid that were not paid.


335. I suppose Mr. Bennett would not have persisted in demanding that money? — No, not when we had checked it.

336. But if you had not discovered that overcharge the unfortunate selector would have had to pay it? — I think so.

337. Was he an ignorant man who could not check his own accounts? — Yes, I think so.

338. Had he signed bills for the whole amount? — Yes.

339. With those overcharges included? — Yes.

340. Were there some other overcharges beside rent? — Yes, but that was merely a question between Mr. Bennett and Mr. McCree. I cannot answer for that.

341. In effect you acted as a sort of taxing officer, and knocked off £34 charge? — Yes.

342. What was the amount of interest charged by Bennett on that account? — I cannot say; I think 19 per cent, and 2½ per cent, for renewals three or four times a year—every four months I think.

343. That comes to 17½ per cent. interest? — More than that—20 per cent. Bennett admitted the overcharge when it was pointed out.

344. I should think that man stands a chance of losing his little block? — So much the worse for me.

345. But he has to keep his account with you; if he spent his ready money anywhere else you would drop on him? — He has not got any ready money.

346. You mentioned the want of capital as the reason that induced him to go to the money lenders; can you give a general idea of the amount of capital a selector brings with him? — It is very various.

347. Generally? — Generally from £100 to £200.
348. Did you ever know of a man with less than £50 taking up land?—Yes; plenty.

349. Have you found such men able to carry through and ultimately succeed in becoming settled men on small capital?—It is hardly time to say yet. More of them have been here only about three years.

350. Can you say from their general prospects that they are likely to carry on?—They can as soon as they get their leases.

351. Then it will be by borrowing?—That is the only way they can—the half of them. If they have brought £100 only, and have spent £320, they cannot carry on.

352. Would extending the time improve matters?—I do not think so.

353. If a man had six years instead of three in which to effect his improvements—would that not be an easement?—I think if they were left six years they would all clear out.

354. Why?—Because they want money for improvements—a house being built and the ground fenced in. It is only during the probation time of the three years that they have to go to money lenders. After they get their leases they can go to a bank, and be charged the ordinary bank rate of interest, the same as any one else.

355. What time do the banks give?—They give an open overdraft, and let them pay off as they like.

356. Ten per cent.?—Yes; generally. I have seen nine. Sometimes it is taken in the shape of an overdraft. Hitherto it has been according to what a man wanted, and they take a general lien over the lease.

357. You think there is no difficulty for a selector with his lease getting money from the bank?—Not as a rule. There is just now, because of the tightness of the money market, but not generally. When money gets easier the difficulty will cease.

358. What amount of loan do they allow a selector with 320 acres?—£320 is the usual amount.

359. Are you aware of any other selectors who have come to you asking to be relieved from the money lenders and you to take their debts?—There are plenty. When they have no security they must go and pay an over rate of interest.

360. Have they stated to you that they have been thrown into difficulties on account of the over charges made?—Yes.

361. And are likely to be driven off the land?—When they get the lease they will have very little money to take.

362. You think it would be no easement to extend the time to six years at 1s. an acre?—I do not.

363. You think the majority are holding on till they get their lease to get money?—Quite the contrary. When they get the lease they can rigat themselves, and carry on their farming operations with capital borrowed on their own security.

364. Then their operations are limited at present and will be extended when they get more money?—Partly that; till they get all their machinery, such as thrashing machines, double-furrow ploughs, and so on. The sellers take bills on the security of the lease.

365. You say they will have very little when they get the lease?—That is those who have gone on the land without a shilling. They borrow just as a man goes to a Jew in town; and as the man runs a greater risk he charges a higher sum. When they lend money before the selector gets his lease they entirely trust the man, and if he fails to carry out the provisions of the Act they may not get the money at all.

366. Has not the short probation of three years induced men with no capital to come on and work on the land, so as to get money on it?—It may have in some cases.

367. Would not the extension of time help the industrious man—would it not facilitate his success, giving him six years to do his work in and charging a smaller rent?—No, because the 320 acres must be fenced in and a house built; those improvements must be done, and that will take the money.

368. Is it not the case that many put on the improvements with their own families, and at little expense?—They require salaries during that time; it always requires money in one shape or another.

369. Do you suppose that it is a sound position that you take up? Do you mean that by extending the time and reducing the rent we should not give him a sufficient equivalent for taking away a man's speedy prospect of a lease, and would not afford the relief he needs, seeing the necessity of putting on £320 worth of improvements?—That is so; that must be done; he must allow him to give you six years or three.

370. But he could fence in himself instead of the whole?—If he does not do the whole in three years he will not make much as a farmer.

371. The first three years is the worst for the farmer: if a man gets through that he can get through always afterwards?—Well, I have told you my opinion.

372. What do you think about the general character of the settlement in this district; is it bona fide?—I am sure it is.

373. What is your opinion of the prosperity of the place?—I think that so far, except the dry seasons, the place is going ahead.

374. That its prosperity is on a safe foundation?—Yes.

375. Do you not think the disease called "dummynism" exists here at all?—Not at all. There are cases where members of families have combined in selecting.

376. How long have you been here?—In business since 1861; I was here in 1849.

377. The great progress that Horsham has made is within the last six or seven years?—Yes.

378. Is it still going ahead?—The last year or two there has not been much difference: the settlement is getting too far out.

379. Do you purchase when?—No.

380. Suppose the rent were reduced one-fourth, so that a man with small capital should have nearly every shilling of it to work with?—I do not see any objection to reducing the rent; but I think the sooner you can give the selectors something tangible upon which they can borrow money, it is better for their interest, and more likely to keep them on the land.

381. Facilitating borrowing money on the land is only facilitating their suicide as selectors?—Once a man has got his lease there is nothing to hinder a creditor selling him off. I do not think you can stop him by legislation: if you give him facility to borrow what money he likes, that is sufficient.
382. In America a man borrows on his own personal risk, and the money lender cannot come on the land. The State says:—"We give it for the State purposes of putting him on the land, and we say that if he abuses the privilege the land shall revert to us, and not to the money lender; our State policy is to place populations on the land." So that the man who borrows does so on the good faith proposed to him; he may borrow on his goods and chattels, but not on the land; that works well there. We might codde the selector too much by giving him too great facilities for borrowing?—I do not see that.

383. Practically your experience is this, that the fact of giving him available security at the end of the three years has largely assisted in settling this district?—I am sure one-half here would go away now if they had not power to borrow.

384. That power to borrow after three years has been the means of helping to populate this district?—It has.

385. The principal selections were in 1874 and 1875?—Yes.

386. Those are the ones that are coming under the leases now?—Yes.

387. That is the reason why there are so many applicants for loans?—Yes, and the scarcity of money.

388. Can men get accommodation now from the banks?—No. Perhaps in some cases they can get 10s. per acre advanced.

389. Then at present the means is withdrawn from them on which their success depends?—Sometimes creditors who know them will advance the money. We trust to a good harvest coming round.

390. But take the general run of selectors, the very means by which settlement has been made is now withdrawn?—It is only partially; hardly any bank will refuse if they know the man well.

391. Will the banks resume that business when the tightness of money is over?—Yes, I am told so.

392. What do you charge?—I do not charge anything, except the ordinary bank rate of interest.

393. Do you not charge commission for renewal of bills?—No, not for a customer. We do not charge 2½ per cent. commission at all.

394. Is it really charged in the commodity you sell?—No; we just take a four months' bill, and try to carry him on, and afterwards discount his bill without charging for it.

395. You give no cash at all?—No.

396. Is it your opinion that the power to borrow more than a pound an acre would be an assistance in the way of settlement?—I think in some cases it would.

397. What amount would you suggest?—In cases where the selector has got behind, and wishes to sell out, I think it is advisable to let them sell out to another selector; and the one who has to pay the other off may want to borrow more than £1 an acre on his own selection, in order to get the other man's selection.

398. Would an alteration to 30s. generally have a beneficial effect?—I think not. As a rule if a selector gets beyond a pound it would be an evil to him. I do not think it would be wise to extend it; but there are, of course, many exceptional cases, such as widows and other cases, where a pound would be hardly enough.

399. If they borrowed more they would involve themselves still more?—Yes.

400. Do you approve of limiting the borrowing power to a pound an acre—ought there to be any limitation at all?—That is a difficult question to answer.

401. Is the regulation made by the Minister that a selector shall not borrow more than £1 an acre a wise one?—I think as a general rule the limitation is a sound one. As I have said, there may be exceptional cases of hardship; for instance, where a man wants to buy another out who is going away. That sort of thing occurs very often now, and I think the holding of two or three blocks by one man ought to be encouraged.

402. Do you approve of the area being extended from 292 to 640 acres?—No, I do not, except with bad land—forest land.

403. What is the reason of those selectors desiring to sell out?—Some of them have settled with small capital and got involved, others entered upon a business they knew nothing about; in fact, they never were farmers—they never knew anything about it.

404. They went into an undertaking they did not understand, and got swamped?—Yes.

405. What do you think of a system of the State advancing money to selectors at a moderate rate of interest, very much on the plan adopted in building societies—say a man who has become a lesseholder, and wants to borrow £200 or £300, and the State lends it for ten years, taking yearly or half-yearly repayments, which shall be calculated to cover both principal and interest?—I should see too objection to that.

406. It would be a repetition of what is done in Great Britain by the Land Drainage Commissioners, who have advanced money to landholders, to be repaid generally in 20 years; how do you think that would work?—I think it would work very well; it would have to be annual repayments at a suitable time.

407. Of course that could be arranged to suit the time of the crops?—Yes.

408. The State would allow them to pay off both capital and interest; would not that be beneficial?—It would be well to do so.

409. Would it not go far to satisfactorily settle men on the lands of the colony?—Yes.

410. On terms that would not embarrass a man of moderate capital?—Yes.

411. Suppose the State advanced £2,000,000 in London at 4 per cent. to be lent in small sums of £20 or £300 to various selectors, say at 5 per cent.—4 per cent. to repay the capital and 1 per cent. to cover contingencies?—Yes.

412. To be repaid in ten years, just as in a building society?—Yes.

413. What are your views on that as a mercantile man?—Anything that would give them a little capital; that is what is wanted. They have taken up the land so here and good into farming on a large scale and they require capital from some quarter or another.

414. Do you think as a business man that the Government of this country could safely undertake the lending of money to the selectors?—That is a question I have not thought out; I do not know how that would work.

415. It is done in the United Kingdom—they have lent out £20,000,000 to landowners?—That involves the question of getting them off the land if they do not pay.
416. If the selector, say in the fifth or sixth year, failed to pay altogether, of course it would be as John Currie, 
therefore the whole thing swept away.
417. It is a good available security for the bank, why is it not for the State, with the advantage of
making the terms easier for the selector?—It is quite safe as long as the conditions are insisted on; the
only difficulty is that the banks can bring pressure and get their pounds of flesh, whereas the Government
might have pressure brought upon them. It is, however, a question I have not thought out.
418. You mean that the borrowers now have not got votes on the directory of the bank, but they
would have for members of Parliament?—That is it.
419. Speaking generally, summing up your evidence, you think that selection here is bonâ fide, and
that the only drawback is that there is insufficient capital in the hands of the selectors, and that whatever
would facilitate their getting capital would be beneficial?—Yes.
420. If the present difficulty with the banks continues, it will be disastrous to the selectors?—Yes.
It is of course all a question of the money market.
421. If the thing should drift on in the present position, and no steps be taken to alter it, would it
not be disastrous in settlement in this district?—It would.
422. And the state-stepping is in the way I speak of would obviate that danger?—Yes. I may say
that I have seen very little selling out in this district.
423. Would it not be essential that whatever is done should be done promptly?—Yes.

Witness withdraw.

John August Buchanan examined.

424. What are you?—Valuer and rate collector for the shire of Wimmera.
425. How long have you held that post?—About three years.
426. Were you in a similar occupation elsewhere before that time?—No, I was stock and station
agent and fire and life insurance agent.
427. Your duties take you all over the shire?—Yes.
428. Do you make a personal visit to each selector?—I do.
429. And do each block of land throughout the district?—Yes.
430. You have often lecture opinions on the subject of selection from the selectors?—Yes.
431. And you collect the agricultural statistics?—Yes.
432. Will you distinctly state what you consider the obstacles in the way of still further supplement-
ing the resources of this district through selection?—It may be my own opinion only—it is that the
selections are too small. It is a mistake to keep married women from being allowed to select; 320 acres
is not enough for a married man—I think a man and his wife ought to be able to select. In the first
place, by encouraging single people to select and keeping those who get married from selecting, it discourages
marriage in the colony and keeps down the population, and may cause the Government to say some day
we want immigrants, when here you have the bone and muscle of the colony.
433. Is that a source of general complaint that the selections are too small?—Not of complaint,
but I know of cases coming before the land board—a young man and young woman wanting to take up
land and get married, and her selection has been refused because the Board deemed she could not live on
her selection by herself, away from her father and mother.
434. The man and the woman agreed to select land and marry after?—Yes.
435. And they wanted to do it because after they got married they could only select one block?—
Precisely.
436. Your idea is that the young couple, both the husband and wife, should get a block?—Yes, in
preference to single people.
437. And the land board as a rule refuse the young lady a selection?—I remember one case in
particular where a party was refused a selection under those circumstances. The young man has his land
now, the young woman did not get hers, and they are not married yet.
438. If she had got the land they might have got married?—Yes, and some increase of population
would have been likely.
439. Can you say that there is any decided increase in the production of grain in this district?—
Yes; every year.
440. Do you remember the number of bushels of wheat raised here the first year that you took the
statistics?—I could not remember what it was.
441. Is there any record?—No; we are not allowed to keep a record, and there is a penalty of £10
for making an extract.
442. Do you keep no records in the department?—No, I collect them and forward them to the
Government, and I am liable to a fine if I make any extracts.
443. I presume we can get the whole of the returns by applying to the Government for them,?
Yes.
444. You remember, at any rate, that a great increase has taken place in wheat?—Yes.
445. Has the increase of production kept pace with the increase of selection?—More so. Those
who had 30 or 40 acres under crop the first year had 100 and 150 the second and third years.
446. Is the farming class prosperous and successful, would you say?—I should say not—they have
not had time.
447. And yet the production has enormously increased?—Yes.
448. Can you explain that?—There have been several dry seasons and the number of bushels per
acre has not been fairly remunerative—only 8 or 10 bushels to the acre this last season.
449. What was the average three years ago?—I cannot remember, but it was better than that. I
have only 32 bushels of wheat to the acre here myself.
450. What is wheat sold at here?—I cannot tell you.
451. What were the circumstances under which you obtained so good a return?—It was not excep-
tionally rich land, it was a sand-hill.
452. It was a good wheat year, I suppose?—Not extraordinarily.
432. I suppose you had enough rain—more than last year or the year before?—Yes.
433. What value would you have given these holdings?—Yes.
434. If the premises included in such a purchase were unenclosed land, would you say they were suitable for grazing only?—Yes.
435. What kind of land would you purchase, and why?—About 2, 6d.
436. You take 5 per cent. on that?—Yes.
437. Your answer means that the premises are to be purchased at 1½ per annum?—Yes, that is the case.
438. Your answer means that the premises are to be purchased at 1½ per annum?—Yes.
439. What would be the value of the unenclosed holding?—Yes.
440. You take the same 5 per cent. on the unenclosed holding?—Yes.
441. You take the same 5 per cent. on the unenclosed holding?—Yes.
442. If the premises included both unenclosed land and land enclosed, would you say the premises were suitable for cultivation only?—Yes.
443. What would be the value of the premises?—Yes, it was the same as the large plot.
444. Do you take 5 per cent. on the large plot?—Yes.
445. Do you think the premises would be suitable for cultivation only?—Yes.
446. Then if the premises included both unenclosed land and land enclosed, would you say the premises were suitable for cultivation only?—Yes.
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472. Then if the premises included both unenclosed land and land enclosed, would you say the premises were suitable for cultivation only?—Yes.
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500. Then if the premises included both unenclosed land and land enclosed, would you say the premises were suitable for cultivation only?—Yes.
494. Have they told you that they have been threatened that they will be sold out unless they pay their debts?—Yes.

495. If they had got money on better terms, would that have been sufficient to keep them out of difficulty?—I think it would.

496. To instead of borrowing at 9½ per cent. on their licences, they were able to borrow from the State at something like 8 per cent, the difficulty would be easily overcome?—I believe so. There are many now who are deep in debt, who, if they could get the money at 8 per cent., would still struggle through.

497. Have you heard many complaints made as to the high charges for money?—They say they have to pay pretty stiff for money, and also for rations and food, from the storekeepers.

498. Is it a cash trade or credit trade here?—It is all credit trade here.

499. Have you heard that because of the excessive charges they will be ultimately driven from the land?—Yes.

500. I suppose the whole trade here is entirely credit that any one coming here to open a cash business would not make it pay?—I think he might succeed in time.

501. Are not the customers secured by having them on the books?—Yes; but there are some others.

502. Are not the prices, owing to the credit system, higher here than the working classes elsewhere have to pay?—Yes. I know for a fact that the storekeepers give a very long time, and charge high in consequence.

503. And make a good profit?—Yes.

504. What is the difference between the charges here and in Geelong or Melbourne?—Fifty per cent. higher here. Take a pair of moleskin trousers. In Stawell you can buy them for £2 or £5.6d. a pair; here, in Hoadley, they are £10. and £8.

505. You attribute that difference exclusively to the fact of the credit trade here?—Yes. I must say in Stawell you have to pay cash.

506. Did you ever buy a pair of moleskin trousers yourself?—No; I speak only from hearsay.

507. I think you make a mistake about that—moleskin trousers could not be bought for that price anywhere?—It is only what I learn.

508. You think that the Government, having provided the selectors with cheap land, should also provide them with cheap money to keep them on the land?—The great majority start with nothing, and go there as a last resource.

509. Would a reduction of the yearly rent to half the present amount—1s. an acre instead of 2s.—be a substantial relief?—Not for those who are very deeply in debt—£16 a year would do no good.

510. In fact, those people you speak of are not redeemable?—Some of them are.

511. Are there many in that state?—Not a great many.

512. Fifty per cent. to the storekeepers, and 2½ to the money lender—that would explain everything without the smallness of the holding?—Yes; but if the holding had been larger to start with they would not have required the accommodation.

513. I suppose the storekeepers are very rich men up here?—I do not think so; bad debts do not make rich men.

The witness withdrew.

Robert William Bennett examined.

514. Are you engaged in business in Hoadley?—Yes.

515. How long have you been in the district?—Five years.

516. Where were you before?—At Ararat.

517. Had you been there a long time?—I was in business there.

518. In the same kind of business?—Yes.

519. What is it?—Wool and grain trade.

520. Do you act as a commission agent?—Yes.

521. Your occupation brings you into contact with the great body of the selectors round Hoadley?—Yes, a few of them.

522. Do we understand that you have not any extensive business relations with the selectors?—Not now; I had before the leases came out.

523. What time do you mean by that?—Before last year.

524. Do you mean at the time they had their licences only?—Yes.

525. It is only last year that the great bulk of the leases came out?—Yes.

526. To whom have they taken their leases now?—Private individuals.

527. You do not lend them money yourself?—I borrow it for them.

528. You act as agent?—Yes.

529. Were you in the habit of negotiating loans during the time they held licences?—Yes, they could not borrow any money from private individuals then. I lent them a little money.

530. Did you look upon it as a loan upon personal security?—On a note of hand.

531. Did you take any security that the lease should be handed over to you?—We tried all sorts of arrangements, but none of them were of any real use to us—we had enough to fill a basket sometimes.

532. Did you have printed forms?—Yes.

533. Could you produce a copy?—I could.

534. Will you send one?—Yes.

535. In this document do you bind the selector to hand over his lease to you when he obtained it?—No; in the printed documents.

536. In the written documents, then?—We wanted our money; we were not particular about having the lease, if he paid the money we advanced.

537. Do you bind the selector in writing, who borrowed during the licence period, to give you the lease when he gets it?—Yes, to do that or give us the money.

538. What is the average rate of interest on loans?—During the currency of the license?
539. Yes; what anybody charges during that time?—They vary a great deal according to the risk
—the character of the man. For instance, if I were dealing with a risky or shaky kind of man, a man likely
to give some trouble, I should charge him accordingly.

540. How much in a case of that kind?—We expect to make one loss in ten.

541. What would you charge a shaky character of that kind?—From 50 to 70 per cent. for nett
cash.

542. You would give him £100 and deduct £50 for interest?—We would not lend so much as £100; just his rents, and charge him £50 per cent.

543. If you lent a selector one year's rent, or £22, and you charge him £50 per cent., or £16, you
take his acceptance for £24?—We have not any fixed charge.

544. But it might be 70 per cent.?—It might be, but I generally had a good look at the man first.

545. Is that the only charge you make?—There are other little charges.

546. Do you absorb a good deal of the other £50 out of the £100—do you charge any commis-
sions?—No commissions.

547. What is the commission?—We do not charge any commission for lending money in
that way.

548. What acceptance do you take?—At four months.

549. When the acceptance becomes due do you charge a commission for renewing?—Yes, sometimes
2½ per cent. We have no fixed charge—it all depends upon how much we can get.

550. You took it that you did a risky trade—you may lose a lot and have to charge accordingly?

Yes.

551. Have you made a lot of bad debts?—Yes.

552. And it has been very unprofitable business?—No, it has balanced itself mostly.

553. What is the commission charged on renewal?—Two and a half.

554. It appears that during the license period the charge is 50 to 70 per cent. Has it ever been
more than 70?—No.

555. Ever less?—Yes, down to 1½.

556. It ranges from 1½ to 70?—I would not lend money now under 40 on any security except
freehold or lease—no notes of hand now.

557. You are aware that that is higher than the pawnbrokers' rate of interest?—We have no fixed
rate of charges for interest, it depends more on the man's character.

558. What is the interest charged where a man has his lease and gives that as security?—It takes
some time to get a loan through where a man has his lease. We charge 10 per cent. per annum.

559. After the man gave a bill?—Upon a mortgage for three years?

560. No, upon an acceptance?—In that case they would do it with a banker.

561. When it is with the banker what is the currency of the bill?—Four months.

562. Do you know whether any commission is charged on renewal?—Not by the bank. If it is
done by the agent he enforces the bill and charges 2½ per cent.

563. Do you think that the selectors of this district can afford to pay these enormous charges and
struggle through and obtain their freehold?—They do not borrow very much. We do not let them go
beyond £300 or £400.

564. I presume that in a large amount like that which you charged £280 for interest alone?—Yes,
we might; but you are putting very bad cases. Of course there are plenty of good men whom we give it
to for 1½, but there are plenty of bad marks. There are such men in the district as uncertificated insol-
vent or drunkards.

565. In the cases of fair average bona fide men what is the average rate of interest to persons who
borrow and who have only their license—do you call 40 per cent. the fair average?—Say 35 per cent.;
that is including all charges, security, and everything.

566. Do you charge anything for the drawing up of the documents he has to sign?—Yes; a guinea
or two, or five; it all depends upon the man we are dealing with.

567. Knowing the district of Horsham, can you state your opinion as to the permanency of the
settlement here?—If they have good seasons it is a very permanent district. I am sure there are not more
5 per cent. of dummies in the district.

568. In your absence it was said that you offered to obtain a lease for a selector for £2; at the
same time it is right to tell you that the selector himself declined to come when called forward, but if you
like to give any information on it you can do so?—It is very likely I would do it. It depends upon
whether it was getting his lease by going down to Melbourne or employing an agent there, or whether I
merely wrote for it myself.

569. It is a matter of business?—Yes.

570. You would do it for anybody?—Yes, I would write for anybody's lease if they want it.

571. What is the usual charge?—In some cases where there is an agent in Melbourne a guinea or
two, or five guineas, according to what we can get.

572. Was that to be covered by the £2 in this case?—In some cases it would be.

573. Was that all?—That would be for writing for it.

574. Would there be any other charge?—No.

575. What agents would you employ?—I have not got any. There used to be a lot of agents in
the power-of-attorney time.

576. You know the Minister had declined to grant the license, or had forbidden the issue of the
license in this case?—What is the name.

577. Bloomer. The father came and said that the son could not get his lease, and that you under-
took to get his lease?—If his lease was forfeited my charge would more likely have been a couple of
hundred.

578. How would you do it?—Go and see the Minister, and explain the circumstances. If I
undertook to do it in this case my charges would likely amount to £200, certainly not for £2.

579. What particular difficulty arises?—When he loses his license it would cost him that to go
down to Melbourne and get it.
580. Do you know any cases where a doubtful case has been dealt with in that way?—I do not.
581. You consider that is possible?—I do not say he could get somebody in the employ of the Ministry to do it for him.
582. You mean he would bribe somebody?—Yes.
583. You do not know of any such case?—No; I have heard of cases of members of Parliament, but I do not know of any.
584. Really you should not have mentioned the case, as it did not exist?—I have only heard of it.
585. From whom did you hear it?—Was it from the party who really paid it?—No, I have heard it in loose conversation.
586. Did you ever do it?—No, I never undertake a shady case.
587. You mentioned that the banks generally charged 10 per cent.?—Yes.
588. Is there not another name required as security?—Yes, in cases.
589. Do they advance simply by the selector accepting with the one man, or is the selector drawn upon by another, so that the bank has two names?—That is according to the character of the man; many are dealt with direct.
590. They have a promissory note with the bank?—Yes, that is the usual form, and has been the only form here—the selector deals individually with the bank when he has his lease.
591. Have you ever undertaken to obtain for any one an alteration of the Ministerial decision respecting any lease?—I tried once in the case of an uncertificated involvement.
592. Did you succeed?—No.
593. What kind of influence did you seek to bring on the Minister?—I wrote to him, and talked to him.
594. I cannot understand about the £200; it seems to be a rip-off, unless you can substantiate it in some way. It would lead one to imagine that this system of bribery was quite common?—it is not a common affair.
595. Have you known it exist?—I have not had it tried. I would not like to have to pay that price to have the lease of some of the land.
596. Did you employ any other means than ordinary means—anything of the £200 sort?—I never paid for it myself.
597. Have you ever been employed to get a lease?—I used to be before the order system was stopped.
598. In how many cases did you obtain them either personally or through agents?—Some hundreds.
599. What was the fee the selector was supposed to pay?—No fixed fee—it would average a couple of guineas.
600. Was it ever more than five guineas?—If it was the case that there was a lot of writing, and something wrong with the boundary, it might be five guineas.
601. Since the order by the Minister stopping agents, and making the selector transfer his own business, your occupation in that respect has gone?—Completely.
602. Are you prepared to swear that the highest you ever received for getting a lease is £2?—I should say that would be about the average.
603. Would you swear that?—I am not prepared to swear anything.
604. Are the selectors satisfied with the change, and do they get their leases as quickly as formerly?—I think so; in fact quicker, because the Minister made an arrangement to get the leases sent to the local post-office; they get them away quicker.
605. Did you at any time say that it did not matter what the decision of the local land board was, you could alter it below?—I am not aware that I ever said so. I never tried it.
606. This is a very grave reflection on the department below, and savours of bribery, that you had the power of upsetting the decision of the board?—It has never come within my memory.
607. Have you ever had selectors to believe that you could alter the decision of the local board by representations in Melbourne?—I cannot remember any particular instance in which I said it.
608. Have you charged a selector as much as twenty guineas to obtain his lease?—I cannot remember having done it; but I would if I could get it. I would not say that I am above doing it. I would charge him fifty if I could get it.
609. We were informed that you made this statement not only in the town, but in the presence of the district surveyor in the Land office, namely, that it mattered very little what was the decision of the land board here, that you could make it right below?—That is a case where a man owed me an amount of money, and the local board refused to allow him to mortgage or transfer; the Land office being ruled by regulations that are not law, and the Titles office is guided by law, hence we are forced to get justice through the Supreme Court at the expense of the selector.
610. You make a mistake in saying that?—I will state a case—I apply to mortgage a lease, and I have it refused, I can generally get my security put right in Melbourne, that is, go straight to the Supreme Court and sell up the mortgagee; sell the man's right and title to the leasehold or freehold as the case may be.
611. I suppose it suits you to make selectors think you have a lot of influence, so as to frighten them?—Yes; it is just as well to frighten them.
612. Well, it would be well for them to know that you have no more influence than this ink bottle?—Very well.
613. What is your opinion about the permanency of settlement under the circumstances in which the selectors have been placed? is it likely that they will permanently get the land?—I said before that I think it is very permanent.
614. Notwithstanding the charges?—There are exceptions; there are cases where a man through over charges and bad crops and bad seasons will have his land sold for hire; perhaps there are more just now than usual on account of the tightness of money, but as a rule the settlement in the district is very permanent, and is likely to remain so.

The witness withdrew.

Adjourned to-morrow at ten o'clock.
(Taken at Horsham.)

WEDNESDAY, 12th JUNE 1878.


Mr. Mclachlan examined.

613. Are you a selector in this district?—Yes.
616. When did you first select?—In June 1875.
617. How much land did you take up?—A 320-acre allotment.
618. Do you still hold that land?—Yes.
619. What is the special matter of complaint you wish to inform us of?—The exhorbitant rate charged for money and goods.
620. What are your improvements?—Ploughing, fencing, and a house.
621. Is it all fenced in?—Yes.
622. Have you not got your house?—No.
623. What sort of a house is it?—Two-roomed.
624. Are you a married man?—Yes.
625. You fenced in the whole allotment, and how much did you plough?—About forty acres; but I have been detained by the troubles I have been put to or I would have had in twice as much by this time.
626. What amount of money did you borrow, and how did you borrow it?—In different sums I borrowed, and in goods, and it has increased to a considerable sum by this time.
627. How did you begin to borrow first, cash or goods?—Goods and accommodation.
628. When did you begin to do that first?—A year after I took up the selection, in 1876.
629. Whom did you get the goods from?—Mr. Bennett, who was examined here yesterday.
630. Assistance in the shape of goods?—Yes.
631. Any money?—Yes.
632. How much altogether—what was the amount of his claim against you for goods and money?—£314.
633. I signed a bill for £400, because he promised to give me the remainder when I signed it.
634. When did you pay off money from him?—The day that he served the writ.
635. You began in 1876—when did you stop getting assistance from him?—Up to the present time.
636. You owe £400?—Yes.
637. Do you think that you have been treated unfairly in the matter of the price of goods?—Yes.
638. What interest did you pay?—What rate?—He did not state the time when he would charge, but it is 50 and over 50 per cent. on store goods. He promised to let me have money at bank interest.
639. For every £100 did he charge you £50, do you mean to say?—Yes.
640. You say you commenced a year after you selected to borrow money and get assistance from Mr. Bennett?—Yes.
641. You owe him £400?—Yes, he took up my account handily and made up that amount.
642. Just look at that account—[handing the same to the witness]—is that the final account, £381?—Yes.
643. For which you gave an acceptance for £400?—Yes; there was also an order on his brother for £13, which was dishonoured; there were two acceptances, and he had sent me a writ before they were due, and kept on putting on heavy money till it came to that.
644. In this final account of £171 of his own I see a charge for law costs, "re writ, £10 15s."—Yes.
645. It is that a previous writ?—Yes; but I got the solicitor to send to the judges to be allowed to appear, but when they found I was going to default myself they would not come forward, as the acceptance was not due.
646. You squared the first acceptance, and went on again?—Yes.
647. Were you served with the writ before the bill was due?—Yes, three months previously.
648. And when they found you were going to default did they draw back?—Yes.
649. Was for all that they charged you guineas?—Yes.
650. And £18 6s. 6d. as the same day for interest and renewal?—Yes.
651. Interest and renewal on what account?—£122 9s.
652. That is the final account I see here, except that Mr. Bennett has paid your other creditors and taken up your securities?—Yes. He has not paid the amount yet.
653. What security did you give?—Cattle and wheat—growing crop.
654. A bill of sale over cattle and wheat?—Yes.
655. Have you any sheep?—No, not one.
656. Was the bill of sale for £400?—Yes.
657. Did you sign any paper promising to give Mr. Bennett any lies on your lease when it was issued?—Yes.
658. A promise undertaking to give him the lease itself when issued to you?—Yes.
659. Are you applying for it now?—No; it is not due for two months.
660. To carry out your agreement you have to give the lease?—No, to raise money on it.
661. Not had over the lease to him?—No.
662. When you commenced to deal with Bennett did he promise to carry you through till you got your lease?—Yes, he did. There was no writing about it.
663. Because of that promise you signed a document promising to give him your lease when you received it to raise money on it?—In order to raise money on it, but I find he charges so much that if I could get the lease when the time is up, I could place it in some other hands who would charge less than he does, I should be glad.
664. You appear to have signed the bill on the 16th of May 1878 for £400?—Yes.
664. Did you sign more documents than one on that day?—I did. He wanted what he called a marked judgment. He kept me four days in Horsman waiting for papers from Melbourne.

665. Did you sign any blank forms?—I signed what he called a marked judgment.

666. So that he could get execution against you?—Yes.

667. Are you aware of that at this time?—No.

668. How is it that there are two writs, one from Bennett for £400, and one from the Colonial Bank for £400?—He did not know who was to hold the security. It appears that the Colonial Bank is the one that he deals with. The one was drawn; in fact, they wanted me to sign both at first.

669. To make it payable?—Make it £900.

670. There are two distinct writs, each for £400?—Yes.

671. And one has been taken out at the suit of the bank, and one at the suit of Bennett?—Yes. I objected to that, and Mr. Ireland said, "I do not understand it myself, you had better see Bennett?" Bennett said it was a mistake, that one was taken up in error.

672. What did you sign before they issued the writs?—I do not know what it was. I think it was a consent to judgment.

673. Was Mr. Ireland your solicitor?—No.

674. Who was he?—Mr. Bennett's solicitor.

675. Do you remember whether on that day, the 16th of May, you did not sign two distinct bills?—No.

676. Here they are, and the writs have been served on you for £400?—No, I did not. I wanted to sign the £800, but they handed me two writs and I said "I am not so much indebted altogether," and I happened to put them in my pocket. I only signed for one £400.

677. You said just now you were asked to sign a bill for £800?—Yes, but I objected to it. They said they did not know who would hold the security, the bank or Bennett.

678. What reason did they give for asking you to sign for £800?—They said they were willing to make it payable to order and the bank would hold the security. I believe their intention was to frighten me out of my mind.

679. Who were they?—Mr. Cruger, the manager of the bank, and Bennett, who detained me in Horsman under false pretences.

680. They actually wanted you to make yourself liable by your own handwriting for £800, while you owed only £356?—Yes. I only owe £203 up to the present time; £92 was to be paid on August 28.

681. And you detected the imposition, and said you would not sign for more than £100, the amount you owed?—Yes.

682. And then they drew back when they found you understood it?—Yes.

683. So that they were willing to leave you when they found you were a simple-minded man?—Just so.

684. Did you keep any account yourself of the transactions you had?—Yes, I got all the bills.

685. Did you not keep any book?—No.

686. How much money did you actually receive?—It is marked on the bills.

687. Do you not know?—£73. I have sold him wool, and wheat, and things; it is all mixed up with the goods. There is a counter account amounting of sheep wool, and wheat of Bennett's accounts to over £200.

688. You must have signed those two bills without being aware of it?—I am not aware that I have signed two.

689. When you went first on your selection, how much money had you?—About £200 cash.

690. That is, after you had paid survey fees, and so on?—Yes, and a team of horses.

691. And you built your house out of the £200, and did the fencing?—Yes, and grubbed, and other things.

692. How long was it after you had been on the selection before you first thought of borrowing money?—It was for sheep I first got the money, and they turned out flaky sheep that mostly died. I got them from Bennett.

693. What were they valued at?—EIGHTY pounds.

694. How many sheep did you get?—About 300.

695. Eight shillings a head?—Yes, I cleared the bill off at once.

696. Did you buy the sheep on the bill?—Yes.

697. Are those all the papers you have received?—Referring to the same?—Yes.

698. After getting the sheep, you continued getting into difficulties?—Yes, because they were flaky.

699. I had to keep what lived for two years, and had to sell back to Bennett for nearly half-price.

700. And the seasons were against you?—Yes, and bad crops and sickness in the family all reduced me down so low as I am at present.

701. And you had continually to borrow from Bennett to pay rent?—Yes, but I paid most of the rent myself. I used to leave it with Bennett to pay for me, which he never did for twelve months after.

702. You had money for that?—Yes.

703. Have you seen him since?—Yes, I saw him yesterday.

704. What is your land situated at?—About 32 miles from Horsman, north towards Warracknabeal.

705. Did he explain to you about the two writs for £400?—When I went to him, I said, "I am not indebted that amount," and he said, "That is an error then; one has been taken up in error."

706. Do you think that he would proceed on both writs for the whole £900?—I was not deep enough in debt for him to get hold of my lease, and he thought if I was a little deeper he would get my lease, and I want to prevent that.

707. When is the next bill due?—In August; but they have stated there April, though it was drawn after the Queen's Birthday, so that it was only four months from date.

708. They began on the 27th of May, and they daced it the 27th of April?—Yes.

709. But the real fact is, there is a judgment of £800 against you?—I have only signed for £400.

710. I have no document to show that this £800 is a mistake?—I do not know he will not.

711. We will examine Mr. Bennett about himself will you stay here to lay?—Yes.

712. Have you anything further to say?—Nothing, but that I like the country well, and I consider it is the best wheat-growing country I have seen since I have been farming.

The witness withdrew.
George Young, manager of the Commercial Bank, examined.

712. We wish you would have the kindness to give all the information you can, as to advancing money to selectors: what is the general usage?—Do you mean with respect to banks, or private persons?

713. First, with reference to banks?—A manager is not supposed to disclose the nature of his business, but the banks deal with the selectors by ordinary advances, so far as they consider safe.

714. Is that done through an agent?—Directly through the bank; I never have anything to do with an agent.

715. Ten per cent. is the interest, is it not?—The interest is just a matter of arrangement; sometimes less than ten.

716. Sometimes more?—Very rarely more, except for temporary things; but one of the matters I am under bond not to disclose is the rates or the relations of the bank to its customers.

717. You would not feel at liberty to tell what the general rate is?—I think the general rate may be sold so to be 10 per cent.

718. Never higher than 12?—No.

719. It goes to 12 sometimes?—Small temporary advances are sometimes charged 12 per cent.

720. You do not charge any commission?—No commission whatever.

721. I understood there was a rate agreed upon by all the banks?—There is.

722. It is no secret at all then?—The general rate is no secret.

723. What is the general rate?—About 10 per cent.

724. What is the lowest?—That is the lowest at present.

725. What has it been?—It has been down as low as 8.

726. You mean the managers agreed to the general figure of 10 per cent. There was also a discretion left with each bank that in special cases, and in small temporary loans, they might charge up to 12, or anything they thought fit?—I suppose the arrangement is that they fix the minimum to be charged by the bank—so long as they do not go below that, the managers are unfettered by the arrangement.

727. Is there anything of a maximum?—The bank managers receive their instructions from the head office.

728. Based upon a general understanding among the banks in town?—Yes.

729. Is there a maximum fixed?—I am not aware of a maximum being fixed.

730. Has there been any change lately between the banks and the selectors?—I am not aware of any.

731. Has there been any unwillingness to advance to selectors since the order issued by the Minister of Lands, limiting the borrowing power of selectors to £1 per acre. Has that exercised any influence in restraining the banks?—I do not think so; it has not in our bank. We are not advancing now to selectors because we are not advertising to anybody. Till a short time ago I was advancing to selectors.

732. As far as your bank is concerned, the regulation I have referred to has had no influence whatever in limiting the bank's operations?—I continued advancing till quite recently, till money got so scarce that we could not advance to anybody.

733. That is the cause of the non-advancing, and not the action of the Lands office?—I think so.

734. The restriction applies to all portions of the community?—Yes; we cannot advance even on freehold securities.

735. Really you advance to selectors by helping the storekeepers—their bills cover advances to selectors?—I am not aware that they ever cover direct advances; but I know there are transactions between the storekeepers and selectors.

736. There is no system of the bank doing business through the agency of the storekeeper?—I do not recognize any such.

737. Supposing someone started in business in Horsham, and entered upon this particular list of business, advancing money to selectors, and gave you good security, would you advance him money, knowing they were selectors' transactions?—At the present time I have said I would not be in a position to advance at all.

738. Do not banks as a rule set their face against those money-lending transactions?—Yes.

739. Do you know of any cases of exorbitant charges made by storekeepers or agents?—I have heard them mentioned as a matter of common report.

740. You have had selectors wait on you, and ask you to take up their account from another person?—Yes.

741. The practice of agents, or mediums, or third persons coming to the banks for selectors does not find approval here?—It does not find approval with me. I do not know the practice of the other banks, I have always discouraged it.

742. If a man came to you with a bill and said he had discounted it for 29 per cent. to a selector, and he wanted to discount it with you at 8?—I have not heard such an amount mentioned, nor any such business.

743. A gentleman has yesterday said he charged from 17½ to 70 per cent., the average he said was 32?—I heard him say that yesterday. I do not think he charges interest to that amount. His total charges may amount to that. I do not think anybody has charged that rate of interest actually. I have seen some accounts where the charges were exorbitant.

744. Accounting to 50 per cent.?—I could not say that, but where they were excessive.

745. How long is it since this refusal to advance to selectors in Horsham?—My instructions to make no new advances whatever reached me two or three months ago.

746. How does that place the selectors—from whom do they get their advances?—They get them. There are agents in Ballarat and Melbourne—banks and others—that make advances on leases.

747. That must tell much against their settlement on the land, all accommodation refused in the locality?—They get it here for about 10 per cent. with a commission to the agent of 2½.

748. Then the accommodation is being still supplied in this district?—Yes, through agents in Horsham from firms in Melbourne and Ballarat.

749. What is the extent of the commission?—I believe the ordinary rate is 2½.

750. On every renewal of the bill?—Certainly not. The agent simply negotiates the loan in the first instance, all subsequent transactions are direct between the principal and the borrower. That is as I understand it.
751. There must be a considerable delay in transacting business in that way?—Yes, the delay has been very severely felt.

752. More than if it was got in the locality?—Much more so.

753. When a selector obtains money in that way and requires to renew for a second four months, does he employ the agent for that?—He is not supposed to pay a commission for a renewal as far as I have seen.

754. The commission may be repeated three or four times during the twelve months?—If that were done I should consider the agent unscrupulous, and the selector very soft.

755. The operations of the selector are all through the agent?—Not necessarily.

756. Do his acceptances go to the bank?—I do not know. I believe the notices very frequently come through the agent. I believe James Oldtie and Co. send all their notices direct; and, after the first business is negotiated, all communications are made direct between the firm at Ballarat and the selector.

757. Many of the selectors are illiterate men, and not accustomed to the transactions; suppose such a man as that, falls into the hands of the agent to effect his renewals—when he gets his communication from the bank to pay or get a renewal, it is all Greek to him, and he has to go to the agent, and he says he will not give his time unless he is paid for it?—[No answer.]

758. Practically the selectors are men who go through the agent?—Mostly.

759. Then he can take out of them what he likes?—An unscrupulous man can, of course, impose upon a man who is not up in his business, and such a man is frequently fleeced.

760. The agent would have something out of each transaction?—It is not the general practice. I know the agents of more firms than one who get a commission from the lender for collecting the interest and arranging renewals, and do not charge the selector anything, and have never done so; amongst others the agent of the Ballarat Banking Company.

761. Here is an account of Mr. Bennett's—[referring to the same]. There is an overdue promissory note from £10 per cent., £3 15s. 6d. bearing the same to the writer—£7 5s. 9d. commission—over 30 per cent.?—Mr. Bennett does his own business. I presume he is not an agent at all; he makes the advances himself.

762. You heard that there are two write out against a man, one by Mr. Bennett and one by the bank, so that it shows they must be working together?—Not necessarily.

763. Do you not think that the manager looks to the drawer of the bill?—Yes, that is usually done first.

764. You would look to the drawer first?—Yes; and if he expressed a wish that we would sue the acceptor we might do so.

765. Might he not deposit the bill without recourse to the drawer?—Certainly not.

766. Is there any prospect of your being able, in Horsham, to resume transactions directly with the selectors?—I do not know. We must wait for our instructions.

767. There is no immediate prospect?—I am not in a position to say, as branch manager.

768. Then the Government could not depend upon the banks here resuming that assistance to the selectors which really they would require?—I have no means of knowing.

769. Practically, as it is a matter quite unknown, if the Government wished in any way to assist the selectors they have no means to depend with certainty upon the action of the banks?—I do not know that they could.

770. If your bank was in a position to lend money they would lend it just as readily to a selector as any one else?—Yes.

771. The loan would be the security, not the license?—Certainly.

772. What is the maximum amount, as a rule, you have been in the habit of advancing on leasehold?—About £1 an acre—in some cases a little more; in the majority of cases so much as that has not been required. In the cases I have had to do with we do not care to go to so much as £1 an acre, but we have done that and more.

773. You have established this fact, that these mediums or agents are not a recognized thing in practice, as far as your knowledge goes?—I have had nothing whatever to do with them. I would just remark that a good deal has been said about the selectors and the difficulties they have to contend with. As I am not here, and have lived in the place for some considerable time and have had experience with them, I may say that I think the difficulties they have had to contend with have been more the bad seasons we have had than anything else. I believe that if we had had good or even moderately good seasons that the old residents tell us they have experienced, the selectors' difficulties would have been much smaller, and if they had got fair returns and could rely upon such returns, they could get on very well.

774. You think there is the foundation here of a prosperous community if the seasons are moderately good?—I do if we have sufficient rain. A very large proportion of those who are now borrowers, if we had not had two bad seasons, I think would have been debtors instead. My experience extends over the whole district for four years. I have had intimate connection with many of them apart from the bank.

775. Do you consider the present season a good one?—It appears so, it is just the beginning of it; the last two years have certainly been very bad ones.

776. What is the average product of wheat per acre in the last two droughty years?—I do not know exactly for the whole district, but I know numerous instances where they get about a bag, four bushels to the acre, and then I have known large farmers who did not get more than ten or twelve bushels to the acre.

777. The wonder then is that they have got through at all?—That is the cause of their going so deeply in debt, and those who keep stock suffer in the same way.

778. Generally speaking, the greatest majority of selectors are rather deeply in debt at present, and that has arisen from the bad seasons?—Yes, I think so, more than from any other cause. Many of them do not owe a great deal over £100 or £150.

779. But the general character of the monetary condition of the selectors is that they are all in debt?—A large proportion of them.

780. And that debt would not have been incurred had the seasons been good?—I think in a large number of cases it would not.
781. Is it well known that the settlement of the district is genuine—that the men mean to stick by the land if they can, with no intimation of dummyism?—I think there has been very little dummyism in the district.

782. The general character of the selections is bond fide?—Yes, I think so. Many of them, having got involved, seem to be hopeless of extricating themselves, and many of them are disposed to sell just now in consequence of the difficulty of borrowing sufficient money.

783. To whom would such men as that sell?—The bulk of those who have sold have done so to other selectors and the farmers about the district—they have bought the bulk of the land.

784. What is the general run of the holdings of those who have bought the others out—as much as 4,000 acres?—Very few as much as that, selected land. I know of no case where selectors have accumulated so much.

785. Can you tell us what is the maximum where a prosperous selector has bought out the others?—I have known some a thousand acres; but where they have amounted to that or over, it has generally been worked by a family, whose two or three selections adjoin, and who have bought the blocks near them, so that, as a family, the father and two or three sons or brothers accumulate two or three thousand acres by buying out their neighbors.

786. Ultimately the father and two sons might have three selections and have bought out neighbors' selections till they amount to two or three thousand acres?—I do not know any much above 2,500, perhaps 2,500, in some cases.

787. Do you know of any selection of this character: a father, two daughters, and two sons, selectors in the neighborhood, working a family estate together?—Yes, there are numbers of cases of that kind.

788. Such a family would hold how much?—I know families where there are four selections, and some where there are as many as six selections of 320 acres.

789. The general conclusion you come to is that the district has all the elements of a prosperous district, and the selectors will be prosperous with a few good seasons?—Yes. There is another matter I would like to express my opinion upon. Some of those who gave evidence yesterday said that by shortening the period of the licenses you would put people in a better position; my opinion is that this would not sec any permanent settlement.

790. The position was this—would it not be an advantage for the selector to get six years to make his improvements in instead of three, and during that time to pay a shilling per acre per annum instead of two, thus the licensing period would be doubled and the rent halved?—I think that would definitely induce a permanent and bond fide settlement.

791. You think that would be an advantageous alteration of the law?—Yes, decidedly. I think the longer you can keep the people on the lands before they get security they can dispose of, the more likely you are to bind them to the land permanently. Of course, if they have a license for a shorter time, it might be an advantage in one way; they could borrow money; but, on the other hand, they can sell, and there is a very strong temptation in a bad season for the selector to sell out, and if he, at the same time, falls into the hands of an agent, who imposes upon him, his land falls into the hands of the agent, and he loses it in consequence.

792. Are you aware that it has been stated to us that during the time of the licensing period, the selector pays for assistance at a much higher rate?—If he went to borrow from an agent, that might be, as the risk would be greater, but I am not aware that the legitimate storekeepers have charged him a higher rate for money or his accounts.

793. You would not recognize his license as any security to you?—No.

794. Mr. Langlands said that when a selector received his lease he had an available security that gave him capital, but during the term of his license, if he had no money, he could not borrow to put stock on and make improvements, but immediately he obtained his lease he was able to enter upon a prosperous career, and was in a better position.—Of course, it is correct to a certain extent, but the knowledge that at a certain period he will get his lease operates with the storekeepers and the money lenders to induce them to lend the money, and the selector, in fact, is induced to incur liabilities on the strength of being able to get his lease in a short time, that he would not incur if he knew he would not get his lease for a number of years.

795. A man with his lease can get money; does not the term of three years secure him capital at a moderate rate?—A man starting without capital would be in a better position of course in that case.

796. If a man's term of difficulty and tightness of means was extended for six years, might not he waste the best of his energy struggling on?—I consider it an exceptional case where a man has been paying a much larger rate than the legitimate rate for his money, in fact the man has been unfortunate. I think a man coming on with £200 on 320 acres, with average seasons, ought to be able to carry his land through without any assistance.

797. The fact that at the end of three years he can get his lease and get negotiable security may lead him to humiliate larger expenditure and facilitate future difficulties?—Yes, I think so.

798. Whereas if he had six years he would struggle on and rely upon himself rather than upon the artificial support of a loan?—I think so, that eventually he would be in a better position.

799. Mr. Langlands stated that he attributed the successful settlement in this district largely to the fact that at the end of three years he will be receiving capital on the security of his lease?—I have no doubt the storekeepers would not have given the extra amount of credit without the expectation of the lease being obtained at the end of three years.

800. He mentioned that at the end of the three years he attributes the successful settlement to the fact of their obtaining capital at a moderate rate, do you think that?—I think that had the term of the license, when the selections were first made here, been six years, the settlement would have been just as great.

801. He attributes the fact of the season of difficulty and struggle terminating in three years—he thinks that has made them successful instead of struggling on for longer?—Of course I agree with that to a certain extent, but in a large number of cases it has resulted in very great evil as well, in that they have been induced to incur liabilities that they would not have incurred had the time been longer, and thus their land has got embarrassed and they have had to sell it.
802. Apply the principle to a storekeeper, with no seasons to guard against—if you give him the
artificial use of capital, it will form a basis on which to build prosperity; but where you induce a selector
to run into debt on the prospect of the lease, you cannot account for the seasons that will follow the lease,
and he may have bad seasons and not be able to retrieve himself, so that the policy should be to keep the
selector out of debt; a different principle applies to the storekeeper and to the selector—I believe that
to be the case.

803. The selector gets £500 on getting his lease. If he was a storekeeper working the business in
town it would be an advantage to him, but a selector begins working on his farm and all the efforts he
makes are useless because of the bad seasons, and he finds the farm has not enabled him to get out of debt,
so the policy should be to keep him out of debt to work on slowly and surely—I think so; should the
facilities for getting into debt be less, it would be better for the selector and for the district; he incurs
liabilities on the prospect of the harvest, and if the harvest fails he cannot extricate himself.

804. The cases of the storekeeper and the selector differ in that respect.—Yes.

805. I suppose the selectors, as a rule, are not acquainted with financial matters at all.—Very
large numbers are not.

806. Do you not think the regulation of Mr. Longmore is a wise one?—I know of cases where it has resulted in considerable hardship.

807. Have you found that the money borrowed on the lease goes into the hands of the selectors or
of those that have previously assisted them?—I think in the majority of cases the money has been required
to pay debts to storekeepers and agents.

808. That bears out what Mr. Langlands said, that the selectors had very little to get out of the
money they get on their leases?—Precisely; the money they borrow is in most cases required to clear
off debts they have incurred before.

809. You think that the extension of time to six years would be a benefit?—I think so.

810. Here is an instance where a selector during the three years he was a licensee only had had
to pay £94, and the advances and goods supplied up to within two or three months ago amount to £152.
There were some little sums paid in; would it be wise to double the time, and give this man three years more
to finance in the same way?—I think that is exceptional case, and no rule; you could make it apply to it.
If the leasee has a license he has no security, he could only give a bill of sale with his cattle and stock
and so on; he is obliged to pay something like 30 per cent. in the meantime for any accommodation he gets.
Do you think it would be wise to keep him six years paying that high rate?—I think a man paying a
shilling an acre rent only, and with the moderately good seasons, should be able with six years to put on his
improvements to keep out of debt.

812. Such a case as that would not arise?—I think that is an exceptional case; of course it might arise.
I do not consider it would apply throughout the district at all.

813. If it had been six years, this man would not have run into debt?—I cannot say; he may have
been unfortunate in every way.

814. Is it not the rule that the selectors have gone into debt during the three years?—A large
number of them.

815. You think six years would be an improvement?—They have been forced by law to put all the
improvements on in three years, and this has exhausted their funds before they could get as adequate return.

816. The pressure would not be so great, £230 to be spent in six years instead of three?—I know
that many of them have cultivated a smaller extent of land than they have done so, that they might
get their improvements on in time—their labor devoted to that, when it might have been applied to making
money in other ways.

817. Instead of developing the resources of the farm?—Yes; as they knew they must put the
improvements on in three years, and the labor might have been employed better in cultivating the land.
I think the extension would have been a decided advantage.

818. And the reduction of the rent from two shillings to one shilling would be an improvement,
you think?—Yes, I think so.

The witness withdrew.

John Langlands re-called.

To prevent possible misapprehension as to the statement in my previous evidence that most of
the money was borrowed before the selectors get their lease—that the land was all, in fact, involved before
the leases came due—I wish to say that that is exceptional; that perhaps not one-third of them are so.

819. Are we to understand that to apply to during the licensing period?—Yes. I mean to say that
not one-half are involved to the extent of £230.

820. How much?—They may be to the extent of £100.

821. The general character of the pecuniary position of the selectors is, that they are not all involved
deeply in debt?—No. One-half who get their leases do not require to borrow £230.

822. But, when they do, the money goes to the storekeeper?—Not necessarily. In these
exceptional cases of £230 it might be.

823. What I understood you to say was, that the most of those people who borrowed had very little
of it to get?—Because they would not borrow unless they wanted it, or more than they wanted. That
does not affect the question that when they get their lease they are in a position to borrow when they
want it.

The witness withdrew.

R. W. Bennett further examined.

824. There was evidence given here this morning, by this man Murdoch McKinlay, who had
dealings with you. His debt amounts to £100, but here are two writs issued for the same amount; so that
in fact it is in your power to make him pay £200, when in reality he only owes £400. Can you explain
that?—One writ was taken out sub sequently to the other, and the affidavit of service in one has not been
served on me. The affidavit of service has not been lodged. One is a day or two before the other. The
defendant consented to judgment on one writ. I did not care
whether it was to me or the bank; and he decided to do so to the bank, before the leading solicitor here,
and that consent was sent down.
How did you get the judgment on the second?—He did not consent to both. He had them both in his possession, and he could consent to either, and he did to the bank's, and that one has been registered.

Why should you have issued two writs for £400, when only one £400 was due?—One was a clerical error; one was issued in my name by mistake, and I sent for the other instead, and he elected to consent to the bank's, which he has. Mine was a day or two before, you will see by the date on it.

Whom do you do the business through in Melbourne?—The Trade Protection Society.

Both writs?—Yes.

There is a society in Melbourne that does all this business for you, or any other person, by paying a subscription of three or four guineas a year. I think it is very unlikely the Colonial Bank would employ them?—When we elect to take out the writ through our bankers, we do it through our own solicitor.

You charged ten guineas for those two writs?—One was a writ issued some months ago.

Was that also by the Trade Protection Society?—Yes.

Did you pay the Trade Protection Society for issuing that writ anything beyond your subscription?—We do not pay a subscription. They issue their account quarterly. Sometimes it is hundreds of pounds instead of three or four guineas.

Is not the man liable on both those writs?—No, only for the one.

This one issued in your name on the 21st, is that null and void?—Yes, he did not consent to judgment on it; we had them both in our possession, and handed them both to him. We do not enter up judgment on it if he does not consent.

Have you issued writs against McKinnon before?—Yes, often.

Why did you issue the writ before the bill became due?—To collar the crop.

You were afraid he would collar it before you?—He did, I was a little too late. He was a little too smart for me all through. I had to give him best.

Has he been able to "do" you?—To a certain extent, yes.

Those two writs have been issued certainly, but one from error Mr. Bennett says. On the 21st May they did not obtain your consent to enter judgment upon that writ at all?—No.

Therefore they cannot proceed against you upon it?—No.

But the one that was issued by the bank, dated the 23rd, that is the one that you consented to have judgment entered up against you upon?—Yes.

So that the impression upon my mind is that they cannot come upon you for more than the £400?—Yes.

So that you need not have any apprehension or fear in the matter?—No, I think not.

Mr. Bennett.—If he has any fear, and will pay £300, I will clear him off altogether, that is for cash; that is I will clear the writ altogether.

Will you do it now in writing?—With pleasure. [The witness wrote an agreement to that effect.] I will allow him a rebate of £100, because he has been a lot of bother to me.

What do you say in that agreement?—I hereby agree to take £300 in full payment of McKinnon's account if paid within seven days from date.

But you have transferred your account to the bank?—Yes, but my name is attached to it.

You should guarantee to discharge the debt to the Colonial Bank?—Yes, I am the endorser of the writ you will find.

You agree to settle with the Colonial Bank for that amount?—I do. [The witness added to his agreement the words, "and pay the Colonial Bank in full £400." ]

I suppose this account was for money lent, rents paid, and goods supplied?—I do not think I paid rents.

There is one charge for £32?—It may have been some time ago; I have not paid any more for twelve months.

He used to consign stock to you?—No, that is the row; he generally used his own consignments—sold them himself. I paid £100 for him the other day to get him out of trouble.

Here is a consignment in 1876 of wool?—That is wool we had a lien on a couple of years ago.

It appears that you first of all took these proceedings against McKinnon because he had given a bill of sale to somebody?—Yes, and since then I have paid it off for him.

What rate of interest have you been charging him all through?—It was just according to the temper I was in at the time he came to see me.

Here you state "Interest, 10 per cent."; for how long is that?—It might be for the time the bill was current.

It might be 40 per cent.?—£92 11s. 1d.

Three pounds fifteen shillings?—That would be 10 per cent. for about six months.

You drew the bill at three months?—That would be 20 per cent. per annum.

The amount of interest charged is about 27 per cent. per annum?—That may be a clerical error; I had to discharge the clerk who drew that out, for cheating the selectors.

How long had he been at it?—I do not know.

Did you refund the money?—No; several used to complain that he was snappish, and I sent him out on any one way.

What do you mean by cheating?—He charged too much.

Did you refund the money?—No.

There is a commission of £1 14s. 9d., which added to £2 15s. makes £5 9s. 9d. on £29—what rate of interest is that?—It would be just about 7½ per cent.

I think you are wrong again—£5 10s. on £29 for three months—is this the usual rate you charge to all selectors?—Well, I should think it was; I could not live under that very well.
867. You could not live under 30 per cent.?—Not and take the risks.
868. You said you discharged a clerk for cheating the selectors?—For overcharging, not cheating.
869. Was it any benefit to that clerk to cheat the selectors?—No.
870. Why did he do it?—I do not know.
871. You stated yesterday that you obtained hundreds of leases from the Lands Department—did you correspond direct with the department?—Yes.
872. To whom?—To the Minister of Lands or the Surveyor-General, as the case may be.
873. Those leases are forwarded to you?—No, they come to the selector. They used to be handed to his own orders.
874. You charge 10s. 6d. here for doing something about McKinnon's lease; what did you do there?—I could not remember.
875. McKinnon.—You made a lot about the lease being due.
Mr. Bennett.—Perhaps I did.
876. McKinnon.—Bennett knew very well he was wrong.
877. By the Commission.—Then the bet was 10s. 6d., and you entered it as a charge?
Mr. Bennett.—Yes.
878. McKinnon.—I gained the bet and he charged it against me.
879. By the Commission.—I notice that he charged it first and then credited McKinnon with it.
Mr. Bennett.—I perhaps thought I was right and put it down, and then corrected it.
880. But you should have put him down a guinea, as he won the bet.

George Albert Reeves examined.

881. The witness.—Before Mr. Bennett goes I wish to contradict a statement made by him.
I am the clerk referred to by him.
882. You heard the statement made by Mr. Bennett, that you had been in the habit of overcharging the selectors as his clerk, and that in consequence he discharged you from office?—That is untrue.
883. Perfectly untrue?—Perfectly untrue. It is sufficient for me to say I was engaged by another firm prior to my leaving Mr. Bennett, but whatever transpired when I was in Mr. Bennett's employ I am not here to divulge, but there was a system of slopping.
884. What is that?—It is the same as shilling.
885. What is it?—It is cheating.
886. What is done?—I did not come here to disclose Mr. Bennett's business, only to clear my character.
He said that he discharged me for cheating selectors. If I did so it was by his direct orders, and had I not done so I would have lost my billet. Being a married man I was not prepared to do that, and I got out of his employ so soon as I could. I applied eight months before I left Mr. Bennett's employ to my present employers.
887. What is the name of the firm you applied to?—James Fry and Co.
888. Will you give a definition of the word "slopping"?—was it overcharging interest, or adding to their accounts?—We generally charged a shilling in the pound.
889. Overcharging?—No; we never did that sort of thing in my time. It was principallyurious rate of interest charged in discounting bills, and sending on wool we would charge the commission to the public.
890. What was the nature of the "slopping"?—what did it amount to?—would you charge a shilling in the pound with a transaction of £300?—Yes, on the renewal of the bills; but I think we charged them a commission of 2½ per cent. in addition to the shilling in the pound.
891. That is 7½ per cent. ?—Yes. You see it was this way—we had to pay the bank a discount of 10 per cent. per annum, and we would only get a commission out of it. If we only charged 10 per cent., we would make nothing to pay for the institution. Mr. Bennett, in my mind, was merely an agent to the bank.
892. You say that anything in the way of cheating or "slopping" was done by Mr. Bennett's instructions?—Yes.
893. Is this a case of "slopping"—[producing an account]—£80 3s. 6d., promissory note; and here it is made £80 13s. 6d., 16s. put on?—No; it is an error evidently; 10s. charged too much. He has been charged security expenses a guinea, and we were charged three guineas; and we lost over that.
894. When mistakes occur in the accounts it is always found that these mistakes are due to the selector—is that one of the modes of "slopping"?—No, not necessarily; but I cannot say there are mistakes in the accounts. That one is evidently a mistake against the man, but it is a very easy thing to put down "10" instead of "13," especially as the bill was not to land. That account was merely a renewal.
895. Would not it be discovered in balancing your ledger?—But suppose you never did balance it?—You did not keep one?—Oh, yes, we did. We never went into the balancing of the ledger as long as we were making money; there was no time to balance, and we were generally making money.

The witness withdrew.

Mr. Bennett.—Here are a couple of forms I promised to bring: the security we take from a selector when he borrows any money from us. All the securities we used to take are no avail at the present time.
896. Why?—Because they get the leases themselves and do just as they like with them. They need not bring them to us unless they like.
897. Formerly they applied to you for them, but, now they get them direct, they do as they like?—Yes.
898. That shows the wisdom of the regulation?—Yes, it is a very wise one for the selector; it saves them a lot of money one way, but it really costs them more money now than it did before; it costs about three times as much, but we have to go through some other course.
899. What course?—Go to the Supreme Court and sell their right, title, and interest if they do not pay us.
Thomas Milledge examined.

T. Milledge, 12th June 1861.

899. Are you a selector?—Yes.
900. Just tell us your story in your own way?—Through bad health and bad seasons I went in debt and had to borrow money, and I could not get it from the banks till I got my lease. I walked through till I got it. I was heavy in debt when I got my lease, and I had to go to Bennett to get the money, and I could not get what I required.
901. You went to him to raise money on it?—Yes, as money lender and agent. I went to him to get as much as I could to carry me through to pay off my old debts.
902. What is the extent of your holding?—How many acres?—Two hundred and ninety-nine.
903. What was the amount of money you proposed to borrow on it?—£550.
904. According to the new regulations in the Lands Department you can only borrow a pound for every acre?—I was aware of that at the time.
905. Is Mr. Bennett prepared to give the £550 notwithstanding that?—Yes, he says so.
906. And you deposit the lease with him?—Yes.
907. Mr. Bennett.—I have given it back to him.
908. To Mr. Bennett.—Will you not keep the lease as security?—No; the leases are no use to us, we hand them to private individuals in Melbourne, who advance, and we take a commission of 2½ per cent., and at the same time pay their rents and the interest.
909. Mr. Milledge.—That is the only way I could get money and keep my holding.
910. Are you prepared to close this transaction with Mr. Bennett?—It is closed.
911. What is it you have to complain of?—I have nothing to complain of, but to show how the selector is situated.
912. What amount of capital had you when you took your land up?—Well, I had about £200 when I first took the holding, four years ago.
913. Have you a family?—Yes.
914. A grown-up family?—No, a young family.
915. I suppose then you tried to put sheep on your land?—Yes, I lost by them.
916. Were they dicky sheep, or good?—They were good, but I lost by them.
918. You borrowed £550: was that debt incurred during the three years?—No: £550 was the first debt I incurred for the sheep.
919. You now borrow £550?—Yes.
920. You have to pay that nearly all for old debts?—Yes.
921. Was that while you held the license only?—Yes.
922. Suppose you had had six years as your licensing period instead of three, you would not have been in such a hurry to get all these sheep?—No, I would have got no sheep.
923. In fact, you plunged yourself in debt to get these sheep, in the belief that they would enable you to meet all the liabilities of the three years?—Yes, and the expectation of a little crop.
924. So that the shortness of the licensing period let you into that net?—Yes.
925. You think six years would have been better.—Yes. I am a true land-fee selector, and I want my selection for my family.
926. Suppose you had to wait another three years for your lease, what position would you be in with regard to this debt?—I believe I could close it off, whereas now, in one year, I might be crushed; if I had another year to redeem myself, I can clear out of it; my agreement for this loan is for three years, at 10 per cent. interest.
927. Do you believe that the fact of having this short time to put down improvements, and paying 2s. an acre instead of 1s., has forced you into debt to a considerable extent?—Not that alone, not in my case, but in the general case it is; in my case it is through losing on sheep that has put me in this predicament and not being able to do my own work; having to pay for all work done, I soon got rid of all my money, and got no returns.
928. If you had six years instead of three to make the improvements, and had only to pay 1s. per acre per annum, you would not have thought of getting all these sheep; you would have gone gradually, and would not have got into debt?—No, I would not.
929. This sheep affair was a speculative transaction, and you thought it would have carried you through, and it turned out otherwise?—Yes.
930. Did you incur the debt in expectation of getting your lease?—No; in the hope of bettering myself.
931. How much did you lose by the speculation?—What I lost is what I owe now.
932. £550?—No, about £250.
933. How many sheep did you buy?—In the first case 700.
934. For 320 acres?—No; there was another party and myself, and I had to pay for the whole of them.

The witness withdrew.

Mr. Bennett withdrew.

Daniel Harrison examined.

D. Harrison, 15th June 1861.

935. What are you?—Editor of the Wimmera Star newspaper.
936. What can you tell us on this subject of the condition of the selectors?—Selectors come to me and write to me their troubles as editor of a paper, and I think I can throw some light on the difficulties they encounter. The first thing is the difficulty of borrowing money after Mr. Longmore's regulations.
937. That is only hearsay?—It is hearsay sufficient in my mind to be good evidence that such was a fact.
938. But we have had evidence from others that it has had no effect; the bank managers have told us that?—Every selector does not deal with the banks; the regulations threw difficulties in the way of getting money.
937. How do you know that it threw difficulties; you can only give evidence at second-hand?—

Only at second-hand. One evidence of this dissatisfaction was the meeting held at Nantmik, at which
Mr. Longmore was burnt in effigy.

938. That may have been merely a joke?—That is simply one evidence.

939. Do you know any evidence in which a man wanted money but was inconvenienced?—I know persons who came and told me so, and gave me documentary evidence.

940. How much did they want; did you go into details?—No.

941. Did any man come from the Land office come out I could have borrowed any amount I wanted, but now we are limited to £1 an acre I cannot borrow at all?—It was not only the limitation to £1 an acre, but the objection made to the employing of agents. When agents found they could not act for themselves they fought shy of selectors’ loans.

942. The agents found there was no longer flocculent material?—I cannot say of flocculent material. I know that many money agents have lost in lending to selectors.

943. Are we to understand from you that it was a wrong done to the selector to have limited them to £1 an acre?—I think so.

944. In what way?—It immediately created alarm in case some further regulations that they could not guess might make their appearance. It was a variation of the bargain on their license or lease, and the feeling was that, if they fulfilled all the engagements as mentioned in the conditions, Mr. Longmore had no right to interfere.

945. Then, if they thought that, it is an ignorant opinion, because he is the administrator of the State property, and he has to take care that the lands are not lost to the State by passing out of the hands of the foolish selector into the hands of the land shark, and if he found it necessary to limit the borrowing powers on that account it was his duty to limit it.—That I do not give an opinion in regard to at all.

946. So that, if he made a more stringent regulation, he would be doing right if his experience told him it was right—I mention it to you to show that those persons who spoke to you about Mr. Longmore not having the right to interfere was an ignorant opinion?—What I say is this: Mr. Longmore had no right to introduce a fresh stipulation not expressed on the license or the lease.

947. Why not, if he found the existing state of things injurious?—He had no right to vary the bargain.

948. What bargain—he was not a party to the bargain; he was dealing with the property of the State, and if that was endangered then the Lands Minister had the right to step in?—I think the selector has a right to say, “There is my license and lease, there is nothing about your interference there.” I cannot make it plainer.

949. When the man began to borrow, and he was carrying his borrowing operations to such an extent that he was endangered of losing the land, and the policy of the State was interfered with, Mr. Longmore was bound to interfere on behalf of the man who has selected the land; there is no bargain between the Minister and the selector?—That is a matter of opinion.

950. It is a matter of right, and he has to carry out the law. Can you give any tangible evidence to show that limiting the borrowing powers to £1 per acre has inflicted any injury on the bond side selector?—I will not give an instance, even if I knew it. I would not, because selectors have a fear that if they complain against Mr. Longmore they become marked men.

951. That is all nonsense; how can they become marked men?—The fear may be very unreasonable, but there is a fear of that kind I know.

952. Well, it is a foolish fear?—It may be.

953. We had evidence yesterday that that feeling existed, but that that feeling had now almost completely died away?—The feeling of alarm exists still—that is my experience.

954. We have evidence contrary to that, and that the reason the selectors cannot get money now is the tightness of the money market—a fact which applies to all classes at the present time—the manager of a bank gave evidence to that effect. We had further evidence that it was a wise limitation that Mr. Longmore made. Mr. Maddern, the district surveyor, thought it might be extended to £50, but others thought otherwise, but generally the evidence is that the principle is a wise one, and it tends to save selectors, and that it will have that effect ultimately?—[No answer.]

955. You state that you understood from selectors that they were afraid that if they made any other complaints they would be dealt harshly with by the Lands office—do you believe that is the case?—I cannot give an opinion.

956. As the editor of a newspaper, cannot you venture an opinion?—I cannot state—I only know the fear exists.

957. Was it not your duty to point out to them that such a thing was utterly impossible—you know the land laws of the colony, and know the Minister has not the power to interfere?—I do not know that.

958. He cannot refuse a man’s lease—if he comply with the conditions of the law?—Yes.

959. How long have you been in Horsham?—Over two years.

960. You have not much experience as regards the settlement all round?—Not more than what two years can give.

961. Do you approve of the land system that has settled Horsham?—I think it might be amended.

962. Does your newspaper support the present Land Bill?—Yes.

963. It is your opinion that the land system, such as it is now, is a very good one?—Yes, it might be improved.

964. How?—I would allow married women to select as well as their husbands—it is a direct penalty against marriage, the present system.

965. Would you give the wife separate property in her selection?—That is a matter for the law. I knew one case in Morialta of a girl who pegged out the land, but between the pegging and the hearing of her application she got married and was refused. She lost her selection through getting married.

966. Is there anything else you would suggest?—Yes, on other thing I would suggest, though it has no direct connection with the Land Bill, namely, that the Government should keep a sufficient balance in hand to lend under the Waterworks Act.

967. The revenue of the country might not be able to spare it out of the ordinary revenue of the country?—[No answer.]
858. Would you extend the period of license from three to six years?—I think it would be wise.
859. And, also, do you concur in the opinion that it would be wise also to reduce the payments from 2s. to 1s.?—Yes, certainly.
860. You stated that a vast amount of dissatisfaction has existed hitherto, because of the regulations passed by Mr. Leegmore?—Yes.
861. Are you aware of your own self that it is a fact that the banks have not on any occasion advanced to selectors on leased land more than £1 an acre?—Sometimes they have.
862. As a rule?—As a rule, probably not more.
863. As a rule, have they not advanced less than £520 on the 320 acres; the bank would not go up to the limit?—It may have been that the selectors knew they could not get any more; they had got to the end of their tether.
864. Cannot you see that the limit improves the security of the lender, and is therefore an advantage to himself?—The limitation had the effect of making the selector more sparing in his improvements for one thing; he did not make the improvements that he would have done, if he had not been limited.
865. As a fact, he could not get more than £1 before the limitation?—As a rule, he could not.

The witness withdrew.

Henry Keate Hall examined.

876. What are you?—A wool-buyer and agent.
877. Living in Horsham?—Yes.
878. How long have you been in business here?—About two years.
879. Have you any business relations with selectors in the district?—Yes.
880. What is the name of the business you transact generally?—Advancing money on stock and wool, and on their land.
881. Do you advance money on leases?—I have been is the habit of getting money advanced for leases.
882. Were you in the habit of stipulating that the leases should be given to you?—We were in the habit of taking orders for leases.
883. And you got them?—In some cases we did, in some not.
884. You had had very extensive business relations with some selectors?—That is a matter of opinion.
885. Do you remember any business relations with some at Naughton Creek?—What names?
886. Peach Brothers?—Yes.
887. Do you remember rendering an account to them for £555 6s. 9d.?—I could not exactly say the amount; there was an account rendered.
888. For £555 6s. 9d. Was that money due to you for principal and interest for advances?—Whatever the amount of the account rendered was the amount due.
889. Do you recollect you took off the sum of £200 5s. 11d. from the £555, the amount you sought to collect?—I do not recollect the exact nature of the transaction. [The account was shown to the witness.] I do not know who paid this account is made out by; this did not come from my office.
890. Do you remember making any reduction in the amount of the account you served them with?—I think there was some. I forget what.
891. Does that come from your office.—[handing a paper to the witness]?—Yes.
892. You see that this account shows that you took off the sum of £200 out of £555?—Yes.
893. Will you explain how you came to make the overcharge, which you yourself admitted to be be an overcharge, of £200 5s. 11d.?—I may tell you at one that I must refuse to give any evidence on that account, for the simple fact that I may have been involved in some law proceedings, and I have made up my mind not to give any evidence on it.
894. Here is an account you have forwarded to the Minister of Lands—[producing the same]?—I think my clerk did that.
895. It is a fact that you took off £203 from a total of £555?—It was done in a way. I was unsuccessful for the other, and I had no alternative.
896. Yes stated it is a disputed account?—A disputed bill that I paid, and that they said I had no authority to pay.
897. You really did pay the money?—Whatever their account was the account was so far with me settled—so far as I am concerned.
898. Is this an account of yours, too—[handing paper to the witness]?—Yes, that is from my office.
899. This is an account rendered for £555 6s. 9d. Are you aware that in the calculations of interest there is an error of £31 in your favor?—I am not aware. [The same was pointed out to the witness.] It is an error in addition by my clerk; the man has had credit for it afterwards; there is another account.
900. There is another account—[showing the same]?—There is still another.
901. You did not forward to the Minister of Lands the accounts?—Yes, I did.
902. In these accounts there is no credit for the mistake?—That was done while I was away from Horsham altogether.
903. Still the mistake is in your favor?—Exactly.
904. What did you send these bills to the Minister of Lands for?—Because I considered I had been misrepresented there.
905. And you sent down these to clear yourself?—I had nothing to hide.
906. Except this fact, that you tried to get £555, and you took £200 off?—I did not try at all, no manner of it. I must have my claim satisfied.
907. Did you take 20s. In the pound?—I am not here to enter into an explanation as to my private business. I am perfectly satisfied—I refuse to answer any questions with regard to that account.
908. Did you not send these accounts to the Minister of Lands?—You have my answer, and I am not going to show my hand; there are law proceedings threatened.
1009. By whom?—Poch against me.
1010. Can this account still open?—It is closed as far as I am concerned.
1011. Have you had any communication with the Minister of Lands?—None.
1012. Have you written about it?—Never since that account was forwarded.
1013. You just sent him the account?—Yes.
1014. Are those the only documents you sent?—I think there was a letter as well.
1015. Are you not certain?—I am sure of it.
1016. Take another case—had you any transactions with Janetzki?—Personally, not.
1017. Has the firm of which you are one had any business relations with him?—I am connected with no firm.
1018. Did you never receive those people?—I transacted some business through another firm for them.
1019. Did they apply to you through any other party for a loan?—They applied through me to another party for a loan.
1020. You did not advance it yourself?—No.
1021. You have got security for that loan, I presume?—I got security, such as it was, but I found out afterwards that the larger portion of it had been previously secured to another party.
1022. What was the original amount of the loan?—I cannot remember at the moment.
1023. Two hundred and fifty pounds?—Something like that.
1024. What is the total rate of interest in cases of this sort?—It depends entirely upon the man.
1025. Is it usual to deduct the amount of interest at once?—No.
1026. Did you do it in this instance?—I do not remember; it is some time ago.
1027. Suppose I read this to you—"In the month of April 1877 we applied to Mr. H. K. Hall, of Horsham, for a loan of Two hundred and fifty pounds (£250). We informed Hall that we required the amount for twelve months, and gave Mr. H., as security, all papers in connection with our land, parish of Dibden, three selections of 320 acres each, also mortgage over our stock and farming implements. Mr. Hall agreed to lend us the money for twelve months on bill at four months, to be renewed on falling due. Mr. Hall requested us to sign a blank acceptance form." Is that correct?—It is not.
1028. "A blank acceptance form, which we did; about a week after we received Two hundred and two pounds (£262)." Do you recognize that now?—No.
1029. "Forty-eight pounds being retained by Mr. Hall to pay the rents"—No. I do not remember that.
1030. "To pay the rents on our three selections. Hall never paid the rents, as we were informed nine months after, at the Receipt and Pay Office, Horsham. We had, ultimately, to employ legal assistance to recover the bill from Hall, which cost us £12—three months after receiving the £202. Did they not sue you for the £12?—I am not aware of it. Whatever money I received on their account I handed over to them. The transaction was not mine at all; I simply acted as the agent.
1031. You do not remember any legal proceedings against you for the £12?—I do not remember any legal proceedings against me for £12.
1032. You do not remember these legal proceedings?—I do not.
1033. If you do not answer it may be necessary to put you upon oath?—I can only say I do not remember when I do not.
1034. Will you say there were none?—I could not remember. I received a letter from Mr. Ireland about the affair of Janetzki, but I could not swear whether it was directed to me or my principal.
1035. "Three months after receiving the Two hundred and two pounds (£202) we received a letter from Hall, requesting us to come down and renew the acceptance." Do you remember that circumstance?—I could not remember whether it was three or four; if the bill was due they would receive such a letter.
1036. "We came down and were again requested to sign a blank acceptance form."—That is not true, because all those bills that I accepted in that way—I know I made out no accounts for these men to sign.
1037. "Which we did. A fortnight after this we were served with a writ for £316"—that is a fortnight after signing this blank acceptance?—That is impossible, from the simple fact that, when these men's bills became due—I do not know whether it was the first or second time—we found out that they had given the same security to another firm; the firm that I represented refused to renew the bills and threatened that they would prosecute them criminally.
1038. Does the name of this firm appear on the acceptance?—The name of the firm, not my name at all.
1039. Is it an ordinary bill of exchange or a promissory note that these people sign generally?—The ordinary bill of exchange.
1040. Not a promissory note payable on demand?—No.
1041. "Included in this amount was a charge for £20 for which we held Mr. Hall's receipt, and the difference between the £250 and £296 being Hall's charges in the transaction we again employed legal assistance and ultimately got a settlement for the sum of £275."—I remember that I lost some money.
1042. Do you remember the settlement?—I remember I had to pay whatever amount it was.
1043. "This amount was paid immediately after the issue of the writ. It was six months after this before we could get our papers and securities from Hall, and then only through a lawyer?—I do not remember, because the papers were nothing to do with me. I had not the custody of those papers.
1044. Is the firm you represent in Horsham?—No.
1045. Where is it?—In Geelong.
1046. What is the name?—David Guthrie and Company.
1047. How many had the custody of the whole of the papers?—Yes.
1048. Are those people grain buyers?—Wooll brokers and commission agents.
1049. I presume the solicitors consigned their produce to them?—They did not.
1050. You have heard the statement made by these people—can you say whether it is substantially correct?—They had previously got money on the same security that they gave me. Supposing they had sheep, they had raised money on lien of mortgage on the sheep and had afterwards got it from me on the same security; and it was for that reason that the firm said if the thing was not settled at once they would take legal proceedings.
1051. I suppose this firm keep proper books?—Yes. I am not connected with them now.

1052. How could you, in the case of Peach Brothers, deduct £200?—That was my own private transaction.

1053. How was it you knocked that off?—I had no security for it. I had no alternative.

1054. Do you mean you took a less sum than you were entitled to?—Yes, I was obliged to; there was a bill to pay that I had no authority for of about £170.

1055. Did you lose that?—No, I got it afterwards from Peach Brothers, settled since this account was made up.

1056. Did you not take an acceptance settling the whole of this account in full of all demands at the date of this?—No.

1057. Is there interest overcharged? £30 10s.—What is that?—That is a clerical error.

1058. If you afterwards got that bill paid why did you take the interest off it?—You will see that is an error in the addition.

1059. I understand that; after these people gave you the acceptance for £557, settling this account?—They gave me no acceptance.

1060. Is the account closed?—So far as I am concerned.

1061. Was not this sum of £557 10s. 4d. the last balance you had with these people?—No.

1062. Was that amount carried forward into some other account?—No; I had a bill for that. I did not understand your question just now.

1063. Was this account balanced by that bill?—No; there was still a debit, the disputed bill and an endorsement of their own.

1064. What became of the disputed bill?—I think they got it back.

1065. They were allowed to get off altogether?—No.

1066. How much were they allowed?—I most positively refuse to give any evidence on that, because I have not been threatened with law proceedings, and I am not going to show my hand.

1067. How can it jeopardise your interests if you tell the truth here?—I am telling the truth; but I do want to be dictated by Mr. Clark or anybody else.

1068. Have you sued them?—I have not.

1069. They have sued you?—They have threatened to do so.

1070. If you have allowed them all this, what ground have they got for action against you? have you revived this claim against them for £182?—The account, so far as I am concerned, is closed. I have also an extra account against those men for endorsement money advanced to their sister.

1071. We do not want to pay into your private affairs, our questions are only on public grounds?—I am glad to hear that.

1072. What is the usual rate of interest in those transactions with selectors?—From 10 to 60 per cent. It entirely depends upon the person.

1073. How is the system earned on—does the selector give an acceptance?—Usually.

1074. Is the interest deducted at once?—No, usually added to the acceptance.

1075. It was not in this case of Janezki?—I am quite at sea with that, because I merely acted as the agent for another party.

1076. Those people received £292 from you, and three months afterwards they paid £175?—No, they did not; they received £230.

1077. You reckon the £48 paid by you?—It was retained, not paid by me at all.

1078. Well, say they received £230; they say the rents were never paid?—If they were not they got credit for them.

1079. Even if they were paid they pay £25 for the use of £230 for three months?—I forget the nature of the transaction, but I do not think that is the real nature of the case.

1080. They have made this statement very distinctly?—Here I think it was six months.

1081. You say the rate of interest is between 10 and 60 per cent.; could you state the fair average?—A fair average would be from 25 to 35 per cent. I should think.

1082. You might say 30 per cent.?—Yes.

1083. Do you think, as a man of business, that it is likely that any selector will be likely to extract himself who pays that?—It entirely depends on circumstances. If a man shows a desire to help himself, and is a straightforward, honest man, he gets his money for less.

1084. If that £25 was paid for three months, for the year it would be £100 for £230?—I think there is a misrepresentation.

1085. Will you reconcile that?—I could not unless I had the account. I know the account was open for a long time after it ought to have been closed.

1086. Do you take acceptances generally for loans?—Usually.

1087. Three or four months?—I have them from three to six months.

1088. When these acceptances become redeemable do you charge commission?—I do.

1089. If they were three months' bills what would be the rate?—Two and a half.

1090. For each renewal?—If the man was only the licensee.

1091. That is 10 per cent. more.—Do you include that in the rate of interest between 10 and 60 per cent.?—Yes.

1092-3. It is not calculated when you estimate 10 per cent.?—No.

1094. That 10 per cent. can never be less than 20 in reality?—Yes it can. Sometimes we lend a man money for less than that. It is not always necessary to charge commission. It depends upon the man and the nature of his commission. We do not always; we do always on the first transaction.

1095. You acting as the agent, the commission would be yours?—Not in that case. I was merely paid a salary by them.

1096. You state you have been ultimately paid by these Peaches, but you make two statements, the other being that you gave them credit for the money?—I believe Mr. Clark himself is interested in this man in some way. They tell me they owe him money.

1097. I ask on public grounds?—I refuse to answer the question.

1098. Do you know a man of the name of William Riley?—I do.
1099. Will you state the nature of your transactions with him?—I advanced him money. I could not exactly say the exact amount, but I know that the securities I took from that man are a mortgage on his sheep, and a lien on his wool. He took his wool into South Australia, sold out his lease, what became of his sheep I never knew; he borrowed £320 on his land, knowing that he owed me the money at the same time, and then threatened that: if I came near his place he would put a ball through me.

That was the nature of the transaction with that man.

1100. What was the amount of his debt to you?—£290.

1101. Did you ever get any of that back?—I got value for it. That is, I discounted the bills, and he was sued, and the right, title, and interest to the land was sold. I may remark that I am not the only one this man has tried to swindle, and it most cases has bullied them out of their claims. When the bailiff went with his writ he appeared with a revolver in each hand, and his wife with a scarf, and the son a fowling piece, and they met the bailiff, but with the assistance of a cup of tea he reconnoitered the old fellow, who was served with the writ on which he was sold off.

1102. Where is his place?—Seventy miles west from here—Edenhope.

1103. At whose instance was he sold off?—The holder of the bill.

1104. Did you lose anything at last?—No.

1105. Did you manage this transaction yourself with Riley?—Yes.

1106. You say the man is now being sold out?—Yes.

1107. Into whose hands has the land fallen?—Mr. Hearn, a neighboring squatter.

1108. Was he the holder of the bill?—No; had nothing to do with it.

1109. What was the extent of Riley’s holding?—520 acres, and he had bad money from everybody within sixty miles of him about.

1110. What is Mr. Hearn’s acreage?—I do not know.

1111. Is it adjoining this ground?—Yes.

1112. What is this land that was sold worth per acre, do you think?—I should think it would entirely depend upon what the man wanted it for—for agricultural purposes it might be £2 10s. an acre.

1113. What did it fetch?—It is mortgaged for £320 in Melbourne, and it was sold for £340 by auction.

1114. That is £600 it fetched?—Yes.

1115. That is including improvements?—The improvements are very small, and what there are are not paid for.

1116. What are the improvements worth?—The fencing on 220 acres.

1117. Where was it sold?—In Horsham, by public auction.

1118. Was there much public competition?—I do not remember.

1119. Were the improvements worth a pound an acre?—I should be sorry to give it.

1120. A good fence would be nearly that; was there no house?—It was a sort of exaggerated barn, a very tumble-down place.

1121. Any garden, or yards, or a dam?—I think there is the natural water storage—no made dam.

1122. You must think the improvements worth a pound an acre?—I know for a fact that this man has had four times the amount of his improvements. He has lived for five years there, and has not done a hand’s turn a week.

1123. He owed about £290; at what rate of interest?—I could not say exactly.

1124. He is one of the doubtful class; is he a 60 per cent. man?—No, not nearly that. I lent the man about £150 first, and charged him 10 per cent. per annum, and 2\(\frac{1}{2}\) commission; and his securities were not worth that umbrella. He was brought to me by a man I had every respect for.

1125. He states that he has received £170 in all, which has grown in your hands to £249; that is his statement?—He has misstated.

1126. He swears “That he will make it hot for Mr. Hall, before the devil gets him”?—That is on a par with all his doings.

1127. Did you say the land for the squatter?—No, I did not even bid for it. I would be very sorry to have any further transactions with him. That is the only instance I know of in the district where the land has gone into the squatter’s hands. The universal feeling is to keep the selectors on the land.

1128. The principal selection took place three years ago. The leases are only now being issued to the great bulk: do not you think that a large number of those men who are paying 30 and 35 per cent. will have to let go?—Take it the other way—suppose the man could have borrowed £100 on it after a year, that would have put these men straight, they would have been able to cultivate their land.

1129. What about the drought?—There is a great deal more said about that than there is any truth in. In nine cases out of ten the truth is that the land has not been farmed.

1130. Have you done any business about getting leases for the selectors?—No, I do not trouble about that.

The witness withdrew.

Joseph Foehler examined.

1131. What are you?—Hotelkeeper in Horsham.

1132. Do you know the persons named Janetzki, the selectors near Dimboola?—I do; there are three—father and two sons.

1133. Do you know the whole of the circumstances connected with their selection, and the steps they took to borrow money thereon?—I do.

1134. Did they consult you about it?—Not the first time. After they negotiated the loan they came to me.

1135. Do you know the amount of the loan?—£250.

1136. When did they borrow it from?—Guthrie and Co., through Hall.

1137. Do you know the amount of interest they have to pay?—It was understood 10 per cent, and 2\(\frac{1}{2}\) commission.

1138. Did they give bills?—They did.

1139. Were they to pay commission each time?—No.
1140. Did they give one bill?—I will state the circumstances. They lent the money on the understanding to have four-monthly bills, renewed three times for twelve months. At the time he said he could not reckon the amount, how much it would come to, and Hall induced him to sign a blank acceptance form, and then they came to me. I said I should go and see that the acceptance was filled up afterwards. I went over about a dozen times. He always had some excuse, saying it is plenty of time, or some trifling excuse. I said, "Do not fill the acceptance, or if you have filled it up let me see it;" but he never did, and I got tired of it at last, and bothered so much more about it.

1141. Did you ever see any acceptance at all?—No.

1142. Do you know what amount was in the acceptance?—I had better continue my statement. After about a month, instead of few months he made it three months. Mr. Hall came and said, "What about the Janetzkis?" and I said "What is up?" He said, "They have not come down to renew the bill." I said I did not know anything about it. He said, "I have written up, and I suppose they will come down." They came down, and he made them sign a blank acceptance form again.

1143. Did he produce the old bill?—No. I believe Hall was manager of the Suburban Bank at the time, and he sent them to his private office, to his brother,—(the bank is not here now)—and he made them sign a blank acceptance form again, and he said he would fill it out afterwards; he told them that.

1144. What became of the old bill?—They never saw it.

1145. That Mr. Hall still had that?—Yes.

1146. Did you ever find out whether that bill had been discounted?—No, I could not say. A fortnight after he took the renewal he took out the write.

1147. Did you see the renewed bill?—They told me he had signed it at his office. I did not see it.

1148. Did he serve any notice on the Janetzkis that their bill was unpaid?—He sent them a letter to come down and renew the bill.

1149. Then he sued them on the old bill?—No, on the new bill. He took a writ out for £316.

1150. Did you see the writ?—Yes, I did. Just as it happened they were at my place at this time when the bailiff served the writ on them. I took their part, and employed a lawyer right off, and gave him instructions. He went to Hall, and met me by it. He said he had to pay; he could not wait any longer. In that bill there was £20 included in the £316 which the people held the receipt for in his own handwriting.

1151. Of the old amount?—Yes; he included it in the new bill though, that is the twenty pounds.

1152. They held the receipt?—Yes.

1153. Which of the Halls was the manager of the bank?—H. K. Hall. Then he kept on promising over and over again to settle the affair,—tried to get ten days of time to go by. He said, "Come down and settle matters," but did not settle it.

1154. What was the object of putting off?—To get the last six days of the writ notice expire, and then seize on them.

1155. How many days had expired when the thing was settled?—It was within the last day. He had actually arrested them up here from Stanwell with the writ to be ready.

1156. And you told him you would settle before that?—Yes. The lawyer got leave to appear in the meantime.

1157. What amount was tendered to Hall?—£250 back, and fair interest, as agreed.

1158. You know about the £48 of the £250 was to be used for paying rents; do you know anything about that?—Yes,—the old £109 in the bank at Dublin—he was going to use £100. I was going to receive £102 and place it in the Colonial Bank to their account; and £48 he was going to pay for rent.

1159. Did he pay it?—He never paid the rent; but he had to refund the money to the people. He had to deduct it out of the £250.

1160. How much interest, altogether, was paid to Hall?—We paid £275; and he had to pay all the law costs.

1161. The claim was £250; but he did not pay £48 at the time?—No, he did not.

1162. The £48 was only taken off when you settled the affair; how long after was it when you went to settle the affair and told him?—About four or five months after everything was settled.

1163. After you paid the £275?—Yes.

1164. Then you had to get the £48 back?—Yes.

1165. What means did you take?—We had to engage a lawyer to make him pay it back.

1166. Then the real loan was only £202?—Yes.

1167. Then you paid him £75 Interest?—Yes.

1168. For how long had they the money?—Four months.

1169. Then you paid £73 interest for £200 for four months?—Yes.

1170. After that he refunded £48?—Yes. As I paid him that money, he had to pay all the lawyer’s fee and his own expenses; and he gave me an undertaking to hand over all the papers.

1171. How long was it after you settled that you had to look into this £250 business?—Five or six months.

1172. Are those Janetzki people who understand any business?—No.

1173. Suppose you had not interfered, they would have lost the lot?—Yes.

1174. What are they?—Poles. At the time I paid that money he gave an undertaking to hand me all the papers connected with it. It was four months before I got the papers. Guthrie would not hand over; they said, "Pay the balance for the law costs, and then we will hand over." At last we got it without paying—a good while after; we had to engage a lawyer for that also. The Janetzkis were down in Horsham to get the lease. They got the answer, "As soon as you pay the rent you will have it." They made sure that Hall had paid it; and that was the way they found it out.

1175. How long after that did you get the money back?—A couple of weeks.

1176. Did Hall dispute it?—He did at first, but at last gave in and gave the money back.

1177. Did you advance the money to the Janetzkis to take it out of his hands?—Yes.

1178. You managed it for them?—Yes.

1179. Did you pay the rents?—No; they found the money themselves.

1180. I suppose it is pretty general the complaint about the way the settlers are treated by those professional money lenders?—I hear a good many complaints.
1181. How long have you been here?—Six years.
1182. Do you think the settlement is satisfactory here?—Yes, I think so.
1183. Are there a genuine class of people, who wish to make homes for themselves?—Yes.
1184. Are there many Germans?—A great deal of them from South Australia and Hamilton.
1185. Where are they?—In all parts.
1186. Did you ever hear any complaint about the time of license being too short?—In some cases I have.
1187. Do you think it would be a benefit if the time of license were extended for six years, that is, that selectors should be allowed to occupy for six years at a shilling instead of three years at two shillings?—In some cases it would be a benefit, and in others not. In one case it would be easier on people who have not money enough; they would not have to lay out all the money right off on the improvements; but in the other case there are many who have no money to begin with, and those expect, as soon as they get the lease, to pay off the whole of their debts.
1188. Am I to understand that the poor man, who goes with scarcely any money on the land, would be benefited by extending the time?—Yes; I believe on the average.
1189. What class of selectors would be not benefited from extending the time?—It amounts to very much the same, because those who have nothing run up a score in expectation of a lease; but I dare say it would come pretty well equal if they had not got so much to lay out on the land. They could do all the improvements on the land, and go and work for other people.
1190. If some system could be adopted by which money could be advanced at reasonable rates of interest would it be a good thing?—It would answer very well.
1191. Could the selectors he trusted to expend the money judiciously?—Yes; a small amount would be of great help to them.
1192. You think there should be some restriction on the amount?—Yes. I would not give unlimited credit, but let it depend upon the circumstances of the case.
1193. By Mr. Hall (through the Chairman).—When you came to me you did not tell me that these men had previously raised an amount of money on the same security that they gave to me?—In the first place I never came, and I had nothing to do with that at all. I had paid that off.
1194. Why did you send them to me and allow them to give a fresh mortgage on what was already mortgaged?—I had paid that off myself previously. It must have been just about the time.
1195. The firm I represented went to appear for the mortgage, and found that another firm had a mortgage, and these men knew it?—I will not say it was paid before, but it was paid before the bill came due, and you got notice of it.

The witness withdrew.

Henry Richard Kruger examined.

1196. What is your occupation?—Manager of the Colonial Bank of Australia, Hobart.
1197. How long have you been manager here?—Two years. I have been here altogether four years.
1198. Can you tell us about the system of operation in accommodating selectors with money—is it usual for the bank to advance the money direct to a selector on application, or is he obliged to employ an agent to get what he wants for him?—The banks, as a rule, advance direct only, according to my knowledge.
1199. Do you know of the practice of agents getting money from the banks and then advancing to the selectors?—I do not.
1200. Mr. Bennett seems to have been mixed up with your bank in transactions of that nature?—If he is a constituent he is bound to be connected with many things.
1201. Will you explain how it was that your bank served a writ on a selector for money due?—If our bank did so no doubt they gave value for it.
1202. How does that coincide with what you say that the bank does no business with agents?—They do not.
1203. We want you to explain. Here are two writs; one by Bennett against McShannon for £400, and the other, Colonial Bank against McShannon, for the same amount?—I suppose that must be right.
1204. We asked Mr. Bennett whether your bank did business through the Trade Protection Society. Does your bank employ the Trade Protection Society?—This information I cannot give unless I receive instructions from head-quarters.
1205. Who is the bank's solicitor?—Moore, Moolo and Schollen.
1206. If you were collecting money, would you employ your own solicitor?—I would act through our head office, but I suppose the bank would employ their own solicitor.
1207. Do you know anything about the issue of that writ of your own knowledge?—[showing the same to the witness]?—No doubt it must have gone through my hands.
1208. In this instance you have dealt with no agent?—No.
1209. How do you account for the bank suing the selector?—If a man hands in a bill for discount, and, if the bill is not paid, I suppose the bank can sue a writ.
1210. Did this solicitor deal with your bank?—No.
1211. Or you any money from you?—No.
1212. Then bow your bank nothing beyond the contingent liability as the acceptor of the bill?—Decidedly.
1213. In banking matters is it not usual for the bank to look first to the drawer for payment of a dishonored bill?—I believe it is usual.
1214. Is it usual to give notice of dishonor on both parties?—Sometimes, it is not usual.
1215. Mr. Bennett stated that he had transferred his debt to your bank. Do you know about that?—No; a constituent who hands a bill into the bank it becomes the bank's property.
1216. You do not recognize that you have had any dealings with McShannon?—Not the slightest.
1217. You cannot explain the existence of this writ?—Not at all.
1218. You never heard of it before?—It must have gone through my hands.
1219. The instructions to issue must have gone from you?—Yes.
1220. Could anybody else have done it?—No.
1221. Will you make enquiries about it?—I am quite satisfied about it. It must have been we who did it.
1222. Is it not possible for anybody else to use the name of your bank for a writ?—No; it is not at all likely.
1223. These writs were issued on bills not yet due. Do you ever take proceedings on bills not due?
—Banks, as a rule, do not. It is unusual to do so on a current bill.
1224. Has there been any restriction to your knowledge in the banking advances to selectors?—I believe there has.
1225. To selectors principally?—No; I think it has been pretty general, as far as I can see.
1226. Do you advance to selectors at all now?—It all depends.
1227. As a general thing you can affirm that the accommodation that was formerly extended to selectors is restricted?—No; I think the banks now have more money out than ever.
1228. One witness stated that the banks have instructions not to advance to selectors?—It all depends. Some I would advance to, and some not.
1229. An ordinarily decent man with his lease could get money?—Yes; if I knew him, I might accommodate him.
1230. You have no instructions prohibiting you from making advances, apart from your own discretion?—I do not think that I ought to have to answer that.
1231. Is the restricting to the selectors due in any way to the order issued by Mr. Longmore, that a selector cannot borrow more than £1 an acre on his selection?—I do not think so.
1232. It has not had any effect?—It has not had any effect. If a man has borrowed to the extent of £1 an acre I think he has quite enough.
1233. If the term of the license were extended to six years, would that be beneficial?—They would not have such scope for getting credit, and would therefore be in a better position—infinitely better. The storekeepers would not be so willing to give them credit.
1234. And if the rent were reduced to 1s. also?—I think that would also be an improvement.
1235. So a man could make his improvements at his leisure?—That is quite my opinion.
1236. Do you think the operation of the Local Act has been successful in this district?—In what way?
1237. In forming permanent settlement on the soil?—I think so, decidedly.
1238. Has there been an absence of dummying in this district?—I think there has been very little indeed. I was eight years in in the Western district before I came here.
1239. You found dummyism stronger there?—Yes.
1240. As a general rule do you think that the selectors in this district are plunged in debt?—I am afraid there are a good many of them just now.
1241. I mean, is there a large proportion very much involved?—No; I think not.
1242. Are there a good number?—I do not know. I do not think there are many who will have to leave their homesteads.
1243. A good season would put them right?—I think so, quite.
1244. We are told that many selectors in this district who do not see that they are getting on, and who are getting a little in debt, sell out to neighboring selectors?—Yes.
1245. Are there many of those successful men aggregating small estates together?—I think there are very few indeed.
1246. Suppose a man of that class applied to your bank, would you consider that the sort of man to help—the man who had been so successful as to get his own selection quite clear and want to purchase another?—I think if he had sufficient security the bank would not hesitate about helping him.
1247. Are there many such instances?—I know very few indeed.
1248. Have you any idea of the size of the holdings in those few cases?—About 900 acres. I know a few from 900 to 1,200 acres.
1249. What are the prospects of settlement here, do you think, if there are good seasons?—We have had two or three very bad ones, and the farmers have had to put up with a good deal of inconvenience, and are very short of funds. I think two or three good seasons running would be required to set them up completely. The present looks as if it will be a good season, but two or three good seasons would put them completely out of their misery.
1250. It seems a good soil?—Yes, very fine.
1251. Are the prospects of the farmers brighter than they have been since you have been here?—Yes, I think so; much brighter.
1252. When the railway opens the farmers will be able to get a higher price for wheat, and that will set them up still more?—I think it will make a vast improvement.
1253. At present they cart to Stanwell?—Yes. Land is low in value just now, but if the good seasons continue the land will fetch £4 and £5 an acre in a few years.

The witness withdrew.

Stephen Henry Smout, examined.

1254. What is your occupation?—Farmer and small storekeeper.
1255. Where?—Eight or nine miles from here, in the parish of Kalklee.
1256. Did you select under the Land Act of 1890?—Yes.
1257. What acreage?—320 acres.
1258. Have you left the licensing period and become a leaseholder?—I am a leaseholder.
1259. How long have you been?—First August last I was entitled to my lease; I got it in December.
1260. Have you any information to give as to the difficulties selectors have to contend with?—Very bad seasons have been the great difficulty since we came up. We have had no prospect of keeping our heads above water till this year.
1261. Are you one of the selectors who have been obliged to obtain accommodation from money lenders?—Yes; I spent about £1,000 on the place in improvements, and several bad years left me that I had to borrow. I got advances from the bank, and I am endeavoring to borrow money now.
1262. You pay the ordinary rate of bank interest?—Yes.
1263. You heard about the selectors paying very high rates?—Yes.
1264. You have only 320 acres?—I am getting 155 more, the next block. It is a family arrangement with my sister-in-law.
1265. You have had plenty of opportunities of how the selectors have been placed through the bad seasons?—Yes.
1266. Is the country well settled by bona fide men?—They are all bona fide; there is not a particle of humbug in our district.
1267. What is the value of land in your district?—About £3 an acre; there was a block sold for that lately.
1268. If the selectors were offered £3 all round, would they sell out?—A good many would, with a view of improving themselves elsewhere. Bad seasons have frightened them; they would go over the border.
1269. A sort of despair after the bad seasons?—Yes.
1270. Not because they have been mere speculators?—Not at all.
1271. Have you been obliged to give much credit to your neighbors, and do you find they have great difficulty in making their payments?—They have had nothing to help them since they came up—they have had no crops to assist them.
1272. Are there many on your books?—Not very many—some small accounts.
1273. When you apply for settlement of those accounts do they say they will borrow when they get their leases?—The general answer is, "Wait till after harvest."
1274. You do not think they are looking out for their leases?—No; but generally when they get their leases they have to get accommodation on account of the bad seasons.
1275. They are relying on the harvest to put them right?—Yes.
1276. Do you think the system of lending money by some institution at a low rate would be good?—It would, if it came in time.
1277. Judiciously spent money—say on rent?—Round me they are all an industrious, frugal population.
1278. Suppose when all you came up here to select that the law should be this—that you would have six years allowed as the preliminary licensing period for the purpose of making improvements instead of cutting it into three, and instead of paying £6 per acre for rent you had only to pay 1s, would that have conduced to a better state of things, and made the settlement more permanent?—I do not know that it would be more permanent. If we had had good seasons after we came up it would have been all right. The lease coming at the end of three years would have been just what the people wanted, but having bad seasons it might have been better to extend over six years.
1279. Such a provision would fortify you against the accidents of climate?—I do not know that. I think it would be just prolonging your misery six years instead of three if the seasons were bad.
1280. The principal selection was three or four years ago?—Yes.
1281. Then the selectors who took up then had bad seasons right through?—Right through; we have had nothing to help us right through.
1282. What is your opinion about what I have mentioned—would it be an advantage to have the licensing period six years instead of three and the annual rent 1s. per acre instead of 2s.?—I really do not think it would be much advantage.
1283. Would it not in this way—that the man having little to pay would be able to do more work?—The less he had to do the less he would do, the longer time he would have to do it, and at the end of six years he would have less improvements than at the end of three—the class of man that you refer to.
1284. That is a class of bad men. I want to get at this point—owing to the shortness of the licensing period now the selector is made to rely on the artificial support by loans; would it not be better for the man and the system that the man should be lightly burdened and have six years' march over the difficult ground, and give him time to earn the means as he went along?—Assuming he came on the ground without anything at all; but in that case he would be without a feather to fly with.
1285. Assuming that he came with £200, would it not be an advantage?—I do not know that; if he got his lease quicker he could go more largely into farming, and buy machinery, and get his farming done at a cheaper rate.
1286. After he speculated in this machinery the seasons might turn out bad, and he would be embarrassed?—I do not suggest he should speculate.
1287. It would be a speculation if he did not do it with his own capital; if he borrowed money to buy farming utensils, if the season turned out ill the machinery is no use and the debt hangs about his neck?—Yes; but he could not get on with his farming without those things successfully; farming on a small scale will not pay here, you must go into 100, or 200, or 300 acres.
1288. You have 320?—What are you to do to raise your stock?
1289. What would you do to ameliorate the condition of the selectors?—Increase the area to 640 or 1,000 acres.
1290. Even though they had little capital?—I do not draw the line there, if the man has no capital. I think it is wrong to let a man go on at all if he has no capital.
1291. If a man with £200 can go on 320 acres, would he not have to borrow more to go on 640 acres?—No; he could graze sheep, and have a boy to look after them. In the Western district 320 acres is a good farm, but it is not here; 100 acres of grass will not give you more than enough for a couple of horses or so. There is not a full covered sod on the ground here, all through it is patchy.
1292. What is the average yield in a good season?—I do not know; they have had 25 bushels, but I think the average is 10; last year I had myself 48 bags off 55 acres.
1293. How much does a bag contain?—Four bushels. Then if you fall back on sheep. I started with sheep, and when the sheep had eaten all the grass, and the water was all gone, we could neither sell them, or keep them, or give them away.
1294. You think that 640 acres is the proper amount?—Yes; but I do not think that applies to all parts of the colony.
1295. Have you had a long experience of this district?—No; I came from the Geelong district.

1296. There is much less rainfall here?—This season we have had splendid rains all since February—more than we used to have down Geelong. We can see with rain here every month in the year, the ground absorbs it so quickly.

1297. The two leading features of your testimony are these, that it would not be any great benefit to extend the licensing period and to reduce the rent one-half?—It would be a great benefit to reduce the rent, but not to extend the period of licensing.

1298. The next leading point is that a 520-acre farm here is altogether too small to grow the climate?—Owing to the climate and the character of the soil—that is not first-rate; it is fine to look at, but if you try and grow anything on it, except just now when every place is wet, it will not grow. In the parish of Kalkoe there is no bottom—It is a very wet soil, and it soon dries up after a few weeks' sun.

1299. With sufficient moisture you can grow anything?—Yes, if it continue.

1300. Do you know the average rainfall for the past three years?—No.

1301. You could easily get it and that out what the rainfall is likely to be?—The rule has, I think, been every few years a dry season.

1302. Are there many persons in your neighborhood wishing to purchase out the neighboring selectors?—Very few are in that position.

1303. What is the prevailing opinion about the area of selection?—The opinion I have expressed, and I have had opportunities of conversing with great numbers.

1304. Supposing with the remaining lands a regulation were passed allowing 500 acres, would that cause the present selectors to give up their allotments and go to the new ones?—Not unless it was to their advantage, but I would not allow that. I would like to see residence enforced on the new selections by any one that would select; and the present selectors, who would be allowed to extend their selections, should prove their bona fides by residing on their own.

1305. Then the only way to cure things here is for the one-half to sell out to the other half and the rent go away?—Yes, it would be the very idea; then by the lease at the end of the three years you would enable them to raise money.

1306. It would be an impossibility. A selling out here cannot go up north and select 640 acres; he can only get 320—Yes, that is one reason why it is well that a lease of three years enables a selector to sell. Some want to go to other places like Gippeswad, in a different locality.

1307. In your intercourse with the selectors do you find there is a strong desire to have more land than they possess?—Yes, I do. Everyone who wants to purchase a selection wants that. My idea was that I could keep a few sheep in case the crop failed; but if the crop fails the grass fails, and the stock are an instant failure and you have to drive them to water.

1308. Are not the prospects now better than ever before?—Yes we are all full of hope, and the railway will be the greatest possible advantage. At present there is no market for your stock. The butchers will not give you anything here.

1309. With a good season and a railway you will be all quite prosperous?—With a couple of good seasons we will all have our heads over water—we will be all right, I think. I know Mr. Longmore meant very well by interfering in these money matters, but his injudicious interference has driven all the people into the hands of those sharers and money lenders.

1310. By limiting the borrowing power to £1 an acre, do you mean?—Not exactly that.

1311. In what way do you mean?—By his interference the banks have stopped advancing to people. They did not approve of being interfered with. My own opinion is that he has no more right to interfere with your borrowing power, money being a marketable commodity, than with your baker or butcher.

1312. On the contrary, he has, as the head of the Lands, the right to look after the public estate, and if he finds that men run into debt, and are extravagant, and want to speculate because they can get the land at a low rate, it is his duty to interfere to prevent the policy of the State being frustrated, he is bound to interfere?—These men if they cannot look after themselves are not fit to be upon the land. I think a man going to become a few pounds below has the right to go to the cheapest market, the same as to what butcher and baker he chooses. The banks used to let us have the money at 10 per cent.; now we have to go to an agent and pay commission.

1313. Every bank manager here that we have examined says they do not even do business through an agent?—That is all very well, but indirectly the do it, they supply the money before Mr. Longmore interfered the bank was very civil to the selectors.

1314. The managers of the banks have stated that the regulation has not caused any restriction of the kind; if there is any it is generally owing to the tightness of the market?—You ask every selector in the room; I will guarantee they will bear me out. The men come in every day telling me about this banker and that squeezing them up.

1315. You think the real reason is that these restrictions have affected it?—I know it was about the time the regulations came the banks began to screw the people up; if it were not for the banks there would not be many of the selectors here now.

1316. You do not accept their explanation as the true one?—No, I do not. I know it is not.

1317. They state that the limitation of accommodation now in force against the selectors is one that is against stockkeepers and the community generally; and one gentleman stated that he had special directions, not to open new accounts in the way of advance to anybody, even on freehold, and the reason he assigned was the great scarcity of money at present?—I do not know about scarcity, I see the National Bank has bought £100,000 worth of gold spec at 6 per cent., and they could get 10 per cent. here safe. I know there was never half the agency business till the order was issued; the banks will do nothing now except through the agents, and the free selector has to pay 30 per cent., instead of 10 per cent.

1318. You think the area should be increased, and the rent reduced if possible, and the term of lease stated?—Yes, and bona fide residence insisted on, otherwise the towns as dummies would overrun the land; in a week there would not be an acre left.

The witness withdrew.
John Thomas Baker examined.

1290. Are you a selector?—Yes, at jung jung.

1291. Have you any land now?—Two hundred and nineteen acres.

1292. Did you want to get the balance up to 320 acres?—I should like the balance, but my grievance is not as to getting the balance.

1293. What is it?—I have a selector next to me not a bond fide selector—nothing but a laboring man, who never resided on the land; he lives adjoining me—he always works for Mr. Huf. Last January twelve months I had an information against him to Mr. Madden at the Lands office. They kept it a long time. I kept sending private letters to Mr. Longmore in the lands office in Melbourne, and he wished me to have it heard at the Horsham court or in Melbourne. I told him I could not bring the witness to Melbourne. After six months it came forward; I got a day, my evidence was given, and the land was forfeited, and all improvements fell to the Crown. After it was gazetted and pegged eleven applications went in to Mr. Madden in the court, then it was withdrawn. I asked Mr. Madden what was to be done; I said "I want to know the reason why it was not reserved!" so he told me I had better write to Mr. Longmore; so I did again, and Mr. Longmore sent me back the particulars: he said that Kuhnâh had been down and brought the bills when the case was tried in Horsham, and here he denied it; I said he owed nothing to anyone. I went to Bennett and asked him what Kuhnâh said, and he said Kuhnâh never sent him anything but the one that was through Huf, and he gave me a letter to his brother. Mr. Bennett said he had no dealings with him. Kuhnâh wanted a receipt from Mr. Bennett for two tons of wire which came through his agency for Mr. Huf.

1294. Do you mean that the man was in possession of some of the bill-heads of Bennett—and what do you mean by bills?—False bills, to get his ground back again. He went down to say he owed this money for the license, and he never resided on the ground in his life.

1295. Did you see the bills?—No.

1296. Did Mr. Bennett tell you he had supplied the money?—He said he had not.

1297. Where did he get the bills from?—It was worked this way: Mr. Huf had bought two tons of wire from Mr. Bennett, and he sent Kuhnâh to reduce it on him.

1298. Was this wire used on the selection?—I cannot tell you that; he selected in 1873, and everything was done in 1873, that is fifteen months before he had his application papers, house, dam, and everything.

1299. What was done?—The land is standing there now.

1300. Is this man still holding?—It is still in the name of Kuhnâh.

1301. Then the forfeiture has been removed?—It was forfeited.

1302. Then applications were sent in?—Yes, and none were granted.

1303. After that the forfeiture was revoked; was that so?—No; Mr. Longmore sent me up the letter and going to be another hearing. I sent back another letter, saying I could not attend, it was too much expense. I employed a solicitor, and he stood in my place. He asked Kuhnâh about the bills, and he said he could not give any decided answer; and he said "Who paid all your expenses coming to Melbourne?" and he said Huf gave him £10.

1304. You mean to say that the land is really dummied by Huf?—I do say so and I swear it. The land was forfeited again and pegged the 30th April last, and being holidays there was no application given in till the 24th. There were seven applications given in; I was one. I got the application written out and signed, and I went back and paid my money. Thirteen days after that I had a letter, sent from Mr. Madden, that they were going to grant Kuhnâh a re-license. I wanted to know what that meant. I found out since that Mr. Kuhnâh and Mr. Huf, the pair of them, had been forging and giving Bennett money to go down for them. Bennett told me that himself. He assured me that I was off the land, and he said if I had paid him he would have got it for me, and he held up the lease and said "Here it is," I said "I know it," and he said if you give me £50 I will go and sell Kuhnâh over again." and I said I would not give him fifty halfpence. Huf went to my lawyer and offered him £25 to fling me overboard.

1305. Kuhnâh has the land again?—It is not decided.

1306. You think Bennett was pretending; what lawyer did you employ?—Mr. Twigg, of Horsham; he employed a lawyer for me there.

1307. Then your complaint is this, that this land is held by Kuhnâh, and that he is a dummy for Huf, and you want to put an end to that state of things and get a fair chance of selecting yourself?—I have as much right as anyone else.

1308. You have the right because you found out the dummying?—Yes.

1309. If you can prove to the satisfaction of the land Minister that this Kuhnâh is a dummy you are entitled to get the land?—When Mr. Longmore was here, I told him all the nay, and he told me he was quite aware that Kuhnâh was Huf's dummy.

1310. Then it is not settled yet?—He has just dabbed it over again, there is just this bilbo.

1311. Had Bennett really got a release?—He showed a bit of paper, and held it up, but I am sure he had not it.

1312. Do you wish the Commission to bring this matter before Mr. Longmore again?—Yes.

1313. The secretary will make a note of the matter—how long have you selected?—Four years—I had my lease last August.

1314. Had you capital when you came on the ground?—Yes, I brought everything—machinery and everything from Mount Gambier.

1315. Are you satisfied with your settlement?—Yes; when I came up I pegged the full amount, but there were others round me, and I could not get the full amount; and besides, that, there were other dummies, and I hunted them off the ground.

1316. Is 210 acres too small for you?—Yes; I have got a living out of it, but I have six in the family at home with me.

1317. How much land do you think one selector ought to have?—I can do very well with 320, but if I had the land ten years back, when I had a small family—I should like a larger piece, but I could do with it, and I would have been very thankful for it.

1318. Have you ever been in the hands of any of the money lenders?—No, I never had anything to do with any agents—I pay my own way—I know very well if I did my hand would always be in my pocket. I know they are nothing but a lot of pick-pocketers.

The witness withdrew.
1349. You are a selector in this neighborhood?—I am.
1350. How long are you here?—About three years and a half.
1351. Have you got your lease yet?—No, I have not.
1352. How long has it to run before you get it?—I should have got it now; I have applied for it.
1353. What is the amount of your selection?—200 acres.
1354. Have you fallen into the hands of the money lenders?—No.
1355. You came on the ground with some capital?—A little.
1356. Are you able to throw any light on the difficulties that surround selectors?—They have been in considerable difficulties for the last three years; all owing to bad crops and dry seasons.
1357. How far is your holding from Horsham?—About 10 miles; it is at Kalkoo.
1358. Do you think that 320 acres a sufficiently good farm for a man here?—I do not.
1359. You are exceptionally badly off with only 200?—One of my daughters has selected 320 beside me, making 520 altogether.
1360. Why did you only select 200?—There was no move at that time.
1361. Was it owing to your having land in any other part of the colony?—Yes.
1362. Where?—Down in the Western district.
1363. You do not hold that still?—No, I have sold it.
1364. Where was it?—Down in the Portland district.
1365. With those 520 acres you can get on famously?—We can get on, but, if it was extended, we could get on better.
1366. The mere extension without capital would not benefit you. What would be the good of that; would it not only cause a man to get into debt?—Even if he went into debt he would make it pay better; by having the holding extended he could carry stock in a bad season. You have no sheep, whereas if you had an extended area you could have 500 or 600 sheep.
1367. But the season that is bad for cereals is bad for grass?—Not as a rule. I think sheep can thrive where you cannot grow crops; I have tried it. I have held sheep for the last three years, and found they paid better than cropping.
1368. Do you think it would be any advantage to extend the preliminary licensing period?—I am of opinion that the bona fide selectors would have no objection at all to it. A man, of course, with no capital, it would be a different thing for him to get on, but the man of slight means would have no objection to it.
1369. It gives him more time to make his improvements?—Yes.
1370. If along with that he had his rent reduced from 2s. to 1s. per acre?—It would be a great advantage to him.
1371. In fact such a system as this, six years to make improvements, 1s. an acre per annum, would not this, in a great degree, obviate the necessity for borrowing money?—Yes; certainly it would.
1372. The selector could earn money in a variety of ways by working for his neighbors?—The only hardship I see would be this—that the man with no means at all getting on the ground, of course it would be almost impossible for him to get credit.
1373. If the storekeeper is willing to give the man without money now where he has a three years' license why not for six?—The time is lengthened; he would have to wait such a long time for his money.
1374. He advances on the good character of the man now?—But the time is doubled.
1375. The extension to six years would force a class of small capitalists on the land to the exclusion of the men with no money?—Yes.
1376. Could the men with no money get on?—It would be almost impossible.
1377. He can now because he gets accommodation?—Yes.
1378. He could not with extension to six years?—Not as a rule.
1379. You have not felt the necessity of applying for money?—No.
1380. Do you know, taking the character of the selectors generally, about what percentage are laboring under a serious want of capital to carry on their holdings—would it be half?—I dare say it would be more.
1381. What proportion of the selectors go upon their selections without any capital at all?—That would be a very difficult question to answer.
1382. What is the average capital that a selector goes on with in this district?—I could speak within a radius of two or three miles round, but not further.
1383. What is your experience then?—An average of £200 or £400.
1384. Would a man with three or four hundred pounds be pretty safe?—Yes, I am certain; I know some that have struggled for three or four years without any capital at all.
1385. Can a man succeed without capital at all?—I cannot see how he could.
1386. Men do not take up land unless they have some little money?—No; it is ridiculous for them to do it.
1387. Would any man with less than a hundred pounds take up lands?—Yes.
1388. Lots have gone it?—Yes.
1389. To make selection permanent in this district you think it is necessary to combine grazing with agriculture?—I do; it cannot be very successful without it.
1390. To meet that, you think he ought to have at least 640 acres?—I do.
1391. Have you experience of any other districts beside this?—No.
1392. Is it the feeling throughout this district that it would be well to sell out and get 640?—No.
1393. A large class can do on 320 acres?—Yes, I believe so.
1394. From what you know of the selectors in your neighborhood, and their wants, do you think the system might be advantageously adopted by which loans from the State might be made at low rates to those men—would such a system be beneficial?—I think so.
1395. Could the State safely undertake to lend money to that class of men in your district?—I think so.
1386. Suppose £300 were lent, and they pay back in ten years in instalments covering interest and capital. This would be beneficial to both.

1397. The way it is done in building societies? —Yes.

1398. Have you heard of any cases in your neighborhood of selectors being ground down by these extortionate money lenders? —I have heard of a great many.

1399. Have you heard of any instances? —I have heard of 100 per cent, is one instance; it is only mere rumour.

1400. So that when a man has borrowed £100, when he comes to pay he has to pay £200? —So report states.

1401. You have heard of a good many instances? —I have; 50 and 60 per cent, is nothing according to what I hear.

1402. Then any man starting with capital to lend at 20 per cent, would make a good thing in Horsham? —I should think so.

**The witness withdraw.**

Frederick Vaughan examined.

1403. What is your occupation? —I am a watchmaker by trade, in this town.

1404. Have you selected land? —Yes.

1405. Do you reside on it? —Yes.

1406. When did you select it? —Eight months since.

1407. How do you manage to reside? —I ride out to it; it is very near Horsham.

1408. What is the extent? —313 acres; parish of Durrangas; seven miles away.

1409. Are you in the hands of the money lenders? —Not in the least.

1410. Nor likely so to be? —No.

1411. Are there many selectors like yourself who live in the town and ride out? —Yes, there are a few at the present time in Horsham. I might mention that I have a large family, and I selected for the benefit of my family.

1412. You are carrying out the improvements? —I have done a lot; I have put a good fence on and the hut where I sleep.

1413. When did you commence to live? —Prior to the end of the six months.

1414. And during the first six months you put up the fence? —Yes.

1415. You have stock on it? —No, not at present.

1416. Do you intend to improve the allotment according to the Act? —Yes, I expect the whole of my improvements are on at the present time.

1417. Is there any information you can give to the Committee as to your opinion about the project —about lengthening the period for making improvements and reducing the rent one-half? —I should have no objection to ten years.

1418. Would you be glad to come under that? —I would, if the area was extended to 640 acres. I think the best of the land is gone.

1419. Did you employ selectors in the neighborhood to fence in for you? —I did; four men at a time.

1420. Have you been long in business in Horsham? —Four years.

1421. What do you think of the prospects of the place? —I think they are generally good but for the bad seasons.

1422. You think the settlement is bona fide? —I do.

**The witness withdraw.**

William May examined.

1423. Are you a selector? —Yes.


1425. How many acres have you? —I have two selections—one of 120 acres and another of 163, making 283 altogether.

1426. Are they far apart? —About a mile.

1427. I suppose you took those because you could not get any nearer? —Yes, I was one of the first at Jung Jung, and I was afraid to select more at first for fear I should not be able to carry through.

1428. Did you only select 120 acres at first? —Yes.

1429. How long after was it that you selected again? —About eighteen months.

1430. Have you a family? —Yes, a large one.

1431. Any enough to assist you? —Yes, I have some old enough, and some married and gone away, and some little ones.

1432. Have any of your family selected? —No, the boys are not old enough; and the others are girls and are married.

1433. When did you first apply for your lease? —I applied for my lease somewhere about five months ago, for the 163 acres.

1434. What was the date when you took up the lands? —One was taken in 1873, that land was recommended to me on the 21st May 1873; I did not go to reside on the land for four or five months, as I had a contract. When the contract was finished I had not the occupation paper, and I came to Horsham and asked Mr. Madden for it, as I wanted my family to reside; and he said he had two chains to take off it, and he said, "Well you go and reside on the land, and we will give the occupation paper when we are ready with it." I then occupied the land and built a house, and put 20 acres under crop. I went on for twelve months, and I asked Mr. Madden when I should pay rent and get the occupation paper; he said he had not 141 it, and I had better call again. I called again in six months, and he said then it would have to be re-surveyed, as the survey was wrong. I waited till that was done, then I went again and I was told the maps must be made out, and then I should get the occupation paper. It went on for three years and I had only paid one rent; I had the use of the rent all that time; they would not take the rent from me at the office. I then asked to pay rent and make my application for a lease, and I left my paper to be

**End.**
forwarded to Melbourne. They were a long time before I heard about it; then I wrote asking for the paper, and there is the letter—producing the same—that says my papers ought to have been returned, and those have never been returned, and I was ordered to take the land up; and now I have been living on that land two years, the same piece of land; and I have got no lease yet.

1436. You have not paid rent?—They will not take rent.

1436. The department has kept your papers, and you cannot get your title?—Yes.

1437. Do you know of any other man in your position?—I think there are several, perhaps not the same. I think they have their leases now.

1438. If you will give your name to the secretary, the Commission will see that the matter is enquired into—I will do so.

1439. With reference to that first selection, owing to difficulties in the Survey office, you have been allowed to hold the land for five years without paying rent, except once; and as soon as you applied to have it recommended, they said, "You begin over again, and you will get a re-license"?—Yes. I had to take up the land again at the end of the three years, and have paid four rents. I wanted to pay up the three years' rent and get the lease, but I was not allowed to do so.

1440. And the one that you have had the last three years will not count at all, so that you have had the benefit of that?—Oh no. I beg your pardon, I am getting an old man, and do not want to be always starting afresh.

1441. Did you regularly peg this land five years ago?—I did.

1442. And was it recommended for you?—Yes. I may state that my neighbors alongside of me, who got their land recommended the same day, have had their leases long ago, and I think it an injustice to me.

1443. What reason has the department assigned for not treating you in the same way as your neighbors?—The only thing I heard was at the office, that it would have to be re-surveyed; but all the others have had to be re-surveyed. As to my second case, this is the 193 acres I selected afterwards, I paid the six rents on it.

1444. When did you select that?—I think 1875. I do not remember the exact time.

1445. Are the three years expired?—Yes, and I have paid the six rents.

1446. Have you applied for your lease for it?—Yes; the reply came first through Mr. MacAulay. I first got the reply that I was not entitled to the lease, and after that I got the reply that my lease was in course of preparation; that was the 30th of April 1878. I let the matter go on till last night I received another letter from the Lands Department, asking me to state how long I had resided on the land, and where I resided prior to my taking up the land. Now I never resided on this at all, because I resided on the other selection.

1447. How far off is that?—One mile. I told them in my form that I was residing.

1448. Did you state the distance?—No; there was no such question asked.

1449. You ought to have stated that, and given that information?—But you see they have made it cross by putting this as the former selection, when it was the latter, and the other was former.

1450. "I have to request you to inform me of the exact date you commenced to reside on the land, and where previous to that." I see you have to answer that?—Yes, I ask you to recommend that I shall get both the leases. I am a bond fide farmer; my father and my grandfather were farmers before me.

The witness withdrew.

Hugh McLean examined.

1451. What occupation are you now?—I am living on a farm; my brother-in-law's.

1452. Have you been a selector in this district?—Yes, in the parish of Wall.

1453. What was the extent of your selection?—Two hundred and three acres.

1454. Why did you not take up the whole 203?—I was afraid I could not well carry it on at the time; and there was a lot of land about, and I thought when I got on better I would take the remainder adjoining.

1455. Have you that selection now?—No.

1456. What has become of it?—Mr. Bennett received a Crown grant of it, and he sold it without my authority.

1457. What was the date of your taking it up?—1872.

1458. That would give you your lease in 1875. Did you get out your lease?—It was a Crown grant.

1459. Did you reside for three years and then you got the lease?—No, a Crown grant.

1460. How long ago did you pay that?—About two years ago; no, it is not that—about eighteen months.

1461. Did you pay up the balance out of your own resources, or borrow money?—Mr. Bennett paid it for me.

1462. After the three years' license he advanced the money that enabled you to get the Crown grant; did it ever reach your hands?—No.

1463. Was it taken up in your name?—I never saw it.

1464. Did you sign any documents for any one to get it?—I gave him authority to get it for me.

1465. Did you sign any transfer for Mr. Bennett?—No; for him to keep it. I signed an order for him to get the Crown grant.

1466. How much money did he lend you to get the Crown grant?—Fourteen shillings an acre; the balance on 203 acres.

1467. Did he lend you any money to pay your rents before that?—He did.

1468. How many rents did he pay for you?—I think it was one.

1469. The last one?—Yes.

1470. That is one year?—One six months.

1471. What arrangements did you come to with Bennett with reference to this 14s.; how were you to repay him back?—I intended selling the ground at the time to some one.

1472. And repaying him?—Yes.
1473. You took up this land as a speculation, not intending to stick to it as a permanent settler, and you got the means from Bennett to cheat the policy of the Government and recoup yourself; it is a case of the better bit?—I do not think it is that way. I did intend to stick to the land if I could.

1474. You could get the chance of a permanent hold of it (the Crown grant) you did, and be, having advanced all money to you, seized the land, held your Crown grant, and simply "did" you as you intended to "do" the Government. Did you fence the land in?—Yes.

1475. Did you cultivate any?—Sixteen acres.

1476. Why did you want to sell it?—I started business in another township.

1477. What had you been doing before?—Farming in another part—Hamilton; working on a farm with my father.

1478. Had you any capital when you took up this land?—I had a little more than I have now.

1479. What amount of capital had you—£100?—No, I do not suppose I had that—ready cash.

1480. Did you improve the land to the extent of £200 without any help from anybody. Did Bennett help you to do that?—No.

1481. He paid the rent?—Yes, the last rent.

1482. Was it during that last six months he made the arrangement he should pay up all the remaining money?—It was after I started business in Toona.

1483. Were you living on the ground all the time?—Yes.

1484. Was it during the last six months that you made the agreement with Bennett?—It was after I left it.

1485. How long after—A couple of months.

1486. Then you abandoned the selection first?—Well, I shifted off it, but did not abandon it.

1487. Then, in order that you should not lose what you had expended on it, you got Mr. Bennett to advance sufficient money in order to help you to sell and recoup yourself what you had laid out?—I did not wish to sell it to him.

1488. Has the selection been sold?—Yes, without my sanction.

1489. Who bought it?—Knight.

1490. Did they buy from Bennett?—Yes.

1491. Did you sign the conveyance to them?—No.

1492. Nor authorize him to do it?—No.

1493. You consider yourself a bond fide selector?—I do.

1494. Did you make any arrangement with Mr. Bennett how he was to be paid this advance of £150?—That he was to sell it. He gave me three years to pay the public-house under bill of sale, that I might release the land.

1495. How much did it fetch?—£3 2s. 6d. an acre.

1496. Then it fetched £900, in round numbers; are you certain of that?—He told me that.

1497. Did you receive any of the money from him?—He gave me credit for it.

1498. Did you owe him money before?—I did owe him one rent after building the house.

1499. How much did you owe?—I could not be sure how much to £4 or £5.

1500. It has been impounded to you that when you took up this land you intended to sell it?—I intended to reside on it.

1501. And bring up your family—that was your honest intention?—Yes.

1502. Why did you not do so? I found the block was too small, and I thought I would do better at business. I had always to be out working; I had to keep the farm instead of keeping me.

1503. What was Bennett to give you in return?—I was starting business, and he said he had an allotment of land that he would sell for £20, if I liked to start there.

1504. Was the land sold to you?—The house was built.

1505. What occurred after that?—Bennett received the Crown grant, and he sold it; and then he served me with a summons to put me out of the other—to put me out of that also.

1506. He got £3 2s. 6d. for the ground?—Yes.

1507. Then the money he got was far in excess of what you owed him?—He did not make it out so.

1508. Did you owe him £500?—I might have got goods off him to the amount.

1509. What business did you start?—Public-house.

1510. Did you buy your stock off Bennett?—Yes.

1511. Was that allowed against the £900—did you pay him any money?—I paid him some.

1512. Did he lend you any to build the house?—No, that was deducted out of my own money.

1513. Did he give you any balance of money at all?—No.

Mr. Bennett.—McLean is a man who has shared everybody in Wimmera district, and he thought to sharp me. He asked me to get the Crown grant, to get rid of his creditors, and I started to do it. At the same time I took the transfer of the land, putting the Crown grant in my own name, and it has been through the courts before. Having got the Crown grant, McLean thought he would like to start an hotel, and he built it out of my timber-yard; and he drank about £100 a month—he is a hard drinker. Our account was about £1,400. I sold the selection, and tried to sell the hotel, and he is now in my debt some £100.

1514. To Mr. Bennett.—How long ago did you get the grant?—Fifteen moons.

1515. Did you get the Crown grant in your own name?—Yes; there is a legal way of doing that, McLean transferred it to me first.

1516. Was that in the time of Mr. Gillies?—No, in the time of the present Ministry. This is an isolated case in the whole of my transactions with the Wimmera district. I defy anyone to show a case where I have driven a man off his land, because their land is my living. This is the only case; and I think it would be a benefit to this country if men such as this were sent out of it.

1517. How did you hope to get £1,400 out of him?—It went on without my knowing; I went away for a month's space, and when I came back things were mixed.

1518. How long after did you discover the amount of the debt?—I was away about a month.

1519. Did you discover that he had run on, then, and thought it time to put a stop to it?—Yes, building an expensive hotel out of our timber-yard—£100 a month.

1520. You held a lien over the building?—Yes; it was a good job we did. William Knight, a bond fide selector, holds the selection now.

The witness withdrew.
Ferdinand Haberman examined.

121. Where do you live?—I live close to the border of South Australia.
122. Have you selected land?—Yes.
123. How much?—Three hundred and twenty acres.
124. When?—About eight months ago.
125. Are you living on the land now?—Yes; I commenced as soon as I got the license to occupy.
126. Have you got a house on it?—Yes, and some fencing now. It is not my own grievance I am come about; it is my neighbor's. The subject of complaint is to ask the Commission to use its influence to remove the duties we have to pay in crossing the border. Selectors come from the other side and have to stop a whole week before they can move an inch, because they have not paid the duties. The Customs officer resides thirty miles away, and if the selector crosses the border it is afterwards caught by the Customs officer, his goods are impounded. We have had cases of the sort.
127. Is the Customs officer always on the spot?—No, he is not. It is thirty miles away.
128. Where do you live, and where does this happen?—The place I live is the parish of Yanakie Yankie.

129. Where is the Custom house officer?—At Lawloit, eighteen miles from me and thirty miles from the road. You must also bear in mind that Mr. Madden states there is 500,000 acres of good land to select; that is only in my neighborhood, and is getting taken up by South Australians; consequently every selector has to pay a heavy charge, before he can come on the land, for his old chattels and farming implements.

130. To the Government of South Australian?—No; to the Government of Victoria. Some parties have paid to pay £15 or £16; others more. Some have not got their machinery yet; they do not know whether they shall bring it here, because they will have to pay £30 or £40 of duty on the articles.

131. What sort of articles are those?—Strippers and ploughs.
132. Any steam-ploughs?—No steam-ploughs.
133. How is the Government to discern whether you bring it over for your own use or for purposes of sale?—They are mostly old things. Nobody brings new articles. They could put a man on oath as to that.
134. Have you to pay duty on a used plough?—Yes. This is a thing I will bring before you expressly. The Customs officer there asks what you pay for this article when new; charges the value on it when new, and adds 10 per cent, which he says, in a letter to the Winjerra Star he acknowledges, he is authorized by the Government to charge 10 per cent.

135. He charges on an old spade as if it were a new article?—Yes, and 10 per cent more. He charges more than 20 per cent, which his own letter will prove—[handing in the following letter from the "Winjerra Star," Letter signed "Justice," 27th May 1878.]

136. THE BORDER DUTIES.

To the Editor of the Winjerra Star.

Sir,

Had I not seen your editorial remarks on your correspondent's letter from a place called Pittsburgh, in the Malee, I would not have taken any thought to trouble you, but have passed over the Pittburgher's remarks in silence, knowing these remarks to be far from the truth, as I sit him down as a Pittsburgher, who seemingly has taken up the task for want of some useful employment. In contradiction to the hard case of a man from Narracoota coming across with his stock, goods, and chattels, the man's actions did not denote such ignorance of the laws as he professed. He crossed the border about eleven o'clock a.m. on the Sunday morning, reaching an old neighbor's selection on Carr Plains about three a.m. He was there advised to give and get the officer notice—twenty three miles, not thirty, from where he was. After being seven miles across the border, does this look very like as if he wished to evade the laws. After the officer had seen the cattle and given him instructions to go to Lawloit to see what he could do in entering them, and passing without due notice. In the farmer went, and left eleven head of cattle in his friend's selection, apparently to elude the officer in numbers; but his experienced eye were too many for the turner, as he did not believe in outwinding the Government clean out of 5½ duty. I think, therefore, the said farmer may consider himself lucky he got off so easily. His next remark about a man coming across on goods and stock, two sets of old barrows, led to pay £13 odd, is far from facts. The party had two ploughs (had been one year in use in Narracoota district), one set of barrows the same, and one set six or seven years old. The farmer's own valuation on the lot was £40. The officer's instructions, it seems, is if he thinks the articles under-valued he can take them for the Government, and pay the import 10 per cent, on the valuation over, and above his own valuation; or if he leaves them in his hands then he is to add 10 per cent, which made the value to £44, which be charged the 20 per cent duties, say, or exactly £22, instead of £13 odd, as represented by the Plodgher. Why does he magnify the evil in the way he does? I can't say it will do any good. Why does he employ his time in getting up a proper petition, and state the grievances, then lay it before the law-makers. The officer must do his duty, and if he does not someone else will be put to do it. I have here given the exact facts, and if you see proper to publish them the public will be able to judge between truth and fiction.

Victoria Border, 27th May.

Justice.

136. Who is that written by?—By the Customs officer.
137. How do you know that?—He describes all the transaction.

138. You suppose that?—It is to be found out by referring to the Winjerra Star.

139. You say that some pay as much as £50 or £40?—Yes, to fetch their implements.

140. They must bring over a lot?—They are well-to-do farmers—farmers who have got their licenses. Some of them have from 100 to 150 acres under crop. There were two brothers had 500 acres under crop.

141. Do they come from South Australia?—Yes.
142. Did you come from there?—No.

143. Why are they leaving South Australia?—I can hardly answer that, except that they come to better themselves. They find that this is a more liberal Land Act than in South Australia. There they have made rules to large landed proprietors which has ruined them.

144. Now they have saved capital to go on themselves they have come over here because of our superior land law?—Yes. Our market at present is to come. If this Commission could possibly move on the railway it would be a great improvement. Those 500,000 acres that Mr. Madden spoke of would be gone all the quicker—they are splodged land.

145. Do you understand the object of those duties?—Are they not satisfied it is for their own benefit ultimately?—They only object to paying the duty on old articles.

146. I suppose they could not sell the implements in South Australia advantageously?—No, they could not.
1547. Do you agree that the statements in that letter are correct and true? Would your neighbors have any objection to pay the modified value—your objection is that they pay the original value? If they were paying on the present value of old articles would they have any objection to that?—Yes; they think that Victoria has paid for immigration. They think they ought not to be charged for immigration.

1548. Where do you obtain your goods from?—Dimboola, and some from Horsham, and some from Melbourne.

1549. Suppose you want a plough, where would you go?—To Dimboola or Horsham.

1550. They come from Melbourne?—They come from Melbourne.

1551. Could not you send to South Australia to buy ploughs?—You could do so.

1552. Could you get them as cheaply?—I do not know whether you could get them cheaper.

1553. Suppose there was no duty at all, could you get them as cheaply and as good in South Australia as Victoria?—They are not so good. The opinion of the large farmers is that in Victoria you get better reaping-machines, and in South Australia better strippers. That is my opinion.

1554. Have these duties deterred people from coming?—Yes; I have known cases myself. Mr. McDowen himself can tell you that about 20 per cent. of the applications lodged are not taken up; and only lately he has found out the reason, and it is because of the payment of the duty.

1555. Would it amount to more than £12 or £14 each?—You do not like to pay £12 or £14 for nothing; you consider it throwing it away altogether.

1556. Even so would it not be better to come here for an estate of their own—is it not a small burden comparatively to the advantage they will get in becoming their own proprietors; they would save that in the first year or two?—By paying the duty, having to pay from £14 to £20 duty. The selector has at the first start to lay out about £30 cash. At the first start he must pay £16 for his license, £1 for application, £12 for house, in some cases £13 for house—paid £11 in 18—, and this duty besides, making it about £50 to start with.

1557. Is it not better to sell and buy new tools here?—They would not be able to, perhaps.

1558. Do they charge a duty on second-hand furniture?—I do not know, but I have known of furniture being impounded.

1559. Suppose a change was made in these border duties that all tools of trade second-hand should come in free, would that be satisfactory?—Yes, that is just what we are arguing for.

1560. Suppose the Commissioner appointed that in no case the selector pay more than £5, what is the highest amount you have known?—In that letter it states £5 10s. for two ploughs and two harrows—20 per cent. duty on £44, that would be only £3 8s.

1561. Agricultural implements might be very slightly used and passed over the border to compete with sellers this side, and destroy the protective duties here?—But in those particular cases the officer would know.

1562. How could you tell about a plough; after it has been used a few times it is as good as a new one; it would throw open the door to smuggling; a man could make his plough look old. You would need to produce a practical scheme by which the Government would not be defrauded?—New selectors might be allowed to come in.

The witness withdrew.

Adjourned to to-morrow at eleven o'clock.

THURSDAY, 18th JUNE 1878.

Present:

W. J. O'Hara, Esq., M.L.A., is the Chair;

J. Andrew, Esq., M.L.A.;
R. Clark, Esq., M.L.A.;
J. Reeve, Esq., M.L.A.;

J. L. Tucker, Esq., M.L.A.

Charles Minke examined.

1563. You have written a letter dated Minyip, 20th June 1878?—Yes. (File Appendix.)

1564. You denied the transfer of your lease in the hope that you would be able thereby to pay off your debt. Who was the friend who offered this assistance?—Albert Plate.

1565. Where does he live?—Generally knocking about Horsham. He had a selection, but he sold out.

1566. He offered to get the requisite amount of money that you wanted. What course did you take when he made that offer?—I was pleased for it; I could not help myself.

1567. Did you give authority to Plate?—I gave authority after the sale, and he told me he was going to pay all my debts off, and afterwards I found he did not pay any of them.

1568. Had you got your lease at the time?—Yes.

1569. You handed him the lease?—Yes.

1570. Did you sign any document transferring it?—Yes, a blank form transferring the lease.

1571. The lease was transferred?—It has not been yet, for after I found my debts were not paid I proceeded against it to stop the transfer.

1572. What share had O'Callaghan in the matter?—It was put up for sale at Minyip, and he wanted to purchase it.

1573. Did he purchase it?—Yes.

1574. Have you any reason to believe that O'Callaghan funded over the money to Plate?—No.

1575. Then, in fact, Plate did not receive any money?—No. I have not seen him since.

1576. Have you got any answer from the Department with reference to the stopping of the transfer?—No; I have not sent down yet, I was told I would do it in Horsham.

1577. The land has been sold?—Yes.

1578. Was it sold at auction?—Yes.
1579. How was that land sold?—I had to put it up for sale to pay my creditors, and Plate said he was going to pay them.
1580. You put it up for sale yourself?—Yes.
1581. What was the extent of your holding, how many acres?—Three hundred and twenty.
1582. What improvements had you made upon it?—About £400; five miles of fencing, divided into four paddocks, a house, stable, and other things.
1583. Is that your own valuation?—No, the Crown lands valuer's.
1584. Did you instruct the auctioneer to sell the land?—Yes.
1585. Did you sell the transfer of the lease before you put it up for sale?—Yes.
1586. What do you complain of?—The man told me he was going to pay off my creditors.
1587. Were you not paid the money?—No, I never received any.
1588. Why?—I do not know.
1589. What were the terms?—Half cash, and the balance in twelve months.
1590. What is the auctioneer's name?—Gregory.
1591. What was the amount of your debts, about?—I think about £250, and they have worked it up to £900.
1592. Who have done that?—The man from Mount Gambier, Clark.
1593. What is he?—A blacksmith and machine maker.
1594. Your debt to him was for agricultural machinery?—Yes.
1595. Had you any other creditors?—Yes, the others were paid off except that one.
1596. How did they convert the £250 into £900?—I do not know.
1597. What rate of interest did you agree to pay?—I did not hear of any at all.
1598. When he was giving credit, did you not expect to pay interest for the use of machinery?—I did not make much enquiries. I knew him for nine years.
1599. Was he the only one you borrowed from?—Yes.
1600. Was he the only person you owed money to?—I owed to Croft, and that was paid the day of the sale—about £70.
1601. And then you owed £250 to Clark?—No, to Plate, and he made it up to £900. I owed about £70 to Clark.
1602. Was that £250 ready money advanced to you?—No, horses. Three horses and a wagon, it came to £100 altogether. Then I got some cash; the most was £50. It amounts to £250 altogether.
1603. What else did you get besides the £50?—In small sums I got it.
1604. Did you keep a book?—Yes.
1605. Have you got it here?—No.
1606. Tell us, as nearly as you can, what cash you got?—Nearly £250.
1607. In cash?—Yes.
1608. When did you borrow the money?—Between this and eighteen months ago.
1609. Did you get nothing else than the £250 and the horses?—Yes.
1610. What is the claim you say he has?—£900.
1611. Did you receive any other goods from him?—No.
1612. Any dealings with sheep?—No.
1613. What did the other sums consist of?—Have you a bill for the £900?—No.
1614. Where do you live?—Thirty miles from here, at Minnip.
1615. How much did the land fetch?—£3 an acre household.
1616. Three hundred and twenty acres, that is £690. When the land was sold, did you receive anything at all from the auctioneer?—No.
1617. Does he say you have to receive any?—They were going to pay my debts and give me the balances, but they have told me I am in their debt still. When I came into Horsham the auctioneer told me that.

The witness withdrew.

Richard Henry Bullock examined.
1629. What was the extent of his holding—I think about (he and his family) 600 acres.

1630. What followed afterwards—did the firm proceed on the bills?—Yes, and they are now applying for the leases; they have not got them yet.

1631. Suppose they do get them, the effect will be that this family will lose the 600 acres of land?

—Probably.

1632. Are you able to throw any light on the accounts—were they fair, or was there any "slipping"?—I could not judge from the documents brought me.

1633. The leases are not yet issued—I am not aware.

1634. Have they been applied for?—Yes.

1635. How do you expect this Commission to render any assistance unless we know the parties?

It is for the parties themselves to give further particulars.

1636. Can you furnish the secretary with the names of the persons?—Not at present. I would rather not do it.

1637. This is a case in blank. We can do nothing with it unless we know who the victimized selector is. There ought to be no difficulty in giving his name; possibly it may save him from ruin—I must repeat that at the present time I decline to give the name.

1638. Can you inform him?—I can write to him; he is about forty miles from here. Why I mention his case is, that I would respectfully submit to you one or two matters that I think might be done by the Commission, that would prevent anything like taking advantage of these selectors.

1639. You mention this case as an illustration?—Yes, exactly so.

1640. What remedy would you suggest?—I think, in the first place, that it should be compulsory for selectors’ agents to render periodically complete accounts current, showing clearly the nature of each item in the account, the rate of commission, and the rate of interest. A great many of these men are very ignorant; they can neither read nor write. They need some one to elucidate their accounts for them. This is a case in point. The man hands me debit and credit notes extending over three or four years, and no account current.

1641. How often would you have the accounts rendered?—Every six months.

1642. Do you not think that a difficulty may arise in defining what an agent is?—Suppose a storekeeper, for instance?—I consider an agent any one who takes a selector’s business in hand.

1643. Any man who does anything for another is an agent for that other, whether storekeeper or other?—Yes.

1644. Therefore the word "agent" covers everything?—Yes.

1645. Is there any other suggestion you have to make?—I think it should be compulsory to return immediately all acceptances when used or paid for; when renewed, previous acceptances should be given up. That is not carried out.

1646. That is the man’s own fault?—Sometimes the original acceptances lie in the lender’s hands for years, and can be acted on afterwards; and I think, in all cases, acceptances should be credited with the amount paid, and fresh ones granted.

1647. Suppose an acceptance is given for £100, and that the man pays off £75 of it?—Yes.

1648. Then ought to be a new acceptance for the balance only, and the original one returned or cancelled?—Yes.

1649. So as to start fresh?—Yes.

1650. These things, at present, are everyone’s right; the only thing is to make it apply to those men?—I know a party who is being sued on an original bill, on which he has paid off three-fourths.

1651. The difficulty is this, that these things exist in the ordinary course of business everywhere else, the abuses have arisen here from the ignorance of the men themselves and the unfair dealing of their agents?—Precisely.

1652. How would you make it compulsory to return these documents? Would you suggest the imposition of a fine? The selector has his remedy at law if he gets back the papers?—All this, I think, would fail, unless the Act prevent the transfer of his lease until the account current and acceptances have been produced. I think, if this were done, it would facilitate the final settlement.

1653. When the person acting as agent brings to the Land office the application for transfer of this man’s lease, the Land office can then say—"We must have the account current of all your transactions before we transfer"?—Yes. I have another memorandum. I think that when the agent applies for the lease or Crown grant, the selector’s account current certified as correct should accompany the application.

1654. And if not, the transfer should not proceed?—It should only proceed where the consideration was a proper one for the transfer.

1655. I am afraid that is impracticable; you would need a staff of clerks. You need to make the single man take care of himself; and of those rights all exist at present; and you propose to appoint the Land office as guardian of the simple selectors. You think that, suppose the application for transfer is handed in, is there any difficulty in having the account current pinned to the application?—The difficulty at present existing I fancy is that the Commissioner (Mr. Longmore) is in doubt as to whether the selector owes the money, and consequently will not issue the leases or transfers. If a proper account current were refused, and it were seen that the selector was in debt fairly, then there would be no difficulty in handing them over.

1656. Suppose the selector disputes the account, then the Land office says, “You must settle your dispute outside this office”?—Yes.

1657. Yes the Land office would have evidence of the bona fide nature of the transactions shown in the account current; and if the selector disputes it, the Minister might say to the agent, “Go and settle the matter, bring me a clear statement, and then we will act”?—Yes.

1658. The Land office would be made a court of law?—The selector unfortunately has often no means available for going to law, therefore the department should do it for him. I fancy he delay in the delivery of transfers has arisen from Mr. Longmore’s not being satisfied that the claims against the selectors were fair and right; and mine is a suggestion to meet that.
1659. Have you any other suggestion to lay before us?—I think as soon as an account is closed it should be compulsory for the agent to register the release. That is very rarely done. It is done with large sales where you hardly ever hear of a selector's agent doing it. You rarely see it entered in the weekly sheets that come out of mortgagees and liens. Therefore the selector is in a wrong position when he goes to another person to borrow. The leader says, "I cannot deal with you; you are in some other person's hands."

1660. Will not he hold a receipt?—I do not think that is sufficient. For a small fee all receivers could be registered.

1661. You were a member of the firm of Guthrie, Bullock, and Co.?—Yes.

1662. I understand that that firm has had some rather strange dealings with selectors?—I was a member of the firm until February 1875. Up to that time we had but little difficulty with selectors.

1663. What was about the rate of interest generally charged?—Ten per cent. always. We never exceeded that.

1664. It came out in evidence that your firm held papers for the selectors for a long time after the account had been settled?—Not while I was in it.

1665. You did business by bills?—We did a good deal in that way, when we sold the selectors stock.

1666. How much did you charge?—Two and a half per cent, commission on sale.

1667. And at each renewal?—No, if the bill fell close upon sharing, we did not charge any commission, because we got the commission out of the wool consigned for sale. Our commissions on renewals used to vary from one and a quarter to five per cent, per annum.

1668. Is there any other suggestion you have to make?—No.

_Carl Gottfried Rasmussen examined._

1669. How long have you been in this district?—Since 1862.

1670. What was your occupation?—I am a butcher, and I am at present a wool buyer and skin buyer.

1671. Are you a member of the shire council?—I am.

1672. For how long?—Two years.

1673. Have you selected land yourself?—I have 20 acres.

1674. Have you had any transactions with selectors?—A great many.

1675. Will you describe the nature of them?—They have all been very satisfactory.

1676. To yourself?—Well, they have not as far as money is concerned; I have not lent much money out.

1677. What was the nature of the accommodation you gave to selectors?—In advancing money for paying rent and so on, small sums.

1678. You purchased their produce?—Yes, but I have not advanced anything on that.

1679. Simply advances to enable them to pay rent and get stock?—Yes.

1680. Could you give an idea of the number of transactions you have had?—No; a good many in small sums.

1681. What was the average amount to each selector?—Only about £32.

1682. Did the advance not amount to more than £32?—No, as a rule.

1683. Have you found any difficulty in getting back your money?—No, not as a rule; my object in giving evidence is this—that the evidence that you have taken hitherto has been from men that the district would be better without; we have not had any good farmers giving evidence.

1684. Is not Seymour a good farmer?—There are exceptions, but some of the men who have given evidence ought never to have had land.

1685. Why not?—Because they have not been honest; I have not had anything to do with them, but I know from experience. I think a selection ought to be made amongst the bona fide farmers.

1686. You have gone so far as to call some of the farmers dishonest; what do you say to agents?—I would do without agents altogether.

1687. Do you make the same charge against them?—Yes.

1688. Can you suggest anything for the good of selectors?—I would give every facility for a man getting his lease.

1689. How can we select the honest from the dishonest?—They will go anywhere whatever law is passed.

1690. How do you discriminate between the honest man and the rogue?—Merely from the evidence I heard here.

1691. The Commission are the best judges of that?—Yes; I do not say they are not.

1692. When there are several applicants what are you to do?—That is true enough, it is hard to deal with.

1693. You say many of those are dishonest?—Not many, very few.

1694. What is your opinion of the honesty or dishonesty of the agents—you have said some of the selectors are dishonest—what do you say about the agents? We should not like the selectors to be branded in that way without hearing your opinion on the other.

1695. In order that a man may go on the road to ruin as quick as possible?—That is not my view of it. I should be very sorry to see the selectors go, but in order that he may go to the bank and not to the agent.

1696. You do not like the agent system—you would not like to deal with Mr. Bennett?—Oh yes, I would, I have had many dealings with him.
Yes.

1698. Would this be an advantage, that instead of being obliged to compass all his outlay for improvements into three years, that the law would give him six years to make his improvements, and instead of charging 2s. per acre per annum, that he should be charged 1s. per acre?—I cannot see any benefit in it; I think it would act the other way. I think three years is long enough for a man to be without his lease. The probability is that after that time the man has made all his improvements; he is generally allowed £1 an acre on his selection, if not his ground is no good to him, and I say that the probability is that the man might be involved for three years, having bought his farming implements and his horses and horses and cattle, and the probability is that the bank or somebody might step in and sell it—the man might be turned off his ground during the next three years.

1699. It takes about three miles of fencing to fence in 320 acres?—Yes, but they are generally subdivided.

1700. You are supposing that the man has no means unless he borrows; you suppose he works the farm with no capital?—Some have gone on with very little, and have done very well.

1701. Do you not see that under the proposition of extending the term of license to six years, and reducing the rent to one shilling per acre per annum, he could make his improvements gradually, and have some of his capital left to buy stock, and so on; he would not be compelled to empty his pocket at once; he could go on gradually and avoid getting into debt?—He would merely save the £16 a year rent; he would have to live, and unless a man improves his ground it is no good.

1702. You think the increased value which would be given to their property with a three years' lease would enable them to borrow money at a cheaper rate?—Yes, that is the feeling of the best class of selectors in our district.

1703. Giving him an instrument which facilitates his getting into debt, how do you deal with the fact of two or three bad seasons and no proceeds out of the land; would it not be better to encourage him not to get into debt?—A man cannot do without buying implements; labor is so dear, he cannot do without implements.

1704. That system brings upon the land a number of men who have no resources of their own; they get into debt, and if there are bad seasons the land probably pays out of their hands, and the policy of the State to do settle people on the lands is defeated?—I think three years is long enough for a man to be without his lease.

1705. You think it is an illusion to suppose that the extension over six years would be a benefit?—I do.

1706. You think he must do his improvements in three years to get the greatest advantage out of it?—Yes, and that is the opinion of our best farmers.

1707. Will you state your opinion as to whether it would be advantageous to the State and the selectors, if a system were adopted by which a moderate amount of money would be lent by the State to selectors at a low rate of interest with the repayments spread over seven or ten years—would that be an advantage?—I believe it would.

1708. Suppose the selector, instead of applying to the bank or the agent, could apply to a board, and that board could advance to him, according to his character and the value of his holding—advance him a sum varying from £100 to £200 or £300, and that debt spread over say ten years, and he would make annual repayments, these annual repayments covering both interest and principal, so that in ten years he would have paid off—would that be a good system?—Yes, like a building society. It is possible that might be abused in this way: I might go to a selector who does not want to borrow, and I go to him and say, "You borrow for me and I will share the interest with you."

1709. Suppose the selector, before he got the loan, was obliged to make a declaration that the money was bond fide and for his own use?—Yes.

1710. And we should tell the Crown lands bailiff to report on the subject?—That is true; some men do not think much about making a declaration.

1711. If he obtains an advantage by borrowing the money cheaply under lease, is he placed in the position that he obtains money at a moderate price?—Yes.

1712. If that advantage was extended by the Government, would not that meet the case better than anything else?—Yes.

1713. If the three things were combined—the lengthening of the period of license to six years, the reduction of rent from 2s. to 1s., and the facility for obtaining a loan at a low rate of interest on long terms from the Government board—that would obviate the present difficulties that exist?—I would not be in favor of extending the time.

The witness withdraw.

John Searle Bowden examined.

1714. Have you resided long in this district?—Yes; twenty-five years.

1715. Then you know the district thoroughly?—Very well indeed.

1716. You remember it before there was any selection?—Yes; many years before.

1717. Has the selection that has taken place principally taken place under the Act of 1859?—Yes.

1718. At what time was the most active period of that selection?—About four years ago.

1719. Are you a selector under the Land Act?—No; I have purchased land over twenty years ago.

1720. What average?—Nearly 300 acres.

1721. How far from Horsham?—Very near to Horsham, within half a mile; what we call the suburban allotments.

1722. I should like to hear your opinion upon this borrowing—the agency system—how it has operated for good or otherwise?—Some people it has been an advantage to and others a disadvantage; some people have been swindled, and others have been able to look after themselves and have not been swindled at all.

1723. You think that the borrowing system has operated well where a man is able to take care of himself?—Certainly.

1724. And inversa?—Yes.

LANDS.
1725. And what agents have imposed upon them?—That agents have imposed upon them in some cases; many accounts have been brought to me for advice and suggestion and so forth, and I have found some correct and some incorrect.

1726. What rate of interest has been charged?—They generally professed 10 per cent.

1727. What is it really?—Twenty-five per cent; seldom over that.

1728. Did you find charges for commissions?—Yes, and for renewals.

1729. Does the 25 per cent. include all?—Yes, that is the usual amount; not more than that; I have known 40 per cent, but only in one instance.

1730. Was that upon land held under license?—Yes.

1731. Have you known any instances of money being lent in that way upon land under lease?—No.

1732. What sort of security do such people give?—Bills.

1733. Any lien on their stock and crop—a bill of sale?—Yes, sometimes.

1734. Do they give an undertaking to give over the lease as well?—Yes, there were agreements to that effect.

1735. They give the agents an order to receive the lease?—Yes, in a great number of instances.

1736. Do you think the proposition to protect agents receiving leases is a good one?—I think a man should be allowed to conduct his own business.

1737. And you would let a simple man go to where?—He should consult a friend or a banker.

1738. Do you think it would be all very well if he was dealing with his own goods, but when he is dealing with the lands of the State that have not become his, is it not the duty of the State to intervene and prevent the lands falling into the hands of the mortgagee or land shark?—I do not think it is possible to do anything to prevent it.

1739. As to the proposition that, instead of compelling the selector to compress all improvements into three years, the term of his license should be extended to six years, and the rent reduced from 2s. to 1s. per acre per annum, would that be a wise system both for the State and the selectors?—I think the Land Act is so reasonable that where a person cannot pay in three years he will never pay it at all; I think it is a great advantage to a man if he is an industrious man.

1740. What does it cost generally to fence in 320 acres?—About £150.

1741. What is the average cost of fencing in?—£20 per mile.

1742. There are about three miles to fence?—Yes.

1743. Take the ordinary description of fences that selectors use, what would that be worth per mile?—Not worth over £5 or £6 a mile.

1744. That is £150 for fencing in; what would the house cost?—They are very temporary—from £5 to £6—there are plenty of them not worth £5.

1745. What would be the average outlay for a decent family?—He could not put up a decent house for less than £150 or £200, not a decent house.

1746. That makes £350 for the fencing and house, then there is the ploughing and the clearing, and the sheep to purchase, and the rent to pay; do you think that if the rent was reduced it would help him a bit?—I think the rent is a mere song; it is a gift from the Government. I consider a man should never go on a farm unless he has the money to go on with.

1747. When you examined those accounts for your friend did you find he had been charged more than you would have been called upon to pay?—Yes, much higher, 25 per cent. more than I would have to pay for cash.

1748. I believe you were the very first farmer in this district?—Yes.

1749. What is your opinion about the durability and fertility of the soil?—It is very good soil; my land has been in cultivation twenty-two years and it is still good.

1750. How many bad seasons have there been during that time?—Only two; there was only one when the seed did not grow at all, in 1809.

1751. Do you refer to the last two seasons?—Certainly not; I grew two tons to the acre of white oats, lucerne, during that time.

1752. What is your average yield of wheat to the acre?—My last crop was up to 20 bushels an acre.

1753. Do you farm your land by using manure?—Yes.

1754. You expend a large amount of money per acre?—Yes; I collect manure all the year round.

1755. The ordinary selector cannot manage like you?—A man does not want any for three years.

1756. What was your experience when you first came?—Thirty-three bushels to the acre.

1757. And you never manured for three years?—Yes.

1758. And the land still continued to return well?—Yes, up to three years. I got 20 bushels the third year.

1759. Are you of opinion that the soil is similar to the soil running north to Wernekeal?—Yes, all over the district it is similar.

1760. Have you noticed a difference between the rain district here and Melbourne?—Yes; four or five inches less here.

1761. You have said the last two years were not dry seasons?—Certainly not.

1762. But comparatively they were?—Yes; they were dry comparatively to wet seasons.

1763. The explanation was that the last two seasons were entirely bad?—They were not entirely bad. They were not good; they were dry in comparison to former seasons.

1764. In comparison to 1873, 1874, and 1875?—Dry, comparatively.

1765. And compared with the run of seasons you generally get?—Yes.

1766. Were they much worse than the average?—A little worse.

1767. You state that the ordinary selector who is obliged to go to banks and storekeepers for supplies pays 25 per cent., over what you do for cash?—I would not say that was the case with all the selectors; only those that are bad marks, for whom you would have to wait for two years. The selectors who came first borrowed, and did not expect to pay for two years.

1768. Those moneyless selectors pay 25 per cent. more for their supplies; do they also pay 25 per cent. for whatever money they have?—It is not customary for the storekeepers to lend money to the selectors.
1769. Do they pay to money lenders 25 per cent., so that between the two the selector pays 50 per cent. for the money?—I could not say that.

1770. That would be the natural conclusion from what you have said?—I could not answer that question. I am not aware of their paying 50 per cent.

1771. From your long residence in the district you can give an opinion as to the advisability or otherwise of extending the area to settlers?—I think it should be extended. I think 640 acres would be a fair area for a farm.

1772. Would you recommend that as the maximum for the future?—Yes.

1773. Have you done well off your 200 acres?—Yes, I have done very well.

1774. You bought capital and paid for everything at once?—Yes.

1775. You lay out a large amount of money now per acre?—Up to £5 an acre.

1776. Is not 320 acres enough?—No, not now the best land is taken up.

1777. You do not mean that those who have got land have not got enough?—There are some who have got 320 lately who will never be able to live off it; the best of the land has been picked up, and a good deal of inferior land has been taken up in the last twelve months.

1778. We have evidence from the district surveyor that a million acres are still open for selection in this district, and that of that million 500,000 are good land?—Yes, I believe so.

1779. In that case, if you make a living out of 200 acres, certainly the future selectors should make 320 acres do?—But see what an advantage I have had from being near the township, and the advantages for procuring manure and disposing of my produce close to my own door; this million acres still open for selection is a long way from market.

1780. But the railway will make it better?—Yes.

1781. Do you think the agricultural settlement here under the Act of 1869 is permanent?—Yes, I think so in a great measure—three-fourths are bonâ fide; they will not all stay on the land, of course there are some travelling workers who will not stop anywhere.

1782. Are there many in good circumstances?—Yes, there are people who have come with very little and who have never paid 20 per cent., they could get their stores without any difficulty and without paying more than 4 per cent. above the usual prices; storekeepers of course have to choose their customers.

The witness withdrew.

Angus Cameron examined.

1783. Have you been long in this district?—Nearly eighteen years.

1784. What is your occupation?—I am a blacksmith and agricultural machinery agent for a large farm in Melbourne.

1785. Have you been a cultivator yourself?—No.

1786. Have you ever cultivated land?—No, but I have seen the district; all the land that has been cultivated.

1787. You have a large number of transactions with the selectors?—Yes, very large.

1788. You are able to speak of the selectors as a body as to their future prospects?—I am.

1789. Will you shortly state what you wish us to hear on the subject?—I have been agent for four years for this large firm, and I may say that during that time we have had some hard seasons, and I never lost a farthing by the selectors. I found them honest, industrious, and deserving, and willing to pay, and they did pay in every case. Perhaps some could not obtain money easily through not obtaining their leases. I have known some waiting for six months or seven months for their leases. I know last season was a very poor one, several selectors told me they had only two or three bushels to the acre; they had several hundred acres under cultivation, and last year their leases being so long detained they were obliged to borrow under great disadvantages.

1790. Had the time come for the issue—had the three years passed?—Yes, six months after the expiry took place. I help them as much as I can. I found that some were not willing to raise much money on their leases, but as little as possible. I know one gentleman who spent £600 or £700 on his ground, and he was not able, through the poor crop, to pay his bill for machinery, and he asked me to renew his lease as his lease had been delayed, and I did so, and he came back and paid me since then, when he got his lease.

As a rule the selectors do not ask so much money on their leases as has been represented. A man came to me lately with his lease, and asked the bank for a small loan; only £40 on 320 acres.

1791. There are many that do not require any help at all?—Yes.

1792. Is there any suggestion you can make?—The only thing that I can suggest is that all leases should be given as soon as possible when they are due. It may be supposed that that might induce selectors to mortgage and pawn leases, but, as a rule, they are not in that position.

1793. You have heard the evidence given by other witnesses is reply to the question about the State lending money at low rates of interest to the selectors; in your opinion, would that be an advantage to them?—I think it would be a very good plan.

1794. You state that the selectors you have met are a superior and honest class of men?—They are undoubtedly.

1795. Then it would be perfectly safe for the State, through a board, to undertake such business?

—Yes, to mostly all the selectors I am acquainted with; of course there are exceptions.

1796. The interest would certainly not be much more than 6 per cent. would it?—Yes.

1797. Would the lending of money at that rate develop the resources of the district more rapidly?

—I think it would.

1798. If a man borrowed £100 at 6 per cent., for ten years, it would be about £130 he would have to pay by annual instalments?—I think that might work well.

1799. What is your experience of the amount generally required by the selectors at the time they get their leases?—£300. I believe most of them could do very well with that. I know to a certainty that most of the settlers here are bonâ fide. I know farmers who are going in for a double set of machinery, two strippers instead of one; that shows they mean to continue on the land.

1800. What outlay has the selector to make in purchasing the agricultural implements absolutely necessary to him to carry on his work?—To obtain his stock and machinery to work his land, horses not included, it could be well done for £150.
1801. What would that include?—Stripper and winnowing, reaper, two ploughs, harrows, and scythe.

1802. He would want a certain amount of stock—£100 worth of horses and stock?—Yes.

1803. To work 320 acres he wants £100 worth of stock, £150 in machinery, and he has to pay three years' rent, 296, that costs up to £660 altogether?—Yes; do you count their labor?

1804. No, because I have not counted what their food would cost. I put one against another?—A man's labor is worth more than his food. I do not say if they came here without any money at all that should do them.

1805. A man with £300 would have to borrow £500 more necessarily?—Yes.

1806. Then the Government might safely advance to any such farmer as that £20?—Yes, I think so.

1807. Having to pay this £266 in three years, is that not a very burdensome arrangement; would it not be better to have six years for that?—It is according to the person who takes up the land; if he has £300 to work with, he does not require assistance. After he has spent that he hopes to get a return, we have not bad seasons always, and one good crop would clear him or very nearly so.

1808. Have those persons you have known ever complained about their being harassed by agents for large amounts charged for loans?—No; I have always settled my affairs myself with my clients.

1809. When the selector takes his land first he would not require a stripper or a reaper; he would require that after, close on the harvest, when he would get the return?—Yes.

1810. Has every selector a rapping machine; cannot two or three have one between them?—They might, but a man must have his own implements to do well; the harvest comes in here at once, and every one must have his own to carry on properly.

The witness withdrew.

Robert William Bennett further examined.

1811. Do you remember having any transactions with Mr. James Moulden?—Yes, I do.

1812. Was there any dispute about the account?—I have not seen him for some time.

1813. Are the accounts paid?—No, they are not; they are partly.

1814. There are several here—[showing some accounts].—Can you explain how this account—[marked A]—rendered in March 1878, appears to be an account for £38 18s. 6d, and that the actual addition comes to £25 6s. 9d.?—No, I cannot, unless it is a clerical error.

1815. Then there is another extra charge, interest upon interest, and another error of 5s. 8d. in carrying out one line, making a total error of £1 12s. 3d. in an amount of £58 18s. 6d.?—Yes.

1816. It is a clerical error?—It may be.

1817. Is that “slipping”?—That is what they call “slating” the account.

1818. You would not add that up that way?—I never added anything up in my life. I never bother whether they are right or wrong. If they came to me and pointed out an error I would make an allowance.

1819. Here is another account—[marked B].—There is no account for a promissory note £218 16s. 7d. It ought to be £208 16s. 7d.—£10 mistake again and interest thereon. Another error of 10s. in the items carried out, and the addition again is wrong by 5s. in your favor?—They make mistakes both ways.

1820. No, it is all in your favor?—That is all the better for me.

1821. The same with this account—[marked C].—This account shows interest charged upon interest, and also that the rent charged as being paid in 1877, or July, was not paid till January 1878, but yet it was charged in this account, the latest entry of which is July 1877?—Yes.

1822. Here is another account—[marked D].—The interest is overcharged seven or eight shillings?—Is it all the one man’s account?

1823. Yes; there are many little mistakes in other accounts, all in your favor?—Yes.

1824. Here is another—[marked E]—in which you have charged a man for one bar of soap and a dozen boxes of matches 23s, 6d.—is that a clerical error?—Yes. It might be a box of soap instead of a bar—that would make it.

1825. No, a bar of soap, 2s. 6d.—matches, 1s. 6d. Here is another item ought to be £1 7s. 10d. It is carried out as £1 18s. 6d. Here is another mistake in carrying out sugar and tea. It ought to be £2 8s. 6d. It is carried out £2 18s. 6d. There is another mistake in the addition of all these items. There is another 10s. dapped on?—The fact is, I can give a man accommodation and pay his rent, but I cannot give him brains. If he is not sharp enough to see he is slated that is his business.

1826. You slate him if you can, as a matter of course?—I cannot give him brains to find that out.

1827. “Slatting” is not a clerical error?—No.

1828. Is not the real name “swilling”?—You can call it whatever you like. It is a modest kind of swilling, I suppose.

The witness withdrew.

George Albert Reevoo further examined.

1829. What have you to say?—I was called upon yesterday in rather an unconcermonious manner. The Commission said Bennett was making a dangerous charge. He did not make any charge. He said he discharged his bookkeeper for cheating the selectors. There were other bookkeepers discharged besides me.

1830. Who were they?—One was Brewer and another was named Hardie.

1831. You got up and said you were the clerk that made out the account?—I did.

1832. And you came and faced Bennett and charged him with making you chisel, and said you charged according to orders. You want to withdraw that now?—I have suffered from it in the estimation of my employers.

1833. You stated you made that account out yourself, and that you were the person discharged for cheating the selectors?—I was not discharged.

1834. That you were the clerk?—I said I presumed I was.

1835. You volunteered the statement that you were the clerk that made out the account and was dismissed?—I was not dismissed.
1836. You say that when Mr. Bennett said he dismissed you he told a falsehood?—Yes. This was in 1876. Mr. Bennett has not entered since I have left his establishment. He does not visit here now. In September 1876 I engaged with Messrs. James Fry and Co. In December 1875 I made application to Fry and Co. for a billet, informing them that I wanted to get away from Bennett. Mr. Johnson is here and will verify my statements. It is a base statement on Bennett’s part. I was not discharged; furthermore, Bennett went to Johnson, as pale as a ghost, to ask him to let me go back and put the accounts square. He said he was sorry I was going, and tried to get me to pitch the other overboard. I went back with him for a month, and during that time he was continually annoying me, and trying to get me back.

1837. You admitted that you made these wrong accounts?—I did admit that I did make a mistake of ten shillings, but the press of business was much greater then. We—James Fry and Co.—have had to pay those accounts; have had to lift them up since I left Bennett. It was my object to gain knowledge of the selectors, and it was my object to get them out of Bennett’s hands; those who would be good customers.

1838. You certainly produced upon the mind of the Commission the impression that you voluntarily “slipped” the accounts?—By instructions I had to. If I had not done so I would have been discharged. The only “slipping” when I was there was charging an extortionate rate of interest and commission. You cannot blame us. There were a class of selectors, total strangers, came to Bennett, and no other man would have advanced them five shillings upon the security they had to offer. He took the responsibility, and said we would charge 20 per cent, and 1/2 commission. I do not think it was ever more. Then, of course, there was the security taken, two guineas and three guineas. I have a selector’s account of Bennett’s which I have refused to pay—[producing an account].

1839. Have the selectors been treated in the way shown in that account that Bennett just referred to?—This is the last account he has rendered.

1840. That account mentions some agent’s fees; is it Bennett’s Melbourne agent?—I do not know.

1841. Who was then?—Mr. Presswell, the solicitor, of Arran, used to do all our business.

1842. I presume you used to apply for the leases in your time?—He had one here. Here is another matter I wish to bring before your notice. Mr. Bennett has just distinctly told you that James Moulden’s has not been paid. I say it has; here is the promissory note, £246 4s. 2d. You see, gentlemen, that is the exact amount of the account, and this is a writ issued for that very bill by the Colonial Bank. We paid that when I went with Mr. James Moulden to the Colonial Bank with a marked cheque in my hand to take up the bill for £216 4s. 2d. The manager of the bank asked Moulden for his lease. I told him it was in my box. Mr. Kriger, the manager, then called Johnny Ryan (a clerk to Bennett, who happened to be in the bank at the time) and told him to serve Mr. Moulden with that writ, and thus he did in my presence and in the presence of Mr. Cameron, J.P., who will bear witness.

1843. Why did he do that?—Because I had taken it up.

1844. Was it not to saddle Moulden with law costs?—It might have been.

1845. You think he was annoyed at your rescuing him?—Yes; I have rescued a great many, all his best accounts. There is something worse than this. I am told that if I refuse to pay this account, £23 7s., I shall be served with a writ for a post-due bill of £217; and Bennett, to make his security doubly sure, obtained the signature of John Moulden as well as the other, and the manager of the bank said, “If you fail to pay that store account I will issue a writ on this bill.” There is no acknowledgment, signed by Mr. Kriger in payment in full for bills lodged for discount by R.W. Bennett and Co., up to 25th April 1878.

1846. That should be sufficient. What right has he to serve the writ? Is the £217 included in this?—Yes, certainly. John Moulden does not owe him any money.

1847. It is on an old bill, and he threatens to sue upon the old bill instead of the open account. He had two names upon this?—Yes. Bennett said, “I have had a shot at James, now I am going to have a shot at Johnny; the man can only get it back by bringing it before the Court of Equity.”

1848. The account shows that the whole of the mistakes are charged to Moulden?—Yes.

1849. There is a difference of close on £507.—Yes.

1850. They want to come on him again?—Yes.

1851. Does all this compaint apply only to the Colonial Bank?—Yes.

The witness withdraws.

John Gregory examined.

1862. What are you?—An auctioneer,

1863. How long have you been in business in Horsham?—Six years and a half.

1864. Do you remember selling property at the order of a man named Minke?—I do.

1865. Cash or bills?—Partly cash and partly bills.

1866. What did it sell for?—£3 an acre—£900.

1867. Did you hand over the proceeds to Minke?—The transaction is not completed.

1868. Is there any balance?—I think not.

1869. Is he indebted to you?—No, to Plate; he holds a security over his lease, and I acted as agent for Plate as well as Minke. Plate has advanced money on the security of his lease.

1870. How much?—I believe that Minke owes him, over and above what the proceeds of his land will come to, about £80.

1871. Can you furnish an account?—I cannot.

1872. How do you know this?—I know Plate has been advancing money, and Mr. Plate told me that he owes him £50 above what his land comes to.

1873. When you proceed to apportion this money between Plate and Minke, how can you do it without accounts?—I shall have the accounts. I shall act as agent for both parties.

1874. You will take the word of Plate then?—No.

1875. Minke says he only borrowed £250 altogether?—He says so; I am very much inclined to think he is telling a falsehood. I am not in a position to say decidedly that he does owe as much as Plate says, but I know he owes considerably more than that.

1876. Will you not get an account from Plate and submit it to Minke before you settle the matter?—I will.
1887. Suppose Minke still says, "I do not owe the money;" suppose Plate puts in an account for £600, and Minke says that it is only £400—?—I shall expect Plate to make it clear.

1888. That is a matter for a court of justice?—Decidedly, if the matter cannot be arranged. I shall hold the money till it is arranged.

1889. Who gave you the order to sell the land?—Minke.

1890. Then you are not entitled to come in as an arbitrator?—But Minke told me that he owed Plate money, and the money was to be paid to him.

1891. Did he sign a document to that effect?—No.

1892. Then you are open to a very troublesome action?—I will see that I am all right.

1893. But you are taking advantage of his simplicity if you pay his debts?—I have not paid any yet.

With Mr. Minke's permission I will pay it.

1894. Suppose he says, "I do not owe any money at all," what would you do. You treat him as if he were a child, and judge as to which of his creditors shall be paid; that is a matter that should be dealt with by the Supreme Court; you constitute yourself the judge of his affairs, and say you will hold his money. That is a perfectly illegal thing?—If you will understand nothing further can be done in the matter till this account between Plate and Minke is settled.

1895. What have you to do with that; you are simply the agent to sell as auctioneer; you have told us the proceeds have come to your hands?—They have not come to my hands.

1896. What if the sale take place?—About six weeks ago, as near as I can remember.

1897. Whom was the land sold to?—To Mr. O'Callaghan.

1898. Why have you not got the proceeds?—He has not made arrangements yet to pay the money.

1899. Where does Mr. O'Callaghan live?—At Mullip.

1900. When is the money you owe to come into your hand?—I have been paid.

1901. On whose account do you hold the money?—Minke's; but he owes it to Plate.

1902. You have nothing to do with that?—I am agent for both the parties. I consider the transaction a fair one, and I shall see that it is completed fairly between the two parties.

1903. You are taking up an unjustifiable position?—I am glad to hand over the proceeds to any one when I get my commission. I know he owes more than he says.

1904. If he were to employ a solicitor you would find yourself in a dangerous position?—I shall see that I am all right.

1905. You seem to have taken hold of that simple selector, and intend to make use of the money as you think fit?—I have not got it.

1906. Minke is still in possession of the land?—Yes, but somebody is in possession of the lease, I believe.

1907. Has the title been handed over?—The title has been handed over to Plate some time ago.

1908. Minke says the transfer was signed on false information?—I do not know about that.

1909. Is he endeavoring to get it transferred to his own name?—No, to O'Callaghan; there is no payment yet. I do not hold a shilling of the money.

The witness withdrew.

James Hornibrook re-examined.

1910. Do you know a selector of the name of Ambrose Taylor—father and son?—Yes; Ambrose is the son.

1911. They are the holders of 320 acres each?—Yes.

1912. Have they got their leases yet?—I believe so; yes, I think so.

1913. It appears from an application on their part that they want to borrow—to raise a loan of £600 upon each selection?—I believe so.

1914. They have applied to the department for that?—Yes.

1915. Did the department get any report from you on the subject?—Yes, with reference to one only—Ambrose; I have not had the other paper.

1916. What was the character of the report?—I reported on his improvements, and also that I considered the amount of mortgage rather large, and if such was sanctioned I did not see how they could pay it off and pay the interest.

1917. You adhere to that opinion still?—Yes, certainly.

1918. Does that opinion of yours, which applies to Ambrose Taylor, apply equally to his father?—It certainly would if I was called upon to report.

1919. On what grounds?—Because I consider the amount, £600, too much on one selection of 320 acres.

1920. Then, from your experience, do you think it is a just and fitting arrangement that the selectors should be allowed to a pound per acre?—I think that is quite enough for the selector to borrow on his selection, except in cases of family selection, where perhaps they may be few in family and want to take up other land, it might be increased there to 30s.; but in those cases it would be necessary to send them for report to the Crown lands bailiff or surveyor; but for a single selection, I think £1 an acre is quite enough.

1921. Those family selections, what is the general run of acreage?—Perhaps 500 to 1,200 acres.

1922. Then, in the case of these two Taylors, your decided opinion is that £590 would swamp them; they would never recover?—I am almost positive of it, not in their present position.

1923. Would you apply that generally to selectors, £3 an acre?—I think that is too much.

1924. That report made us to Taylor, that £2 per acre is too much, applies to others?—Yes, generally speaking.

1925. Was there anybody proposed to advance this money?—I believe they have got the money already.

1926. Who has advanced it?—The Colonial Bank.

1927. So that they borrow this without getting any permission at all?—Yes.

1928. In both cases?—Yes.

1929. They borrowed, and after that asked permission of the department, and the officer of the department reports that it is an injudicious loan?—Yes.

The witness withdrew.
Patrick Bloomer further examined.

1910. You state here in this paper that the Crown lands bailiff, Mr. Briody, gave to Mary Maloney a certificate for improvements, knowing said improvements were not completed according to the Act. That is your statement?—Yes.

1911. What evidence can you give on that point?—The ground was fenced with a post and six wires.

1912. Where is it?—In Minyip.

1913. How many acres does Mary Maloney hold?—I believe 320.

1914. When was this report made by the bailiff?—I do not know whether he has reported on it; but I know she is getting her lease.

1915. You say he gave the certificate here, and now you say you do not know?—It is always done in a case like that.

1916. You make the statement that he has given an unjust certificate?—I say so.

1917. That is your opinion only?—Yes. I put my opinion against his as to improvements.

1918. The case stands thus. You state that the certificate of improvements was an unfair and unjust one. You give no proof of that but your opinion?—I can give that on oath according to what I have seen. I know what the regulations are. He has to cultivate 32 acres—plough it and sow it, and he has to have a secure fence on it, and a house and parties living on. And there is no house on it, and they never lived on it except walking in and out of it.

1919. What injury have you sustained?—None at all. It is no injury to me at all, if every man is used alike.

1920. You simply give your own opinion, without producing any facts. You ought to show us that the improvements have not been made, and that the improvements are not of the proper value?—Yes. I have done as I know.

1921. There is another case, that the bailiff gave Albert Plate a certificate for improvements knowing that such improvements were not made according to the Act whereby Plate is able to get his selection—what evidence have you got on that?—He had not the improvements on that, according to the Act. Either.

The witness withdraws.

John Briody examined.

1922. Have you to say about this case of Mary Maloney?—In the first place she has married James O'Callaghan. She held the selection previous to being married. The selection is divided by a swamp about 30 chains wide from his. The land is all enclosed in a substantial post and six wire fence of a peculiar shape; a large number of chains of fencing to enclose the allotment. There is a good dam on it; and she has always resided with her husband, one of the most industrious men in the district.

1923. Would it comply with the residence clause if she resided within five miles?—Yes; as her selection was heavily timbered her husband, before he came to the district, asked permission of the Minister to cultivate on his own selection the full area required by the Act on both selections. He obtained consent, and gave a letter promising to cultivate on his own land the area necessary for both the selections. As to Mr. Plate's case, he fully complied with the conditions of the Act; and he applied for the grant, and it never came before. It is one of the best improved selections you could see.

1924. Were you ever called upon to report upon it?—No; only what is called a parish report.

1925. The Commission desire to assure you that they are quite satisfied there is nothing in the charges made by Mr. Bloomer?—Thank you. The selectors would bear me out in the matter.

The witness withdraws.

Richard Henry Andrews examined.

1926. Would you have the goodness to tell us what you are?—Manager of the Bank of Victoria, only nine months in this district. I have acted as manager for the Bank of Victoria in other places; the last was Avoca.

1927. Has the Bank of Victoria had many transactions with selections in the way of giving selectors accommodation?—A great many.

1928. Have the advances of money that the selectors got from your bank been obtained direct from the bank or through agents?—Direct.

1929. You have no objection to tell us what the rate of interest is?—Ten per cent.

1930. Is there any other charge?—No commission charges.

1931. None on renewals?—No.

1932. Is it done on bills?—Sometimes, and sometimes on overdrafts.

1933. The leases are deposited as collateral security?—Yes.

1934. You are aware of the regulation recently issued by Mr. Longmore limiting the amount of advances on those leases?—Yes.

1935. Do you think that a good regulation, looking at the condition of the selectors in the district?—Yes, I think it is.

1936. It has had no effect on your bank in causing it to restrict advances to selectors?—No, I think not. Where selectors required more than a pound I never found any difficulty in getting permission from the Lands Department.

1937. The regulation has not in any way caused a restriction in the advances made by the banks to the selectors?—Not so far as I am aware.

1938. You think that the regulation is wholesome in preventing men from rushing too deeply into debt?—I do not think that is the effect. It does not prevent a man going into debt if he feels inclined. When a selector requires more than a pound an acre, to my knowledge he is able to get it by special permission from the Lands Department.

1939. Where has he put on a large amount of improvements?—Exactly, or other special reasons.

1940. A man who has spent £500 or £600 on his selection?—Yes, I know of as much as £450 advanced on the 300 acres.

1941. There is a general tightness of money now?—Yes.

1942. Are any restrictions apply to all other classes as well as selectors?—Yes, there is a general restriction.
1943. As a general rule, have you found the selectors men who prove themselves trustworthy and wishing to meet their liabilities? - Yes, as a general rule, I have.
1944. And generally able to meet their liabilities? - Yes, I have found them a very trustworthy class of men.
1945. As a class of men I have as much pleasure in dealing with them as any class.
1946. Unless this present restriction is removed promptly, will it not have a bad effect on the selection in the district? — In other words, the want of money will be detrimental to selectors as well as any other class, but not more to one than the other.
1947. Is it not absolutely necessary to have existence to have advances; will it not force them out of existence if they cannot get that assistance — unless the banks or the Government can offer that assistance, will not the effect be disastrous? — Yes, I have no doubt the want of money will be disastrous to some of those fresh starting.
1948. What would you think of a plan of this kind. If the Government were to borrow a sum of money, say two millions, to introduce capital for selectors, and make advances to selectors requiring accommodation in the requisite small sums, the repayments to cover interest and capital, and extend say over ten years, something after the manner of the building societies; would that be legitimate and a profitable transaction for the selectors and the State, to prevent lands going out of the hands of the State? — I can hardly express an opinion on the whole, but I can express an opinion that any movement, whether by bank or the Government, to provide additional capital for the selector will be productive of very great benefit. It is not that we are not willing to lend, it is that there is a general scarcity of money, and, whoever finds the money, it must be of great benefit. At the present repayment over a long time, I think it would be a wise thing. It would prevent the constant payment of commissions, as in the case of short loans negotiated through agents.
1949. Would not such a scheme, say that gave money at 8 per cent. to the selector, help to make settlement bona fide? — It would ease the selectors if the money could be got at the present time, no doubt, but if the available capital was already in the colony I do not think the selectors would find any difficulty in getting it.
1950. Is it not the policy of the banks to take large accounts rather than small ones? — I think not.
1951. Would you rather take £50,000 in one account than 50 accounts of £1,000 each? —No, I should not, the head office does not, as a rule, interfere. I use my own discretion. If I prefer £50 at £100 to make the same amount they would not interfere with me. There is no doubt a large account is less trouble. We have always gone in for a large number of small accounts.
1952. Could you give us any suggestion which would improve the settlement in this district — make it more permanent? — I do not know of anything. I think the settlement in the district is permanent. I do not see any appearance of want of permanency in it, so far as I can judge. I would suggest about the mortgaging of leases that when a man has gone through three years and proved his bona fides it ought to be a matter of form to obtain this permission. I mean it ought to be done quickly. At the present time it takes a fortnight or a month. This acts prejudicially against his obtaining a loan from bank managers. If we could deal with a lease as quickly as we can deal with a certificate of title — in other words, get permission is three or four days, it would facilitate business. I see no reason why it should not be done.
1953. The great multitude probably makes the delay? —Certainly; but it ought to be done under a month. Suppose I advance a man money I might require to get that security registered, and if I could not complete the security for a month I might hesitate to give the money at once.
1954. You think despatch of business in issuing leases is a great want at the present time? — Yes, I find it so.
1955. And it adds to the risk you have in lending? — Yes. A bank cannot afford to run such risk. I have lent still largely on those leases as low as 6 per cent. I have known cases of delay in getting leases. It is one case, the man applied before I came here and he has only just got his lease. The man was indebted to us a considerable amount. We have advanced to a number before they had their leases. I would act on a man's general character in advancing before the lease is granted.
1956. Then it is the delay in issuing the lease you complain of? — Yes, and the long time it takes to get permission to deal with the lease — to mortgage the lease. I mean this — that in the great majority of cases we do not apply to the Minister for permissions, but we take forms of application. What I want to see is, that we can get these put through quickly. Under the present circumstances, if we want to be permitted we have to get the permission sent through you and endorsed on the lease. I should like to get the thing done in three or four days instead of three or four weeks.
1957. What would be the modus operandi? — Send the lease down to the Lands office. There should be a clerk there to endorse permission on it as a matter of form. When a man has been three years on his land he has proved his bona fides, and he should at once get permission to mortgage his lease for whatever the Minister thought proper.
1958. For whatever the Minister thought proper — that implies that the document must go before the Minister? — Why should it go before the Minister?
1959. How is the Minister to consider whether it is too much? — He could fix some certain amount. There is never any real objection to £1 an acre. I never know a case thrown out.
1960. You suggest that one of the officers in Melbourne should have power to grant leases? — Yes.
1961. Instead of dealing individually though there should be a system in operation? — Precisely; the thing is in effect the same now. I never know any application for permission to be thrown out.

The witness withdrew.

Alexander James Twigg examined.

A. J. TWIGG,
21st June, 1899.

1962. Have you had any transactions with the selectors relative to loan affairs? — Yes.
1963. Tell us what has been the result of your experience with them? — As to difficulties in procuring loans?
1964. Yes, and how have they been treated by persons by whom loans have been advanced when they had any real grounds of complaint? — I cannot speak as far as regards the connection of selectors with agents, because when have I been obtaining money for selectors I usually obtain it from a company for them to pay off their agents. They have said they have been overcharged, but I do not know that.
What do you charge a selector for that accommodation?—I charge a commission of 2½ per cent on the amount of money I get.

What is the interest charged by the company?—It used to be something less than 10 per cent, but now it is about 10. I was making arrangements with a company last week in Melbourne, but they want 10 per cent interest. Of course they did not limit any time; as long as a man pays interest they allow it to go on.

There is a mortgage, of course, given?—Yes.

What does that cost?—That is usually arranged by four guineas—the whole thing—the whole carrying through. Not the 2½ per cent.?—No, that amounts to £8 or £9 frequently. Those commissions have to be divided between two or three agents. When a selector comes to you and you get him £320 on his lease, the same person may not be able to do it all, and then you go to another agent.

In your case your charges are, first, 2½ per cent. commission, and then about four or five pounds for the deed?—Yes; but in most cases I do not have the preparation of the deed. The mortgage employs his own solicitor; I do not get it. Suppose he did come, and asked if I had £320 money to lend myself, I would charge him four guineas for putting it through.

And if you got it from Melbourne, the charge would be the same?—Yes. The ordinary charge under the Transfer of Land Statute is £9 13s, and they charge the difference for the difficulty of getting the document through the office.

In those transactions you speak of with companies, is there any time fixed for releasing the mortgage?—In some cases, when it is with companies, as far as I know, they take a man's bill for six months, then they renew it for ever—continually renew his bill. He pays the interest and gets his bill.

Is he charged commission on each of those?—Oh, no, he simply renews his bill, and the thing goes on.

No charge for renewal?—No.

There was evidence given here by a gentleman that he could get a lease issued at any time, by application to the Crown lands, and that it was merely a matter of money; that he had no difficulty—that it was all a matter of money. That was Mr. Bennett. Have you any idea of who the party is that is employed in Melbourne to facilitate this business for Melbourne's in this way?—I think he has an agent. In one matter in which I was concerned in the Lands office, as opposed to Bennett, during last February, I was in town then. It was a matter in which the Treasury receipt was to be issued to the licensee. In that matter it was desirable that the receipt should not issue, as the licensee had assigned with the intention of defrauding the creditors to a large extent. The Minister had seen the woman, and had recommended that the receipt be issued to her, as she represented she would have money to pay her creditors. I went to the office that day, and it had been issued; the form had been made out and the area left blank. I just arrived in time and informed the Department of what had occurred as to the woman, and said if she was really bonâ fide she would wait for me to serve the writ on her for my client. I offered to make no charge for costs, and a minute was made that the receipt was not to issue till the woman came. The woman ascended to Deniliquin. Afterwards I tried to see the Minister, and I wrote often to see him, but did not succeed—the way was stopped. I wrote letters detailing the whole circumstance, showing clearly it was a matter of fraud, that it was no doubt a fraud was intended, and there was nothing done; at least I got no reply to my letters till after about three weeks. While I was in town I got notice that the Minister intended to issue the receipt. It was issued. The woman is gone, and my client has been defrauded. The woman went to Mr. David Gannson first, and when I was in the board room and asked about it, he said he was concerned in the matter; and we argued the case before Mr. Walstab, and he took my view of it. That was the first time I saw Mr. Gannson. He has not spoken through the matter, or rather his brother William conducted all the subsequent negotiations. They told me the receipt would issue on a certain day, and I was asked to attend before the Minister; but in the morning I was informed in the office that the Minister had made his mind to issue the receipt, and I left town the same day. The Crown grant has since been obtained. After I told Mr. David Gannson the true facts of the case, he said he would have nothing more to do with it, he believed it was a fraud; Mr. Walstab told me that David had thrown it up, and that William had it in hand, and he conducted it to a successful issue. I saw at once I could not hope to contend with the facts that were there. I saw it was utterly useless.

You found it difficult to get an interview with the Minister?—I never got one at all. I wrote asking him if he would see me and speak to me on the subject.

How long ago?—In February last. The allotment of land is 320 acres at Matimak.

By the issue of that Treasury receipt the fraud was effected?—Yes. I consider it was a conspiracy between certain persons to defraud the law.

If you had seen the Minister would it have been done?—I do not know.

Could you not have seen the member for the district?—Unfortunately I did not.

This Mr. Bennett was the agent here?—Yes; that case is the only reason that I have for believing that Mr. Gannson is Bennett's agent.

As far as this district is concerned Bennett was the agent. The Melbourne agent was Mr. David Gannson?—Yes.

You say that Mr. Walstab, that is the clerk below stairs, knew that Mr. Gannson said to you that it was a fraudulent transaction?—I said to Mr. Walstab, "How is this going now?" He said, "Well, the Minister is going to issue the receipt—the plans have come down." I said, "Is Mr. Gannson going on with the case?" He said, "No, he has thrown it up. His brother William has taken it up." Did Mr. Walstab offer any opinion as to your views on the other side?—I understood that he agreed with me all the time.

Did you tell Mr. Walstab that in your opinion it would be a fraud, and he agreed with that?—Yes, I told him twenty times. It bore on the face of it that it was a fraud. The official of the department stated to you that he believed a fraud would be committed if the lease was issued?—No, not exactly, but he acquiesced with what I said, I said it, and he acquiesced.

You said, "My client will be defrauded of this money if this takes place," and Mr. Walstab said, "I wish it so."—Mr. Walstab said, "I believe so."
1988. Though an officer of the department took this view of the matter, nevertheless the department was allowed to lend assistance to the fraud?—Yes.

1989. Mr. David Gaunson was of the same opinion?—Yes; he said, “If what you say is correct it is a fraud, and I will see the woman and endeavor to get her to do what you want.”

1990. And then Mr. William Gaunson appeared?—Yes; I asked for the address of the woman.

1991. Whom did you ask?—I said in the board room to Mr. Walsteb and old trial, and to the two Gaunsons, and Mr. Bennett, “If you will furnish me with the woman’s address that will do for me, and you can have your own case,” and they absolutely refused. They said they did not know, and I knew that was false. I believed Mr. David Gaunson when he told me he did not know her address.

1992. If it seems strange that she should be allowed to borrow £900 on 220 notes?—Yes it is not so much as that. She incurred a debt by purchasing a freehold from her father. He is an ignorant man, and she took advantage of his ignorance, and she paid about £450 and got a mortgage and handed it to the bank. She owed her father £930, balance of the purchase money, and he hoped she would get enough on her selection and the equity of her freehold to pay him off. She would not do it. She sold the equity of freehold and got the Crown grant for her selection, and she has absconded to Deniliquin, and I believe she has money there. Her name was Hoy, her father’s name is Specker. He has since sequestrated her estate.

1993. No doubt the whole matter will be enquired into in the Insolvency Court.

1994. What was her name when a widow?—Zoechar.

1995. Could you tell us what has become of the land?—I cannot tell you. I believe after she absconded that the banks sold the freehold farm at Natimuk under the mortgage, and that Mr. Bennett became the purchaser, and I believe he is the possessor of the farm she purchased from her father. I am not absolutely certain; I do not know what because of the selected land.

1996. Is her husband alive?—Yes.

1997. Do you know anything about the man named Baker, who complains that the selection of a man named Kuhne should be forfeited for non-residence and non-compliance with the Act; and that it was thrown open for sale, and he got it out; and that afterwards, by some clever manipulation, Kuhne got a re-license and got possession of the land, though he is, to all appearance, a dummy to Mr. Huff?—Since August 1872 the matter has been pending. Baker applied for the forfeiture of the land of Kuhne, on the ground that he was not a bond fide selector. The matter was investigated at the local land board, at which the police magistrate and district surveyor presided, and it was finally shown that Kuhne was not bond fide, and the land was thrown open for sale with the valuation of the land in favor of the Crown. Kuhne appealed against this, and it was afterwards heard in the land board at Horsham, and the former recommendation was upheld. Huff went to Melbourne then, and some time afterwards Baker got a notice to attend before the Minister in the matter of this application for forfeiture of Kuhne’s block, and he could not attend and bring his witnesses, being a poor man. I wrote and asked if they would receive evidence by statutory declaration, they consented, and declarations were made sowing conclusively that Kuhne was a dummy. I forwarded these, and Mr. J. A. Farmer, the solicitor, appeared for Baker, and Mr. MacBain appeared for Kuhne and Huff; and the Minister again upheld the decisions of the local boards, and recommended that it be thrown open. I believe it was thrown open, and persons went to get it. Afterwards the order was revoked, and we were requested to attend again and give evidence. This time Mr. Walsteb and Mr. Skene investigated the case, and I think on this occasion Mr. Service’s managing clerk, or some person from his establishment, appeared in the interests of the other side. The matter was again investigated; Mr. Service’s clerk had produced a lot of statutory declarations which I do not think were satisfactory, and the matter was left for consideration for two or three months. Then there was another order throwing it open for sale, and again persons pegged it out; and now that order has been revoked, and Kuhne holds the license.

1998. (Re-licensing?)—I do not know about re-license, but I imagine it has been treated as if never forfeited.

1999. Who asked the Minister’s advice in the last case?—Mr. Service’s people, I believe.

2000. What connection had they with it?—I cannot certify that of my own knowledge, but I have no doubt. I know Kuhne had contracted a number of debts; Huff went to different storekeepers and asked if he (Kuhne) did not owe them something, so that they could show the bills to the Minister, to show he was bond fide. I believe all the bills were entered against Huff. Anderson Brothers, at Morton, had given Kuhne credit for £20 or £20 for feeding wire, and they asked Mr. Service if he would not interest himself and get the land or some money to pay them. They spoke to me about it, and said they were likely to suffer a loss from trusting Kuhne. They did not put the things down to Huff, as other people did.

2001. Are you aware whether the new license has been issued or under what circumstances he now holds the land?—I do not know. I imagine if the land had been forfeited applications could have been considered, but I suppose it stands on the original status.

2002. How long has Kuhne been on the land?—Four or five years, I believe. I understood that he applied for his lease before, he made the application for the lease when he was entitled to do so circumstances he now holds the land?—I do not know. I imagine if the land had been forfeited applications could have been considered, but I suppose it stands on the original status.

2003. How long have you been in this district?—About five years and a half.

2004. Have you had any transactions to any extent with the selectors during the whole of that period?

2005. As a general rule have you found them trustworthy and anxious and willing to pay off their obligations?—Yes, I think so, take them as a rule.
2008. Is it your opinion that the settlement is permanent, and that there is not that class of land speculators who are called dummies?—Yes, I think the selectors generally are bonâ fide, and it is their intention to remain.

2009. There is none of that fraudulent selection?—I have not seen any. It was tried here once, but it was all upset.

2010. It is all at an end now?—Yes; that was years ago.

2011. You think on the whole the district has good prospects before it?—Yes, I think so; this season is the best we have seen for four years.

2012. Generally, in the various transactions you have had with selectors, what was the amount of accommodation you found it necessary to give them?—It was quite uncertain. Some would come with a lot of money. Some spend £100 in cash the first transaction, and yet in two years time they would be short, and we would have to lend them money to pay the rents, on account of the bad season. One man had put in 25 acres the first year, and he got about 30 bushels to the acre. The next year he put all the strength he could into the ground and put in 150 acres, and he got about three bushels to the acre, and we had to assist him.

2013. You assist in goods and money?—We always assist in goods if they spend the money with us for the first time. We only lend money to pay the rent, but, as a rule, we deal with them in goods.

2014. You are not money lenders?—No, not at all.

2015. Is it your opinion from your experience that the majority of persons who come here to select land brought some capital with them?—The majority; five-sixths, even as much as nine-tenths, brought implements, horses, or stock, property representing capital.

2016. What would be the average of the capital?—I should think an average of not less than £100 in cash, that is the early selectors. Since when?—Since then some have come with no money at all.

2017. Without anything?—Without implements or anything; a man would come with two horses and a cart, or a wagon, and he and his son would take up two selections, and say he had land elsewhere, and was expecting remittances, and would get into our debt £20 and coolly file his schedule; that is a very small proportion.

2018. Would you lose the money in that case?—I do not know that we actually lose it, but I think we will have to wait for a long time.

2019. You have some cases in your mind?—Yes.

2020. Do those people still hold the land?—Yes, they do. A case occurred just recently; on the 29th of April a man in Horsham filed his schedule—a butcher. He was the licence of 320 acres of land, he sold his business here, and he went and resided permanently on his land this year. On the 29th of April he filed his schedule, and he put his assets at £2,280 14s. 4d., liabilities, £1,595 7s. 4½d., leaving a surplus of £685 5s. 11½d.; which sum would show something more than 7s. 6d. in the pound. A meeting of creditors was called, and there an amount was offered, a composition of 2s. 6d. in the pound. That man, of course, sold his business; the proceeds of that go to secured creditors, and the creditors who supplied the whole of the house and other things on that land are just left to stand and look at it. They can take the 2s. 6d. in the pound or go without. There is the man's property on the land. I had it from the official assignee this morning that the improvements on the selection are £1,000 or over, yet the man is insolvent. It is a poor protection to us business people to allow that land to go. It is forfeited to the Crown. I think if those improvements were handed over to the official assignee instead of going to the Crown it would be more just. I understand if influence is brought to bear it may go to the creditors, but all this costs money. You cannot move anybody in Melbourne without money.

2021. Are there many cases like that?—I know another case of a man named Gates, who went insolvent; that was a similar case.

2022. Had the other man got his lease at the time?—He had only paid two rents at the time.

2023. What do you mean by saying that money can do those things in Melbourne? Do you mean that it is possible to move the Lands Department by means of money outside?—I believe it is possible, because I am informed.

2024. Have you been recommended to go to any particular individual?—Yes, to Mr. Gannen; I do not know whether it is David or William. If I ask my solicitor, he just says, "You go to Gannen." Do you go to?—No; that is, we should employ Mr. Gannen.

2025. What do you think that means?—That Gannen was parliamentary influence to carry that through?—Yes.

2026. Without any money consideration?—Yes; he has a money consideration.

2027. Do you understand from your solicitor that he had it in any previous case employed Mr. Gannen successfully?—I know it from, any number of cases here. It is well known to some of us in Horsham how these things are done. It used to be the common saying that Bennett could put anything through that he liked.

2028. Who was his agent?—Mr. Gannen, I believe. And last night I saw an account signed by Mr. Byron Moore—"Charge for getting the Minister's consent."

2029. When was he in the service?—No; he is acting as agent now.

2030. For whom?—For Bennett.

2031. Can you state any individual case in which he has acted?—I believe I could.

2032. When your solicitor advised you, to employ Mr. Gannen, did he state the amount of money you would have to pay?—He named some sum, something like £20.

2033. Did he give you to understand that, in that case, Mr. Gannen would get done what no one else could?—Mr. Gannen could do that. I am sure, and I lost through not employing him.

2034. Has Mr. Bennett ever stated to you at Horsham that Mr. Gannen was his agent?—I do not know that; but he has said, "If you want these things put through, I will do it;" and he could do it.

2035. And he led you to believe that Mr. Gannen was his agent?—He did not tell me that he was his agent; he did not make any secret about it; Bennett has pulled all these things through, he has done it.

2036. Do you not know of any case in which Mr. Bennett has failed?—No.

2037. Do you know of circumstances of some of the cases?—Yes, I know the circumstances of many.
2040. You think they were cases that ought not to have been put through? — Yes, there was the case just cited, Hoy’s.

2041. What is your opinion of that case? — I consider the girl deceived her own father to begin with; that speaks for itself.

2042. Do you think that that proceeding in granting that certicate or receipt helped to the perpetration of the fraud? — Certainly it did. If Mr. Twigg’s advice had been acted upon, the whole affair would have been stopped, so that the injustice could not have been perpetrated.

2043. Would it not be just as well that this regulation of Mr. Longmore’s has been passed that no agent shall be allowed to transact businses between the department and the selector? — Yes; but I think that has its evils too. I was a creditor to a man here to the amount of £146. We had carried them on for three years, and we were to get the lease for the one allomment, and the agent here was to get the lease for the other, and we both went and paid the two rents, and we had the orders to receive the leases here; this lease was 320 acres, and the selector’s account was £146 that he owed us. This order of Mr. Longmore’s came that the leases were not to be given to any but the lessees themselves, and these parties went down with the agent and got the leases and mortgaged them to the Colonial Bank here, consequently we lose our money. If I had got that lease as I should have done, I could have taken their money on account.

2044. They have not gone insolvent? — No.

2045. You ought to have gone with the people to Melbourne? — Yes; I am satisfied that if I had employed Mr. Gaunson, I should have got the lease.

2046. Was Mr. Gaunson employed on the other side? — Mr. William Gaunson was, I believe.

2047. Was the agent in that case Bennett? — No, Hall.

2048. Did Hall employ Mr. Gaunson? — I do not know. I asked Mr. Clark, the member for the district, to state the matter, and that I wanted him to see the Minister.

2049. I suppose he did that for you “on the cheap”? — for nothing? — Oh, yes; still it would have paid me better to have paid Mr. Gaunson; I am certain I should have succeeded.

2050. The Minister, Mr. Clark, M.L.A., a member of the Commission — The fact is, the other agents went down in the train at the same time with me, but they got before me. I saw Mr. Twigg, and he carried that matter through with Hall.

The witnesses. — I can give plenty more cases. I should suggest it would be well if the Commission could see any way of protecting creditors who supply goods to selectors.

2055. What would you suggest? — That the Minister should allow the amount of valuation, whatever it may be, to go to the creditors in case of insolvency. It is hard that the land should be improved with our material and we never get it. What right has the Crown to it? I think the incoming tenant should take no thing at a valuation, and that money should go to the creditors.

2056. What was the name of the selector? — Robert Ayton; he held for months a selection at Vectis East. If he is allowed to remain on the ground, he has £1,000 worth of property. What good does that do the creditors?

2057. How many cases could you give, if we had time to listen? — Half-a-dozen. There were two cases where we never received a solnary sixpence; at the same time the man goes away and leaves his improvements behind him. Our habit of dealing with customers is this; if we think we can be trusted, we give them any supplies they like for the first quarter and give them their accounts quarterly, and they are charged 10 per cent, per annum, and recently we have charged 15 per cent on the unpaid balance; so that the average credit they get without interest is 4½ months.

2058. Suppose the debt was contracted in January, no interest would accrue till the 1st of July? — Yes.

2059. And then interest on the unpaid balance only? — Yes.

2060. The rate of interest is 12½ per cent.? — Yes, now; and formerly it was 10 per cent.

Mr. Clark. — I wish, under the circumstances, seeing that reflections have been cast on the storekeepers of Horsman that they are chargingurious interest, to testify that they are the best friends the selectors have had; they have assisted the selectors right through; they have been the best friends they have had.

The witnesses. — In regard to the subject of the payments being extended to six years as against the present three years, I wish to say that I think it would be more beneficial to the selectors to get their loans extended six years, supposing they could get an advance, say 30s, an acre the first twelve months, and the other 10s in three years; that would be equal to £1 an acre borrowing on their lease. If that had been done many of the selectors who have left this district would have been resident on the land still. I am speaking of scores of cases. Any person who doubts me can refer to the papers any day now showing one or two or three selections for sale; the rule is there are always some for sale. If they could not have got their lease they could not have sold out. What is wanted is that storekeepers shall be protected. Six years might seem to be a long time for a selector to struggle on, but one good season would enable him to pay off the whole of his liabilities, and we would be satisfied with that. I know people who have come up in this district and selected three or four selections, and have left their own friends at Hamilton; they are children of farmers. A family came up here and selected at Mount Arapiles, and the land is under offer; they are trying to sell now; if they can sell they will get a lot of capital.

2065. With six years the chances are they would have decided to stop, but in three years a man comes up and says, “If I can tide over the first year, and the storekeepers will help me tide over that, if the worst comes to the worst I can sell”? — Yes; as a matter of fact a great many have sold out from different causes; sometimes a man’s family has grown up and he wants more land, but in another case where a man was asked if 320 acres was sufficient to support himself and his family, he said yes, he had done well on it.

2067. Are you in favor of increasing the maximum area to 640 acres? — No. The man referred to is a practical farmer, and he is satisfied, and the people generally are satisfied. There is another case I might mention; at the local land board, on the 26th of May, I see that four of the children of the Tutur for the shires have selected 320 acres each, and that very man says that is not enough.

2068. Who is that? — Mr. Buchanen; none of this man’s family know anything about farming more than I do.

The witnesses withdrew.
Alexander Carnegie examined.

The witness.—I represent the Selectors' Protection Association in the Natanank district, and I have been closely associated with the difficulties which the settlers in that district have experienced ever since the restriction has been placed on the borrowing of money on the land. I am further to say that there are a great many small selections not up to the full 320 acres—150 and 200 acres—very good land, good houses, and good farms, but these men without the facilities of borrowing have not been able to carry on their business in the way they would otherwise have done. Everything seemed to go on very agreeably until the regulation was issued, but, unfortunately, since then things have assumed a very different aspect. The general cry now is, what are we going to do. The consequence is that a great many of the small holders are selling to the large holders, and we will very soon have a class of middlemen between the selector and the squatter.

1959. We have had here evidence from the bank managers that that regulation has had no influence whatever in restricting the accommodation given to selectors; that the restriction of the accommodation to selectors has arisen solely from the scarcity of money; that that limitation extends to stockmen and all other people as well, and that, as a rule, they have found the limitation to £1 an acre has not prevented them giving the accommodation that they were always wont to give—?I am not going into the state of the money market, but I am here to represent the feelings of the people who sent me, and they say that it has influenced them.

1960. The limitation of the borrowing power happened at the same time that the tightness of the market came on, and the two things happening at the same time, the one is not a consequence of the other?—It is in our district; the one succeeded the other in our district.

1961. The back people state that it has had no effect?—I am not here as the agent for a bank; I represent the selectors; I represent some eight selectors.

1962. Could you give us some instances of the effect it has had?—Yes, I could give several; at the same time I do not think it would be right of me to bring up the names here.

1963. Do you know of any instance where a selector applied for a loan and the bank said, "I cannot go according to Mr. Longmore's regulation"—?I know of twenty instances.

1964. What bank?—I do not consider I am in a position to say that. The selectors were answered by a shackle of the h-h, and told that "the state of money was so low." Further than that, it was distinctly represented that it was in consequence of Mr. Longmore's regulation.

1965. Did they wish to borrow?—In some cases £2 per acre and in some they could have asked £3 without any hesitation as to getting it before.

1966. Could they retain their land if they had borrowed as much as that?—I am certain of it; they are some of the best men in the country.

1967. But with two succeeding last seasons, and, could a man recover his position again after borrowing so heavily?—I speak of men that have actually made their position. Selectors hold it this way, that if they have through their diligence and perseverance got into possession of the land of the country and have got a good thing, they are entitled to make use of capital they have acquired in some other way. A selector may wish to buy a threshing machine or other implements, to increase his profits in many ways; but he has been precluded from doing this. I know one man now who is placed in a corner by this.

1968. What is the amount of money he wants?—He is restricted from getting the necessary funds, and is being pressed by his creditors for what he has got.

1969. What is the average holding in your district?—About 320 acres. There are several very small, but they are very good land.

1970. Your evidence is that the selectors think they ought to be allowed to borrow as much money as they can get on their holdings?—The selectors think they have got some enough to manage their own affairs.

1971. And to borrow money on their holdings and spend it on any speculation they choose?—Yes, it is generally for the benefit of the district they will spend it on the spot; they will not go to Melbourne and buy a house with it. They generally want it to improve their properties. The people are so disgruntled at what they are having, and are being bought out by their neighbours, thus making a class of middlemen. You will soon have the squatters, the middleman, and no selector at all.

1972. In such a case as that you have mentioned, you say the man cannot go on unless he borrows more money; will not each year plunge him deeper in the gulf?—We are not going to take the progressive view all the way. Why should not a man be able to manage his own business?

1973. But if he gets himself excluded, is not that an evil?—I do not think it is the business of any Government to interfere any more than with a stockman's business.

1974. It is in this way?—In the case of a shop it is different, but when the Government gives land on cheap terms to make the State grow up to a powerful State, then it has a right to see that by no cause, miscalculation or otherwise, shall that land pass away from the primary class into the hands of the money lenders?—It is a very important duty, but they ought to endeavor to fulfill it judiciously; for instance, has all this good that is proposed to be done been arranged before.

1975. What good?—The suggestion that the Government should lead the selectors money; if that had been done before things might have gone on better. I am quite willing to give the State all the credit it deserves for doing its best, and for its good intentions, but I am sorry to say the system has not resulted as well as even they themselves might have wished.

1976. If it has not resulted well, it is the fault of the people, not of the State?—I cannot see that. The people have been working hard, and if they are honest, fair-dealing, hard-working men, they should have credit for having some little judgment in managing their own affairs.

1977. But is it the State's affairs?—I consider when two men make an agreement, then there should be no further interference.

1978. But is it not two men?—The State is the one man and the selector the other.

1979. The State gives the land for £1 an acre and they allow him to pledge it to the full amount of that; you think the selectors should have been available for speculation to the want of more than £1 an acre?—At a certain period it should. In the meantime while should a man's energies be restricted in making it a field. A man, by getting a certain amount on his land, may be able to make it freehold and do the country good.
2080. There has been no restriction upon the amount advanced to selectors. Three bank managers have given evidence on that?—As far as the bank managers’ evidence is concerned, I cannot say anything, but I know the effect. I am positive it has had an effect. I could get a hundred signatures to-morrow to prove it.

2081. Where did you select?—I am not a selector, I am a builder, and I represent an association. Since I have been in the district I know nearly all the affairs of the selectors, and I come here seriously to represent them, not merely to talk.

2082. You are aware that the reason of the limiting regulation was that it was represented to the Minister that parties were leading the selectors into debt so as to get their land?—More property has passed away since the regulation has been passed than ever before.

The witness withdraws.

Frederick Wallace Kirwin examined.

2083. Are you manager of the National Bank here?—I am.

2084. How long have you been in the district as manager?—A little over four years.

2085. Have you had much dealing with selectors in connection with money advances?—Yes.

2086. What has been the general rate of interest you charge?—That is a matter between myself and the selectors. We do not expose our business.

2087. We only ask the general rate?—I decline to give any information upon the subject.

2088. Then we must conclude that the rates you usually charge are exorbitant?—You can draw what conclusions you like.

2089. Is the rate you charge the ordinary bank interest?—You can find that from the papers, if you wish to; everybody knows the general rates of interest.

2090. You will not tell what the rate of interest is, or the terms under which you advance loans to selectors; is that so?—Yes.

2091. Other bank managers have given all the information we desired readily, and we have the power to compel you to answer if we like to use it?—The rates of interest are from 7 to 12$ per cent.

The witness withdraws.

Adjourned.

(Taken at Echuca.)

MONDAY, 24TH JUNE 1878.

Present:


William F. Tait examined.

2092. Are you the district surveyor?—I am the officer in charge of the survey district.

2093. How long have you been in that office?—Since last January; since the district surveyor left.

2094. But only at the head since January?—Yes.

2095. Can you describe to us the extent of the survey district here?—The total area of the district is 1,400,000 acres.

2096. How many shires does that include?—Part of four.

2097. Will you name them?—Part of Henty, part of Waranga, part of Echuca, and part of Swan Hill.

2098. Does not the district contain any complete shire?—No; only part of those four shires.

2099. Could you produce a map showing the boundaries?—I have one here not quite completed, but it shows the extent of the district. [The witness exhibited a map.]

2100. Describe the limits—north, south, east, and west—so that we may have the geographical view of the district in our minds?—It is bounded on the north, along the whole length of the north, by the Murray; on the east by the meridian 14°12’ east, and Goulburn River. The Benalla district starts on the east, and the Seymour district on the south, the Sandhurst on the south, the Kerang on the west, and the Murray on the north.

2101. Will that map in your hand show in distinct colors the extent of selection and those lands that are non-selected at the present time?—Yes.

2102. You say there are 1,400,000 acres altogether in the district?—Yes.

2103. How much of that has been selected?—It has all been appropriated except about 100,000 acres, that is of available land.

2104. You mean that, 1,300,000 acres are selected?—No; the selected area is 1,010,000 acres.

2105. Has this selection taken place wholly under the Act of 1869?—No, not wholly.

2106. Will you distinguish between the selections under the Act of 1869 and the previous Acts?—860,000 acres have been selected under the Act of 1869.

2107. How much under the Act of 1865?—Under the 7th and 12th sections of 1865 139,000 acres, and under the 42nd section 11,000 acres.

2108. Any under the Act of 1862?—No; I am not aware of any.

2109. That does not account for 1,300,000 acres?—There is other land; there is sold land and forest land.
2110. You mean the sold land, and forest land, and the commons will account for the remaining portion?—Yes, 152,000 acres have been sold at auction.

2111. How much forest land is there?—There is still 120,000 acres of forest land.

2112. That would account for 1,280,000 acres?—Yes, about 1,280,000.

2113. As to this 120,000 acres of sold land, was it sold before the Act of 1869 or since or during the two periods?—The greater portion before the Act of 1865.

2114. Under the Act of 1865?—Yes.

2115. By auction or certificates?—By auction, the seventh section accounts for the certificate land. I include that in the 139,000 acres. That is now nearly all alienated; it is not held as selection.

2116. You state that you have included the certificate land in the 139,000 acres sold land?—No, in the area alienated by selection prior to 1869; there is very little of the 7th and 12th section land now held for farming purposes.

2117. What is it held for?—It is included in the runs.

2118. You mean to say that all the land alienated under the Act of 1865 is now all included in the original pastoral runs?—Yes, very nearly all of it.

2119. And is in the hands of the pastoral tenant now, and who is now a large landed proprietor?—Yes.

2120. That will come to 291,000 acres?—Yes.

2121. That has now all gone back into the condition of pastoral land?—Yes.

2122. Do I understand you to say that not only the 139,000 acres under certificates have become aggregated in large estates, but also the 120,000 acres that were originally sold by auction?—Yes.

2123. Will you be good enough to point out to us the selected land and those 291,000 acres you have spoken of?—The brown represents the land sold by auction, the green is that taken up under the 7th section, that taken up under the Act of 1869 is the blue.

2124. The latter selection are blue?—Yes.

2125. You state that the 290,000 acres are now held as squatting runs?—Yes.

2126. Can you state whether they are held by the same proprietors as those who were originally the pastoral tenants?—As a rule they are. The majority of the area is—

2127. What was the description of land?—Is this a better description than you have at present under the 1869 Act?—No, I think it is much about the same.

2128. Did it include river frontages?—It included river frontages at that time.

2129. Had the selectors under the Act of 1869 any difficulty in getting access to rivers in consequence of that?—There are reserves all along the river, and roads running to them.

2130. Are the roads open?—Yes.

2131. Have they been open always?—No, not always.

2132. Since when?—The shire took action recently and opened all the roads; before that, only those that were absolutely wanted for traffic.

2133. What action did the shire take?—They cut down the fences.

2134. Employed men to cut down the fences?—Yes, on the side of the road.

2135. And now all roads leading to reserves on the bank of the river are open?—So far as I know.

2136. So that the selectors have access to water?—Yes.

2137. Have the proprietors of those lands fenced off the roads since the roads were opened?—They are doing so.

2138. Have they improved the land?—They have cleared to a considerable extent and stored water.

2139. Not sowing artificial grasses?—I am not aware of much being done with grass.

2140. Do you know anything about the character of the selection here; is there a bona fide effort to comply with the Act?—I think the selection, so far as the selectors go, is very satisfactory under the Act of 1869.

2141. We may consider the Acts of 1862 and 1865 were blank failures as far as settlement on the land is concerned?—Almost.

2142. Have you any reason to apprehend that a similar fate will happen to the 1869 Act?—No.

2143. Why, what happened before may happen again?—Yes; but there are men dotted here all over the district, men with tolerably large capital, and they will not sell; it will be their object to buy their neighbors out.

2144. They will perform the work of large landed proprietors?—Yes, but they do it to a very small extent—not a large aggregation.

2145. Those are "boss cookies," according to the slang of the district?—Yes.

2146. What area does a "boss cookie" aggregate?—From 1,000 to 2,000 acres.

2147. Do none run to 4,000?—I am not aware; they may.

2148. Could you inform us of the acreage of the large estates in your district?—Yes. The following is a list of the larger freehold properties in the Edenca survey district:

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2149. Is that all? — Yes.
2150. Has any land been sold by any of those persons lately? — No, I am not aware of any.
2151. Is any of this land that is alienated and in the hands of those large proprietors cultivated at all? — I do not know of any.
2152. All used for pastoral purposes? — Yes.
2153. There were dams on some — for instance, Mr. MacBeain’s — and the land round those dams was reserved. What has become of those — are they available for the selector? — Most of them are, where they are some distance from the residence of the pastoral tenant, or unless there is enough land round to make it worth while for the pastoral tenant to fence them in.
2154. Are they in many cases fenced in? — No, not in many cases.
2155. No bad feeling arose between the selector and pastoral tenant on that score? — No, I never knew of any.
2156. Is there a reserve along the bank of every watercourse in the district? — Yes.
2157. Want width? — A chain and a half along every permanent watercourse.
2158. You think that the settlement is satisfactory under the Act of 1869? — I think so.
2159. In regard to those people who sell out to “boss cookies,” why did they do so? — was it that they took up the land for the purpose of speculation in it, or were they “bossed out” selectors capable of carrying out the conditions? — There are both classes, I think. Many have gone on with the intention of setting there, and owing to the smallness of their means they found themselves unable to do so, and they thought when they got their lease the best thing they could do was to get rid of it.
2160. What was the general price of land? — Land runs here from £2 10s. to £4 an acre. That is the value of land here.
2161. An average of £3? — Yes.
2162. What becomes of the men who sell out — do they remain in the colony or clear out? — I cannot say. I know a few cases where they have gone to New South Wales.
2163. What is to prevent those “boss cookies” aggregating more and more till at last they perform the operation of the large landed proprietors? — They come up against another “boss cookie” when they get to a certain distance.
2164. According to your evidence you think that the number of holdings will diminish, and by-and-by the whole of your district will be held by persons holding from 2,000 to 3,000 acres each? — I would not say so much as 3,000 acres.
2165. Will not the same desire to accumulate 2,000 and 3,000 acres carry the owner of that land further and make him wish to have 5,000 and 10,000 acres? — That remains to be seen whether he can do it.
2166. What proportion of those cases selected under the Act of 1869 have gone into leases? — About the half already.
2167. What proportion of those have been mortgaged? — Only 21,000 acres have been transferred with the consent of the office.
2168. How many acres of license have gone into leases? — 440,000 acres.
2169. How many of that 440,000 acres have been mortgaged? — I only know those gazetted as transferred 21,000 acres. I do not know anything about the mortgages; that is not dealt with by our office.
2170. Did those who owned the 21,000 acres own the Crown grant? — No. I refer to the transfer of leases.
2171. In how many instances had Crown grants been issued? — Very few. They are very seldom applied for; not once in fifty times.
2172. Who holds those 21,000 acres at the present time? — Some banks a few, and mostly adjoining selectors.
2173. Are any of those 21,000 acres included in the large estates? — No. I am certain of that; we have the names of the transferers.
2174. Do the banks also hold the larger estates? — Some of them.
2175. Has a large proportion gone into the hands of banks? — No; not a large proportion.
2176. Are the banks understood to hold it as a bank asset or in the interest of any client? — I do not know.
2177. When a man wants to mortgage his holding does not the department communicate with you for a report? — No.
2178. Does it come under your notice that there are many who hold under license who are in debt? — No; that does not come under my notice.
2179. You say there are 100,000 acres left available for selection? — Yes; that is not reserved or selected.
2180. Is that good agricultural land? — No; none of it. There is hardly any good agricultural land left now.
2181. Then you say that selection is at an end in this district? — Practically.
2182. In whose hands are those 100,000 acres now? — Principally as commons at present and on runs.
2185. As a run? — Yes.
2186. Where is the rejected 100,000 acres? — Mainly along the flats along the Goulburn and Murray.
2187. In detached pieces? — Yes.
2188. Will you point out the Messrs. Littlewood’s run, and the 30,000 acres they occupy? — [The witness did so.]
2189. When you say these 100,000 are not selectable land — is the soil swampy? — Swampy as a rule.
2190. Covered with timber? — In part.
2191. What kind of timber? — Red gum; along the Goulburn flats, red gum.
Are you the Crown lands bailiff in this district?—I am.

For how long?—About seven years.

You are perfectly familiar with the conditions and circumstances of the settlement of the district?—Yes.

You heard the previous witness state that 80,000 acres of land have been taken up under the Act of 1869; is that correct?—I presume that it is thoroughly correct; it is taken from the official statistics.

Will you describe the general character of the selection in the district; how far it is bona fide; and whether there has been any tendency to aggregation of selections?—When the selection first took place, under the 1869 Act, there was a great amount of dummyism going on, but the Judge Bindaon tribunal was held, and that crushed it out almost entirely. The land was forfeited after that inquiry, and taken up bona fide. That inquiry was the best thing that ever happened; in fact, I consider it was the very salvation of the country.

You think it effectively stamped dummyism out?—It did for a long time.

Has it shown any tendency to crop up again?—No; but effectually as that inquiry was, it was not successful in meeting all the cases. There were many who were not included in that tribunal who got their land and who ought not to have got it.

Why not?—Because they were dummies.

We understand then that, though the Judge Bindaon inquisition did a great deal of good, it did not do all that was possible?—Yes. There was another great thing introduced in Mr. Casey's time that has been instrumental in putting a stop to dummyism. He introduced that statutory declaration form providing for the forfeiture of land. [Handing in a copy of the form.] There were a great many complaints as to dummyism, on account of which Mr. Casey introduced that regulation, by which any person knowing that another was not a bona fide selector might give information to the department. The person informed against was then summoned before the local land board and called upon to show cause, and if he did not prove that he had complied with the conditions of his licence, the land was forfeited and invariably recommended to the party who gave the information.

The land was forfeited to the informant?—Yes.

Not if the informant had himself already selected?—No; that statutory declaration keeps the selectors and the bailiff and every one else in good order. It gives the outside public the power to apply for forfeiture when the Act is not complied with.

Then the effect of that instrument is that it arms the public with the means of watching over the relations of the land selector and the bailiff?—Exactly; it is a check upon both.

If a man wants land and cannot get it, and sees that the Government officer or selector has acted improperly, this gives him a means of applying for a remedy?—Yes.

If that is in general use all over the colony?—Yes; but I should add that it is open to one very serious objection. The informant and applicant may be himself an improper person to have the land; he may be a dummy put on by some one else; and, if he gets the land, it is a case of jumping from the frying-pan into the fire.

If he is not a bona fide man, would not that be discovered in the course of the inquiry?—It might not; we cannot always discover that. We could if the man had had land before; but it may be that the man has no means, and is unfit to hold land.

Do you make any inquiries as to means?—Yes; Mr. Skene attended nearly all the land boards after the Bindaon inquiry, and he always was particular to ask the applicant—'Have you money?' 'Have you horses?' 'Have you bullocks?' and so on. But even then it would happen this way—one man would say he had six children, the next would say he had nine, and perhaps that would be false; but the latter would get the land, and the board cannot help that.

Suggesting that, in reply to the interrogatories, a man admitted that he had nothing—no capital, implements, or stock—would he get the land?—They will never admit that; they always say they have got everything, or expect to get it, till rent-day comes, and it is found they have nothing.

Are they examined on oath?—No; that is a serious defect of the Land Act that the local land boards have not the power to take evidence on oath.

An applicant should not prove that he is applying in good faith, but also that he is able to comply with the conditions; do you think that an alteration to that effect would be good?—I do decidedly, because there are a great many who really intended to settle on the land; but they were without the necessary means, and after struggling on for a few years they were compelled to sell out.

Would it be of any use to do as commercial houses do in opening an account—ask the man to produce proof of his having capital?—Unquestionably that is the proper course; make him show proof of his having sufficient resources.

In the event of a declaration of that kind being made, so that the land was forfeited from the holder, would that land be given to the declarant before going before the local land board?—No; he would have to apply in the usual way, but Mr. Casey's idea was that, if the applicant was a good man, he should have it.

Is it not holding out an inducement to a man to get another man's land forfeited?—Yes; it is done this way—the declaration is not to Melbourne, and the selector is called upon to appear and show cause why his land should not be forfeited; then I am called on, and after that the land is thrown open for selection, and the declarant has the first chance. But I believe the regulations have since been altered, and the people think that the declarant will not get the land. I think there were 668 applications for forfeiture before the alteration took place, since then very few.

Such persons would have to have a knowledge of the district—how could strangers do it?—They go on the land and find out that the man is a dummy; there is no difficulty in that.

You state that dummyism was a common thing in the earlier stages of the 1869 Act?—Yes.

About how much land was involved?—I cannot say, but I know that the Government were saved from 10,000 to 12,000 acres over the Bindaon inquiry. I could give the exact figures to-morrow.

You heard the names of the large landed proprietors given by Mr. Taft?—Yes.
2218. Were any of those gentlemen involved in the dummyism; we will read the names—Messrs. Simmie, Fraser, and Craig?—Yes, they were to a large amount.

2219. Mr. Winter?—No, he never dummid any of his land.

2220. The Hon. Mr. Campbell?—No.

2221. The Hon. James MacBain?—I could not say. I have no evidence of it. I believe he obtained nearly all his land by auction.

2222. Mr. Littlewood, Mr. Henderson, Mr. Mack?—No. Mr. Austin Mack has never dummid an acre, and has always rendered every assistance to the selectors, but the "bossie cooke,es" have dummid the land right up to the corner pegs of his pre-emptive right.

2223. Then the only persons you are certain of as having dummed are Messers. Simmie, Fraser, and Craig, one of which firm—Mr. Fraser—is the member for the district?—Yes.

2224. Was any of Mr. MacBain's land forfeited?—No, none.

2225. How much land of Messers. Simmie, Fraser, and Craig's was forfeited?—I think five or six blocks were forfeited; that would be about 2,000 acres.

2226. When men come before the local land board and say they have means to go upon the land, would you say from your experience that their verbal statements should not be accepted as sufficient?—That is the proper course unquestionably. There ought to be a longer time for the Crown lands bailiff to inquire into the truth of the men's statements.

2227. Assuming that a man was found not to have the means, would it be advisable to refuse him land?—There are some few exceptions of persevering men with indomitable courage who will make a home for themselves any way, even without means to start with.

2228. How would it be with a man without means and with a large family; would he be better off if they could help him than a single man?—Yes, but it is a great struggle. At the same time the neighbors will always help a bond fide man.

2229. You mean they will give him employment?—Yes, or lend him a hand or implements, or even a little money; that is my experience.

2230. Then the declaration you suggest as to a man's having means might act as a bar to the settlement on the land of a very superior class of men?—No, I do not think it would, if we were given time to inquire; it would not be fair in the case of bond fide men.

2231. When a man says before the local land board that he has capital enough, but the proofs he offers to that effect are considered not satisfactory, would you refuse that man the land?—Yes, but I would always be very cautious before I did, and I would perhaps recommend him 100 or 150 acres instead of the full amount.

2232. Suppose a man said he was going to receive a loan from a friend of £500?—If I found it was true, I should recommend in his favor.

2233. What means have you for ascertaining that?—We have none.

2234. Have you frequently had to recommend that selections should be forfeited on account of the holder not being bond fide?—Yes, a great number of cases.

2235. Within the last year or two?—Yes, a great number.

2236. How many?—20 or 30 perhaps.

2237. Has your recommendation in every case been carried out?—No.

2238. What influence has worked to prevent that?—That is what I do not understand.

2239. Have you any reason to believe that it is political influence?—I would rather not answer that.

2240. The Commission expect you to answer their questions distinctly?—Well, I think so.

2241. You think that where your recommendations have not been acted upon, political influence has been the cause of the non-action?—I would not say in all cases; it has in some.

2242. In some cases you might have been wrong in your report?—No, I am certain I never sent in any report it was not strictly correct; except in one instance. There was a family of Nolan's, self-made men, who had selected, and the papers were sent up to me for report. I was busy at the time and could not go to see the place, and Jerry Nolan came to me and said, "I wish you would pass my papers." He lived at Corop. I asked how much cultivation he had done, and he said 27 acres of the best land. I accepted his statement as sufficient, and the report was sent to Melbourne, and he got his land. It turned out that there were only nine or ten acres cultivated, so that my report was wrong. I took the man's word, and I believe the man himself thought it was true. That same man put in an application for the forfeiture of a dummy's land, but the board decided against Nolan. Since then the "bossie cooke" who employed the dummy has turned the poor man off his land, and he has lost all, proving that Nolan was right. That is the only mistake I ever made as Crown lands bailiff, and the department treated me very well over the matter.

2243. About how many cases have you reported upon unfavourably within the last twelve months?—I could not remember exactly.

2244. Would it be fifty?—No; perhaps twenty or thirty.

2245. Say twenty-five—in how many cases out of that twenty-five were your recommendations carried out?—I really could not tell without looking at my books.

2246. Do you know of many cases in which your recommendation was not carried out—would there be a dozen out of the twenty-five?—Yes.

2247. Then in about half the cases you reported against your recommendations were disregarded?—No; I would not say that. They may have different opinions.

2248. How many cases have you reported during the last twelve months?—The Youghusband cases were, I think, within the last twelve months. That was a nest of dummies.

2249. My question is—in how many cases has your report been passed over and the land allowed to remain with the holder?—You are rather puzzling me.

2250. Is it frequently?—Sometimes; but I can tell you for certain from my books. There is a case of a "bossie cooke." I would like to refer to, which is the very worst case I ever had—Joseph Tilley Brown, and a selector named Thomas Holmes, who was employed by Mr. Brown as a dummy in the parish of Millewa. The man has been turned out of his land pell-mell.
2251. In those cases where your report has been discontinued, has the Minister first referred the report back to you? — No, most of the time, but not always. Mr. Brown took up some six to seven hundred acres of land at Millows, close to Edenderry, by means of dummies, and has succeeded in obtaining about 4,000 acres of land altogether. It was the very worst kind of dummying, far worse than that of which squatters were guilty. There was first of all a company started, consisting of Mr. Brown, Mr. Salt——

2252. Who is he? — I think he is a mining manager at Newstead. There was also Mr. A. C. Cowle. Mr. Salter and Mr. Cowle soon dropped off, and the whole thing was left in the hands of Mr. Brown.

2253. Has this matter been before the local land board? — Yes; many times. Brown’s modus operandi was this: — This was an old surveyor’s patch, and an entire block was selected by Ruth Bond, Miss Cowle, William Williams, and Thomas Holmes. Brown puts a ring fence round the whole four blocks.—Explaning the same on the map— and there was a house erected in the centre of the blocks belonging to the different persons, by means of which the four selectors were supposed to comply with the residence conditions. That absorbs the original survey of 1,053 acres. The bulk of the house is put upon Ruth Bond’s and Williams’s selection, and the kitchen is put on Miss Cowle’s block of land, though she never resided in it. Ruth Bond, who is a fine woman, actually did reside in the house. Williams was supposed to sleep in the room under the verandah, portion of which was on his selection. Holmes had a stable on his selection. The house stood on the intersecting lines of the four blocks.

2254. How long ago was it when this land was first taken up? — The first was 30th January 1873, 230 acres; the license issued in Thomas Holmes’s name. The application forms in this case, and all the other cases, were filled in by Mr. Brown.

2255. You say this was a company formed to take up and by means of dummying? — Yes, there were fourteen dummies behind.

2256. How did you come to the knowledge of it? — There was no secret made of the firm. Brown’s dummies were talked of everywhere all over. Brown was the real man, the other two were a myth. There was a squaddism in that case, and none of the redeeming features, and nothing was done right.

2257. How much land has he got? — 5,000 or 6,000 acres. It is difficult to say exactly, because it is hard to get at the truth. There is, for instance, another man, named Quirrell, that I believe to be in conjunction with Brown, buying large quantities of land, though I cannot understand it all.

2258. Where is this? — About six miles from Edenderry.

2259. About how many acres are owned between Brown and Quirrell? — I should think about 6,000 acres altogether between the two. In April 1876 the papers in Holmes’s case were referred to me. This is my report: — The improvements on allotment 79 consist of split post and top rail and five wires on the top rail, and four wires on the east; on the north and west no fence. On the north-west corner seven acres of cultivation. This is one-fourth of a 28-acre paddock which is enclosed, taking in seven acres of Ruth Bond, seven acres of Williams, seven acres of Miss Cowle’s forfeited block, and Holmes seven acres. Ruth Bond’s house is on the allotment; she claims the brick rooms and Williams claims a room under the verandah. This land is included in a ring fence which encloses Ruth Bond’s, Thomas Holmes’s, Mr. William’s, and Miss Cowle’s forfeited blocks. Mr. Brown’s sheep have free access over all these selections and feed upon them. The seven acres of cultivation has appeared three times, evidently to mislead. Holmes has a dummy house and stable on allotment 6, where he has resided about sixteen or eighteen months; previous to that there was no house. The improvements on allotment 6 consist of house and stable, yard, six wire fence on the north, recently put up, a dividing fence on the east; south, a good post and five wire fence; west, no fence. I consider Holmes a dummy for Mr. Brown, and a workman of Mr. Brown’s. Act not in one condition comprised with except payment of fees. Non-residence, not fenced, insufficient cultivation, not 20s. per acre expended, allowing the��sfract to Mr. Brown, non bond file.

2259. Who was the Minister at the time? — Mr. Gillian. Then it was sent back here and heard in the local land court. It was referred back by order of the Minister, and heard before a local land board at Edenderry. The board would not accept my valuation as it was too low, but accepted a valuation of $230. Nankivell and Fry. It was this: — 111 chains 79 links post split, five wires, top rail, £1.15. which is a fair and equitable price; 24 chains 36 links post, six wires, £20 15s. That is an extreme price; the usual price is 13s. or 14s. a chain; but we are always liberal.

2260. You need not get into any detail. I will read the report of the local land board — my valuation was not accepted. My valuation was £236 before the local land board, that is of Holden’s 320 acres. That was an extremely liberal valuation. Nankivell, however, an authorized surveyor, put in a valuation against mine of £238 7s. 6d., and Mr. Fry put in a valuation of £232 7s. 6d.

2261. How many acres had Holden altogether? — 250. There were 250 inside the ring fence and the rest outside.

2262. Who sent Messrs. Nankivell and Fry to value the land? — Mr. Brown, I suppose, and their valuation was accepted before mine by the local land board when it came back from the Minister. This is the recommendation of the land board — Recommended that Holmes be allowed to renew his application under section 20 when he has completed the enclosure of his selection by the erection of substantial fencing along the northern and western boundaries of the same. That fencing was put up temporarily, a sham fence erected immediately he got his land. We find that, in respect of residence, it is not quite satisfactorily established being on his selection during the first twelve months of the tenure of his license, though it is admitted he was constantly on the ground during that period. During the last two years unquestionable bond file residence was proved by the evidence adduced. There is some discrepancy to you — Bond file, but not always. Mr. Brown has nine-sixteens or being £256, while that of two professional surveyors, connected with the department, determines the value at somewhat over £300. There were two witnesses against me. Under these circumstances we recommend you above; the complete enclosure of the selection will, without doubt, bring the expenditure in improvements up to the full requirements of the Act, 20s., or at a much lower rate.

2263. What happened on that day? — He got his land.

2265. That report went back to the Minister, and he decided that he should get the land? — Yes.

2266. Had he resided on the land? — Occasionally, but not thoroughly.
Can you report positively as to selectors residing?—Until the five-mile area regulation was made. When a man was compelled to live on his selection we could bow a man out, but now we cannot find out where they live, it may be anywhere within five miles; that proviso has been a fatal thing to the Land Act.

Does that apply only to a man with a small allotment of land?—It applies to everybody. I said so.

Is it possible for you to know exactly within the five-mile circuit?—Yes, it destroys the residence. It comes very hard on some men. One man, a publican, who lived at Echuca, within five miles of his selection, got his land; another, who lived only a few chains further away, lost his selection.

That was introduced by Mr. Gillies about eighteen months ago?—Yes.

Go on about Holmes’s case?—What is the license he had. Holmes applied is due course for his lease; I reported adversely on the application, which was referred to the local land board. Evidence was given before the board, and they recommended that Holmes should be allowed to renew the application when he had more perfectly complied with the forcing condition. The result was that Holmes got the land, but when the lease matured Brown and Holmes had a quarrel, and Holmes then to his great astonishment found that amongst the documents he had signed before he selected was an irrevocable power of attorney authorizing one K. C. Brown, of Collins street, Melbourne, to act for J. T. Brown, of Milawa, and sell the land and transfer the lease to him. The result was that Holmes was turned off the land peaceably. Holmes averred that he had no knowledge of the meaning of the document; that Mr. Brown said, "You just sign this," and he signed the papers without knowing the contents; and Mr. K. C. Brown acted on it, and sold the land to the other Brown when the lease was issued. This is the power of attorney:—Know all men by these presents that I, Thomas Holmes, of Milawa, in the colony of Victoria, farmer, in consideration of Joseph Tilley Brown, of Echuca, in the colony of Victoria, grante, having purchased from me allotment seventy nine and part of allotment six, both in the parish of Milawa, county of Bendigo, containing three hundred and twenty acres (more or less) and having paid me all purchase money in respect of the said land, do hereby give, grant, and convey to the said Joseph Tilley Brown, his heirs, executors, or assigns, or to any other person or persons, my said attorney may think fit, and to make such declarations as may be necessary to complete such transfers; and also to apply for and obtain from the person or persons authorized to issue or land over the same all or any leases, grants, certificates, deeds, transfers, or other documents of title in any wise relating to such land which I, my devisees, executors, administrators, or transferees may now or at any time hereafter be entitled to receive, and for me and in my name and on my behalf to sign, seal, execute, and deliver the counterpart of any leases, and I declare that the receipt of my said attorney shall be a good discharge to all persons whomsoever holding over any such document or documents as aforesaid, and generally to do and execute all such acts, matters, deeds, documents, and things as may be necessary in and about the premises as fully and effectually as I could do if personally present, and for all or any of the purposes aforesaid to appoint a substitue. In witness whereof I, the said Thomas Holmes, have hereunto set my hand and seal this thirtieth day of August in the year of our Lord one thousand eight hundred and seventy-two.

Thomas Holmes.

Was that signed prior to the selection of the land?—Yes. Adam Ireland, the man who witnesses this, was another dummy for Mr. Brown.

When did you get cognizance of that document?—Not until after the land was transferred. I wish to point out that the 21st section of the Land Act 1869 says:—"Provided also that all contracts, agreements, and securities which shall be made, entered into, or given with the intent, or which (if the same were void) would have the effect of violating all or any of the provisions of this part of this Act, or of any condition of a license granted under this part, and all contracts and agreements relating to an allotment made, entered into before or after the issue of the lease, and to take effect wholly or in part before, at, or after the termination of three years from the commencement of the said leases, shall and are hereby declared to be illegal and absolutely void both at law and in equity."

Thence to the nature of that section that document was invalid, null, and void from the beginning?

Undoubtedly.

And nevertheless the land was given to this new?—I do not know that the department knew anything about this power of attorney till after the land was granted. The power of attorney was given to Kenneth C. Brown in Melbourne. Holmes had nothing to do with it, but the Minister of Lands has lodged a caveat against the title of the certificate of title as follows:—'Take notice that His Majesty the Queen claims an equitable interest in certain freehold lands described as allotments 6n and 71, parish of Milawa, standing in the Register Book in the name of Joseph Tilley Brown, vol. 907, folio 181291, and forfeits the registration of any person as transferee or proprietor of, and of any instrument affecting the said estate or interest absolutely. The Office of Lands and Survey, Melbourne, is appointed as the place at which notices and proceedings relating to this caveat may be served. I see in these papers that a caveat has been submitted for the Solicitor-General’s opinion, and he says the transaction was voidable.

The result of all this is that Mr. Brown is in occupation of about 5,656 acres?—Yes.

And you bring forward Holmes as a sort of illustrative case?—That is the only case in which I know of a power of attorney for certain.

But you give that case as an illustration of how Brown has got his land?—Yes.

That one exemplifies the wider operadit of Mr. J. T. Brown?—Yes. I may state that out of all the original selectors there, there is hardly one left. Some of the land was put up for sale by auction, and he got it that way. There was another unfortunate man, named Christopher Murray. Murray’s land was put up for sale by auction, Brown bought it and did Murray one of the improvements. He came to me after the ground was sold, and I said I had nothing to do with it. He said Brown had done him out of his improvements, and I said it served him right.

What was the date of that sale by auction?—Christopher Murray’s land was sold on the 5th of May 1876.
291. Then, in fact, this land of Holmes's was in the occupation of a nominal owner for three years and three months?—Yes.
292. And instead of applying for a lease they applied for a Crown grant?—No, they applied for a lease in Holmes's case. The lease was transferred, but I have heard that it has been converted into a Crown grant since. There was also Cyprian Rowe.
293. Did the Crown grant result from the sale by auction?—Yes. We never saw half of those men; I do not know whether they exist or not.
294. All the operations of those dummy—Cyprian Rowe, A. C. Coulth, C. T. Coule, Christopher Murray, Sater, Tawin—were not by means of the sale by auction?—Yes.
295. The Minister's consent was necessary?—Absolutely.
296. And you reported against their being bond fide?—Yes.
297. To whom do you attribute the carrying through in spite of you?—I cannot attribute it to any one.
298. Was Holmes's case called before the board here?—Yes, we were all called up and I recommended my valuation.
299. What evidence did they bring against you?—They said it was merely a company.
300. Did the board take evidence?—Yes.
301. What description of evidence did they take to prove the bona fides?—They said they took up the land and thought at the time that they were going to live upon it.
302. Did they take no evidence but that of the other side?—Only theirs and mine.
303. Not the neighbors?—No, they will never come. Besides they can make any statement they please; they are not responsible as I am.
304. Is it simply upon their statement that they decide?—Simply upon theirs and mine.
305. Who decided this case of Holmes's?—Mr. Skene, the Surveyor-General, and Mr. Nixon, the district surveyor, who was acting here temporarily.
306. That was when those cases of Brown's came back from the Minister and came before the local board?—Yes.
307. And in defiance of your report that local board decided that this man should have the land?—Yes.
308. And subsequent events have proved that your report was true to the letter?—Yes. As to my report I will challenge any one to go right on the land and see whether they are correct, any of them.
309. When the lands were put at auction, was the application heard before the board at Echuca?—Yes.
310. Who were the members then?—I think Mr. Skene was one; I couldn't say, we have had so many different members.
311. The board consists of two gentlemen subordinate to the Minister of the time being?—Exactly.
312. Is it usual to send up men from Melbourne?—Yes, I know Mr. Skene was very painstaking always.
313. Who values the improvements?—I do.
314. Do you give evidence to support your valuation before these gentlemen?—Yes.
315. Are you made a liberal valuation?—Yes.
316. Did the other side bring any evidence to bear on that?—Yes.
317. Did you state to the board that those lands were dummied lands?—I did; I have written it down. I knew they were, without a shadow of a doubt.
318. Did any person come forward on the part of the dummies with a valuation?—Yes; Mr. Fry and Mr. Nankivell came forward, and their valuation was accepted instead of mine.
319. Who requested that the land should be put up for auction?—Mr. Brown.
320. Did he purchase the land?—Yes; and it was reduced to £2 an acre; but in some cases he had to pay pretty heavily.
321. When Mr. Brown applied for the sale of those lands by auction, was the Land office in Melbourne apprised by you that you had reason to believe that the land was dummied land?—Yes.
322. You apprised the Land office that you had reason to believe that, and upon that the question was referred to the local land board here?—Yes.
323. Consisting of Mr. Nixon and Mr. Skene?—That was in Holmes's case; I do not remember the others, but it was always two gentlemen, from the Lands office in Melbourne.
324. What proof did the selectors bring forward to show that it was not dummied land?—Mr. Brown said it was a company, and that each had to have their own land. Sir Bryan O'Loghlin represented Brown on one occasion, and made out a very pretty picture on his behalf. Mr. Brown said he was not a dummy, and that each had taken up land; and that each time he contradicted himself.
325. It was done on the evidence of persons interested?—Yes.
326. And you reported against it as the officer of the department?—Yes.
327. And then the board calls those very men who are accused as being dummies, and takes their evidence against yours?—Yes: in the case of Adam Ireland he was recommended for forfeiture by the local land board; and that recommendation was reversed in Melbourne, and he got his land. He lived at Inglewood. I asked him to make a statutory declaration that he had not lived there for the last twelve months, and he would not; that all appears in our local land board book.
328. How long ago is that?—Eighteen months.
329. And the ultimate upset is, that the land has passed into Brown's hands?—I have no proof, but I have no doubt of it. We do not see all the transfers. Ruth Bond's case is another instance; she has left the land. They have all left.
330. And Bond remains?—Brown remains.
331. Brownholds some instrument which he puts in operation at the proper time?—I believe that is so.
332. Is the operation still going on?—He has a dummy now, Martin Lucas; he was called upon to show cause. Higgins was another; I heard he got £100. I heard that Ruth Bond got £300. I wanted those parties to attend before this Commission.
2323. Can you get them to attend?—I have heard that Ruth is away, and that Holmes is in Deniliquin. I recommended Holmes to make a clean breast of it, then we should get to the bottom of it.

2324. Are there any other instances in which the recommendation of the land board has been set aside?—Yes, a great many.

2325. Before the recommendation has been set aside by the Minister has any application been made to you?—Sometimes.

2326. Have you in any subsequent report varied from your first report?—No.

2327. Notwithstanding that the Minister has ignored both you and the local land board?—All Ministers have done that.

2328. Has it happened within the last twelve months?—Well, I do not remember a case, but I can tell by looking at my books; you see sometimes we do not know the decision for a long time.

2329. Has any been notified to you within that period?—I do not remember any.

2330. You spoke of a case of Young husband, what is that?—Oh that run there is dummiism going on to a large extent; that is a separate case altogether. Cases like Brown's are the worse kind of dummiism; it is called the "boss cockie" system, and is far worse than dummiism by squatters. The "boss cockie" usually employed old hands—good old drunks and the like—to select for him, and to guard against the chance of loss by death it was the practice for the dummies to make wills, and bequest their selections to their employers.

2331. To what use does the "boss cockie" apply his land?—To sleep.

2332. We understand then that the "boss cockie" provides dummies on a small scale in the same way as the squatter does it on a large scale?—Yes.

2333. And they carry out the system of aggregating the land as far as their means permit?—Yes.

2334. And they have been very successful in finding the class of men they want?—Yes.

2335. And one of the means is that they select men with one foot in the grave and compel them to make wills in their favor?—Yes.

2336. Could you tell us how many selectors have sold out to "boss cockies"?—There are a good many. Many of the pastoral tenants have had nothing at all to do with dummies. There are Mr. Austin Mackie, of the Prairie; the late Mr. S. Booth, of Mount Hope; and Mr. Manifold, of Pine Grove. These three gentlemen not only have made no effort to secure portions of their runs by dummiism, but have always shown the greatest kindness and consideration to selectors. But the "boss cockies" have dummiised great portions of these runs right up to the corner post of the pre-emptive right. Almost every acre of those runs had now been selected. There was another case of a "boss cockie"—S. Smith of Wun Murphy. I reported that three of the selectors, Carter, Lingwood, and Porter, were dummies, and Sims was called upon to show cause; that was a clear case of dummiism, where they dummiised right up to the pre-emptive right of Mr. Manifold.

2337. How much land has Sims got?—Three hundred and twenty acres, and Lingwood 320; he is a dummy. Annie Carter, the mother, has 320, and Porter had 55 acres. Samuel Sims is the principal, they took it up for him; that is about 700 acres he has dummiised. I reported they were dummies without a shadow of a doubt.

2338. Was it laid before the local land board?—Yes.

2339. What did they report?—In favor of the alleged dummies, and the land was granted, and since then Lingwood has sold to Sims.

2340. Are there any other cases?—In the Young husband cases they are not reported yet.

2341. How much land have they attempted to dummy?—1,009 or 5,000 acres.

2342. Is this still before the Minister?—The papers came back to me last Saturday with the memo, "Does Crown lands ballot Tuttan still think these men are dummies?" and asking me whether I have any further evidence.

2343. What was the verdict of the local land board?—The men were banned fide.

2344. Who composed the land board on that occasion?—Mr. Sene and Mr. Lowe.

2345. Did you reply to that memo?—I have not yet.

2346. Have you had any reason to alter your opinion?—On the contrary, I have had reasons to confirm it. But the cases are peculiar ones, and it is difficult to get anything like direct proof.

2347. What was your original report?—That plan on Young husband's run, the Terrick Res, was this—the dummiises, or supposed dummiises, were all old station hands, who had no money. The fencing was all exactly alike, and done by the same contractor. In fact, it was said that this contractor boasted that working for the dummies on Young husband's run was worth £25 a year. The houses were good ones, but they were exactly alike, and were made in Melbourne, bolted together, and sent ready to be put up, so that when they had done duty in one place they could be taken to pieces and removed to another place. There was a paddock on that run known as the "Flying Hut Paddock," because these ready-made houses had been put up and taken down all over it.

2348. The case is still under the consideration of the department?—Yes. In such cases it is hard to know what to do. The land is fenced in and cultivated, and many of the men have resided, I say to the man—he is a dummy." He says—"I am not. I have my own money, I am a bona fide selector. I comply with all the conditions. I fence, I cultivate, I improve, I reside." And it is all quite true. It is altogether a new form of dummiism. What can we do?

2349. How can you assume that they are dummiises when the evidence is all the other way?—Because they are known as station hands, men without any means of their own.

2350. Judged by the standard of the Act they would seem to be genuine men?—In reality they are nothing of the kind. They were nominally farmers, but they did not farm. They are as fat as porpoises, and never do a stroke of work; a contractor does all the work. If you ask them where they got the money from, they say they borrowed it.

2351. The capital that works those dummy selections comes from Mr. Young husband?—I have no proof of it, but there is every appearance of it. The men have no means of their own, and their every action shows they are dummiises; you can tell a dummy at once.

2352. Even where these men have done all this work, the Minister can still refuse to grant the land?—I was not aware of that.
2353. Do you know of any case where he has refused it, where the letter of the law has been complied with, but not the spirit?—No; I do not.

2354. When did you first report on Younghusband's case?—About three years ago.

2355. Those people have not got their leases yet?—No.

2356. What was the last proceeding?—It came before a local land board, Messrs. Skene and Levy, about twelve months ago; nothing has been done since.

2357. What did that board recommend?—They recommended that, except in two cases in which the selectors were miners, all the leases should be granted.

2358. Then the real administration of the Land Act is in the hands of two officials of the Lands department?—I would not say that.

2359. There is nothing "local" about the board; is not the president of the shire council a member?—No.

2360. It is a misnomer to call it a "local board"?—The reports go to Melbourne, and may be condemned by the Minister.

2361. What did this board, composed of two officials, recommend?—They recommended that the mala fide was not proved.

2362. Did they recommend the Minister to grant the leases to those people?—Yes; except in the case of the two Messrs. Bacon, who were under age when they selected.

2363. You state that the recommendation of the local land board is sometimes reversed by the Minister?—Yes, if he thinks there is an objection to it.

2364. Do you know of any case where, after the local board has recommended that a thing is bona fide, the Minister has reversed that decision?—Yes; several cases.

2365. Was that solely on the evidence of the parties interested?—Yes.

2366. In all cases is it the interested parties who give evidence?—Yes; in fact there was a miscarriage of justice in Younghusband's case. The Crown lands bailiff was sent to Terricks West to obtain evidence, and he went to the postmaster, and said, "How do these men get their letters?" He was told, "Through the station bag." When the case was called on, the barrister was going to tender this evidence that the bailiff had obtained from the postmaster, but the board refused to receive it, because the postmaster was not present.

2367. In dealing with the lands of the colony, do you find that the selectors approach the Minister through agents, or do they deal with the Lands office through the medium of the member for the district?

2368. Do you know of any case where, through the intervention of political influence, a lease has been granted that ought not to have been granted?—I do not, know of a case.

2369. Do you believe that there are such cases?—I believe it is true that there are.

2370. You have no evidence of a case, but still you believe it to be true?—Yes.

2371. Have many selectors sold out?—Yes, a good many.

2372. What is the usual rate of interest charged to selectors borrowing on their holdings?—I spoke to a gentleman on Saturday who told me that he has lent money to selectors at 8 per cent.

2373. What is the amount generally?—I do not know for certain, I think from 8 to 10 per cent.

2374. Have you heard of any such sums as 20 and 30 per cent.?—No.

2375. Has the regulation issued by Mr. Longmore, restricting borrowing, caused any dissatisfaction?—Yes; it has caused a good deal of dissatisfaction.

2376. On the part of selectors?—Yes, but on the other hand some have approved of it.

2377. What do they complain of?—They think they should not be interfered with.

2378. Have you heard any say that the effect of the regulation has been to interfere with their financial business with the banks?—A great many say so, and they think they have to pay more for money.

2379. Do they say that the bank managers have told them so?—No, I think the selectors here have been generally very sanguine by the banks and the money lenders.

2380. Are there any firms in Echuca who make it their business to deal with selectors?—Yes, Mr. Gardiner, who represents Oddy and Co., of Ballarat; Mr. McMahon, and Mr. Seward, of Brown and Seward.

2381. Can you state what is the financial position of the selectors as a body—is it sound?—Well, we have some of the best men in the colony, men who will be permanent and make good citizens.

2382. What percentage of the selectors are bona fide—men with a reasonable amount of capital and likely to remain upon the soil?—After making every allowance for the dummyness of "boss cookies" and others, I believe that fully 60 per cent. of the settlement in this district is of a genuine character. I say that without a doubt.

2383. We exclude the "boss cookies"?—I do not consider "boss cookies" are bona fide settlers.

2384. Their ambition is to sell out and go to New South Wales. They aggregate the land for themselves and a lot of them will clear out; it is the families that will remain on the land.

2385. Do you notice an improvement in the selections?—Yes.

2386. Is the cultivation extending?—Yes, in many instances. We grow wheat principally. The last two seasons have been very bad.

2387. Have you any information as to the number of bushels of wheat grown last year in this district?—No, I know it was an immense quantity.

2388. Do you think it would be advisable to extend the present probationary term of three years?—Yes, undoubtedly, that is the most important thing of all.

2389. What length of time would you extend it to?—Five years. I may say that I have given a good deal of consideration to the land question, and I have some suggestions here for a new Land Act which I should like to read.

2390. Will you do so?—[The witness read the following:—]

I would allow husband and wife both to select 220 acres each, and each of the children, under 16 years, 40 acres each—one homestead for the whole. I would compel them to securely and substantially fence with a first-class fence the whole of their selections in, according to the licensed boundary, within two years, the land selected for the children to be also well fenced. I would strictly enforce residence, which should be continuous.
2. If at the end of two years the selectors found from any cause, such as illness, want of means, or that they did not like their occupation, or that they could do better, I would allow them to relinquish their selections, and have improvements valued; the land to be thrown open for selection again, and the department to allow what valuation to the relinquisher that they thought fair and just. All rents that have been paid to be forfeited.
3. I would allow them to use their own judgment as to cultivation.
4. I would charge 1s. per acre license fee for the first five years, and 2s. per acre for the last five years, rent to be credited as payment.
5. I would extend the term of probation for five years. During that time I would insist upon land fiddle and contiguous residence.
6. They should expel, within five years, 30s. per acre exclusive of cultivation.
7. At the end of five years a public inquiry shall be made at the local land board to the compliance of the conditions of license and fiddle.
8. The Crown grant shall not be issued until the end of ten years.
9. Three hundred and twenty acres should be only allowed to single people.
10. You do not think 320 acres enough for a man with a wife and family?—No.
10. You are aware that this district is worked out, and your Act would have to apply to other districts?—Yes. to the North-western district.
11. Have you any knowledge of that district?—Yes.
12. Do you know the Gippyland district?—No.
13. Then how can you tell the number of acres required for a man with a wife and family—do you make your knowledge of this district apply to other districts?—No.
14. Do you know the country above Swan Hill?—I was there about 14 days; it is hilly money country, but I believe it is a fine country; though there is no blade of grass for miles, the horses and sheep are fat.
15. Would you be able to say whether there is any good money land there?—Not at present, but by grabbing the miles you can get any amount of good land.
16. Is the method so devised there that it is impossible?—No; I rode through it for nine days.
17. Would you make the only conditions residence and fencing?—Yes, the reason for fencing in is—land is no use unless well fenced; good fences make good neighbors; and if a man has no fence the loss of cattle and grass is considerable. I would make a man, before selecting prove that he had money enough to put up good fencing; residence and fencing are the only conditions I would enforce.
18. Do you find many selectors in this district from other colonies?—Only a few from New South Wales, and a lot from South Australia and other places who have brought money too.
19. Can you give the names of any selectors who have sold out?—The Tracys, Leeches, Simonds, Harriets, McLeods, Priest, and others.
20. To whom have those selectors sold out generally?—Well, I think the Gunbower station bought three or four.
21. How much land has he got?—Very little indeed.
22. That is one case in which the original pastoral tenant has bought back his land from the selectors?—Yes.
23. Can you give us any information to the "boss cookie," and who they were?—Mr. Brown was a bank manager, Simms was an old farmer, Herricks are farmers—extensive men in Mount Hope, the Watsons were farmers.
24. In the case of the Herricks, etc. they "boss cookies" on their own account or for others?—That I cannot tell.
25. How much land have they got?—Eighteen or twenty blocks of 320 acres each.
26. Do the lands of any of these small squatters join?—Yes, they all join.
27. You call those "boss cookies"—taking a holding of one 5,000 acres, is there another holder occupying the adjoining land?—Yes, there is about Mount Hope—they are intersected now and again by boss fide settlement.
28. Would it not be easier for one of those to buy out three or four others of the same class, and get a very large estate?—I do not think that, but, of course, it might ultimately be done if men of means can on the land.
29. Do you think their object is to make as much as they can, and then be off to New South Wales?—Yes, but some will retain the land here, and go and select in New South Wales as well.
30. Have you any special objection to the "boss cookie" system—can you give reasons for believing that it is injurious to the State that these men should have 2,000 or 3,000 acres instead of smaller men with smaller areas?—I do believe it; they do not employ the amount of labor. The squatter was decidedly better than the "boss cookie," because they employed labor and paid labor.
31. Does the "boss cookie" cultivate his land?—Very little, and he is very close; he does not expend the money.
32. Then, in fact, the "boss cookie" system is the old squatter system in its worst form?—Yes, it is the old squatter system in its worst form.
33. What do you mean by not spending money?—He does not employ labor, and all his improvements are on the cheap and nasty system; he does not employ men.
34. What profit does he get from his land?—Feed sheep; he is a squatter on a small scale.
35. How long did those selectors that sold to Mr. Booth keep their land?—Not long; they sold out soon after the three years.
36. What is nearly the extent of Mr. Booth's holding now?—About 2,500.
37. How many pastoral licenses are there left in the district?—There were twenty-two in my district, but I think nearly all their estates are gone—their estates are almost extinct. The Torrenbilly estate used to carry 70,000 sheep—they have only 3,000 or 4,000 now; and Pine Grove is also entirely absorbed—only 4,000 acres left; Terrick Terrick the same. There is a good deal of "bursting up" going on here.
38. What is the cause?—They have been selected out by the selectors; and all the outlying blocks having gone, they have been glad to sell their purchased land because it was no use to them.
39. In short, the neighbors have burst them up?—Yes.
40. You stated that you would recommend that a man and wife should each select 320 acres—Yes.
2422. Take the case of a man with a wife and eight children. The man and wife would have 320 acres each, six of the children under 16 would have 40 acres each, and two children over 21 would have 320 acres each?—Yes.
2423. Then the children's land might aid their parents' land?—It might be.
2424. That would make a total of 1,526 acres in one family?—Yes.
2425. Would not that come under the term "boss cockie"?—No.
2426. Could not the residence be built in the same way as in Brown's case?—No; only for the father and mother and children under 16.
2427. Might not a residence be built within a few feet of the father's?—I would not allow that.
To allow houses on one block is wrong in principle.
2428. Do you know of any instance where a man and young woman have selected adjoining blocks and afterwards got married?—Yes; and I think it is an advantageous thing; and I think it is a disgrace to Parliament not to allow a married woman to select.
2429. Would you make the wife's selection liable for the husband's debts?—The Married Women's Rights Bill would provide for that.
2430. Might not a lot of creditors—there is the case of McKinnon.
2431. You say no one should go on the land without capital?—Yes; but I presume that the father finds the money for the children's 40 acres.
2432. Why make an exception for a farmer's family—why should they not go out and work first and make money?—That is what I contend for.
2433. But you say you would make an exception for a farmer's son?—I agree with you, but that is why I say under 16.
2434. But why give him land then?—To give the father a homestead to bring up his family.
2435. An indirect way of giving it to the father?—Yes.
2436. Why have the younger sons of farmers claim on the community more than other children in other classes?—It would belong to the father.
2437. That would not serve the family purpose then?—It would, and would keep the family together; it is absurd to think that all the sons will be farmers.
2438. Why not treat the farmer's children the same as the children of every other class of the community—that they should earn and save money before they go on anything that requires money?—Yes, that is what I say, after they are 16.
2439. You would allow them to select at 21?—There will be none for them then.
2440. How about orphans?—They could not select because they could not manage a farm; I want it for the father and mother themselves.
2441. Does this "boss cockie" system form a prominent characteristic of the settlement of this district?—I would not say it formed a prominent characteristic, but there are a great many in the district.
2442. Can you say what proportion it bears to the rest of the selection?—About 16,000 or 18,000 acres selected by the "boss cockie" system.
2443. Giving those people, 2,000 acres each, they would not be more than eight or nine people. Is that all the "boss cockies" there are in the district?—About that. What I mean by "boss cockies" are those who have employed men at 15s. a week and their rations, and who have got the land?
2444. Those "boss cockies" do not number more than 10 or 12 in the district?—Yes or twelve.
2445. And the acreage area that they have is about what?—Twenty-five thousand acres, I dare say.
2446. Will not this "boss cockie" who gets this land be ultimately the best man in the district?—Yes, ultimately, when he will—some who are greedy are still first-class settlers. There are some who cultivate well, as thorough farmers—the Watson Brothers are an illustration.
2447. If you call them small grazing farmers instead of "boss cockies," we may look upon them as desirable men?—Yes, in that respect; but it is the case they got the land—by perjury.
2448. The policy of the State is to land the man with as many people as possible, and these men defraud that purpose by taking more than their share?—Yes.
2449. Take the case of Sims and Watson—if they could have allowed their children to select the 40 acres, and the wife to select, they would not have been driven to employ dummies?—No.
2450. They would act under the provisions of the Land Bill then?—Yes.
2451. And then you would have a "boss cockie" all over the district?—No, but men with 2,000 and 3,000 acres.
2452. When the men cannot get enough land it means that they sell out and leave the district, and that bursts up the settlement?—Yes, that is it, and that provision will, I think, meet the case.
2453. What is this district called?—This is the Kelauna district. Swan Hill is in the Kerang district; that used to be part of it.
2454. Do you know any locality outside your own district where there is any dummying going on to any extent?—There is a great deal in the Gunbower run, Swan Hill, owned by Mr. C. H. Fisher; land is taken up by the station hands and first-class improvements put upon it, good fencing, and not the dummy huts but a better style. These men receive rations from the station, and buy all through one store, and they give bills.
2455. Is there any cultivation going on?—Just the bare 32 acres.
2456. Whom do they give bills to?—That is just the question.
2457. Who supplies the rations?—The station.
2458. How long has that gone on?—Nearly three years; the time is nearly up.
2459. To what extent have they dummied?—Twelve and fourteen men, nearly all old men.
2460. That would be between 5,000 and 4,000 acres?—Yes.
2461. What was the extent of Mr. Fisher's run before land was selected at all?—About 100,000 acres, I think.
2462. How much has been taken up by selectors?—I cannot tell that; the dummies have selected all the high banks of the Murray—all of his valuable ground.
2463. Practically they have selected four times the quantity?—Twenty times the quantity, and they have gone on to the next runs also—they have not stuck to their own run—they have picked all of his land free from marsh, and the best river frontages.

2464. Where is the best place in that district for the Commission to visit?—To go from here to Kerang direct; it is about fifty-five miles.

2465. You mentioned the names of some persons who were in the habit of lending money?—Edward Gardiner, stock and station agent; P. McMahon, stock and station agent; C. Seaward (of Brown and Seaward) stock and station agent; and, I believe, Mr. Leith, a man of business—a merchant; Mr. Shackell, I believe, does. Those are men of business, who do it as a matter of business.

2466. Any information you could give us as to the sums of money lent to selectors would only be hearsay?—Yes, but I am intimate with selectors.

2467. What do they tell you about the charges?—Some complain, but only some; there is not much complaint. They consider they are very fairly dealt with as a rule.

2468. What do they complain about?—I have not heard them complain much. The greatest complaint is that they have not land enough.

2469. Do they complain of the rate of interest they have to pay for loans?—No.

2470. Do you know of cases of men being sold out by persons who had advanced money?—No, not for money. I think there was one case where a man was involved for his cattle. The stock and station men sell cattle or sheep to them. The stock agent gives the selector four months credit, and at the end of that time he only charges 10 per cent., and if the cattle are not ready at that time he reduces the bill.

2471. Ten per cent., per annum?—Yes.

2472. Do they charge anything on the renewal?—If they do it is not heavy. I think it is rarely they do; it is something very nominal. All the stock agent does is to say—Bring your stock when they are fat, and I will sell them, and he gets 5 per cent. for that.

2473. Then, in fact, you have not heard any complaints on the part of selectors that they were squeezed very much in money transactions?—No, I do not think they are in this district.

The witness withdrew.

James McLean examined.

2474. You are the Crown lands bailiff, of what district?—The Shepparton district.

2475. By Shepparton, do you mean the survey district?—It is a portion of the Benalla district; my bailiwick encloses both sides of the Goulburn river.

2476. What side are you?—At present I am located on the east side of the river; but my district extends to both sides, and I take in some of this district.

2477. South-east, how far does your district go?—As far as Murphison.

2478. North-east?—To the Murray—[the witness exhibited a plan].

2479. Does that map show the lands that are selected, and those that are open to selection?—All the selections are shown upon this plan, and some of the land has been taken up since. About two-thirds of that—[pointing to a place on the map]—has been applied for.

2480. Can you give the number of acres in that district of yours, the total area?—I have not any definite information to offer on that point, not having the district survey office in my district. I should fancy about some 300,000 or 400,000 acres.

2481. How much of that is selected?—About two-thirds of it.

2482. Then, in fact, there are about 250,000 acres selected?—Yes.

2483. What is the character of that selection?—I have to suppose that there is a want of bona fides on any considerable part of that selection?—No.

2484. You think that, generally speaking, in the 250,000 acres the selection is bona fides?—Fairly so.

2485. Has much of this selected land passed into the condition of leases?—Yes.

2486. How much?—About one-third.

2487. That would be from 80,000 to 90,000 acres about?—Yes.

2488. And the other is in the condition of licences?—Yes.

2489. From your general survey of the district, can you say that the conditions required by the Land Act are complied with?—I do not consider they are, as mapped by the Land Act.

2490. There is, as it were, an easio compassio?—No; it is through the sheer poverty of the selectors, they cannot carry it out.

2491. Then they raise all the moneys on their lands?—They have done so, and thereby put milestones round their necks through it.

2492. They have got plunged deeper in the mire?—Yes.

2493. But there must be some proportion that had some capital?—Yes, the proportion is small in comparison to the total number, chiefly arising from their having selected a small area of land elsewhere, which they sold, and then selecting the remainder here; and expecting the money they got from the sale of the other selection to carry them through.

2494. Is there not a danger that those poor selectors, being unable to comply with the conditions of the Act, will ultimately lose the land?—Very great.

2495. And that the policy of the State will be frustrated?—Just so.

2496. Two-thirds of the selectors in your district are in this risky position, that they are in danger of losing their land simply from the want of means to comply with the conditions of the Act?—I believe that to be so.

2497. Would it be any alleviation of their position, and enable them to remain permanently on the land, and fulfil their own intentions and the intentions of the State, if the licensing period were extended from three years to six?—I think so.

2498. And if the rent were reduced from 2s. to 1s. per acre per annum?—I am strongly of that opinion.

2499. So that the licensing period would take from the selectors' pocket no more than at present; but he would have double the time to make it up, and double the time to make it up; you think he would be able to hold on them?—It would be an improvement; but it would not completely accomplish what the Legislature appears to aim at.
2500. What do you think you would do that?—I will describe my plan to you. I have had twelve years experience in various districts—four years in Castlemaine, four years in the Wimmera and in St. Arnaud, and here, and also in Gippsland, and I have arrived at this conclusion, that the State ought to take some measures towards encouraging a much more healthy class of yeomanry than now exists. The evil is through the want of 320 acres by merely applying for it, he having no capital. I think the State should insist that the applicant should be prepared to perform his part of the contract; and as the State has no means or machinery to force any persons to produce such evidence, they should have the means to command to do so; and, therefore, to obviate that difficulty, I would suggest this course:—Many take up the 320 acres of land with families, and have not the means to fulfil the necessary conditions, and are thereby heavily handicapped during the term of their license, and where they have exhausted their resources on a small portion of the land, at the termination of the time they are forced to remove or sell out. Hence many select the maximum amount simply with the desire to struggle on with no more than enough to pay the survey fees and the first rent, simply to obtain a living, if possible, for their families, paying $16 every half-year for rental and the necessary work—fencing and so on; and they are forced to obtain food and so on from the storekeepers, who in turn charge heavy interest for the goods. On the other hand, again, if they should have an unfavorable season, the bills are renewed unmercifully, and at the end of the three years they are so heavily in debt that they have to sell out. To obviate this, I think that the 320 acres of land should be allowed as now, that they pay it out as now, and that they pay survey fees as now; and when they come before the local land board (but no more than 320 acres to be given to any one, because that is enough for the ability of the selectors), that the board have the power to ask them, when they go there, “How much of this land do you require?” They may then state, “I require 50, or 50, or 20 acres,” and the board may say then, “What portion of this survey do you require to cultivate?” And then that portion may be tied on the boundary, so as to prevent him having to pay the extra survey fee for the whole. Also, that the district surveyor may have the power to set a certain portion of the boundary, and reconvey that portion with a grazing right, with a grazing right with a grazing right; and then at the end of the three years they fulfil the conditions on the 50 acres and foster their resources, working the small portion, having to put a temporary or substantial fence round the remainder, having to pay 50s. instead of $16 rental; then they could foster the resources of the 50 acres, as is now done by the selectors throughout the district; that is hardly more than the 40 acres, yet they are heavily charged with the remaining portion to fulfil the conditions. At the end of the three years, if they have fulfilled the conditions on the small area, they can then take up the remainder if they have the means, and no lease to issue till they have occupied the remainder, extending for six, eight, or twelve years. By that means you can fix the men on the place. They would not need to borrow money at so heavy an interest, or if they did they were not worthy to be on the land.

2501. You mean the whole amount of 320 acres to be reserved, and let him take up the remaining portions gradually, and ultimately cover the whole with cultivation, and then pay the whole full rent?—Not with cultivation. If he fulfils the necessary conditions upon the 50 acres, and makes a home upon it, and satisfies the inspector for the time being that he has done so, then he may be permitted to take up a portion of the remainder of the 320 acres.

2502. At the end of the three years, if he satisfies the Land office about the 50 acres, and wants 30 acres more, what would he have to improve on that?—Merely he would pay the extra rent for the 30 additional acres.

2503. What would you have him do on that?—Simply to carry out the cultivation conditions on it.

2504. He had already done the fencing and building on 50 acres, and then when he took the 30 acres, on that there would be something of agriculture?—Agriculture; that is what I mean.

2505. Would you allow him to fence in the 320 acres?—A temporary fence at any rate, to show that he is holding the land for his own purposes, and it would enable him to place a few head of stock on, and help him to get out of his difficulties.

2506. You are aware he could not have any exclusive use of it, or impound, unless he fences?—No, he could not. The present Impounding Act is very imperfect. Even if he has fenced it he cannot impound unless he has the fee-simple, and even then it is a difficult matter.

2507. How much land is unselected in your district?—100,000 acres, I should think.

2508. Is the land as good as the land already selected?—Many portions. Portions are flooded on the banks of the Murray, between Lower Moira and Yarrawonga.

2509. Then there are not 100,000 acres fit for settlement?—Not quite; it will be eventually.

2510. What makes it unfit?—It is swampy.

2511. About how many acres per month is taken up at the present time?—At the present time it is falling off considerably.

2512. Is that in consequence of the poor land?—No, the last two years’ extreme drought, and the rush of selectors from this side of the river to the parish of Toolamba, Kyabram, and such places; there was a rush there when the families came of age, and now the selectors that are coming from elsewhere are coming gradually.

2513. Is there much and alienated under the Act of 1865?—Not much.

2514. How was it held then?—Simply under squatters’ licences.

2515. Are there any large estates grown up in the district since 1869?—Not that I am aware of; there are several pastoral tenures who have obtained a few thousand acres each within my district.

2516. Are those the same gentlemen who were in occupation before 1869?—No, there are two or three cases changed hands since my time, but Mr. Fraser, of Talluygaroons, is there still; but the land has been absorbed in commons.

2517. About what area is alienated from the Crown by leases or Crown grants held by these large proprietors—holdings of 2,000 acres and upwards, out of the 260,000 acres that are alienated?—It is so scattered at the present time, they are simply falling into the hands of smaller holders still in the district; 2,000 to 5,000 acres in various parts, I should think.

2518. How many holdings are there of that size?—About 18 or 20.

2519. Those holdings were all original blocks of 320 acres bought from the selectors?—Yes.

2520. And they part with them directly they get their leases?—Many did—they were so involved before they got the lease.
2521. By getting into debt to stockkeepers and others, giving bills and giving his lease as security.

—By being in poverty at first, when they first selected, and having no capital.

2522. What would you think of a regulation to this effect, that any person selecting land should satisfy the Government that they have something like an adequate amount of capital to carry on?—It is quite impossible; declarations are now like prenuptial, only made to be broken—it is abominable how it is done. I suggest that the applicant making the application before the land board should produce an authentic document from some person in the district where he lived, guaranteeing that he possesses a certain amount of property and was prepared to do his part of his duty to the State.

2523. What was the result?—The result was that the unscrupulous paid persons to put their names to papers with all sorts of stories, and it was found that it could not be done. The best next and only course that is actually workable, I think, is such a plan as is now suggested.

2524. With reference to those men deeply involved in your district, is there any means of preventing what appears to be so lamentable, that the land will pass into the hands of some large proprietors?—I scarcely know of any means applicable to prevent what must be inevitable, the lands passing into the hands of the capitalists; because those persons were involved before they started, and to advance in any other way would have no effect with them.

2525. To all intents and purposes two-thirds of the selection of the district will ultimately prove altogether nugatory—the land, instead of being in the hands of a yeomanry class, will revert to large capitalists and banks?—To what we may designate “boss cookies”—persons who advance money on the selections. James Campbell, of Mundoolna, a respectable man with a large family, bought out some friends surrounding him, and he has purchased recently nearly 1,000 acres from another party in an adjoining parish.

2526. Then how much will he have eventually?—3,000 or 4,000 acres perhaps.

2527. The land will ultimately pass into the hands of “boss cookies”—not to large proprietors?—Yes. I think it will not pass to the large landed proprietors.

2528. What area constitutes a “boss cookie”?—I am not very clear what kind of a hipped a “boss cookie” is.

2529. Have you heard of it?—I thought it was simply a slang or colonial term.

2530. We use that as a term that is understood?—If you will permit me to state I understand by a “boss cookie” a man who has simply turned around and purchased land for the lot, and he was the boss of the whole of the “cookies” or “cockatoos” doing the work for him.

2531. You think that class does not exist in your district?—No. I do not call a man in the district who had purchased from the others a “boss cookie.”

2532. You would not consider Mr. Campbell one of that class?—No, he is a most deserving man.

2533. On the other hand, there is a class of men who suborn men to select land for them, and after procuring the land they clear out?—Do you understand you that I have said so in this case?

2534. No; I am drawing a distinction between the two?—Precisely so.

2535. Are there many of these—let me use the term “boss cookie” to imply a man who used illegitimate means to obtain land?—I do not know of any in my district.

2536. Generally speaking the selections will pass into the hands of those 2,000 and 3,000 acre men?—Yes. I am of that opinion.

2537. What is the grazing capability of land in your district?—Very excellent.

2538. How many sheep will it carry to the acre?—Quite one sheep to the acre, in many cases two.

2539. You mention that the great difficulty is they come on without capital, and that there is the great difficulty for the State to fix upon those who have capital. Are you aware thus a merchant on opening an account exacts an account of the State of the party who wants to deal with him. What difference would there be between the State and a stockbroker in exacting proof of the assets?—One of the chief things that I feel impressed with is that very many of those unfortunate beings who have taken up land and have given bills to stock with bills that cover more than they can ever get before those bills are matured.

2540. When a person comes to the bank he is asked to give proof of his assets; why cannot the same be done by the Government?—Because the parties who hold the guarantees may not relinquish them.
2551. How much money would they have about them—how much capital?—Possibly they may start with about £50 or £100 with 320 acres of land, and by frugality and close industry, and having families to assist them, by that means they may keep down the extra expenses and overcome the difficulties.

2552. How much capital ought a man to have to go on 320 acres in your district?—I cannot answer that; it depends upon the class of men, whether a man is a farmer or not.

2553. How much does it cost to fence in a selection?—It depends upon the material, sometimes £90 and £100 a mile.

2554. What is the average?—£60 to £80 a mile.

2555. Take your own district I mean?—The average would be, between post and rail and cheek and block and dead log, £55 a mile.

2556. That is £150 to fence the land to begin with?—Yes.

2557. How much for the house, an ordinary dwelling of three rooms, the sort they generally erect?—Composed of weatherboards, from £50 to £80.

2558. Then farming implements and stock woulde require another £150?—Yes.

2559. That would bring it up that it would be desirable for a selector to have £250 to start with?—He ought to have that; he should not have less than £1 an acre.

2560. You recommend that a different system should be adopted; would not that induce a still poorer class to come on?—I think not, because the man who takes up the smaller area would do so in the hope of getting the larger and being able to hold it; at present they are so heavily handicapped that at the end of three years they are bound to transfer their lease.

2561. Might it not be met by making the time 20 years at 1s. the acre?—It might do so.

2562. Or 6d. an acre, and let the land be leased to the individual for ever?—Better still.

2563. Do you think it would give satisfaction?—I think it would; it would establish a better class of yeomanry than now.

2564. Why?—Because it would prevent speculation, and I think a man would enjoy the benefits better eventually.

2565. Is it not your opinion that the freehold system is one which the community would prefer to anything in the form of lease?—Well, judging from results, I can hardly say that it would be, because many have sold out directly they have got the lease or the grant.

2566. That lease can be converted into a freehold?—But if that freehold goes into the hands of another party, instead of fixing 100,000 yeomanry you only established 50,000, or 20,000, is that right?

2567. If a man holds his land by lease, no matter what the duration of the lease—99 years, or for ever—that lease should be made transferable under certain circumstances; therefore the instrument called the lease would enable a man to part with his land as well as a freehold—it would not more effectually bind him on the soil—If it was made transferable it would not, of course.

2568. It could not be made otherwise—a man could not raise money unless that were done?—No, I suppose not.

2569. In the event of the Government being disposed to extend the term of lease, and if they paid 1s. an acre running over a period of 20 years, and during that time they gave them seven years to make their improvements instead of three years, making the lease not transferable, or even the Crown grant being given till the end of 20 years, would the extension to that time improve the position of the selector and enable him to get on without borrowing?—I am of opinion that it would have a tendency that way, and would be preferable to the present system.

2570. If the State combined those two things—making thorough inquiry and receiving from the intending selector substantial proofs of his having, say, £500 of capital—would that, along with the extension of the lease and the time for making improvements, help to retain them on the land?—There is such difficulty attached to the inquiry business in finding out a man's position as a selector, that it would be sure to fail in the end.

2571. Will you state why you think that the leasing system of the public lands would be superior to the freehold system?—I do so because I am prepared to accept of anything that may have a tendency towards establishing a more healthy class of yeomanry than the present. The fact is that two-thirds of those now in Victoria will dispose of their holdings, and will fall into the hands of the few; and I think that the leasing process would obviate that.

2572. What are your reasons for thinking that?—Because in the course of time the selector will have so many surroundings and associations in a particular locality that it will fix him, and he will not seek to leave the place.

2573. Could you fix him as well by a twenty years leasing system?—Yes, perhaps so.

2574. There is a prejudice generally in favor of freehold over lease-hold possessions?—In my travels through the colonies, in my contact with the more intelligent selectors, I have found that they are of opinion that the Crown lands should never have gone from the State.

2575. We understand that you would favor a system by which the State would be the landlord, and would let those 320-acre blocks to selectors, say at £10 a year?—Yes, at any rental that would secure an income for the State and settle a yeomanry on the land.

2576. You are aware there is not much land left?—There is a large portion, from 5,000,000 to 8,000,000 of acres.

2577. There is less than 5,000,000 of good land; if those were leased by the Government to the selectors at a rental of £10 or £12 a year for each selection, you think it would be a great improvement upon the present system; that it would form a distinct item of revenue for the Government for all time to come, and would place a better class of men on the soil?—I am decidedly of that opinion.

2578. In the event of the Government giving a twenty years lease instead of ten—giving them seven years to make the improvements, would not a man going on the land with little or no capital be able to work for any other man probably half his time, and get as much by his labor with the assistance of his family as would enable him to make the necessary improvements in the seven years?—It might do.

2579. Do you think it would?—I am not prepared to say it would, because it depends on the class of people we have on the land; we have a very undesirable class roaming about the country.

2580. I mean a man who wishes to make a home for his family?—It is just possible it would have an effect in that case.
2581. I understand that the selections in your district are a very large percentage of them honestly taken up at first?—Yes.

2582. And that, through want of capital, they have not been able to carry out their intentions?—Yes.

2583. Into whose hands do the selections usually go—to the storekeepers?—Not directly, I think; but they assist in finding purchasers.

2584. What amount of interest have you heard of being charged on advances to selectors?—I can only tell you in a rough way. They first of all get the goods from the local storekeeper; they have to do that for the three years almost; then the first year they produce nothing, and as they have to renew the bills the storekeepers have to increase the charges for the goods they give to them.

2585. What rate of interest do they charge?—The cumulative interest may come up in many instances to 15 to 20 per cent.

2586. Is there a commission charged on each renewal of the bill?—I have been led to believe so, but I have no proof of it.

2587. That cumulative interest you speak of, is that for money lent to pay the rents?—Yes, and also for stores required for the support of their families.

2588. Do the selectors understand it?—I am conscious that many of the selectors are unaware of what they pay.

2589. Do you think that a man paying 20 per cent can have any hope of settling upon the land ultimately?—Oh yeas; no; but they keep on renewing the bills year after year.

2590. Taking a broad view of your district, do you consider that the Land Act of 1869 has operated satisfactorily or unsatisfactorily?—On the whole satisfactorily; if you could hold the people on the land.

2591. It seems that that must be taken cum grano salis, because you have already said that ultimately two-thirds will fall into the hands of the larger men?—So far as that is concerned, that is not the fault of the Act, but of the State allowing persons with no capital to go on the land.

2592. Is it good wheat land in your district?—Yes.

2593. What is the average yield the first year?—From 12 to 15 bushels per acre.

2594. How much the next year?—From 20 to 25 an acre—it is the best when land in the colony.

2595. How long can they maintain that yield?—I think I land will be better in the fourth year than in any previous year.

2596. Will the land require manure?—Not till about seven years.

2597. Will the selectors sell out then?—It is possible they may, and perhaps before then.

2598. Do you approve of the scheme of the State making advances to the selectors?—Well, I have not carefully weighed that matter.

2599. Suppose the State had some two millions of money to advance to selectors on good security, the capital interest to be paid off in yearly installments extending over a number of years, would the advancing of capital in that way to those impoverished selectors have the effect of retaining them on the land?—I think it would.

2600. These men sell out simply because they cannot help it?—From sheer poverty.

2601. What do they get per acre?—From £3 to £5.

2602. Then some of them must be quite rich when they sell out?—Some of them have consumed the largest portion of it before they go.

2603. Where do they go?—Perhaps some member of the family selects elsewhere and they spend the money there, or they may go to New South Wales.

2604. Do they generally go to New South Wales?—Not generally, but many do.

2605. Taking with them the money they have made here?—Yes.

2606. Do a considerable proportion do that?—Yes, but not the largest proportion.

2607. So that they have used the territory of Victoria to raise money, and with that money have emigrated to another colony?—Yes.

2608. When they get stores from the storekeepers at first do they give security?—No, they give an acceptance which enables the holder of the bill to get a fi. fa. judgment against the individual, and deposit a receipt in the Deeds office to prevent him getting his land.

2609. Do you not know that would prevent the issue of the lease to the party who was the creditor?—It might do so, perhaps it would. I will illustrate what I mean by a case that happened. A Mr. George Mills in this district gave a bill of this stamp to a certain party when he selected the land first. This party improved the land for him, and Mills simply occupied the land as an agent, and lived there. About the time when the lease became due Mills repudiated the claim of the man who advanced the money, and there was a judgment got against this Mills and a caveat was placed in the Titles office. Then a third party came in and said to Mills that he would put it all right, and that he might treat number one, the man who advanced the money, with contempt. He did so, leaving his two rents to become due. He received notice from the department that the lease was waiting in the Titles office, but two rents were due on it, and he came to Echuca for the purpose of seeing about the rents. The party who advanced the money, and expected to get the lease, then found that it could not issue because the rents were not paid. I can explain it more clearly in this way—a man on improvements on land taken for A, B repudiates this, B takes the necessary action to cover the expenditure—he gets a judgment in the Supreme Court; then C comes to A and says, "You stick to the land, do not recognize his claim, and I will get the lease for you; how much rent have you to pay?" then said C, "I will pay that and get the lease." A having no money himself, and being very careless and thoughtless, consents. C thought he could purchase the lease from the other, but when he put his money in for the rents he found that B had lodged a caveat against the issue of the lease, and consequently he could not, although paying the two rents, recover the lease until A and B had been reconciled to each other, and so the matter stands.

2610. What was the ultimate end?—It remains in that position.

2611. Have you found any cases of attempted dummying in your district?—I have.

2612. About how many cases altogether?—Perhaps half a dozen altogether, presumably dummy cases.

2613. Within what time?—Within about two years and a half, I reported them.

2614. Has your report been acted on by the Lands Department?—No, not always acted upon.

2615. Do you know of any case where you reported a man as a dummy who was afterwards allowed to continue in possession on the land?—Yes; that case of Mills I have referred to was one.
2616. You thought he was a dummy, and subsequent events proved it? —Yes.

2617. Was his case heard before the local land board? —No, there was nothing further than my recollection.

2618. What were your grounds for believing that he was a dummy? —He had been employed on the station, and was using rails from the station, and the fencing was of the sort that had been removed from another—Mr. MacKenzie—the Wynuna ran.

2619. Do you think this Max Mills was a dummy for Mr. MacBain? —Yes, I think so.

2620. Who lives there now? —Mr. Mill.

2621. Does he cultivate it? —He calls it cultivation, I do not. There is a case of land still at the hands of Mr. John MacKenzie, who was the late overseer of the station.

2622. Was he the party who got judgment against Mills? —Yes, I understood so.

2623. Was it MacKenzie who advanced the money to Mills? —I cannot say; it is between Mr. MacKenzie and Mr. MacBain.

2624. Is it a valuable piece of land? —Yes.

2625. Does it adjoin Mr. MacBain's land? —Yes.

2626. Does it use it? —It has been used for the station stock, but not lately. I have seen stock on it since Mills has been there.

2627. Do you know of any other case there? —John MacKenzie and his son were notorious cases.

2628. Were those decided by the local land board? —No.

2629. Did you report adversely upon them? —I did.

2630. What was the result? —John MacKenzie got the land put up by auction, and it was sold.

2631. Who was Minister at the time you reported about Mills? —I think Mr. Casey was Minister of Lands when I reported—he originally considered it.

2632. Who were the Ministers in the other cases? —Mr. Gilles was Minister when MacKenzie's land was put up by auction; Mr. Longmore was Minister when Mills's lease was issued.

2633. How long ago was that? —Two or three months.

2634. Have you got a copy of your report? —No, it is in the Lands Department.

2635. What was the purport of it? —That Mills was an employé of the station, and that all the improvements were erected by station hands under the supervision of the overseer, and that station stock were grazing there. I reported that Mills and his wife received station rations whilst in occupation of the place.

2636. Did they cultivate it to the extent of one acre in ten? —No, they did not; they simply scraped a small portion nearly at the end of the three years' time. I could not call it cultivation.

2637. Do you think that that was a grant of the public land of Victoria that ought not to have been made in the case of Mills? —I emphatically say, so far as I am concerned, that it ought not to have been made.

2638. Do you think that the granting of the land to MacKenzie, by Mr. Gilles, was also a grant of public land that ought not to have been made? —I think so.

2639. Then the granting of the land by those two Ministers was in contravention of the law and of the spirit of the Act? —I am of that opinion, and I have already given my evidence at the Elections and Qualifications Committee to the same effect.

2640. Were there many cases like that of Mills on the Wynuna run? —Yes.

2641. There was also a man of the name of Gintall, who was employed on St. Germain's adjoining run.

2642. Who is the lessee? —Mr. MacBain.

2643. Did Gintall get the land? —No, his wife died, and he left the district, and it is now held by a bona fide owner, but the adjoining selection was taken up by a boundary rider by the name of David Alexander.

2644. In Mr. MacBain's employ? —Yes.

2645. In whose occupation is that land now? —Censiblly Alexander's; but the improvements were put on by station employés, and for some time after the granting of the licence Alexander was a kind of overseer on the station.

2646. Has the lease been issued? —I am not aware that it was—I opposed it.

2647. How long is it since the lease was issued? —About four years. I called him before the local land board, and I desired that the matter should be heard before Mr. Longmore.

2648. Has anything been done in consequence? —Nothing that I am aware of; but I have heard lately that it was decided that lease should not be issued.

2649. How long ago is that? —Three or four months since.

2650. Have you ever found parliamentary influence stepping in between you and the parties; have you had reason to believe that such was the case? —Yes, practically I have.

2651. Describe in what way? —I was stationed at Pleasant Creek, and whilst in the Wimmera district I wrote to the Surveyor-General requesting to be informed by him whether he would guarantee the expenses of bringing some reliable witnesses who were required in order to expose a system of wholesale dumminess and cruel monopolies there. I received permission to go on. Mr. Casey was Minister at the time. I set to work and was for some weeks travelling about the Wimmera district collecting evidence, and I secured many reliable witnesses to assist me. I was called upon to bring them before the Horsham Land Board. We left Stawell on a winter's morning, and drove all the way through the wet with the witnesses. I was met at Horsham by Mr. Byron Moore, who inquired the particulars of the cases, and, after I gave them to him, he told us we might return on the following morning back to Stawell and I gave him all the documents and the evidence as I had collected it, and the names of the witnesses. About a week subsequent to my going back to Stawell I received a letter from Mr. Moore telling me to meet a Mr. Stacey, who had just come into Horsham as Crown lands bailiff, to assist him to find out suspects. I wrote to Mr. Stacey, and said I would be willing to meet him. We met on the Carr's Plains run, when Mr. Stacey said he felt somewhat surprised that he should receive all my evidence for prosecuting the inquiry. Feeling that I had been misled by Mr. Byron Moore, and knowing that the people expected me to do something, I knew everything about the cases, I told Mr. Stacey that he must tell Mr. Moore that I would prefer resigning my position to acting in this way. Mr. Stacey wrote to Mr. Moore, and Mr. Moore replied that neither Mr. Casey nor he misplaced confidence in what I had done. Upon that I returned to my duties and I returned to my work and day day, with two of my sons and other reliable
men, in order to expose the wholesale corruption which I know existed. In the middle of it I received notice to remove to St. Arnaud, on the ground that a Crown lands bailiff was not required in the other district. I showed Mr. Moore the letter, and I said, "This is the result of my effort to expose a lot of corruption;" and I protested against my being removed, and I said I will not leave; even if I am dismissed, I will remain and expose the whole affair. After that I was again called to work the cases up, and Mr. Allen, who was district surveyor at Ararat, came up on behalf of the department. I had had my confidence shaken as to the honesty of the matter, and I resolved this time not to show my hand till I had an opportunity of proving that what I said was correct; consequently anything I did after that seemed to be a peculiar kind of action, and it seemed to me that I was obnoxious in the place. The case was to be heard on a Wednesday, and up to the Saturday previous I had not been supplied with a single form to call witnesses—there were 90 of them, spreading over some 400 miles, and it was in the winter time. I sent a telegram to say that if I did not get the forms at once I could not go on. On Saturday night I received the notices, and with the aid of three assistants we filled in those forms, working up to four in the morning, and I had horsemen waiting to serve them in time to meet the court. That was all in Stawell, and the men went out to serve the суммумес. Before the Wednesday Mr. Allen came to me and told me he was going to prepare a brief, and that he wished me to prepare a brief for him. I said I had done so for myself, and it would not stand much alteration; but he said he wanted it done his own way. I then gave him the names to prepare the brief, and I observed there was no desire to follow out the line of action I knew would be effectual. Even the names of the witnesses were altered, and I told him if that were done inevitable failure would follow. He said they would do what I thought best but what he thought best. He said he would require me to give my evidence before the board, not directly, but through two neutral individuals instructing the Crown Prosecutor. I saw then that the case would break down, and I resolved to do just as I was told, and if the case broke down I would simply write to the Minister. On the morning when the case came on the town was crowded—it was the first great exposure of dummyism in the town, and there was much difficulty in getting the case on. The court house was rushed, and as I had to give my evidence to a third party before it reached the Crown Prosecutor, there was additional difficulty. Mr. C. A. Smyth asked me where "the house I had been," and I said I had been very unwell the day before. He said, "Well, here I am perfectly at sea about these cases; I have received no instructions, so I will remain until you have the brief." I said, "Have you not been instructed by two authorities? I said he had not; so after all I had to give him the information direct. Then I said the cases would be a success. Mrs. Holmes, the chairman of the bench, called the cases on. I said to Mr. Smyth, "If you wish the cases to be successful put that brief in the fire—it is not worth the paper it is written on." In looking round the room I saw that the necessary witnesses were in the room, and I had them called. The consequence was that in every case, except one case that Mr. Allen took in hand, the runs were forfeited, and 40,000 acres of selected land was rescued, and the State received through that some £30,000 or £40,000, as a reward for which I was transferred to St. Arnaud. Mr. Smyth said I deserved great credit for what I had done. I said I had simply performed my duty.

2652. When was that?—In 1875.

2653. Who were the persons interested in those dummy selections?—Messrs. Nicoll and Alary, Mr. Anderson, of Wollaroo, Mr. Stianahal, and Mr. Williamson, of the Decameron station. When I reached home my family had been ill of the fever that was going about, and I was not able to move them for a time. My district extended so far that I had to be from home five and six weeks at a time. Mr. Moore wrote to ask me why I had not removed my family. I said I could not find a suitable building at St. Arnaud. My reply was considered unsatisfactory, and I received notice that unless I removed them within fourteen days I would be removed elsewhere. It seemed as if Mr. Moore intended to swamp me. I next received a document telling me that I had not removed my family I must go to a place called Shepparton, where I would have no such cause of complaint. But when I got there I found no habitation for my family, and I asked for permission to leave them at Benalba. In reply, I received a peremptory notice from Mr. Allen that I and my family must proceed at once to Shepparton.

2654. You think you suffered through having exposed those frauds?—Yes, and I am prepared to prove it.

2655. And you think that Mr. Moore and Mr. Allen did not particularly want you to sheet home those cases?—I am prepared to prove it.

2656. Do you know of any other instance where the Crown lands bailiff was ordered about in that way with his family?—No, I do not.

2657. You connect in your mind the action you took in those cases with the action Mr. Moore subsequently took?—We can only trace results to a cause, and the only cause I could trace it to was simply my effort to make that exposure. Meanwhile Mr. Moore was promoted by the Minister, under the impression that he was the man who effected that exposure. If the Commission desire documentary evidence, I can bring it.

2658. Was that Mills case ever taken to the local land board?—Not that I am aware of.

2659. Was it brought before Mr. Longmore?—It is possible it was, but I am of opinion that Mr. Longmore has not seen my report.

2660. Still it was dealt with during the time Mr. Longmore has been in office?—I think so. My report was sent in previous to his taking office.

2661. It was in the office when he became Minister?—Yes.

2662. And has been dealt with seven or eight months ago?—Yes.

2663. Did you ever bring this statement as to your position before the Government?—No, I have not done so—for very good reasons. Whilst I suffered under Mr. Moore, who probably was only the instrument, still I did not wish to stir the matter up, as I felt disposed to quietly retire from the service ere long. I wrote to Mr. Moore, and he told me I must not look upon the removal as a punishment, and I tacitly accepted it.

2664. Then there was something like a refinement of punishment in your case—you were first tortured, and then told not to cry out, but to look upon the lash as a very gentle one?—That was about it.

2665. Would you have any objection to the matter now being brought under the notice of the Minister?—I would rather not if it would be likely to entail any suffering on anybody else; but I leave myself in the hands of the Commission. The witnesses withdraw.
Philip Nolan examined.

2666. Are you a selector? — Yes.
2667. Is your selection near this town? — Six miles, in the parish of Wharparilla.
2668. How many acres have you? — I hold about 540 acres.
2669. Did you originally take up 540 acres? — No, I selected 320 acres and purchased the balance.
2670. Whom did you purchase of? — Mr. Glass, the station holder.
2671. Not from another selector? — No, from the station.
2672. And he had originally purchased from the Crown? — Yes.
2673. Can you give us any information about the feelings that the selectors entertain regarding the working of the Act, what difficulties they have, and any suggestions you can make for improvement? — I consider that the Act is working very well, and it is giving pretty general satisfaction. It might be improved as far as the poor selector is concerned.
2674. In what way? — By extending the time for improvements.
2675. For how long? — From three to six years, and also by reducing the license fee from 2s. to 1s. for the first six years, and after that I presume the selector would be in a better position; and then he might pay 2s. or 3s. an acre from that to the end of the ten years — to hold the license for the ten years.
2676. That would be thirteen years in all? — I consider that ten years would be quite sufficient — say 8s. after the first six years, and ten years' license.
2677. Your view of the matter, as a practical farmer, is that if the licensing period — that is the period during which he is obliged to expend money on improvements — were extended, that would lighten the burden of the selector's work on the farm, and in the next place that they would be still more helped if the payments were reduced to 1s. — Yes. Of course there are a great many selectors who, when they make application for land, perhaps have not very much money at their disposal; therefore, by having to pay only 1s. instead of 2s., that would assist them, and they would not be compelled to make too many improvements within the first year or two.
2678. Get employment from men better off in the neighbourhood? — Yes, I fancy so.
2679. And work on by degrees, and cultivate one patch and then another, and gradually go on? — Yes; and it would induce them to remain on the land if they were assisted by the State in that way.
2680. You think that that system would be much more advantageous than the present one in permanently settling the people on the land? — Yes, I think it would.
2681. Have you given any consideration to the question of the State advancing money as a loan to the selectors? — No, I have not.
2682. Do the selectors in this district generally have to apply to the banks to advance money to them? — A good percentage I think do.
2683. Before they get their lease or after? — Both before and after. I think there was a good many who were assisted by the banks, but I think until such time as the Minister stepped in and interfered with the leases the banks were inclined to lend. I think that is rather against the settlers.
2684. You think Mr. Longmore's regulation limiting to £1 an acre has had an injurious effect upon the borrowing of the selectors? — Yes.
2685. Why? — As soon as the selector has complied with the Act, and had put his improvements on, and had resisted on it, he fully expected to get his lease at the end of the three years, and he borrowed perhaps from a great many people, and I think it is injurious to him.
2686. Might a man not borrow money that he could not repay, and so get swamped altogether, unless some limit had been fixed? — That might happen perhaps.
2687. Do they require to borrow more than £1 an acre? — Yes; in some cases I dare say they do — particularly the last two or three seasons.
2688. If they borrowed more, would they not be likely to be swamped? — I do not think so; with a good season they would pull through.
2689. Do you know any instance where they lost their land in that way? — I do not.
2690. When did you select your land? — In 1870.
2691. You are in the leasing period at present? — Yes.
2692. You say you purchased more land? — Yes.
2693. Did you find that the holding of 220 acres was not large enough for you? — I did.
2694. Do you use the land for? — I cultivate; 130 acres of crop I have in just now, that is on my selected portion.
2695. Do you contemplate extending the area of your cultivation? — I do.
2696. Do you intend ultimately to have the whole under crop? — No; but from one time to another, not the whole at the one time. A farmer should crop 200 or 300 acres for two or three years, and then let that rest, and cultivate some other portion.
2697. You had capital when you came on the land? — I had a little capital.
2698. Is the land selected all round your piece? — Yes.
2699. What is your opinion of settlement in your district? — That it is permanent and good.
2700. Have you got any chance to purchase any selectors round you if you choose? — I do not think they would sell.
2701. What is the value of land per acre about there? — I suppose from £3 to £6 per acre.
2702. Have there been any cases in which selectors have sold out in your district? — Yes.
2703. Many? — Not many; three or four altogether.
2704. Whom did they sell to? — Other selectors generally.
2705. Do you know what has become of the selectors who sold out? — Some of the holdings were only small, and they have sold out here to select somewhere else, and go on the land with capital.
2707. Their holdings were too small? — Yes.
2708. What size were they? — There are some selections to the full extent — some less than that.
2709. Do you think 320 acres sufficient for a man with moderate capital? — I do not.
2710. What do you think is the proper amount? — 640 is the smallest amount for a man with a fair amount of capital to bring his family up on.

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2711. How much capital would he require—the least amount to go on 640 acres?—A man prepared to work himself, and admitting that the license fee would be reduced to $s, instead of $s, and that he was a practical farmer, it would not require much capital to carry it on. I have known hard-working people to select with very little capital, and they are now prosperous and good farmers living on the land.

2712. Could you give us a rough estimate of what you think a proper farming man would require, say on 320 acres?—I consider if he could pay the first year’s rent, and he had a good pair of horses, and a plough, and a dray, and perhaps $20 or $30 capital, he would be able to go through with it.

2713. Then about $100 would do?—Or less.

2714. He would have to keep his family for one year, and fence the land in?—Yes. I am speaking supposing the time were extended as suggested.

2715. Your estimate applies to that; but take it under the present system, three years, and 2s. per acre per annum, what capital ought a man to have for 320 acres?—It is a question that is very hard to answer, because there are some men who go on the land with very little and earn from the neighboring selectors for a few months in the year, which enables them to carry on from time to time. When they are good working men they require very little.

2716. Do you think this an exorbitant estimate—this is what we have had from another witness:—For fencing, $150; house, $50; stock, $150; making $350; do you think that an extravagant estimate?—I do.

2717. A working farmer could do all that himself?—Yes, he could do all that himself with $50.

2718. How much would you say the fencing?—The majority of the farmers do the fencing themselves. They put their labor in as capital.

2719. But they require to sustain their family?—Yes.

2720. They have to get a house?—The building of a house does not cost much to the majority, that is the struggling selectors, the poor men who are wanted on the land.

2721. We have received evidence that one-third of the men commencing with less have had to forfeit the land through getting into difficulties; is that your experience?—I think contrary to that, that he does not forfeit the land with less capital than that.

2722. If he had to pay for the whole of this labor he would be in a worse position than the man who did it himself, commencing with no capital?—Yes.

2723. Supposing, instead of the selectors having to pay $29 a year, the State said “We will allow you the block of land, and you pay as rental continuously $10 to $12 a year for ever as the rent,” the Government being the landlord, and the men left thoroughly undisturbed in the possession of the land?—I do not think the selectors would approve of that. They like to come in possession of the Crown grant and call the land their own at some time or other. I think people would not like to take up land that way; sooner than take it on lease, they would go to another colony. It would send them to Riverina.

2724. If there was any attempt to introduce a leasing system of that sort, you think it would be so disadvantageous of the majority that it would clear out?—Yes.

2725. That would not affect any selector holding land now?—No.

2726. Suppose the lease was extended from ten to twenty years at a shilling an acre, and seven years were given to make improvements, with a capital of $50, would a man be able to take up 320 acres of land and succeed?—Yes, I think so.

2727. Your idea (as a practical farmer) of a good land system is that the time for making improvements should be extended as far as possible, that the annual rent should be reduced, and at the end of thirteen or twenty years—some extended period—he should get the Crown grant?—I think so.

2728. That is the general opinion of the whole body of selectors?—Yes, that is the view of the whole body of selectors. They like to come in possession of the land at some advanced period. I might mention that I think the selectors might be assisted by way of reducing the freight on their grain between here and the principal market, that is Melbourne.

2729. What is the freight per ton per mile?—About eightpence per bushel from here to Melbourne, which is a great item.

2730. What is the price of wheat in Melbourne now?—About 2s. 6d. per bushel.

2731. You have to take eightpence off that?—Yes, and that is heavy on the farmer.

2732. You only get about 4s. 6d. for your wheat?—About 4s. 6d.

2733. What would you suggest to be a fair freight?—I should say it should not be more than fourpence or fivepence a bushel from here to Melbourne. That would then, by reducing that, assist the men already on the soil.

2734. Do you think the Government ought to carry the grain at less than it costs them to carry it?—I should say they ought to offer some inducement to the farmer who is on the land. I should presume that freight would cover it.

2735. Are you aware that the railway gives you 13d. more than it does to the Horsham farmer?—No, I am not.

2736. Many of the selectors have to bring their grain a great way before they get to the railway?—Yes, forty and fifty miles some of them before they get to the railway.

The witness withdrew.
2742. At the end of one day you charge the amount of interest due for that day?—Yes, but instead of taking a regular mortgage and charging for the whole amount, we give the man the advantage of every 10s. of penny he pays in.

2743. The charge is really 10 per cent.?—Yes, but I wanted to point out the difference.

2744. In fact, you lighten the burden?—Yes, there is a difference between that and a mortgage for a specified time.

2745. Does your bank always deal direct with the selectors?—Direct.

2746. You never use agents?—No, and I may point out on that account that there is the advantage in case of mortgaging that there is simply a charge for registration, no outside charges of any kind.

2747. Do you make advances to selectors before they have their leases?—No. I have, however, in some cases helped them, if I know the character of the man, and see that he is getting on—that is the custom of the bank.

2748. In that case you have no security?—I have only a bill, but that is done in very few cases.

2749. Do they undertake to give the lease when they get it?—Yes, they back up the bill with an order for the lease.

2750. Do you advance at the same rate when the man is under license as when he is under lease?—I have not done it at all, as a rule, but it would be at the same rates.

2751. As a banker, what is your opinion of the operation of Mr. Longmore's regulation which limited the selectors' borrowing-power to £1 an acre—less than had any effect in preventing the banks from accommodating the selectors?—It has; for instance, suppose we give a man on his 320 acre block £220; that is up to the amount allowed by the regulation; that man may then see a chance of buying 30 or 60 head of cattle, but if we give him £50 or £60 more he will go beyond the regulation amount. He may have grass, and as he is debarred from getting more than £1 an acre—

2752. You mean that it fetters their free action?—Yes, it fetters the free action of the borrower, and, of course, of the lender too.

2753. Do you think a man ought to borrow more than £320?—My experience is that the selectors never borrow more than they require, and I never knew a selector whom I thought I had to purchase.

2754. As a rule, ought they to be allowed to borrow more?—In some instances, yes. In some instances they are entitled to 30s. Before that regulation I made my limit 30s. and 22 an acre.

2755. What security did you take?—The lease. We have not done any business at all with the selectors since that regulation.

2756. Have you ceased to do business with the selectors in consequence of that regulation?—Partly in consequence of that and partly in consequence of the tightness of money.

2757. You are quite certain that it is to a certain extent in consequence of the regulation?—Yes.

2758. Then your evidence is at variance with every other bank manager we have called yet?—I say it is partly in consequence of the regulation and partly in consequence of the tightness of money.

2759. Are we so understood that any selector, however good a mark, coming before you now would not be accommodated by you?—Not on the security of his lease.

2760. Suppose a man came to you with his lease who had never borrowed before and wanted £300 on his lease, would not you deal with that man now?—No.

2761. On what ground?—Simply because the bank refuses to be a party to sign any document that would bind it to say that a man was bond fide, and the restriction of the security hurts it.

2762. Is this in consequence of instructions you have received?—There were instructions issued that we were not to give advances to selectors in face of that regulation.

2763. Issued by the directors of the London Chartered Bank?—By the inspector of the bank.

2764. Who is chairman?—Mr. Brett is the inspector and general manager—the chairman of the board is at home.

2765. Who are the directors in Melbourne?—Sir James McCulloch and Mr. Henry.

2766. We understand this, that it was in consequence of instructions you got from the inspector and general manager to restrict your advances?—Yes.

2767. That instruction must first have emanated from the board of directors?—No. The court of directors are at home. Mr. Brett himself would have the responsibility here.

2768. As inspector and active manager of the bank he gives you certain instructions for carrying on business but he does not consult his directors?—I could not answer that.

2769. He may differ from his directors, but at the same time he is bound to consult them?—I do not think so. I think he has sole control.

2770. What is the use of the board of directors?—They are at home.

2771. The local board of directors?—There are directors, but I do not know in what relation they stand to the bank.

2772. They are supposed to aid the bank with their local knowledge?—Very possibly.

2773. At the same time you restricted advances to selectors did you restrict to all other parties?—Yes.

2774. Then this was a general order?—Yes; so far it applied generally.

2775. Then there was no order that you were to restrict advances to selectors because of the order by Mr. Longmore?—When the regulation came out, I received instructions not to entertain leasehold security for the present.

2776. You said it was because of some document you had to sign; what was that?—The lender had also to sign the document, I understand, as well as the borrower when he applies for a loan, and this document testifies to the best of the lender's belief that the man borrowing is bond fide.

2777. The bankers generally would object to that?—Yes, I think so.

2778. Has this caused any inconvenience to selectors in this district?—Were they deeply indebted to the banks?—No; to my bank they were not.

2779. Did you also when you restricted the advances to selectors call on those you had advanced to settle their accounts?—No.

2780. The effect of your not advancing more money would be to drive them to persons outside?—Yes, it would.

2781. And possibly pay a higher rate of interest?—Yes.

2782. Do you know of any case that has happened, and they have paid an exorbitant rate in consequence?—No, I do not think the agents in this district charge more than 2½ per cent. more than the bank.
2783. Do they not charge for renewing each bill?—Not that I know of; I have not a single agent dealing with the bank, but I do not think they do.

2784. Have you seen that document which Mr. Longmore requires the lender to sign?—No, I have not.

2785. Are you quite sure that you are perfectly acquainted with the contexts when you say that it requires the lender to bear testimony to the bona fides of the borrower?—I am not quite certain. I could give one of the forms.

2786. Then, in fact, you as a banker object to be called upon by persons outside to bear testimony one way or the other to the character of men you do business with?—Yes, and they object to being dictated to as to whom they shall lend money to.

2787. In your case is that the principal objection with the bank as to lending money?—I think so, and the restriction to a pound an acre, because you cannot always deal with a man if you want to. He may want more money, and you cannot afford it for him, and he goes elsewhere.

2788. Have many instances arisen of that sort?—I have not done any business with any selectors since.

2789. Would you not take a man's character into account; so you always require security?—We generally require security.

2790. I suppose some of the agents into whose hands this business goes deals with your bank?—None of the agents deal with me; I deal with the selectors direct.

2791. Previous to this order being issued did you ever lend more money on 320 acres?—Yes, I have lent as much as £2 an acre.

2792. What did they want so much for?—In a great many instances to buy rock and fence in.

2793. At Horsham the other day we had the evidence of the local managers of the National, the Commercial, and the Colonial banks, and of the Bank of Victoria; and all those gentlemen told us that, in fact, this regulation had had no effect upon them in their transactions with the selectors?—In what way— that they are still going on?

2794. No; but that they would renew even now give accommodation to selectors as well as to storekeepers but they are withholding from the tightness of the money market, and that by and by, when money becomes plentiful again, they will go on without reference to the edict of Mr. Longmore. Yours is the first bank we have had contrary evidence from; is there any reason why your bank is an exception?—I have said already that the scarcity of money has an effect on every bank.

2795. But it was also admitted that Mr. Longmore's new regulation had no effect with them—that if they had plenty of money they would go on as usual, and that it was the safest kind of business?—It is a safe kind of business, no doubt.

2796. And that as soon as the scarcity of money is over they would commence again with the selectors?—Your bank is the only bank we have found that takes the opposite view. If the part of the regulation you object to was withdrawn would that enable you to resume business with the selectors?—Very likely; yes.

2797. Would you yourself have adopted the course you have if you had had no instructions on the subject?—I am altogether guided by my instructions from Melbourne as to lending money.

The witness withdraw.
John Mills examined.

2820. You are manager of the Bank of Victoria?—Yes.

2821. Has your bank had many transactions withselectors?—Yes, for some time now—for the last three or four years.

2822. Yes, of course, are perfectly aware of the order issued by Mr. Longmore, limiting the borrowing powers to £20 an acre. There seems to be an impropriety in that arrangement, and I am inclined to think it has had a tendency to mislead the banks in restricting the advances to selectors. As far as your bank is concerned, is there any foundation for that?—I do not think so, not as far as my branch is concerned at Billen.

2823. You corroborate the evidence given by the Colonial Bank manager that the regulation has had an effect in restricting except to £20?—Yes.

2824. Within the limit of £20 you are prepared to do business with selectors as soon as the money market ceases to be in this tight condition?—There is no objection I know of.

2825. What do you think about the condition of the selectors financially. Are they in a sound position. Very fairly. No doubt some are in precarious circumstances, and have borrowed heavily, and will have difficulty in redeeming their selections.

2826. Do you know of instances of very high rates of interest to persons outside the banks—the agents?—I have never heard of any more than 10 per cent.

2827. What is the nature of transactions with agents, is it based on bills?—Yes. They would give a bill and get it discounted; sometimes three, sometimes six months.

2828. Is it usual for the agent to get a commission each time the bill is renewed?—I do not think so. I never heard of it.

2829. Is it your opinion that it is safe for the selectors to borrow more than £20 on a 200-acre selection—is he likely to retrieve his position?—If he has his selection fenced in and subdivided, I think there is no doubt about retrieving himself with an ordinary season.

2830. You think, in fact, that the maximum of £20 might be increased safely, that the man might be allowed to borrow £469 or £500?—I think he might occasionally. It depends upon where the selection is and what value the land may be.

2831. It is so difficult to legislate on a large scale for exceptions, you have to take the average. Do you think it is safe for the selectors, generally, to borrow more than £20 an acre?—I think £20 is quite sufficient.

2832. Or that it is not prudent for a selector to incur more debt?—That depends upon the individual.

2833. Take it as a general rule?—I think it is a very good basis to go on.

2834. In the great majority of cases you think £20 an acre sufficient?—Yes, I do.

2835. I should like to know if you have given any attention to this subject. If the Government had two millions of money available for advances to selectors, and that this money was advanced by a Board appointed for the purpose unconnected with the Government in any way, and that this fund was fixed out on the principle of a building society for ten years, the borrower paying back in instalments the capital and interest, extending say over ten years, would it be an advisable system for the Government to adopt?—I think it would assist the banks in getting in a good many of their overdue notes.

2836. That is a very natural answer for a banker; would it not also assist the men and prevent them ultimately losing the land?—It might bar their transferring it. That would not be a very good position for the selector to be in.

2837. The accommodation they can now get from the agent on a mortgage would be given in a safe way by the State?—That is a matter I have not given any consideration to.

2838. I asked a bank manager at Horsham—the manager of your bank—and he seemed to think it a very advantageous policy to adopt for the selector, and the State, and the bank; that it would ease the burdens of the selector and the money would gravitate to the banks. You have not given any consideration to the subject?—I have not.

2839. Are you aware if there is any borrowing on license, and what rate of interest is paid?—I have never heard of any; but when I came up here to take charge, two years ago, there were a few advances on licenses with only two or three rents paid. Those we have had to carry on.

2840. It is principally from the storekeepers they get advances during the time of the license?—I suppose so. There is one thing in respect to this restriction that Mr. Longmore has put on, as to the delivery of licenses on order. I do not think that is likely to inspire confidence between the selector and the bank, as now he must give and get it himself. I know several instances where men have got postal cards to go in and sign their lease. In a fortnight they get word to say their lease is here. They have to come in again. If they gave the bank the bank order for the lease it would be just as well.

2841. Is there any trouble?—Some of them come forty miles.

2842. What is the trouble of that for so important a matter once in a man’s life?—It takes them away from ploughing perhaps for two days, and the bank may have advanced them money, or an agent may have done so on the faith that he will receive the lease.

2843. That lessens the security?—It does away with the security. He may keep the lease when he gets possession of it, and we may never get it.

2844. Not if there is a mortgage on it?—You cannot mortgage a lease till you get it in possession. You advance the money on good faith during the license time on the faith that he will give up the lease, and Mr. Longmore has issued an order that it shall be given up only to the lessee.

2845. The money is advanced on the good faith of the licensee?—Yes, and he gives an order to the person who advances the money to receive it.

2846. And Mr. Longmore will not honor that order?—No.

2847. That occasions great dissatisfaction amongst the selectors?—Yes.

2848. And limits their credit?—It will. For instance, a selector who came in and had his sixth or fifth rent paid, and wanted to pay up and get his lease, it has been a common occurrence to advance the money on an order to obtain the lease.

2849. It may be a very injudicious regulation here, but every regulation is to apply generally; and in some places it is a very wholesome one. In some districts the selectors are in the hands of sharpers, who manage to get those orders and charge them 1½ to 70 per cent. There is nothing of the kind here?—Not that I know of, and I think the selectors here are of a class who can take care of themselves.

2850. They seem to have had more capital than in some districts?—As a rule I believe they had.

The witness withdrew.
2851. You are the manager of the Commercial Bank here?—Yes.
2852. Your bank has had transactions with selectors?—Nearly the whole of my business in this town has been connected with selectors.
2853. What are the general terms upon which you deal with them?—Ten per cent.
2854. Do you carry on business with them in the form of current accounts—say when a man sells his wheat, the man comes and lodges the proceeds with you?—Yes, the usual plan is to take promissory notes suitable to their own time; and they know what the harvest time is, and they give a promissory note at 10 per cent, sufficient to cover their overdraft. At harvest, if they have £100 worth of wheat, it is paid off, and they pay me no more till next year when they may want some more if they can.
2855. You are familiar with the regulation of Mr. Longmore, limiting the borrowing powers of selectors to £1 per acre?—Yes.
2856. Has that had any influence upon your bank in dealing with the selectors?—None, only in so much that many of those advances we had over £1 an acre we have tried to get rid of to other parties.
2857. How do you get rid of them?—They have taken their advances to private individuals.
2858. Do you still continue to make advances to selectors?—No; but not owing to the regulation—simply owing to the tightness of money, and many of the small advances I still continue where I see it desirable.
2859. The regulation has practically had no effect upon you at all?—None whatever.
2860. And when the tightness of money causes you will be prepared to go on as before?—Yes.

The witness withdrew.

Robert Scott examined.

2861. You are a resident in Keluna?—Yes.
2862. What is your occupation?—Storekeeper and farmer.
2863. Have you had any transactions with selectors generally?—Yes, a great many.
2864. What is the nature of those transactions?—The selectors come here and apply for slight accommodation as well as goods; so when they were anticipating getting their loan, at the end of three years we gave some £1 per acre, and some more; and they now feel disappointed at not getting more.
2865. You have had transactions with them from the beginning?—Yes, eleven years.
2866. You have been in the habit of advancing money at times to carry them on?—Yes, money for their rents and goods.
2867. Your view of Mr. Longmore's arrangement is that it curtails the operations of selectors, and is a general injury to them?—My impression is that they are not satisfied that £1 an acre is enough.
2868. What is your own opinion?—My own opinion is, that a man that I thought would be good for £2 an acre two years ago he would not be good for that now.
2869. Why?—Because of the regulations.
2870. He can get £1?—But in some cases that will not clear them of liabilities.
2871. You think that a selector in difficulties ought to be allowed to borrow still more on the chance that he will be able to extricate himself?—I think so.
2872. Might it not just happen the other way, that the second borrowing would plunge him deeper, so that ultimately he might not be able to extricate himself?—It is the selector's own opinion that he ought to be able to borrow about 30s.
2873. Is that your opinion also yourself?—It depends greatly on the man's character that gets the advance.
2874. Taking the general average of good and bad altogether, is it your opinion that £1 an acre is insufficient?—In some cases it is to extricate them out of their difficulties. Eventually they must sell if they do not get more than a pound an acre.
2875. If they did get more do you think they could pull through?—They fancy they could.
2876. Do you think so?—If the seasons did not go against them.
2877. Would this be a right view of your evidence that the limitation to £1 an acre is a restriction that the selectors complain of very much, that you think there is some justice in that complaint?—Yes, that is my opinion.
2878. And that if you had anything to do with the policy you would suggest the limit extended to 30s. You would not go beyond?—It would depend upon the quality of the land, but I think 30s. would be sufficient.
2879. But if the land were better the selector would stand a chance of getting a better crop and would not want so much?—In some cases they would not ask so much as 30s. A great many like to mortgage the land and take up a certain amount on it, with the option of taking more if a bad season comes.
2880. What are your own charges?—I have never charged more than 10 per cent.
2881. How do you count that?—Ten per cent, per annum.
2882. A man that gets into your books you charge him more for his goods than a man who comes with ready money?—No, my goods are all marked one price, but I give for cash 2½ per cent, discount.
2883. The ready-money man gets his goods 2½ per cent, cheaper?—Yes, but the selector does not pay any interest for three or six months.
2884. What proportion of your business is cash?—Very small.
2885. Your profits are based upon credit trade?—Upon credit trade.
2886. Are you aware if it is the common opinion in the neighborhood that the selectors are charged very heavily for the accommodation they get?—No, they are not. I never heard of an instance of more than 10 per cent.
2887. Not only from common rumor but from your own knowledge you can say they never exceed that?—Yes.
2888. No commission for renewal of bills?—No, nothing of the sort. I have seen them offer more than 10 per cent, when they could not get an advance. There are six months in the year we seldom have any cash in this district. There is one point that Mr. Mills mentioned with regard to giving orders for leases, a great many of the selectors are put to great inconvenience when they could give an order to the storekeeper.
2839. I think the case of complaint is that the lessee gets the first hold of the instrument of security. The evidence at Horsham was that certain clauses were held of the lease and the lessee would not be in a good position to deal with them. Having the lease, he would be in a better position than the farmer. It is like this: the farmer comes in, is short of his last rent to take his lease, he comes to the storekeeper. None are willing to advance money to pay rent unless they have good security. Formerly they gave an order for the lease.

2909. But the department based that upon the fact that the lessee dealt with some persons who got the lease and made them pay heavily—I think the selectors that were willing to put themselves in the storekeeper's or banker's hands had perfect confidence in the transaction.

The wares withdrawn.

Adjourned to to-morrow at ten o'clock.

TUESDAY, 25TH JUNE 1878.

Members present:

W. J. O'Hara, Esq., M.L.A., in the Chair;

T. Cope, Esq., M.L.A.,

J. Andrew, Esq., M.L.A.,

J. Rees, Esq., M.L.A.,

A. L. Tucker, Esq., M.L.A.

Thomas Le Geyt examined.

2891. Are you the manager of the Bank of New South Wales here?—I am.

2892. Have you had many transactions in your capacity as banker with the selectors?—I have had a fair proportion.

2893. You of course have had occasion to advance money to a great many of them?—Yes.

2894. On what terms?—From 9 to 10 per cent., never exceeding 10.

2895. What is the mode of operation?—Direct mortgage.

2896. Is there any date fixed?—They always date after the execution of the mortgage.

2897. Does it ever happen that the mortgagee is not able to meet his engagements to you?—I have scarcely had an opportunity of judging yet. It is a class of business I have not gone into until very recently.

2898. You have not had any occasion to foreclose on any one yet?—No, not on any one yet.

2899. Is it your opinion that the selectors as a rule are substantial men—that they are able to carry on their undertakings to the State and establish themselves as an agricultural class permanently?—I think, with some exceptions, that they are.

2900. Are you aware of any money-lending transactions on any large scale being conducted by agents as distinct from the banks?—None that have come under my own observation.

2901. Is there any general rumour to that effect?—I am not aware of it in this district.

2902. You are aware that some time ago Mr. Longmore issued a departmental order that no selector should be allowed to borrow more than one pound per acre on his land?—Yes.

2903. Are you aware that that regulation had any effect in restricting the accommodation given by the banks to selectors?—Certainly not in our establishment.

2904. Accustomed has been restricted, as a matter of fact?—As a matter of fact it has.

2905. What is that owing to?—Partly from Mr. Longmore's action. That has interfered with the business between the bank and the customer. The bank felt it was locking up too much money on an unconvertible security.

2906. Had the scarcity of money anything to do with it?—No, the fact is the bank felt it was locking up too much money in unconvertible security.

2907. There is a great tightness of money here now?—Quite true.

2908. If that were removed, and things because as they were before the tightness, would your bank resume doing business with the selectors on the same scale as before?—I think not.

2909. Why so?—I have already given my reason. The bank felt it was locking up too much money in unconvertible security.

2910. Is that because of Mr. Longmore's regulation at all?—Not entirely, no; indirectly it has had a certain effect.

2911. What effect had it?—It certainly interfered with the relations between the banker and his customer.

2912. The bank would not endure the third party stepping in?—No.

2913. There are no cases in your experience in which it had any effect in lessening the accommodation?—No.

2914. Are you of opinion that banks throughout the colony will withhold from that class of business, as it locks up the money too long?—I think to a great extent that they will.

2915. That is, in fact, binds up their funds in a way different from the usual banking business?—Yes.

2916. It does not turn over the money often enough?—No.

2917. Would it not be better, then, that the Government should lend an some system so as to keep them on the land, seeing the banks decline to do their business?—I am not prepared to offer an opinion on that subject.

2918. It has been mooted very much of late that the Government ought to become an advancee of money to the selectors—that suppose the Government had at its disposal a fund of £200,000, a borrowed sum—that it should, instead of letting the selectors depend on the bank or the agents, advance the money for a fixed period, requiring the borrower to pay it back in annual instalments, covering interest and capital, after the manner of building societies. The Lands Drainage Commissioners in England lent £26,000,000 in that way; what is your opinion upon that?—The only opinion I can offer on the subject is that it would be the means of relieving the banks of a great many of their advances which they cannot get rid of now.
2919. And also be a practical assistance to the selectors themselves? I have no doubt it would.
2920. On the whole you think it would be a wise proceeding? I should not like to commit myself to that extent.
2921. If the banks withdrew from that business must not some one else take their place if the selectors are to continue on the land? Very possibly.
2922. Is it your opinion that those selectors who have incurred cooperatively large liabilities will be able to redeem their position and not lose their land?—I think in nine cases out of ten they might with proper care succeed in retaining their land.
2923. Then, in fact, the selectors as a body are not so submerged in debt that it is impossible for them to recover?—I do not think that is the case in this district.

The witness withdraws.


The witness.—A statement has been made before the Commission as to my connection with some alleged dummymen on the Wyuna station, upon which I desire to give an explanation. Crown lands bailiff McLean has repeated assertions reflecting on me that were made and contradicted before the Elections and Qualifications Committee.

At the request of the Chairman the Government shorthand-writer read his notes of the portion of Mr. McLean’s evidence that concerned Mr. MacBain.

Mr. MacBain.—I was not prepared for this evidence being given here, but I simply say this, that from the beginning to the end of that evidence submitted by McLean, so far as I am individually concerned directly or indirectly, it is a tissue of falsehoods from beginning to end. I can state to the Commission that since I became the owner of the Wyuna and St. Germaines properties I have never selected myself, either as a single person or with anybody, through any representative of mine, either on the land or elsewhere. I have never employed anybody to select, and have never had any direct or indirect interest in any selections; and I have never advanced a single penny of money to any selector who took up the land. It is probably true that those men, the McKenzie’s, were once in my employ, and they may have selected on their own account. I was not aware of some of those names; they were never in my employment at all. There is also a statement that Mill’s selection adjoins my property. That is not true; it does not. Mill’s land is selected all round—bounded on all sides by selections on the north, south, east, and west.

2924. Is your land far off from it?—No; but there are selections between my land and the land that Mill’s took up.
2925. My impression is that he did not mean to convey the idea that it was “adjoining” it, quite close, but meant adjacent?—No; he says adjoining; it does not adjoin. Again, so far as I am aware, my stock never left on Mill’s land whatever. If the land was not fenced they may have gone on sometimes without my knowing it.
2926. You could not know that for certain?—So far for anyone’s stock may departure on the land where it was not fenced; but I can truly say this, that I considerize McLean’s evidence as a tissue of falsehood. All that he said, so far as my interest in dummy selections in that run under the Land Act of 1869 is concerned, is a tissue of falsehoods from beginning to end.
2927. Is it false what he says about Mills being supported by station rations?—If it was so, I can only say I must have been robbed. If Mills was supported by station rations it was without my knowledge or my sanction, and I must have been robbed; of course Mills might have bought stores from the station at other selectors’ did.
2928. And do you say the same in regard to the fencing?—Everything.
2929. Was Mills ever in your employ?—Mills was a boundary-rider, and when I selected instructed my manager at once to cease his connection with my service.
2930. Was Mills a man with any capital?—I do not know. I never inquired.
2931. It appears that a Mr. McKenzie has lodged a caveat against Mills getting the lease—what relation does McKenzie bear to you?—He was my manager of these two stations for a number of years. He left my employment last year.
2932. Have you had any dealings with McKenzie in land?—Never.
2933. Has he selected?—He did.
2934. Are you in possession of any land at the present moment that was selected by McKenzie?—Not that I am aware of.
2935. I have here a document of the Crown lands bailiff that says—John McKenzie, of Wyuna, selected on the 6th June 1865, section 101 B, 97 acres 1 rod 28 perches, on which he had paid 7% years’ rent; that was sold to Mr. MacBain. On the 14th August 1865, 2 AB, section 10, he selected 178 acres 2 rods 31 perches; he paid on it 6 years’ rent, and sold it to the Hon. W. Wilson. Also, on the 11th September 1866, he selected 132 acres 1 rod 8, section 19; paid on it one year’s rent, and sold to the Hon. W. Wilson; altogether 408 acres 1 rod 19 perches.” McKenzie paid 7% years’ rent on the first selection, 6 years’ rent on the second, and one year’s rent on the third; notwithstanding all that, under the Land Act of 1869, he selected 320 acres and he holds those 320 acres himself now, so that McKenzie selected 723 acres altogether, and he disposed of to Mr. MacBain and Mr. Wilson, the portion of 408 acres he obtained under the Act of 1866?—Regarding these statements, of course it is impossible for me to know what did under the Land Act of 1865, because I had no interest in the station in 1865, when these selections were made. I did not procure an interest in Wyuna till after 1867 or 1868. I bought the interest of the deceased partner; that was after I returned from England in 1868 or 1869. It was after 1868 I am sure. Of course what was done before I am not aware of.
2936. Were you aware that McKenzie the son did select under the Act of 1869?—Yes.
2937. Did you know that the local land board reported adversely to the Minister?—No.
2938. Do you not remember that the local land board reported adversely to the Minister?—No.
2939. And that, notwithstanding that, the Minister, Mr. Gillies, allowed the land to be put up by auction, with a valuation for improvements in their favor, and it was purchased by McKenzie the son?—I know what has come out in evidence before the Elections and Qualifications Committee. I do not know the particulars personally.
2940. You state you were in no way connected with that ?—Not in the slightest.

2941. You did not use your influence with Mr. Gillies to cause the land to be put up in that way?
—No.

2942. The Crown lands bulletin also stated that the stock on the selection was also attested stock with your brand?—If it was, it was without my knowledge utterly. If my stock was on them they must have strayed on on their own, but I do not know that it ever happened at all. For that if Mr. McLean's statements are like those I have heard, and are as false, I would not believe the statement that my stock was there.

2943. What interest can he have in speaking falsely?—He may have a peculiar idiosyncrasy, he may have come to make the statement to gain your favor. I think there must be something that would interest him in continually making these misstatements.

2944. He seemed to speak simply from the evidence before him, by the fact of the stock being on the land, and Mills being an old tomahawk-riding, and his getting the rations, and the other features of the case, he came to the conclusion that the man was a deserter, but it does not follow that he ceased a falsehood in stating that?—He asserts distinctly and absolutely that between Mr. McKenzie and Mr. McLean Mills was employed. Now I make the statement, without fear of contradiction, that I never had anything at all to do with McKenzie since he left my employment.

2945. Then how was the work carried on by your man McKenzie?—I cannot tell, I knew he did not do it for me.

2946. When Mills selected the land you say you caused him to be dismissed?—After he took possession of the land he left my service. As to McKenzie I may mention that under the operation of the Land Act 1869, selection took place from the southern portion of my two runs, and they were gradually coming up to my freehold land. McKenzie came to me to ask permission to select for himself and his family. I said I objected as long as he was in my employment, because even if he selected a home for himself there would be an inconsistency cast upon the sale, no doubt, and as I had never selected a single acre under the Act, I did not wish to interfere with men selecting land on those two runs. I would rather he would not select. About two months afterwards he solicited me again, and as I was in treaty to sell my property I said I would allow him on two conditions, viz., that he would not employ any of the labor for which I paid nor use my means in any way in order to comply with the conditions of the Act. He agreed to me he would keep those two conditions. And I said, "You are at liberty to select." It was my intention all along after that, whenever McKenzie got possession of his own land, that he should leave my service and make a home.

2947. Did he do so?—He did; and I have had no connection with him since the spring of 1877.

2948. In respect to nations, is there not a certain allowance allowed to every individual in your employment? We generally keep a stock book of rations supplied, and it is quite a possible thing that Mills might have come and bought his rations from the home station during the time he was settled there.

2949. In supplying rations to those persons who are supposed to have taken up land which you had nothing to do with, and being engaged in working upon it of course these men would not be in your employment, nor consuming your rations during that time, therefore would you not be able to judge whether a fair proportion of your rations had been used or an excessive proportion?—It is a matter that never came under my notice to ascertain that.

2950. You stated that if the rations were supplied, you must have been robbed of them?—Yes; but I have said also, he might have paid for them; but McLean said that they were supplied with rations from the home station, which means given without being paid for them. I understand the word "rations" means one thing and one only. Station bands get their weekly or monthly rations; so much notion, or so much tea.

2951. Your idea is right of what McLean meant?—Yes, that he was living on the station; and if he was, McLean had some reason to suppose that he had some connection with the station.

2952. That was the natural conclusion he would come to, seeing an old boundary-riding using the rations?—Yes, I never cross my station without having paid for them; I must have been robbed.

2953. Do you not examine your accounts so as to know of anything of the sort?—Yes, generally pretty well, but I never discovered that; that statement is the most baseless statement I ever listened to. I may say also that I never solicited a single selectee on my run since I got possession of it. During the whole of the selections placed on those two runs, under the Act of 1869, I never attempted the land board to oppose a selection. I never had any interest, directly or indirectly, in any selection. I make this statement publicly, and wish it to be public. I wrote two letters to the Age, and McLean must have read them; and, after these fresh statements, I think he has made himself liable to be dealt with in some other way.

2954. How long was Mills in your employment?—I do not know.

2955. Had he any money when he selected?—I do not know.

2956. You say he might have paid for the rations?—Yes; I have known men come up for half a sheep, and so on, and pay for them; but the thing is so perfectly clear, I cannot understand how a Government official should take time to trump up a case when there are so many real cases. I should like you to ask McKenzie what communications he had with Mr. McLean lately in regard to Mills's selection.

2957. What was the area of Crown lands that you occupied, comprised in the Wyuna and St. Germain's runs, in the year 1869?—I should think about 160,000 acres; I do not know exactly.

2958. Do you know how much land of this 160,000 acres was taken up under the Act of 1865?—I do not think there was much. I think the names of the partners selected improved blocks.

2959. What would be the average of the block?—In some cases 320 acres, and in some 640, and some less.

2960. Did that leave, in 1869, 160,000 acres?—It did not materially affect it.

2961. Then in 1865 there must have been a much larger amount?—I cannot tell the exact amount.

2962. What was the original acreage of these runs before any land was taken up?—I cannot tell now.

2963. Was any land taken under the Act of 1862?—There was some, but I was not the owner then.

2964. What amount of this 160,000 acres have you got now in fee-simple?—I have got 36,127 acres.
2965. Is the balance of the land selected?—The balance of the two runs are selected, excepting one small reserve, a flooded reserve of redgum; and also a portion of flooded country, a frontage on St. Germain’s.

2966. Does anybody use the reserve?—Yes, I pay rent for that—about double the rent it is worth.

2967. On these large runs you must have employed a large number of hands; have they selected land the run as a whole?—I do not think so; excepting John McKenzie and Mills, I do not know of any other men who were in the employ of the men who did so.

2968. Gristall and Alexander were mentioned?—I do not know anything about Alexander, I forget him. Gristall was a boundary-rider, and he selected a piece of ground on the frontage of the river, on St. Germain’s run; he lived there some time, and I believe he ran away and left his wife and family in very desperate circumstances; and I think he took a horse and with him and never sent it back.

2969. What became of his selection?—I believe there was something done with it with the view of providing for the children after Gristall went away. His wife died and the children were left, and I believe the children are provided for in some way.

2970. Who has the land now?—I do not know, I have not.

2971. Have you received offers from these men to sell out to you—ever—any of these selectors round about, or these station hands of yours?—No, never; there have been about two or three who spoke to me to the effect that it would be a better thing for me if they had not come here; and, I said I did not want any more land.

2972. Did any take up land with the view of extorting money from you?—I would not like to say, I want them to live as well as myself; I do not want their land; I have mine and they have a right to theirs.

2973. We had a great deal said about parliamentary influence stepping in between the Lands office and the Minister; on that account you will understand our asking this question without any personal idea. Have you ever used your influence as a member of Parliament to induce the Minister to cause the issue of any lease or grant of Crown land?—As the member representing the Wimmera district, I am sorry to say I have been obliged to ask the Minister to facilitate the issue of licenses and leases.

2974. On account of delay?—Yes.

2975. But you never used your influence where the applicant had not complied with the Act?—No; I have never done anything of the kind to my knowledge. Of course I might be imposed upon.

2976. You did not do it willingly?—No.

2977. Did you ever induce or ask the Minister to put up land for sale by auction with a valuation for improvements?—I have frequently done so.

2978. On what grounds?—I really forget now.

2979. Is not a system by which the land is thrown into the hands of the person who has selected it by choosing off competitors?—I consider that the 1869 Act is to provide homes for the working men for themselves, and their improvements are put on with the view of retaining the land. If I have urged the Minister to put up land for sale with a valuation for improvements it, the selector’s favor, it was done to secure the land to the selector.

2980. But if persons have not fulfilled the law?—I do not know anything about that.

2981. In what way would putting the land up to auction facilitate the settling on the land; is not the system of putting up the land to auction a complete farce?—That is one opinion; there are others. It is a very wide question, open to discussion.

2982. At the various times you have gone to the Lands office to get selectors due justice to, as you thought, was it selectors in the Wimmera district?—Yes.

2983. Not over here in connection with, your own run?—No; I have been asked on several occasions by selectors here to go to the Minister of Lands to make a representation.

2984. When you have gone to the Minister in that way, have you asked him to act in contravention of the Crown lands bailiff’s report?—I never asked him to act in contravention of any report. I have carefully avoided doing anything of the kind. I know my responsibilities as a public man, and a man of honor, and I strive to keep within the proper bounds.

2985. We have so desire to make any imputations to the contrary, but we are bound to ask you these questions after the evidence that was given yesterday—Of course, I do not object.

2986. The Crown lands bailiff stated that in a great number of cases the report of the Crown lands bailiff had been ignored through intervening influence?—Yes; and on the other hand it has been known that very frequently Crown lands bailiffs have sat in reports which were unjustly refused, recommending leases when the improvements have not been made, and the regulations not complied with. I am not speaking of any particular case. If you make inquiries you will find that the bailiffs have been dissatisfied for making reports that have not been correct; that is a matter of notoriety.

2987. Is the whole of the 36,000 acres purchased by auction?—Not the whole by auction. When I bought it I purchased about 10,000 acres; I forget how much exactly.

2988. It was stated that much of this land that you had selected, and was purchased from selectors?—I never purchased but one block from the selectors in my life. A man of the name of Kirby selected under the Land Act of 1863. I never bought a single acre of any selection under the Act of 1869.

2989. How much land did you buy from Kirby?—About 200 odd acres.

2990. Was it possible for some other party to have purchased, and you through them?—No, I bought all with the station.

2991. You bought 10,000 acres, how did the other balance of 26,000 acres come?—I bought that by auction since 1869.

2992. Was that forfeited from selectors?—Not a single acre that I am aware of.

2993. Land that you bought at auction, which had never been selected before?—No, bought from the Crown by public competition, and I do not think that during the whole of those sales there was competition on more than two or three times during the whole time.

2994. A poor man could not compete, they were put up in such large allotments?—No, they were put up in small allotments, sometimes 30, and sometimes 100 acres.
2995. It was a monstrous policy to offer land for sale concurrently with land selection, because the intending selector would never come to buy seeing he could get the land by selection?—There is a great deal of ignorance as regards the quality of the land. Nobody ever thought five years ago that selection would be made of these lands east of this. There is a great want of knowledge of the quality of the soil.

2996. What class is your land?—Under the third class.

2997. It is fine land about here?—It is very good of its kind.

2998. Is it the same quality that is selected?—The best land is the timbered country, the plains are not quite so good.

2999. Have you got any river frontage?—Yes, a considerably large frontage.

3000. Is there a reserve along the river?—I really forget; I never bothered myself about it.

3001. Have you fenced in all the roads about these allotments?—No.

3002. How long is it since you opened them up?—What do you mean?

3003. Were there not roads between each block you purchased?—Not between each block I purchased.

3004. Round every square mile?—Yes.

3005. Did you leave them open or leave them open?

3006. Did you fence your land off when you purchased?—I fenced off my land from my neighbours outside.

3007. Did you include the roads?—In some cases I did, and some not, but I put gates up all over.

3008. As a matter of fact you fenced in most of the roads?—Yes; these two runs I hold are subdivided into paddocks to suit the proper management of the property, and, as I bought them and made them into freehold property, I gradually fenced them off, but I did not fence off every road, and I have no doubt you will discover there is no necessity.

3009. On the contrary, I think it is a necessity?—I could take you on my property, and leave you on a swamp you could never get out of. The shire council, without calling on me, in a most barbarous and vindictive spirit, without giving me notice, went and pulled down every gate, and cut the wires of the fences and put them aside.

3010. That was an understood thing?—They were not bound to do anything vindictive.

3011. Did you not understand on the 30th December 1878 you had so right to keep up the obstruction?—They were not an obstruction; you know there are departmental roads that will never be required by the public for the next few generations whatever.

3012. The Surveyor-General states that if the land was in the hands of those whom the Legislature intended it for every road would be required?—Whom did they intend the land for?—We know as a matter of fact that capitalists applied for it they had 10,000, 20,000, or 30,000 acres surveyed, and the land was put up for auction, because the necessities of the Government compel them to sell, and we bought them.

3013. But there was a reservation of a right to put a road through?—Yes, of course, and if they are required they should be thrown open, but I am inclined to think that if all the roads were open, and the shire council compelled to keep them fit for traffic, they will get a white elephant to take care of.

3014. The main object of keeping these roads open is to preserve the right of the public to these roads for all time; it is absolutely necessary—even if there was not a man or a sheep to travel on the road for the next twenty years—it is necessary, in order that the public may know there is a road?—Yes whole matter is in the hands of the Government, and they claim a road wherever they like.

3015. I understood you to say that persons possessing capital can apply to the Government to have 20,000 or 40,000 acres put up in a block?—That was some time ago.

3016. Do not you believe that that is an influence that no person ought to possess with the Government?—That is a matter of policy which you refer to now. The necessities of the Government compel them to sell the land to get revenue, but it is a matter of policy as to whether the Government should sell land at all. There is no influence required. Any man could go into the auction room and buy land.

The witness withdrew.

James Shackell examined.

The witness.—I can perhaps throw some light upon this matter of Mills's which, I think, would exonerate the Crown lands bailiff in regard to the statements he has made; at the same time I thoroughly believe every word Mr. MacBain has said. Politically he is no friend of mine, though he is personally, and I wish to say that I do not believe he ever had anything to do with any dummy selection in his neighborhood. The Crown lands bailiff in preparing his report, I think, had considerable grounds for making the statements he did, for the simple reason that the whole of the fences round Mills's, and J. McKenzie's, and Hugh McKenzie's selections were all of one character, with the same class of gates on each selection. That would indicate the Crown lands bailiff to think that they were taken up in the interest of the station, more particularly when the manager was superintending the fencing on his own land, at any rate; but I do not think Mr. MacBain had anything to do with that.

3017. You think McLean, the bailiff, was justified by the appearance of things in coming to that conclusion that these people were humbugs?—Yes, I do.

3018. But are you satisfied Mr. MacBain had nothing to do with them?—I am. I believe at the first Mr. McKenzie was anxious to secure a property and make a home for himself, and there is a probability of his having said to Mills, "You had better take up a property also, and I can buy it of you." I spoke to Mr. McKenzie about Mills's selection, and I said that if they were dummy selections then Wells, John McKenzie, and Hugh McKenzie should not have acquired their lands, and having obtained the leases or Crown grants, as the case might be, then Mills was equally entitled to it. Mr. Longmore said, "Yes, I know something of that case; I will look into it when I return to Melbourne, and, if I see no objections, the lease will be issued." Since then the lease was to be forwarded to him; he has got the certificate for improvements, and I have advanced money to pay his rents, which is backward in, and he also owes McKenzie a considerable amount of money, which I have undertaken to pay. I believe he is now a bona fide selector, whatever he was at first.

3019. When you have rescinded him, will not his liability to you be of so large a nature as to offer a poor prospect of his ever recovering himself?—I do not think so.
3020. What are his liabilities as soon as he has got free from McKeanie and other creditors—what would be the amount of his liabilities then?—I think about £250 or £300 altogether.

3021. Is not that a very large amount?—No; it is a very valuable piece of land. His wife has also a State school, and he has the post office; so that altogether he makes a very good business.

3022. What is the value of his improvements on the land?—I should think about £250, taking the buildings and everything.

3023. Did you make a valuation of the improvements before you advanced the money?—I did not need to; I knew the land so well.

3024. What rate of interest does he pay for that money?—Ten per cent.

3025. Is it by bills of three or four months date?—Yes, it took bills.

3026. What course do you adopt when the bill falls due?—Renew it.

3027. Do you charge commission on the renewals?—I do not; and I continue charging the same rate of interest all through. I am not a money lender.

3028. Is that the usual way that is done by agents here, that they do not charge commission here at all?—They do not; there may be isolated cases—it depends upon the class of business. I can speak with some authority, as I have now some £25,000 or £30,000 amongst them. A man brings his stock, and I take his stock, and I do not believe I have had a bad account with any of those selectors.

3029. If a man buys £100 worth of stock, and you give him money, what security do you have?—Sometimes a stock mortgage, sometimes a security on the lease, if it is to be a long-standing account.

3030. Have you ever had to sell a man off?—Never, and I do not think I ever shall have; there are some men I would rather give credit to without security of any kind than I would give another man £100 with the security of his lease.

3031. Then you have a very high opinion of selectors in this district?—Yes, but of course there are exceptions—men I would not trust further than I could throw them.

3032. What security have you in Mill's case?—I shall have a mortgage over his holding; I have a right to the lease when it comes out. My experience is that if you repose confidence in a selector here, in 99 cases out of 100 they will not attempt to swindle you. On the other hand, there are some few who are of a nature that they cannot do anything straight.

3033. The selectors bring you their produce to sell?—They do.

3034. What is the rate of interest then?—Five per cent.

3035. Suppose you sell this produce on bills, do you charge the selectors discount on these bills besides the five per cent?—I sell in this way; under £20 I sell for cash.

3036. Suppose a selector sends £100 worth of stuff, and you sell it and take a bill for three months; in another case you sell for cash—do you charge discount in cases?—Five per cent. in each; under £20 I sell for cash; over £20—say, to butchers and others—an approved bill at one month without interest; to others, an approved bill at three months—that is, for store stock—with two months' interest added.

3037. You add the discount of the bill to the first acceptance?—Yes.

3038. So that the purchaser has to pay that?—Yes. I wish to say that the evidence given at Horsham, I think, tended in a very great measure, and doubtless will tend, to lower the status of agents generally throughout the colony, and I was very much disposed not to believe that Mr. Bennett charged the selectors as much as he said he did.

3039. It was painfully real evidence?—Then it was most extraordinary; I cannot believe that the selectors in the Wimmera district are so different from the selectors in this district. In this district they are very thrifty, and well able to look after their own interests; in fact they will haggie for days over one per cent.

3040. They seem to have communicated selecting here with more capital is their hands than those at Horsham?—I would not like to say that; certainly some came with very little—some with none at all in their pockets. I know of one man who came with nothing but the horse he was riding, and 6d. in his pocket, and he has successfully selected.

3041. Has he got 320 acres?—Yes.

3042. Will he be able to hold it?—Yes.

3043. Then he must have been a Scotchman?—No, he was an Irishman.

3044. You refer to Mr. Bennett’s evidence?—I would take the whole of those statements as having been incorrect— I would not believe it if Bennett swore that he charged 70 per cent.; the thing is inconsistent.

3045. His evidence was that the accumulated charges amounted to 70 per cent. In some cases, that they usually ranged from 173 to 70 per cent., that 35 per cent. was about the average; there was no juggling at all; he stated categorically, the same as a witness before the Supreme Court, and we had documentary evidence to sustain it: we had the "slopped" account before us?—Well, then, I ask you whether that is a desirable class to have upon the land, persons who would permit themselves to be deceived in that way?

3046. They pleaded ignorance?—Then we are very fortunate in not having such a class in this district.

3047. It did not depend upon Bennett’s evidence alone; there was an agent named Hall, who admitted that in a bill of £500 odd he struck off, when pressed, £200 odd, and when we asked him for some explanation of such an extraordinary thing, he said he would not like to give any explanation, as the matter was to come before the law courts?—I believe we have not such people here.

3048. Then the general scope of your evidence is this: that the selection here is satisfactory; that the selectors are a very thrifty, honest, landworking class of men; and that they will ultimately succeed in retaining possession of their allotments?—The most of them.

3049. What proportion will lose them perhaps?—It would be almost impossible to say that. I content that 239 acres is scarcely sufficient for a man of means to continue in the case in which he had an idea in the future that he could acquire a larger area; and there are many hanging on to their selections now with money in the hope of buying the adjoining blocks, and I think the time will come when we shall have a class of graziers with 2,000 to 3,000 acres in blocks, and I think they will be a desirable class.

3050. You think that is desirable?—I do.
3051. Why should it stop at 2,000 acres; what is to prevent a further aggregation?—I do not know why it should not. You cannot make a law to prevent a man doing anything he likes with his capital.

3052. Does the Government have any land in the district?—About 4,520 acres freehold, which I have offered for sale, and which will probably be sold to-day; it is about fifteen miles from here; it was bought by auction.

3053. Is it part of a run?—Yes, which I bought from Mr. Kenyon.

3054. What was the area of the run altogether?—About 78,000 acres.

3055. Will you occupy the remaining portion now?—A considerable portion of it. It is a very inferior part of the country, very low, which will never be selected.

3056. What class?—It is in the second class, but we intend appealing against the classification.

3057. That would not be poor land, second class?—No, it is an excellent piece of land now, but it was originally timbered sand edges, and I understand that improvements should not be taxed; but they seem to take land as they find it now.

3058. How much of that run of 78,000 acres could you sell to Crown lands?—About 50,000 acres.

3059. That much remains available for selection?—Yes.

3060. Is that land fit for selection?—No, because it is all inundated at times; there are some selections that any ordinary flood would put four feet under water. That is the class of land which will make an application for compensation some day.

3061. There must be the high banks?—No, out of the 4,520 acres there may be 2,000 that in ordinary floods would be out of water—in the flood of 1870 there was scarcely an acre out of water; that was an exceptional flood, such as was never seen before.

3062. Is that all in one block?—No, in a number of blocks, put up and sold at two sales.

3063. Was there competition?—Very little; I think a couple of bids. It just fetched about the upost price—£1 is, per acre.

3064. Have you ever selected any land?—I selected about 75 or 80 acres under the Act of 1865, and I was instrumental in taking up a large quantity of land under the Act of 1865, under certificates, in this district, for which I have been called a dummy-monger on several occasions; and I am glad to have this opportunity of denying that. There were a number of certificates purchased by myself and a number of friends, which the Government recognized as negotiable documents, and made them transferable, and they passed from one to another at various times. I have not had an opportunity of explaining that before.

3065. Then the fact is this—you found this foolish machinery of the State in operation, and you simply made use of it?—Precisely so. I never selected an inch of land as a dummy, or by a dummy, in my life—never.

3066. You took the land simply as a man of business?—Yes; and before I did so I obtained the consent of the Honorable Mr. Grant, and asked him if I was justified in doing what I did, and I was informed that I was perfectly justified.

3067. How much money did those certificates represent to the Government per acre; what did they take them as?—I think they can be handed in as payment of rent, at 4s. per acre.

3068. What was the price the purchase was made at?—From 10s. to 15s. per acre; I bought them at as high as that.

3069. That certificates, when handed in as the purchase of land, would count as 4s. now per acre?—Now they would.

3070. What did they count for in 1865, handed in to the Government?—About 16s. per acre, if I remember rightly.

3071. Have you any objection to say how many leases you have in your hands at the present time; about 1,800 leases?—Very few; not fifteen I suppose.

3072. Those advances, that you state amounted to £30,000, do not cover this property?—Some of them, I discovered now for a number of leases, but those orders are not recognized now.

3073. You depend upon the selector to land his lease to you when he gets it?—Yes, he does so.

3074. How many leases will you be entitled to when they become due?—I cannot possibly tell that; a great many.

3075. Over 50?—Yes.

3076. As much as 100?—No.

3077. Roughly, what is the number?—I cannot tell without going to the office.

3078. Fifty?—Perhaps not so many as that.

3079. That will cover 16,000 acres?—Not necessarily; provided they were all 320 acres it would, but some too much smaller.

3080. You say you might have more than 50?—No, I might have less.

3081. Call it 12,000 acres it will cover; is it possible for you to get the whole of that land?—How can you get such a number of leases, and ignore those orders for a number of leases, but those orders are not recognized now.

3082. Suppose you choose to press these men when their bills fall due, say "you must pay within a few days"; an agent could do that if he chose; could you not take possession of the whole of that land?—No, you could not do that in three or four days.

3083. An acceptance can be dealt with very quickly?—It can be dealt with this way: you have to give a man six or seven days, and during that time he can get money easily and pay me off.

3084. Where can they get money when the banks will not give money?—I cannot say; but I trust this state of things will not last long.

3085. Suppose the Government had a State fund out of which to lend money to selectors?—I do not think it a good idea at all. You mean a sort of National Bank?

3086. Not a National Bank at all; following the example of the Land Drainage Commissioners in the United Kingdom, who lend money to tenants to make improvements; following that example, if the Government provided themselves with a loan of £2,000,000 at 4 per cent, to selectors to cover expenses and any losses; the money to be lent to men who have property improved, say for ten years, to be paid back during that time, after the manner of the building societies, by annual instalments which would cover interest and capital, so that the State would not be at any loss whatever?—Yes, I understand your scheme, but I should not be a supporter of such a proposition. I think it would be far better if the Government would go in for a substantial loan of £10,000,000 or £15,000,000 and distribute it amongst the banks. If I knew the Government had a man's lease in its hands, I would decline to do business with him.
3087. You are afraid your occupation would be gone if the Government undertook that—Oh, that would not matter. I have other interests besides. You make a mistake about that; it might increase my business. I am not a money lender, I am only an agent.

3088. You speak of doing through the banks—in what form?—The Government might make a larger deposit to the banks.

3089. Let them lend at 3 per cent., and let them lend it at 7 per cent. 2—I do not know about that.

3090. The banks would gain the advantage of that?—They might, but I say the general public would gain.

3091. Is not it your impression that the majority ofselectors require a loan to a considerable amount?—Yes, all of them.

3092. You have heard the evidence to-day that the banks consider lending upon mortgage is not legitimate banking business, and they are going out of it?—Yes.

3093. Would it be necessary in that case for the Government to step in and supply the want—what other source will there be for the selector to get his supply of money from unless the Government do it?—I suppose it will be done through moneyed men. If I put £20,000 worth of bills in the bank for discount, I am entitled to draw against them for nearly that amount.

3094. But when one is obliged to go outside the bank the terms are much higher?—No, it is not in this district. If you get unencumbered agents they will do so. It happens this way: I am selling a man a quantity of stock, I get 5 per cent. for selling, and in nine cases out of ten the stock comes back, and I get another 5 per cent.—that is 10 per cent. in the course of time—so that it pays me to let that man have the money at a less rate of interest; it is a matter of business, and brings gain to my mill.

3095. Did you ever discover any cases of dummy men in this district?—There is a good deal in this way, members of a family taking up adjoining blocks, and working together as a matter of family selection.

3096. That is not dummy men?—You may call it what you like; the Government have always discouraged station hands being allowed to select. I have known cases where such men were never dummy men, not families. There are several cases of the sort, not hundreds; it has come and select this piece alongside of me," and the farmer buys him out at the end of the three years, and I do not think the Government should interfere in such cases, because I think 250 acres is not enough in this climate; a man must combine farming with grazing to make it pay.

3097. What sizes would you increase it to?—I should not begin at 640 acres if they were bound side, and intended remaining on the land.

3098. You heard the evidence given as to the influence exercised upon the Lands Department; have you known anything of that sort?—No, I have known of none; I wish I had more influence myself.

3099. You know of any cases where the department had not been entitled to it?—Of course it would be folly to say I have not. In the case of Mr. Hugh McKenzie I do not know that the man was entitled to have his lease, but I would be sorry to say anything against any one here.

3100. Have you had to transact business with the Lands Office yourself?—I might have inquired when a lease would be issued, but I have exercised no political influence in Melbourne; but I am always treated with courtesy, and I have not to complain so much as some of the delays.

3101. What do you think about Mr. Longmore's regulation prohibiting the recognition of orders for the delivery of leases and grants to agents?—The bank managers who have given evidence were, I think, laboring under a misapprehension, owing to the way the question was put. I think they fancy you referred more to the restriction as to the loan on 250 acres. My opinion is that the last regulation referring orders is most disastrous; it would be better if the Government were not to interfere in grasping and exceptional cases. I have written a long letter to Mr. Longmore, which I hoped would have some effect, and I sent my own ideas of a system that might be adopted. A book for registering should be kept by the land officer or paymaster, or some other officer here; then on the selector coming to a person, saying he wanted to borrow £100, and stating that his lease was due, they would both go to the office and have to make a record giving the relations between them involving the future possession of a lease not yet issued by the department, enter their names on the register and on the order. That register should be recognized by the department; then the man could borrow and get part of the money, say £50 out of £200, that would put things on a very different footing. I have a lot of orders in my possession given to me before this new regulation, and yet they are valueless.

3102. You would register the order before it went to town?—Yes, it should be done by an officer of the Government, and we could pay a small fee, say 1s. or 2s. 6d.; there should be the date and the name of the party giving the order and the name of the party to whom given, the number of acres, the parishes, and for what purpose the order was given.

3103. Would you register the order before it went to town?—Yes, it should be done by an officer of the Government, and we could pay a small fee, say 1s. or 2s. 6d.; there should be the date and the name of the party giving the order and the name of the party to whom given, the number of acres, the parishes, and for what purpose the order was given.

3104. Your registration of this record would prevent anything like that, so that any person could come to see the records?—Yes, just the same as registering a mortgage; such a course would inspire confidence in the leaders.

3105. Would you not have a record when the lease was granted?—Yes; then there is the signature of the person giving the order, the person to whom the lease is given; the signature when the lease is given; and that should not be struck off the register till both go again and state the amount of the loan, and it should not be handed over to the selector until the creditor's charge has been paid.

3106. And that the person could only retain the lease for the amount entered against him?—That would then become a mortgage; the mortgage would be a subsequent affair altogether. It is impossible for any Government to draw the line as to what a man ought to pay, and say, "You shall not deviate from that," as far as the borrower and lender are concerned. Mr. Longmore's regulation says £50. Suppose I have a client who has gone to that extent, he comes to me on Saturday and says there is a lot of stock going cheap, and he had good grass. In that case I allowed him another £100 or £150, up to £200, on his good faith and character. I think it would be better if the Government would not interfere between the borrower and the lender, except in unusual cases of fraud.
3107. Except that the Minister of Lands, as steward for the State, is bound to see to as to the land held by a selector for a public purpose as well as his own good, that man entered with the property of the State should not deal with it as to cause it to pass into the hands of speculators and money lenders, and thus defeat the intention of the Act.—Capital and labor must go hand in hand together; we cannot see it very forcibly in this district, there is no antagonism between those who are placed on the lands and those who are fortunate enough to have capital to lend. No doubt the Minister should do all he can to keep the selectors on the land, that is our interest also; but I do not know of a single man who is trying to get a selector fraudulently; there are none being sold to the squatters.

3108. You think that it would be better if this £200 limitation had not been made?—Perhaps not, but I have had no difficulty since; I have advanced as much as £400.

3109. You have to make a special application to the Minister for permission to do that?—I have just written as ordinary letter.

3110. If you are allowed to make a larger advance, then the regulation is a dead letter?—I am not solus in it. I do not think there is so much to be complained of in that way. If the facts are set out by the applicant himself, the amount he wishes to mortgage—the amount he wishes to raise—he is sure to get permission.

3111. You complained that Mr. Longmore will not recognize these orders, but the selectors must go personally?—Yes.

3112. Because a dishonest selector who got into your books might cheat you?—It makes us very sharp.

3113. Have you known any case where three or four held orders for one lease?—Yes.

3114. Then there is a race for the lease?—Yes. In one case I got it first. I think they must have a very bad class of people at Hotham if what is reported is true as to agents and selectors.

3115. You have admitted the desirability of selectors retaining the land as far as the district is concerned?—Yes.

3116. I presume that has been the object of the State to give people a home for themselves and families in the first instance?—Yes.

3117. That is the object still, and I think it is not to be done on this money-landing principle, the man being engaged to mortgage directly to get the lease. Do you think by giving them an extra time for the lease to run, say twenty years, seven years to make their improvements, without any permission to transfer or even to get a Crown grant during the currency of the lease, that then they would be more out of the hands of the money lenders?—No, I do not. I think that if it were not for the money lenders four-fifths would be compelled to sell out.

3118. Is the event of the alteration of the Act in the direction I mention of extension of time, would it place them in a better position?—No; it would put them far worse.

3119. How?—The moment a man has 802 acres of land he expects to put some stock on after he has fenced it; he wishes to buy £100 worth of stock, or he goes to his man of business for two or three tons of wire. He says, "I have six years before I get my lease." The business man would reply, "No, I cannot entertain your proposition; and he cannot get the stock or wire, or the money to pay his rents. It would operate that way with me. I would not lend one penny with six years' lease.

3120. Suppose they could do without you?—They cannot.

3121. Suppose the man can go and work and earn enough to support himself and get some money?

3122. It is very hard to say. I have never been put in that position.

3123. Supposing they had a six years' lease, with the help of Government money combined, would that not be better?—No; I do not think so. The rate of interest may be lower, but if they borrowed from the Government it would be a stated sum per annum at 7 or 8 per cent.; but suppose they borrowed from the bank, they may have a floating account; sometimes the selector is in debt to me £500, and in a fortnight or three weeks he is down to £250, and next week £100, and so on, and every time that man places the selector on the bank, he reduces his account and has only to pay on his extant account, but if he got it from the Government he would have to pay 7 or 8 per cent. per annum on the whole loan.

3124. But he could invest in permanent stock in that case?—I speak of things as they exist. You are putting theoretical cases.

3125. It appears then there is no possibility of selectors getting on without going into the hands of money lenders?—I have not said that there is a difference between me and a money lender. I advance him stock instead of money. I have given my opinion, and if you consulted the selectors generally—and I believe if you took a plebiscit—you would find that proposition of yours in a minority.

3126. You do not think they would appreciate the extension of time?—Yes, they would, but it would operate against them with others with whom they were doing business.

The witness withdrew.
3124. What rate does the bank charge? — Now 10 per cent.; it used to be 8 and 9 per cent. till within the last three or four months.

3135. Did Mr. Longmore's order about £220 not adversely with you? — I think so, but the manager of the bank will be able to say so to that; but simultaneously with that notification it created a sort of scare, and my instructions almost immediately after were to curtail.

3156. Then do you not think too, that the concurrence of the tightness in the money market with the issuing of that order by Mr. Longmore had some influence also? — I think so, but the manager will be able to tell that.

3177. From your knowledge of the district, what can you say of the character of the settlement— is it permanent? — I think it is. I know at least 200 men of my own knowledge who are settled down the valley of the Goithburn—men who have made money at mining, and others who have made money at farming Smooton way, than whom there is not a better class.

3188. There is a class of men also who are involved in difficulties, and who lock upon selling out their leases as a matter of course; do you know any? — I do not know, and as a matter of business I would not like to tell. I think the character of the settlement here is very favorable.

3199. Are you paid by commission? — Yes.

40. By the bank? — Yes. We arrange it this way: I am understood to give a valuation on each valuation just before the directors; in nearly all cases I am understood to go personally to the spot; I do not always, because I always keep my eyes about me when in the parish; as a rule I go, and for that I am paid a commission of 2½ per cent., for small lots, larger worse less.

3210. When the security is not accepted what is done? — Then I get no commission.

3222. What does it vary from when the transaction is completed? — From 1½ to 2½ per cent., and moreover the bank pay the half of the mortgage fee, about 50s., for the solicitor. The mortgage runs for one year, or as long as they choose; and I do not know of any we have called in, and they have never paid a penalty for renewals.

3133. What is the general amount advanced by the bank per acre? — At one time 30s. and 35s.; but after the regulation we came to £.

3144. Do you think a pound is sufficient to enable an ordinarily good selector to carry on? — To your provision man, who started with little means and has the knowledge, I think it is; but there are a great many people who have taken up land and who scarcely know a sheep from a bullock. They will of necessity get behind and need assistance.

3145. During the twelve years you have been agent for that banking company, how long were you a member of Parliament out of that time?— Seven years out of twelve.

3165. That is up to the last Parliament? — Yes.

3174. From your connection with the bank, and having to deal with the selectors in the interests of the bank, did that necessitate any extra business that you had to perform whilst a member with the Lands office? — No; I knew the most of the selectors before I was a member.

3148. Did you also not for selectors generally as their agent? — No, only my constituents when in Parliament.

3159. Your action as member was limited to seeing about leases that were delayed? — It was; I have kicked up many a row for it.

3160. Did you ever charge a selector any money for services so rendered? — As a member of Parliament, certainly not.

3171. Did you ever, whether as member of Parliament or not, charge the selector any money for services performed at the Lands office? — No, I do not think I ever did.

3182. Did you ever time charged a selector money for transacting business? — During the time I was connected with the bank?

3183. During the whole time you have been in the Lands office? — No.

3194. When you were a member of Parliament, and had to go to the Lands office to help a selector over a difficult case about his license or lease, and you went to explain the matter to the Minister, were you ever remunerated for that course of proceeding during the time that you were a member of Parliament? — I was not.

3165. Did you ever do any business with, or assist a selector in Bullaunock forest? — No, I do not think it is; I have had a great many different transactions with selectors; I am a stock agent, I have bought and sold land for them, and taken their papers, and I certainly charge for all that class of business.

3166. Have you never charged any selector in Bullaunock forest for representations and work done at the Lands office for expediting his lease? — No, never.

3167. Never a £5 note? — No, never for such work.

3178. Have you obtained the consent of the Minister to sell lands by auction, with a valuation for improvements? — Yes, I know half-a-dozen cases.

3199. On what grounds? — I dare say I could give twenty; for instance, I know two or three people who were tenant farmers in Smooton who men whose name were never doubted, but whose leases had a number of years to run and who were not able to reside, and who kept part of the family on one part and some on another; those people were refused because their residences were not continuous. This class will, I think, suffer great injustice through inability to keep both places, and being too poor to keep on; those places were put up for auction.

3160. How did the auction result? — The person himself got the run.

3161. Who valued the improvements? — The Crown lands bids it. I know twenty cases of that kind. I know of another case in the valley of the Goithburn, a miner whose wife was an invalid and could not be removed. He took up a selection up that way; the medical man would not allow the wife to go, and this man's lease was refused, because he did not reside continuously, and it would have killed his wife to move her. His land was not put up to auction, they allowed him to begin Again, and he lost two years' rent.

3162. Can you say in each one of the cases of the kind you mentioned— in each of the cases the persons are in occupation of the land now? — I think they are, I do not think any of them have sold.

3163. How much money has your bank out? — I cannot give an exact idea; a great deal.

3164. The other banks propose withdrawing from the business as it beckons up their money. Has your bank any such intentions? — No, I think not, we have always dealt with selectors, that is Crown leases.
3165. Have you ever received any instruction from your bank with reference to restricting the advantages to the selectors other than the $230? — No.
3166. Do you see any objection to the rule that Mr. Longmore will not give the lease to any person but the leaseholder himself? — Yes, I know two or three cases where a man got hold of the lease and you could not get it.
3167. Can you not go to law? — That is a great deal of expense and trouble.
3168. You heard Mr. Shackell's evidence about having a registry? — Yes; I think, as far as I heard, that it is a good idea; I cannot see any objection to it.
3169. So that you could go to the registry when a man came to you to get money? — Yes.
3170. That would prevent his going to two or three different men and getting assistance in each case? — I cannot see any objection to that.
3171. That would protect the money lender, but not the selectors from unscrupulous persons? — Why should you protect him more than anybody else in his own business?

The witness withdrew.

Peter Potter examined.

3172. Are you a selector? — Yes.
3173. In what district? — In the Sandhurst district.
3174. What is the extent of your selection? — Thirty acres.
3176. That must have been a novel industry lease? — Yes.
3178. And made wine, I suppose? — Yes.
3179. What have you to complain of? — The lease is dated 1st January 1863, and I fulfilled my conditions in five years. The first six months I fenced the land in, and in the first year I planted twenty-eight acres, and planted three acres of vines. After that I planted three acres more, and paid my five years' rent, and I complied with the conditions I wrote to Mr. Clement Hodgkinson, and I did not get any reply, and then the rent was yearly coming due. I went to the Lands office at Sandhurst, and they advised me to pay the rents, and I have written to Melbourne several times during intervals of perhaps a year, and did not get any reply. Then I paid 13½ years' rent — that was $230.
3181. In addition to the $23? — Yes.
3182. Under the novel industry clause you were bound to lay by an acre? — No; I beg your pardon. The Land Act states the “pre-emptive right.” "When any person desires to make vineyards or olive-grounds or mulberry or hop plantations or permanently to establish in Victoria any useful plant or industrial enterprise or process which was previously unknown or not generally known and used therein if he make application in a form prescribed by the Governor in Council for a lease of any Crown lands required for such purpose and if notice of such application and of the lands to be demised and the purposes for which such demise is sought to be given for four consecutive weeks in the Government Gazette the Governor may grant to such person a lease of such Crown lands not exceeding thirty acres for any term not exceeding thirty years from the date thereof; but not more than one hundred such leases shall be issued in one year, and the conditions of each such lease shall within fourteen days after the execution thereof be laid before both Houses of Parliament if Parliament be then sitting or if Parliament be not then sitting within fourteen days after the next meeting thereof. Upon the expiration of any lease granted under the provisions of the next preceding section or at any time during the currency of such lease not less than five years from the commencement thereof, if the covenants and conditions thereof have been fulfilled, and if payable be made to Her Majesty at the rate of one pound for each acre comprised in such lease, every such lessee's heirs or assigns shall be entitled to receive a grant in fee-simple of the land so leased.”
3183. You made all the improvements required by the Act? — Yes.
3184. Did you pay the rent? — Yes.
3185. How long did you keep the land? — I paid 1½ years' rent.
3186. And then did you apply to purchase? — I applied to purchase at the end of five years, and I never got any reply.
3187. In fact, having paid so much, you were entitled to the land without paying any more money? — Yes; I think so. I was advised to go on and pay the rent.
3188. How much did you pay? — 2s. 6d. per acre per annum.
3189. What because of the land after? — I sold it the 14th April last.
3190. To whom? — To the Bendigo Building Society. It was mortgaged to them.
3191. Seeing that you have sold the land, what is your grievance? — After I paid this money I wrote for my Crown grant. Then on the 28th June 1876 I saw in the Bendigo Advertiser that it was to be sold on the 11th July 1876.
3192. Have you ever had this matter before the Lands Department? — Yes.
3193. What have they done? — I am in communication with them. I have got a letter, dated the 31st May last — (producing the same) — "Will Mr. Potter be good enough to call at this office at his earliest convenience, and bring all receipts in connection with his novel industry lease at Strathdebbie with him."
3194. Did you call? — Yes.
3195. And have you heard anything since? — No. When they sold this Mr. Renell was land officer. I said — I object to this. I have the pre-emptive right to this land. There must be a mistake about it. There were thirteen days between that time and the sale. I went three times to the office and never saw Mr. Black. On the morning of the sale I protested against the sale. I said — It is mine. I paid for it, and fulfilled the conditions. Then I went to the survey office, and while I was there Mr. Renell sold it. It was put up at a pound as acre, and it was sold for the upset price.
3197. Was there a valuation made? — Yes, £250.

Lakes, N.
3298. Did you get that?—No; I want and asked for it, and they said it was not paid; and I wrote to Mr. Gilles protesting against the sale, and I got this letter stating that I am entitled to the grant after fulfilling the conditions, and asking for certain information as to the work that was done, and what I intended to do.

3299. Where do they say they will pay the £650?—They do not say.

3300. Do they refuse?—Yes.

3301. Have they got the money from the purchaser?—No.

3302. Did they cancel the sale?—No.

3303. Did you give the information asked for in the letter?—Yes; I said I had got 15 acres in vines.

3304. What did you occupy the remainder for?—Growing feed for cattle and horses.

3305. Did you sell a house?—Yes, which I used for a dwelling.

3306. Was that the only house?—Yes.

3307. Did you sell the wine on the vineyard and keep a public-house?—No, I sold it in bulk.

3308. In whose occupation is the land now?—I am not removed off it now.

3309. The party who purchased has not got possession?—No. After this, when I received that letter, I went down to Melbourne for my lease, and I showed Mr. Thompson Moore, the member for the district, the letter, and he introduced me to Mr. Byron Moore, and I went into the department, and they said the name did not appear 14th July in the book at all with my protest. Mr. Byron Moore said, "You had better surrender your lease under this letter, and, as you have paid all the rent and fulfilled all the conditions, the Crown grant will be issued to you." That was the 18th September. I surrendered the lease in order to get the Crown grant, and Mr. Thompson Moore knew me and recommended me, and I went away well satisfied. After this the man who purchased this said, "Oh, I purchased it for you. I said, "I do not know anything about it; I cannot do anything with it." Then he said he would sue me in the County Court.

3310. Did he sell it for you?—No. I said, "I have documentary evidence." I said, "Will you take the £62 you are out of pocket?"

3311. Why did you do that?—To prevent it going to court; to get it back from the Government.

3312. Did you employ Mr. Thompson Moore?—Only that once; and I saw him once in Sandhurst after I offered to pay all the money the other man paid; he said he would not take it; then it went to the County Court. He said he wanted some consideration money; he summoned me for the £62.

3313. What happened then?—The first time Judge Bindon threw it out, and then he applied for a new trial, which he did not get; and then in December he sued me before Mr. Bindon in the County Court before a jury, and the jury gave a verdict for £62 and expenses, and the foreman of the jury gave me a note to get the money back from the Government.

3314. What was the note?—I never got the money.

3315. Have any ideas on what grounds the jury gave it against you?—Before I could get the money he put it in the hands of the sheriff, and I got the money from the building society to pay the law costs (Mr. Rigby was the man). Then I did not keep my subscriptions paid; they pushed me for time and I had to part with the land.

3316. Sold it to the building society?—Yes.

3317. When you wrote to the Government five years after, did you keep a copy of the letter?—I have not got it here.

3318. Failing you did not get an answer, why did you not correspond again?—I wrote every year for ten years.

3319. And got an answer to every letter?—Not for all.

3320. What prices did you get from the society for the land?—They reduced all the expenses; they gave me £530; but I object to pay the five years' rent and the £62.

3321. You say that you have suffered financially through a blunder of the Lands office?—Yes.

3322. And that the Government have been paid by this man who bought by auction and by you also?

3323. The Commission will make inquiries into your case?—Very well.

The witness withdrew.

Henry Leith examined.

3324. What is your occupation?—General merchant in Echuca.

3325. Have you been long here?—Eight and a half years.

3326. Have you had many dealings with the selectors?—Yes, as much as anybody in the township.

3327. Can you give us any information as to your own mode of operating with the selectors—what you charge and so on?—I am not a money lender, I simply supply them with goods; I assist a great many people who deal with me.

3328. You give them credit?—Yes, give them credit, people who deal with me.

3329. Do they deposit the lease with you as security?—No, I am sorry to say I have only two.

3330. Have you any orders for leases?—I had a great many, but they have all paid off; they paid their money.

3331. You had a number of leases, and they are all discharged?—Yes, they have all their own leases.

3332. Your transaction with the selector is simply like that of Mr. Shackell's, that you deal with them as a matter of business, and carry them on and accommodate them when they want it?—My transactions are quite different from Mr. Shackell's; Mr. Shackell may have sales of cattle. I have to give them lines for three or four years; I have carried through hundreds of selectors, who came here with less than £20 in their pockets.

3333. Do you not charge interest for these advances?—Yes.

3334. How much?—Some selectors, if I supply them for five or six months, a running account for four months, I sell at the same price as cash; and after that I take an interest, and I charge interest, in some instances 8 per cent, and in others 10 per cent, and in three or four exceptional cases 15 per cent, farmers who made £200 or £300 out of stock, and I have no security whatever.
3235. Because you had no confidence in their character?—I did not want to have any transactions with them at all; I carried them on for three years, and did not want them any longer. The prohibiting of the orders has had such a wonderful effect upon the selectors that I know a great many instances, I could mention 30 or 40 whose credit is entirely stopped through the order that we should not receive the lease.

3236. There are 30 or 40 who will be injured?—I could mention that many myself; some of them will be ruined, some are nearly in a state of starvation; they have been reduced a bag of flour; they may not be good characters, some of them.

3237. You mention that you mostly do business by supplying settlers with stores on credit for three or four years?—I have done so to half the district.

3238. What proportion is cash?—Very little of it.

3239. Your trade will be wholly credit?—Yes.

3240. If you wished to convert your credit trade into cash trade, would you not need to reduce your charges?—The farmers are not in a position to pay cash.

3241. That is not my question; if you wish to convert your credit trade to a cash trade, would you not need to reduce your charges?—Certainly.

3242. What percentage would you require to take off?—I have seen goods marked in this place that I am certain the Melbourne merchants never got paid for.

3243. Would you not have to make a reduction of 20 per cent. to compete with your neighbors?—No, I never heard yet of a merchant getting 20 per cent. profit; it all depends upon what goods—suppose on drapery, not on flour and oats; I think 10 to 12 per cent. is very good profit if you get your money every three months.

3244. As a rule you get your money every three months?—No, I am sorry I do not; I have something like $5,000 or $7,000 running accounts with farmers at present, and the half of them never paid a sixpence interest.

3245. Do you not charge a man who buys on credit more than the man who pays cash?—No.

3246. After those three months you begin to charge interest?—Some of them who buy goods I would allow discount.

3247. How much?—2½ per cent., like any other person.

3248. Have you selected any land?—Not an acre.

3249. Have you got some leases in your possession?—Only two; I have plenty of orders.

3250. And the last regulation of Mr. Longmore has made them useless?—Yes, and very likely I shall be dazzled out of my money.

3251. Mr. Shackle proposes there should be some sort of register-book where a creditor with a selector could go and register the transaction?—That is a very good suggestion.

3252. And that the lease should not be given up unless the man appeared?—Yes, I think that would be very good indeed, and would prevent frauds on the part of selectors.

3253. Your evidence is to this effect, that Mr. Longmore's limitation of the borrowing power to £1 an acre had no great influence in injuring the accommodation to selectors, but what did injure was the order as to leases?—That farmers were not allowed to borrow more than £1 had, I think, a wonderful effect, because I know a lot of bona fide selectors who owe more to stockkeepers than £1—more than £1 an acre.

3254. You would allow them to borrow as much money as they pleased?—Yes.

3255. The effect might be to lose their land altogether?—I know men who have been allowed £2 an acre and have paid their creditors.

3256. What you complain of principally is that he did not give up the order?—Yes; at present there are farmers in this district who have no money to buy stock. If I advance money I simply discount a bill, and the money actually comes from the bank, and it affects the business people more than the selectors. I could mention the names of about twenty who would have lost their selections altogether if I had not made money advanced up to £2 an acre. They are well settled on the ground now.

3257. Had they been restricted to £1 an acre they would have lost their land?—Yes.

3258. And are they now prosperous men?—Yes.

3259. How many instances could you give of that?—A great many.

3260. Forty?—Yes, I could. Half the people in Torrumbarry district have pulled through in that way.

The witness withdrew.

Hugh McKenzie examined.

3261. Have you read about the evidence given by McLean, the Crown lands bailiff?—I saw the report in the Riverine Herald, that is all I have seen.

3262. Did you select land on the Wyuna run for the purpose of "dummery" it for Mr. MacBean?—I did not.

3263. What about the Mills transaction; what is your version of the facts?—All that I know of the man is that before he selected land he was employed on the station as I was myself, and I suppose he thought he would take advantage of the Land Act and select land for himself, which he has done. After he selected he left the land and got the post-office, and his wife the State school.

3264. Mr. McLean reported upon Mills's case, that Mills was a dummy, and that he came to the conclusion that he was for Mr. MacBean on the grounds that Mills got rentals from the home station, where he resided, and all the fencing was done by station hands, and that there was little or no cultivation in the true sense of the word, and that the whole aspect of the transaction pointed to the probable fact that he was a dummy working for the benefit of the station, through your instrumentality.—That, I suppose, refers to my father. I am the son, still I can deny the assertion that any man belonging to Wyuna station put up that fencing for Mills; I know that is untrue; I also know he received no station rentals while I was there.

3265. He never bought a half sheep?—He may have done that.
Hugh McKean,  
26th June 1871.

3266. Is your father in the town?—No, I think not. In reference to my own selection I wish to say—McLean says he believed me to be a dummy, and how he came to that conclusion I cannot understand. I am a native of the country, and worked for many years on wages as a squatter, and thus I earned sufficient money to take advantage of the Land Act, and selected for myself, and my father also did so. I afterwards went into business on the selection and improved it. He stated that Mr. MacBain's men put up my improvements and were paid by him. I state that that is not true. He stated in the Erections and Qualifications Committee, and I had no chance of denying it there.

3267. Was your father there?—No; I was there, but they would not listen to my evidence in the matter. McLean visited my selection many times when I was there, and he told me personally at one time he thought I had selected the land for Mr. MacBain, but he afterwards said I had not. He told me that personally, and in the face of that he says I am a dummy now, and my lease should not be issued. He told me he believed I should be allowed the lease, as I was bona fide.

3268. How long have you had the lease?—About twelve months.

3269. Did the bailiff report adversely at the time?—He says so. I did not know that he did.

3270. The matter was not heard before the local land board?—No.

3271. If he did report adversely, you got the lease in spite of that without any further investigation?—I suppose so; I was never asked for any explanation.

3272. Have you resided the two years and a half?—Within a month; there was a slight difficulty about that when getting the lease. I had not resided permanently for the two years and a half. I had for two years and four months, and there were two months previous to that I was backwards and forwards getting the lease put up.

3273. Did the department make a difficulty about that?—Yes, they said I had not complied with the regulations about residing the full time. I made a statement as to the facts that I have mentioned.

3274. Did that declaration satisfy the department?—Yes.

3275. And you got the lease?—Yes.

3276. And you are occupying it now?—Yes.

3277. Did you cultivate one acre in ten?—Yes.

3278. And in every other way carry out the conditions?—Yes.

3279. McLean mentioned a current having been issued by you or your father against the issue of the lease to Mills; do you know anything about that?—I did not know there was a current laid. I knew my father had given him a loan of money.

3280. You are not aware whether he entered a caveat against his getting the lease?—No.

3281. Do you intend to remain upon the land?—I am not living on the land now; I have it in my occupation.

3282. You are not cultivating that selection?—No, I am grazing on it. I am living within two miles of Echunga.

3283. How far off is the selection?—Twenty-five miles. I have stock on it.

3284. How long did you reside on the land after you got the lease?—I suppose I was six months.

3285. I was in business on the selection; I had a business site and I sold that, and after that I left the selection.

3286. I have no other residence.

3287. What business was it?—Store and hotel.

3288. You had three acres excised from the selection under the rural store clause?—Yes.

3289. Who occupies it now?—I do, by grazing.

3290. Who has the store license?—My father has it. He has the adjoining selection, and is farming there.

3291. Have you let it to your father?—Yes.

3292. Then you are not occupying it?—I have an interest in the stock.

3293. Your father pays a rental for the use of the land?—Yes, but still I have an interest in it.

3294. Are you in partnership with your father?—Yes, in that way.

3295. You have ceased to be a selector?—No, I still occupy the land.

3296. You do not live on it?—I could not live on it. I sold the store I had on it. I may live on it within a few years again.

3297. It was intended for a resident farmer, and you are not that?—My father is there.

3298. Did you know Mills before he selected?—Yes.

3299. What were his names?—I do not know.

3300. Did he receive any stores from your father?—Not that I know of.

3301. Is the fence round his selection and yours of the same class?—No, quite different altogether.

3302. Was any portion of the fencing of your land or your father's taken from the station?—Not that I am aware of.

3303. All your evidence as to Mills is secondary evidence?—Yes.

3304. You state you cultivated during those three years one acre in ten?—Yes.

3305. What crop?—Wheat.

3306. Is there any ground in cultivation?—No, not in that particular paddock.

3307. You are in possession of the two selections at the present time?—Yes.

3308. Are you cultivating it?—Yes; over 100 acres are sown this year.

3309. What is your fence?—Two rails and two wires, and my father's is the same—without some part logs.

3310. What is Mills' fence?—Two rails and five wires.

3311. Can your father come here to-morrow?—There is no communication between here and there except by horse; it is a distance of 23 miles.

3312. Can you tell what time chapel from Mills first selecting and his borrowing from your father?—No.
3313. So far as that is concerned, you seem to be a selector never intended by the Act—The land is not suitable for wheat; I had no return the year I did put it in; I never saw the seed I put in after I put it in.

3314. If your father could come, we should like to see him. How much rent does your father pay per annum?—About £30 per year. I have the freehold next it, which I occupy as well.

3315. The selection you got he pays £30 for?—Yes; not the actual rental, about that consideration.

3316. You pay the State £32?—Yes.

3317. And that covers principal and interest and everything and at the same time you get £50 rental?—Yes; but in consideration of that he gets the use and produce of the grass.

3318. What business are you following here?—Dealing in stock—cattle and sheep.

3319. I suppose the 320 acres is not enough to make a living out of?—Not unless it is good agricultural land, which mine is not.

3320. Are there any selectors prosperous in that neighbourhood?—Yes, there are some.

3321. The same kind of soil?—No; generally, the selections are all forest, timbered country.

3322. Yours is not?—No; the plain lands are not suitable for agriculture there we find.

3323. Is your father's better land than yours?—Yes, he has forest land, and is cultivating entirely there.

The witness withdrew.

Charles Scoonal examined.

3324. You are a stock and station agent here?—Yes.

3325. Are you in partnership with anybody?—I am in partnership with Mr. Brown; but I may say, while he has an interest, I do all the active part of the business.

3326. Which of the Browns is that?—Joseph Tilley Brown.

3327. How long have you been here in this district?—About three years and a half.

3328. You have a great deal of transactions with the selectors?—Yes, most of my business is with the selectors.

3329. Does that include advancing money to them?—To a certain extent, to pay their rents and go on with their improvements while in course of getting their leases. I have advanced on leases too, to a certain amount.

3330. Do they bring their stock and wheat and so on to you to sell?—Yes.

3331. What are your terms?—We generally sell at the usual rate.

3332. And you charge more for advances?—Where I advance them myself; for instance, for rents I charge the bank interest, with the understanding that when they sell the lease, if they wish to borrow money, that they do their business through me. If I got the money outside I charge 2½ per cent. for negotiating the business; of course I have nothing further to do with it after that. I apply for permission to get the mortgage free, and I get the money as cheap as I can. Most of the loans have been at 8 per cent, and 2½ per cent. for negotiating the business.

3333. Has that money been advanced on bills, or how?—Generally we take from him six months or twelve months bills to that amount.

3334. You discount them?—The man that advances the money holds the bills, and the interest is added to the bill. When the six months is up they pay the interest and give another bill for the same amount. It is as a security we take the bills.

3335. Do you charge any commission upon that renewal of the bill?—No, never; if I negotiate a loan outside I have nothing more to do with it after I put the man through. I get the mortgage signed and hand them the money, and they pay the interest to the principal.

3336. I understand you to say that you add the interest to the bill?—Yes, certainly.

3337. If you take security for £100 at 6 per cent. they pay £108?—Sometimes they pay the 2½ in advance, and sometimes we add it.

3338. You add interest upon interest?—No, certainly not. We give a discount for £100 and take a bill for £108 due in six months.

3339. And when that bill will come to maturity do you take a bill for £100 or £108?—For £108— that is the next six months. That is not charging interest upon interest.

3340. If you charge 8 per cent. on £100 that would be £4 for six months. If he did not pay the interest for the next six months beforehand you would charge upon the £104?—Yes, of course, it becomes like more money advanced then.

3341. So that the rate of interest for the year would be rather more than 8 per cent, if the interest be paid half yearly?—Just so.

3342. It would be £8 8s, instead of £8 in the case we have mentioned?—Yes.

3343. If the interest is payable quarterly it is a higher rate still?—If they do not pay it.

3344. Do you take bills for three, six, or twelve months?—Not on leases; we do on stock.

3345. What is the object of taking a bill?—We consider it better security.

3346. You can realize more quickly through the aid of the sheriff?—Yes, but I have never had a case where I had to realize.

3347. Could you give us an approximate idea of the amount you have out generally amongst the selectors?—I could not exactly say. Do you mean under lease?

3348. No; we mean altogether how much money have you out with them?—About £12,000 or £15,000.

3349. When you advance your own money you merely charge the interest, but when you advance money you get from others for them you exact commission?—Yes, when I negotiate loans for them.

3350. So that it is an advantage for them to deal direct?—I do not know that it is, because I would not lend the selectors very much. It would be chiefly to pay the rents, such sums as £30. I have been in the habit of paying up those rents and taking an order for the lease, with the understanding that when the lease comes they will do their business through me. Of course now, since we cannot take those orders, that sort of business must cease.
3351. Do you always cause the overdue bill?—Yes.
3352. You got it from the bank and hand it to the selector?—Yes.
3353. Does the fact of orders not being allowed now put an end to your business with selectors?—To a great extent it does, because before I had a security, and I am always on the spot and could get the lease when it comes. Besides, some selectors will give orders to two or three persons, and it is unsafe for us.
3354. You are a partner of Mr. Brown's?—Yes.
3355. Did you see the evidence about his getting sixteen or seventeen dummied selections?—Yes.
3356. Are you interested in that?—No.
3357. They are the selectors of your own property?—I have nothing to do with them.
3358. Are any of the selections upon which you have advanced money near Mr. Brown's property or adjacent to it?—Yes, I think there are some out that way.
3359. Adjoining his property?—I do not think there are any adjoining.
3360. Have you got any rule as to the maximum amount you advance on any particular selection?—I never advance more than £1 or 25s. an acre. I have got up to 30s., but I never went beyond, and I never myself cared to advance more than £1 or 25s., although I think it is perfectly safe in many cases; but, for my own interest, I never advanced more.
3361. Have any of those persons who have borrowed on their leases offered to sell to you?—They wanted to sell—not exactly to me. I did not want to buy.
3362. Have you any instructions from Mr. Brown to purchase lands rented his property?—No.
3363. In fact, all Mr. Brown's land transactions are quite distinct from yours?—Exactly, and he has an interest in the business.
3364. He is the sleeping partner?—Yes; he never interposes with the business.
3365. Then the limitation to £1 an acre did not have any effect on you with the selectors?—It had in this way, that very often a man who owed me money, and wanted to borrow from 20s. to £2 an acre to pay off his liabilities, found it difficult to get it without applying to the Minister for permission, and setting forth some special reasons.
3366. And the better and trouble about the matter caused disinclination to advance?—Yes.
3367. One of the grievances of those who advance to selectors appears to be that, as an order is not honored now, the selector has to come for his lease himself?—Yes, that is one reason. I have known cases where men have had to come 40 miles to just walk to the Land office or Treasury, and ask up their leases and walk to my office; I had an order, but it was no good. One case occurred the other day: A man was left a selection by his father; there was a co-trustee with him, from whom he got an order to lift the lease, but when the man came they would not give him the lease. He had to go 60 miles back for the other trustee to come in order to negotiate the loan. He was in the middle of his harvesting, and thought it very hard to have to knock off for two days.
3368. Have you foreclosed any of your mortgages?—No.
3369. Then it appears that the selector grudges that little trouble for once in getting a home on terms such as he could not get in any other part of the world?—It seems hard for him to have to come when an order might satisfy.
3370. It might not satisfy; the Minister wants to see the facts?—I think something of the sort that has been proposed as to registering would act very well in this district.
3371. It would protect men in your position?—Exactly. There are some men here I have been carrying on for the last two or three years, even giving them orders to storekeepers to get rations to carry them through, and the order was the only security I had to depend on. Now the order is no good to me.
3372. Has your trust in these people been abused?—I must say not; I have never lost anything by them yet; but you never can tell; one might let you in for a loss for more than you made by half-a-dozen of them.
3373. What do you think of the scheme suggested to the Government advancing money to selectors?—Under that they would not be able to deal with their security at all, I suppose.
3374. They would not want to. The selector would probably have to come before a board and give evidences as to how much he had expended on his property, and how much he wished to borrow?—Then when he has expended all that money and comes to me to get stock to a certain amount, and I ask him what security he has, he would have nothing.
3375. You would deal with him just the same as any other person on any freehold, and he would be free from the danger of losing his land. The man getting money from the Government at a moderate rate of interest and on easy terms would be a better customer for you as a stock and station agent?—Yes, but then in the event of my having to come on, if he did not pay me, I should have nothing to come on if the Government have all his land and will not let me on it.
3376. You could come on his stock?—He might sell that. He could drive his stock away and sell them anywhere else without my consent.
3377. You cannot compel them to sell through you?—No. As it is now, if a man has his lease there is something.
3378. Putting the lease aside, if the man has no security what do you do now?—Then you must use your own discretion.
3379. If you advance money to a tradesman and you find he is dishonest you sell up his goods; what is to prevent your dealing with a selector in the same way?—He might make away with the goods.
3380. Still we know that advances are made in that way?—Yes; of course they are every day.
3381. Then why should a selector be required to have more security than an ordinary tradesman?—I do not suppose he is required to have more, but we require all the security we can get when we advance money.
3382. Do you think the selection is bona fide throughout this district?—I do.
3393. What percentage of the selectors will retain their holdings and continue to reside on the soil, do you think?—I cannot exactly say. I think there are a good few who have borrowed more than they will be able to pay off again.

3394. Have many taken up land for speculative purposes?—I think there is very little of that; I know they try to stick to the land as long as they can.

3395. Are there many who from insufficiency of capital at first, and from borrowing, will be obliged to sell out?—I think there are a good few.

3396. What percentage would you say?—About five per cent, or ten per cent.

3397. Will you say either five or ten?—I cannot be certain, but I know there are a good many who will ultimately have to sell, who will never retrieve.

3398. Do you think ten per cent, will cover it?—I do.

3399. There are 80,000 acres selected here under the Act, you think that the holders of 80,000 acres will ultimately sell out?—I think so.

3400. Why will they sell out?—Because a great many started without enough to pay their first rent.

3401. If the Government started this fund, would it induce a poorer class to come on the land?—I think it would.

3402. But the Government would require some proof of a man's means?—That would be different. I know there are many who could only pay the survey fee and the first rent, and they trusted to luck for the rest, borrowing here and there.

3403. Have any of those succeeded?—Yes, some of them have; a man has to alternative but to carry them on till they get their lease or lose your money.

3404. When you get the lease, what then?—They borrow enough money then from a capitalist for perhaps two or three years at as low a rate as they can. They are generally very keen about the rate they pay.

3405. Is it easy to get money on those terms?—It is not just now.

3406. Then the only alternative will be to sell out?—I think so.

3407. A selector owing £600 sees a chance of selling for £900, is he likely to go?—No, I find they are anxious to stick to the land as long as they can.

3408. You think they took up the land heedfully, but found that without capital they could do very little?—Yes.

3409. Where did those go to who you know of as having sold out?—I know some went to New South Wales.

3410. They could not select again in Victoria?—No.

3411. Then the operation of the Land Act in that particular is to drive them ultimately out of the colony?—There are cases of that description.

3412. An advance of money by the Government would prevent all that?—I would like to see them get some money somewhere.

3413. You have a lot of little accounts you want squared?—I have big ones too.

3414. Do you agree with the evidence we have had that the tendency is to aggregate the selections into holdings of 2,000 and 3,000 acres?—I do.

3415. Do you think that will be a benefit to the district?—I do.

3416. Why?—I think 320 acres in lots of places is too small for a man to make a living on, especially if he has borrowed money and has to pay interest on the money. The last two the farmers got little or no return from their holdings, as far as crops were concerned.

3417. You think 2,000 is a proper holding?—I think from 800 to 1,000 and 1,500 acres, and from that up.

3418. Do you think that the holders of 600 or 700 acres are the most prosperous class in this district?—Yes.

3419. Of course. 3,420. Holdings of from 2,000 to 4,000 acres would limit the population very much?—Yes, it might; but those who were left would be in a better position.

3421. Yes, for themselves; but if you had to raise a militia it would be the worse for the country?

3422. Of course.

3423. But they would employ laborers?—Yes.

3424. And they would compete and reduce the rate of wages?—I do not think there is much reducing wages here. I know in harvest time they have it all their own way here.

3425. Instead of a yeomanry on the soil you would have the landlord and tenant system?—Yes; but as a fact they employ labor on those small holdings now, where a man has not a family or grown up sons. A man with a family can pull through, and get on all right. He has not to pay for labor.

3426. With the modern machinery there is, is it not possible for a family to comply without employing much labor?—Yes, it is possible.

3427. Would not that be a better-off class than the farm servant employed by large farmers?—I do not know. I have seen selectors on land, and I think if they were farm laborers they would be better off.

3428. That is those who are getting in debt?—Yes.

3429. But those who are better off and succeeding?—Yes, in that case it would be.

3430. Would it not be better then?—As long as the selector can carry on on the small holding I would not disturb him.

3431. A yeomanry class upon the soil is better than a large farmer class employing labor; would not that be better for laboring men?—Yes, if he could carry on himself.

3432. You say 50 per cent, are succeeding?—Yes, I think so.

3433. Then would not it be a mischievous thing for the Government, seeing that, to initiate another system which would reduce the selectors to mere farm laborers?—I think that will work its own cure; there is not time to judge yet.

3434. You think there would not be so much labor employed upon a selection of 1,000 acres as upon three selections of 320 acres, always supposing that the man with the 1,000 acres had capital?—I do not think there would be much difference in the labor employed.

3435. Only in one case it would be a yeoman and in the other a mere laborer?—Yes.

The witness withdrew.
Joseph Tilley Brown examined.

3424. Are you connected with this district?—Yes.
3425. For how long?—For some six years.
3426. You are in partnership with the last witness, Mr. Seward?—Yes, I am a member of the firm.
3427. Can you tell us, of your own knowledge, as to the transactions of the firm with the selectors?

—Yes, so far as any individual cases are concerned.
3428. You corroborate all that Mr. Seward says?—Yes; he is the active business manager of the firm.
3429. You heard the evidence given about your having handled a large quantity of land?—I have not heard it; I have read it in the paper.
3430. What have you to say to it?—It is untrue, and it has been proved to be untrue. This is not the first time that Mr. Tuttan has portrayed his peculiar ideas in this way. The whole transaction is well known, and the people are still living; and the Land office which dealt with the matter is prepared to testify against what Mr. Tuttan has said.
3431. What are you classified at?—I am classified in the land classification, 3,120 acres in the second class.
3432. How many selections have you?—I do not know how many selections I have; I bought it all at auction.
3433. Was it forfeited selections?—Yes, forfeited selections; not all; some I bought from neighbors.
3434. Land that had been selected?—Land that had been selected.
3435. How many allotments altogether?—My own selection of 320 acres, and about nine other selections. There was one of 123 acres, and another of 127 acres, and another 127 acres, and another 327 acres.
3436. Is it true that you formed a company to take up this land?—Yes, we did originally.
3437. Will you explain about that?—Yes; it was formed by a number of friends who wished to take up land and make a home for themselves.
3438. There was yourself?—Yes.
3439. And Mr. Salter, the mining manager at Turrangower?—Yes.
3440. Did he intend to make a home here?—He did; but I may tell you that, so far as he is concerned, business reverses stepped in and he had to leave it; he is now employed in the bank; he was a mining manager at the time that he decided to get the land.
3441. Mr. Cowell is another; what was he?—He is the manager of a bank.
3442. Where?—Manager of the Bank of New South Wales, at Kyetoon.
3443. How could he, being at Kyetoon, come to Echuca to make this home that you speak of?—He had eleven children, and his intention was, to make a home for his children; he used to come down when he could; and you will find that the house which he built is one of the finest in the district.
3444. Was this all done under the 1869 Act?—Yes.
3445. Did he reside on the land under that Act?—No; he did not get his land; it was forfeited at the instance of Tuttan.
3446. Did Mr. Salter live on the land?—He did not; he gave it up as soon as he paid for the first rent, and it was sold for £2 an acre to me.
3447. With improvements?—With improvements.
3448. Do you know Thomas Holmes?—Yes.
3449. Did he take up land?—Yes, 320 acres.
3450. Did he reside on the land?—Yes.
3451. Did you employ him to reside on it?—No.
3452. Did you assist him in any way with funds?—Yes, I did, once.
3453. Has he transferred it?—He is endeavoring to get his land in another court, according to Tuttan; but I must refuse to say anything about his case—and I hope you will not press me—as the matter is sub judice.
3454. Are you in possession of the land?—Yes.
3455. Is he indebted to you?—Yes.
3456. Is it before the court?—No, it is not.
3457. Then now can it be sub judice?—It is understood that it will be before the court.
3458. When it does, what position will you hold, plaintiff or defendant?—I do not know whether I shall be defendant or plaintiff.
3459. Mr. Holmes seeking to obtain something from you, or any from Mr. Holmes?—I cannot answer these questions; I have given you any reason, and you ought not to ask me.
3460. We can get the papers?—You can get the information you want from the papers. I cannot answer the questions.
3461. Has any action been entered against you by Mr. Holmes?—I believe so.
3462. Then you are the defendant?—In that case I would be.
3463. There is another block selected by Ruth Bond; is she in possession of that land?—No, she sold it to me.
3464. How long did she hold it?—Till quite recently; I think she had it for nearly five years.
3465. Did you supply her with any funds?—She was among the company.
3466. Did she belong to the company?—Yes; and she is also a member of my family.
3467. Did you supply the money to pay the rents?—That is all private business between Mrs. Bond and myself; I decline to answer it.
3468. You must answer it—I really must refuse to go into these private matters; I do so with all due respect to the Commissioner.
3469. This is a very important matter, and you have been called a dummy-manager; and the evidence so far proves that you are, and your manner would certainly confirm that impression.—Thank you for the opinion.
3470. And this is one of the very things the Commissioner is appointed to attend. I ask you, did you supply Mrs. Bond with money?—I decline to answer. I understood that a Royal Commission was appointed for public purposes, and not to inquire into the private business of persons.
3471. But if this private business affect public property?—We are not dealing with public property, we are dealing with a tithe. I did not take up that land.

3472. She took it up, knowing she would have to fulfil certain obligations?—She did carry them out.

3473. Did you supply her with the money that enabled her to do so?—I decline to state.

3474. Then we will go to another case, that of Miss Cowell. Will you state you did not supply her with money to carry out the conditions?—I did not supply her with money.

3475. You see you are willing to state that distinctly about her, even though it is private business; yet you cannot state it about Mrs. Bond. What is the reason of that?—She is a member of the firm, and in all intents and purposes she is in possession of the land. She is not at present in the colony.

3476. And can she be in virtual possession of the land; you are in possession?—No, I am not exactly.

3477. Then how do you explain it?—She has sold it to me, but I have not paid her all the money yet.

3478. You are in possession really then; you do not intend to give it back?—Still, she is virtually in possession.

3479. Is she residing upon the land?—No; she has gone away to Wentworth, where she is now, on her marriage trip.

3480. Has she signed the deed?—Yes.

3481. Then you are in possession, only you owe her some money?—The money is due on the contract, for work done.

3482. Then the fact is, she became one of your debtors, and could not keep the land?—She does not want to.

3483. She does not hold the mortgage?—No.

3484. Then it appears she parted with the land to you, and you have not paid all the money due for it, but that in a few months you will have to do so, and will get the land, so that you are the virtual owner?—Yes, if you put it in that way.

3485. Then there is the case of William Williams; was he one of the company?—Yes.

3486. Did he roll out to you?—I object to be made the victim of Tatum's statements.

3487. Mr. Tatum, as a Government officer, has to perform a public duty, and he is entitled to all praise for the manner in which he has brought it forward?—I merely state my view of the matter.

3488. Then, at all events, you have possession of the whole of the blocks that were originally taken up by the Marathon Company?—Yes, I suppose I have.

3489. Then the actual operations of these people to form a home for themselves have vanished into thin air, and it is all come to Mr. Brown?—Oh, no.

3490. The company has vanished, and you are in possession; the others have all disappeared?—No, they have not. Williams is in existence. I believe he is summoned. The Commission had better get what information they want out of him. Mr. Ireland is in Queensland; he is still a partner of mine; he is away looking out for some land there.

3491. Has Ireland also taken up land in this block?—Yes.

3492. And he has parted with it to you?—Temporarily.

3493. Has he sold the land to you?—Yes.

3494. Then the house he was going to get as one of this company is no longer a home?—It is still his home.

3495. But you say he has sold it to you?—Yes; but he is still a partner of mine.

3496. Has he a joint interest in the property?—He has a sort of interest in it. I am not going to expose all my private business. It is not at all relevant to the subject of your enquiry.

3497. I think it is particularly relevant to our enquiry?—I am sorry to disagree with you.

3498. Mr. Ireland and others selected land that you all looked upon as a sort of Utopia, where you would live in happy homes, but the Munster idea deceived the scheme into granting Mr. Ireland the land; and, like the others, has sold out to you, and gone away from Victoria: and yet you say he has a sort of interest in the place, and that the exposure of such a fraud upon the State is not relevant to our enquiry?—What I say is that it compels me to expose my private business, which I am not entitled to do. I say this with all respect.

3499. You have 3,120 acres?—Yes.

3500. Does that include Mr. Ireland's portion?—It does not.

3501. In Mr. Ireland's land adjoining this 3,120 acres?—Yes, some of it; a portion of it.

3502. Then you will have more than 3,120 acres?—Yes, when the titles are completed, I shall have more.

3503. How much?—Some 4,100 acres altogether.

3504. Is it true that you built one residence, or that the company did so, upon the boundaries of three or four allotments so as to comply colorably with the residence regulation?—Yes, that is partially true. Miss Cowell's allotment must be excepted from that, because it was sold.

3505. What was your object in erecting that residence in that way?—Well, there is not any question in the minds of the Lands Department that the whole thing was taken up by bond, &c. Mr. Bond, being a woman, it was not desirable nor right that she should live at a distance. Mr. Williams is a relative of mine; and it was deemed desirable to build a joint house as a mutual protection.

3506. Was the case ever heard before a land board?—No, I think not.

3507. Did Tatum report to the department unfavourably in regard to it?—Yes, but that was a special weakness of his.

3508. Did he do so?—Yes.

3509. Were the cases heard before a local land board?—Yes.

3510. What did they decide in the matter?—They did not believe Tatum.

3511. Did they believe you instead?—It was not only me they had to believe, there were a number of other persons interested.

3512. Then the board preferred to believe the statements of interested persons rather than the testimony of a person not interested?—Yes; but I am sorry to say that Tatum showed such animus that the court were impressed in our favor.
3513. How has he shown animus?—He has expressed his intention “so make it hot for me.”
3514. But if he thinks you are dummying it is his duty to make it “not for you”—I give him credit for the desire to do his duty, but he may overstep it.
3515. Who were the board?—I forget.
3516. Who was the Minister who ultimately carried out that decision of the land board?—Mr. Longmore in two instances; and I may say that Mr. Longmore has been very good to me. I have to thank him for the greatest concession I ever received from the Lands Department.
3517. What was that?—A number of blocks were forfeited and put up for auction, and the land board recommended that they should be forfeited and put up at £2 an acre. I represented the facts to Mr. Longmore, and he reduced the valuation from £3 to £2, at which price I bought it.
3518. How much was that?—About 900 acres.
3519. Would the land have sold at £3 an acre?—Oh, no, it would have been ruin to me to have bought that. I think he did me a simple act of justice.
3520. What was the amount of the concession?—£1 an acre.
3521. Then the Minister made a concession to you at the expense of the revenue, involving a loss to the public of £4 an acre?—No, it would not have sold at £3, but it enabled me to buy and form a home.
3522. Did you apply for that concession?—Yes.
3523. Did any members of Parliament interest themselves in the matter?—No.
3524. Who was the member for the district?—Herris. Casey and Moore were the members.
3525. Did you communicate with any of the members of the district about the matter?—I do not think I did. I might have asked Mr. Thompson Moore for proper course to pursue.
3526. What course did he advise?—I think he advised me to go to the Land office straight myself, and not employ a lands agent.
3527. Does he know the selections?—I do not think he does.
3528. Is consequence of what he advised you went to the Land office, and he had nothing to do with the matter?—No.
3529. Are you sure he never asked the Minister?—I do not think so. I think he was not friendly with Mr. Longmore at the time. I think they sat on opposite sides of the House.
3530. The local land board decided that the land should be put up at an upset price of £3 an acre?—Yes.
3531. They were acting, I presume, on local knowledge, and therefore their recommendation ought to have been carried out?—No, they were acting upon Mr. Tatton’s advice.
3532. That was local information?—Yes, but it was just a little prejudiced.
3533. You assume that of course, because what he has so done is disagreeable to you?—Perhaps so; but when a man says he will “make it hot” for you, it shows his animus.
3534. If you are doing wrong, dummy-mongering, he is entitled to “make it hot” for you!—Can’t a man conceive a wrong opinion of a thing?
3535. What year was this concession made to you?—I do not know the year; I think it was 1874.
3536. Was Mr. Longmore in office?—Yes, I can speak certainly of that.
3537. How many acres was it?—Nine hundred odd.
3538. Was any value put on for improvements?—Yes, a small sum—three items, £160, £100, £100.
3539. Three hundred and sixty pounds?—Yes.
3540. Who made the valuation?—Tatton.
3541. Was it fair?—No, I think it was about one-half what it was worth.
3542. Do you know Quarill?—Yes, I do, and I am much surprised to hear that Tatton has the audacity to say I am connected with him. The firm I am connected with may, of course, have some transactions with him, as they do with a number of selectors, but that has nothing to do with me.
3543. You saw the statement that Holmes gave you a certain power of attorney before he took the land at all?—I decline to answer those questions; they will be the subject for another court.
3544. You have seen it in the papers?—Well, then, you can get it from the papers.
3545. You think it might impeach you?—No, I think I am being unfairly pressed by the Commission, and I am sheltering myself behind a British principle.
3546. Have you been threatened with an action?—Well really you know there are so many threats held out that never come to anything.
3547. Have you or have you not been threatened with an action by Holmes—you must answer the question—I think I have.
3548. Has the writ been served on you?—No.
3549. Then the matter is not sub judice?—Did not Tatton say a careeat had been lodged—does not that imply that it is sub judice?
3550. Will you state whether you took these powers of attorney over the land from those other ladies and gentlemen?—I will not state whether I did or not.
3551. Then the inference of the Commission is that you did?—I do not think the Commission have any right to infer any such thing.
3552. It is plain enough you must have done it, because if you did not you would admit it?—That does not follow. I do not think you ought to say so at all. I have no wish to disobey the orders of the Commission.
3553. I suppose your object in coming here is to appear to obey the orders of the Commission and to tell the public case; on the contrary, when I came here, I had a little idea as the man in the moon that the Commission would investigate this subject.
3554. Do you not think it is a proper subject for the Commission to enquire into?—I do not. No, it is simply impossible to explain my private business with those people; they are connections of my family and are mixed up with me.
3555. With this objectionable peculiarity that you held the land?—As you force me to it, sometimes financial matters require it, and they did in this case.
3556. The land was given to put permanent occupants upon the land?—Yes.
3557. Any other possible?—That is not the case and you are in possession now?—Yes.
3558. And our object is to find out the modus operandi of the transaction?—I have told all I can.
3559. Who was the Minister that granted the bulk of the leases?—There was not much difficulty under, I think; some were granted under Mr. Gillies, and others under the Longmore regime.

3560. Did Mr. Longmore issue the leases?—I think so.

3561. Did Mr. Gillies?—Some of them he did.

3562. Did the great majority take place then?—No, there is no majority; there are only a few altogether.

3563. There are fifteen altogether?—No, you have been misled in that.

3564. How many were there taken up altogether by this company?—Nine altogether.

3565. Of those nine were issued by Mr. Gillies, and how many by Mr. Longmore?—There are only three leases exact except by own; they were all forfeited before the lease was issued.

3566. During which Minister's administration of the Land Act was the bulk of the property sold?—The largest amount under Mr. Longmore's administration—900 acres.

3567. How much under Mr. Gillie's administration?—Cowell's was the only block, I think, under his.

3568. Is Cowell related to you?—No, he is not. I bought his land privately.

3569. Is Christopher Murray related to you?—No. His land was sold. I notice it is said that he stated at Tattam that I robbed him of his improvements.

3570. Did he get a valuation for his improvements?—Yes, I have his receipt—£1000—only it was a small valuation. I paid him more than that. The whole of these men could be produced, fortunately for me, and would put a different complexion on the matter. That statement about Murray is a gross libel. If he did make it he must have been misleading Tattam, for it is utterly untrue.

3571. Was the effect of the concession you have spoken of that you could buy the land cheaper than you could otherwise have done?—I could not have bought it at all otherwise.

3572. Would it have sold?—No.

3573. Why was it not put up and tested?—They had tested it in several instances—not this particular 900 acres—but some other selections were put up at £3 an acre, and there was no offer, and they were all reduced.

3574. Then in reality he gave you no concession?—It is a concession; I consider it so, as otherwise I could not have got the land at all.

3575. Would it not have been the ordinary course for the Minister to have allowed the sale to proceed? He, as the trustee of the public lands should not have taken your private representations?—I think the feeling in the Land office was that they would not do anything without, and they had evidence that other land had been put up at much less than £3 an acre.

3576. That would not test those particular blocks?—In the face of the evidence at the Land office they could not have done otherwise, and I think there was a desire on the part of the Land office to get me a home.

3577. And to dispose of other people?—No one was disposed.

3578. Mr. Longmore, as trustee of the public lands, seems here to have given you public money, which you consider a concession. If £3 an acre was too much why did you not wait and see it put up, and let it be tested. Why should you go privately to the Minister?—There was not much private about it; the department were aware that other blocks had been put up at £3 an acre and had not sold.

3579. Here are 900 acres of public land to be sold, land that is valued at £2 an acre, and you go to the Minister of Lands and you say, 'I wish you to reduce the price of land to £2 an acre, I am going to buy'—No; I beg your pardon. I pointed out it would be unfair to put it up at £3; I think land has been put up in that district at £2 an acre.

3580. If he granted you the concession, as you say it is, you were proposing to buy this land, and you go to him as the intended purchaser, and yet obtain the concession that the upset price is reduced from £3 to £2 per acre, a difference of £300?—Yes.

3581. Do you not, therefore, see that you have got the public property at so much less than you ought to have done?—No, because it was not worth £3.

3582. Then, why did you not allow it to be tested in the open market?—I had no objection at the time, but I did not look at it in that light; but if it had been put to me in the way you now put it, I might have thought of it. If you were a buyer would not you try to get your land as cheap as you could? If you were situated as I was you would have done the same.

3583. If you were trustee of a private property, and an intending purchaser came to you and said, 'You have advertised to sell the property at £3 an acre, will you grant me the concession of selling to me without competition at £2,' would that be honest?—I do not think it was dishonest; he was the Minister of Lands, and I thought I was entitled to ask him for what I was entitled to get. You lose sight of the fact that Mr. Longmore must have considered the fact of whether it was worth £3 or not before he granted the concession. If you understood it all you would think differently, but I am at a disadvantage here, there are seven or eight years since, and it is very hot property for one man to come and have to be bidded up by seven.

3584. All the other witnesses suffered that inconvenience, and they did not complain, and they gave their answers like gentlemen?—They were all asked on public questions; I have been asked on private business, which is un-British.

3585. Here is 900 acres of public property, the upset price of which should be £3, and you obtain it for £2 per acre, and you say it is a private matter which we have no right to examine you about?—I do not object to be examined, but I object to the conspiracy you are putting it on; would not you try and get a thing as cheap as you could?

3586. Even then two wrongs do not make a right?—I contend there was not any wrong; I can assure you that other land was sold for £3 an acre.

3587. I think the wrong was this, that as the bailiff recommended £3 as the price the Minister ought to have tested it by open auction, and then if nobody offered more than £2 per acre, you might have got it?—I do not object to that view, but you must not blame me. I ask you to look at it in the way I did at the time.

3588. I think I would have been doing a righteous thing, and the Minister was as much to blame as you in the transaction?—You would not take that view if you knew all the circumstances.
3589. Does Mr. Kenneth Brown act as your agent in Melbourne?—I must ask you to let that drop, as it is a private matter.

3590. Is there anything wonderfully secret about that?—Nothing at all, except that I object to expose my private business.

3591. Then I suppose you will object to say whether Mr. Kenneth Brown assisted in the sale of this land, so that you got it at a low price—I think you are asking me questions offensively.

3592. Why should you not say whether he is your agent or not?—Oh, he has not been my agent, and I have never seen the person I had business with, and got their permission to give this information.

3593. I do not think the Commissioners wish to use their arbitrary powers. We are animated only with a desire to serve the public, and to discover, in order to future land legislation, any cases of fraud, and this instance gives us the impression that you have got four or five thousand acres of land wrongfully. My own opinion is, that you ought never to have got the land. My belief is, that you and seven or eight others entered into a conspiracy to get land which the State would not have granted had they known all the circumstances. We do not wish to ask any paying questions—I am glad to hear that.

3594. We ask bank managers about their business and they give their answers like gentlemen?—Yes; but you did not ask them questions as to their private business with their customers. You did not ask how much any client had overdrawn.

3595. We would not ask such a question?—Then you are asking equivalent questions to us. My transactions with these people are just as sacred.

3596. But your relations with these people involved dealings with the public property of the State. The banks are often the only people who are interested in the public property of the State. It is not only a matter of their own private business, but it is also a matter of the public interest. Your relations with these people involved dealings with the public property of the State. But in order to get at the point of the question, I will ask you whether you were acting on behalf of the Public in these matters?

3597. How are you using the land now?—I am grazing and cultivating. I am sowing grass-seeds and otherwise improving the purchased land.

3598. Is the land all fenced off?—No; I think there is something like fifty miles of fencing altogether.

3599. Have you subdivided into smaller paddocks?—Yes.

3600. And spent capital on the land?—A great deal. The first remark of the land classifier was, "I am glad to see you have more water and more improvements than any other person in the district."

3601. You got the land for about a pound an acre?—I beg your pardon; I got not a single acre for less than $4. I am speaking of the land I bought by auction. I paid the Government, to use a vulgar expression, "through the nose."

3602. That is not the land you selected?—I am speaking of land I bought by auction.

3603. You did not pay heavily for the selected land?—Yes; I paid a long price for it.

3604. For improvements?—I paid the value of the land to the selectors before they left, Mr. Tatum.

3605. Here is a reference to the Lands Department's books, to the case of Mr. Adam Ireland. He was called upon to show cause, at the local land board, 15th December 1875. "Adam Ireland is a partner in the sheep running on the land; he is one of the Marathon Company; can produce the deed of partnership with Brown. There are twelve in the company; will furnish the board with all the information they require. The reason for paying the money was to enable the improvements to be completed, and to remove all doubt as to the character of the improvements. We recommend that Ireland's licence be cancelled for insufficient compliance with any of the conditions of the lease, as well as want of bona fide, and that the selection be reopened, subject to the incoming selector or selectors paying the improvements to be re-determined by Mr. Tatum, in favour of Mr. Ireland. Mr. Ireland gives notice of appeal."

3610. To Mr. Tatum.—What was the result?—That Ireland got his lease.

3611. When did Ireland get the lease?—I cannot tell that.

3612. What is the date of that report of yours?—15th December 1875. I have also evidence here that there was a deed of partnership with Ireland, which Mr. Brown could relieve giving evidence in Thomas Holmes' case—"In the case of Thomas Holmes, Milkowa, J. T. Brown, manager of the Marathon Company (examined by Mr. Dunn); no deed of association; never stated there was." Mr. Brown stated he would not wait any longer. He declined to be questioned by Mr. Tatum. The witness rose to go and was requested to remain. The Chairman caused the witness to be served with the form of summons, stating that under the 14th and 15th sections of the Evidence Act and the Evidence Amendment Act he would be liable to a fine of $29, recoverable by distraint, if he did not submit to the Commission.
3614. Will you state whether you have an agent named Kenneth Brown?—I have no agent of the name of Kenneth Brown, not at present.

3615. Ten minutes ago you said you had?—I had an agent at the time this was spoken about, but I have not now.

3616. When did that relationship cease?—Some time ago.

3617. How long ago?—Three or four months, or six months ago. I have no occasion for an agent now.

3618. Have you no business relations with him now?—Nothing with him now.

3619. Has he no documents relating to any business between you and other people?—Not that I am aware of.

3620. What was the object of taking the power of attorney over Holmes before he selected the land?—To secure myself against any possible loss.

3621. Were you to find the money and Holmes to take the land?—There was no distinct agreement of that kind.

3622. Was it to be so; if not, what was the object of the power of attorney?—I think it was to secure the debt so owed, as well as future advances, and to help him to get a home.

3623. You wished to help him in a friendly way?—In every way.

3624. To help him remain?—He would have remained if he had come to any reasonable arrangement.

3625. Did you give any acceptance from him?—He cleared out altogether and left me unpaid.

3626. Did you hold this power of attorney?—I forget now.

3627. Mr. Tatum stated in his evidence that Holmes discovered afterwards that you had led him to sign a paper, the nature of which he did not understand, disposing of his land to you—is that true?—No, that is not true.

3628. Did Holmes understand, when he signed that, why he was signing?—Yes, clearly.

3629. That the power of attorney was either to yourself or Mr. Kenneth Brown?—Yes: I think it was myself.

3630. Did you adopt the same system to every one else?—No, I did not; that was an exception.

3631. You made further advances, and he owed you money?—Yes.

3632. It would have saved a lot of trouble if you had stated this before, when we first asked you about it?—You did not ask it in the same way; you have come to a much nicer way now. I have no disposition to refuse any evidence that would be of advantage to the Commission.

3633. What is your land classed under the Land Tax?—Second class.

3634. Is that a fair tax?—No; it is a tax on the improvements on the entry; I am going to appeal; I cannot afford to pay it.

3635. Yet you say you paid £4 an acre for it?—There is another history connected with that, that I would ask you not to go into, I was run for it. I had to pay for it. There was a private feud between a gentleman in the district and myself, which has been buried, which necessitated my paying much more; and the hatchet has now been buried, and I wish not to bury it by getting into particulars.

3636. Have you fenced in all the roads round the blocks?—Not all; the great majority.

3637. What is the grazing capacity of the land?—It will not carry a sheep to the acre. At the time the Land Tax Commissioner enquired I had only 2,200 sheep on the Marathon property.

3638. But that was a dry season?—It was the outcome of two dry seasons.

3639. Then it was not a fair tax?—It was always understocked; there is not much more on it now.

Mr. Tatum.—Mr. Brown has stated I said, "I would make it hot for him." I emphatically deny that I ever said so. I used harsh words, but I did not say that.

The witness.—My testimony is as worthy of credit as Mr. Tatum’s.

3640. Are you a banker?—I was.

3641. What bank?—In the Bank of New South Wales for fourteen years.

3642. Where?—Everywhere.

3643. Have you been manager here?—Temporarily.

3644. Had you any dealings with the selectors?—A great many.

3645. How long ago was that?—Five or six years.

3646. Was there much land selected then?—Some, under the 1864 Act, not much.

3647. Very few would get their leases then?—The bulk fell in in 1875.

3648. Was it the habit of the bank to advance to selectors who did not get their leases?—Yes, to a certain extent.

3649. Do you think that 320 acres is too small a piece for a selector?—I think.

3650. What acreage do you think is the proper one?—In a dry district like this you might reasonably go to 1,000 or 1,200 acres.

3651. Is there a tendency of the selectors in this district to sell their holdings?—I do not think so.

3652. How do you reconcile that with the other statements as to the need of increasing the area?—The people cannot afford to buy the land, it has gone up to £4 or £5 an acre, and would not pay for grazing at that.

3653. In the case of an adjoining selector well off, close to those not well off, is there not a tendency for the poor man to sell?—Yes, there is a tendency to increase the estate to 1,000 and 1,200 acres.

3654. Do they do it by accommodation from the bank?—They do it by accommodation.

3655. I suppose you think the Act of 1869 is perfect with the exception that it does not provide for a larger area?—It is perfect in its way; it is hard to suit everybody.

3656. Of course your criticism must be taken cum grano salis, as you have done so well?—I have not done so very well. If you knew all the circumstances you would not say so.

3657. What suggestions would you make for the improvement of the Act?—I have not considered it. The land is nearly all gone in this district.

3658. Do you think a different code of regulations should be made for each district?—I think in the dry districts here you might adopt a different code from where there is a larger rainfall in other districts.

The witness withdrew.
Charles Clayton Palmer examined.

3639. What is your occupation?—I am farming just now.

3640. Are you a selector under the Act of 1869?—No, the Act of 1865.

3641. What is the extent of the holding you got under that Act?—387 acres.

3642. Of course you could not select under the Act of 1869?—No.

3643. Is it your opinion that 320 acres is sufficient for a farmer to support a family on with moderate comfort in this district?—I do not; he might do very well with it where it is virgin soil, provided the seasons were good.

3644. How long would you consider it to be virgin soil; how many seasons would pass over?—Three.

3645. After that you think it would require manure?—I question whether you could manage it with manure, the ground gets so foul with wild oats.

3646. You would have to lay it down in grass?—Grazing is the only means to resuscitate it in this district.

3647. Where is the locality of your selection?—About two miles this side of Rochester.

3648. Have you heard that proposal spoken of, of the Government advancing money to selectors at a low rate of interest, for a term of ten years?—I have seen it in the public prints.

3649. And calling upon the selector to repay, after the manner of building societies; have you given any consideration to that subject?—No, I have not.

3650. From your personal experience as to the difficulties of subduing the land and making a cultivated farm. I should like to have your opinion as to the value of such a proposition as that?—There are some things to be said in favor of it, and some against it. Many of the farmers require a little assistance, only for a short time, for a few months of the year, whereas if they borrowed from the State they would have to pay for the whole year.

3651. Then they might borrow a small sum?—Well, they need a little money perhaps to carry them over harvest.

3652. But if they wanted money for the improvements they were poor men?—I do not think they would be particular how they got it, as long as they got it.

3653. Would not they prefer getting it at a low rate of interest and for a lengthened term, than a high rate for a short time?—I do not know how that might be; those that only wanted it for a short time might get.

3654. If they were getting money at 7 or 8 per cent, could not they invest that profitably in stock in the farm and making the settlement, which was doubtful, certain and fixed?—Many of them might.

3655. In fact your mind is quite neutral upon the question; you have not thought it out?—No.

3656. Are there many of the Act of 1865 selectors now on the land?—I think so.

3657. In your neighborhood?—Yes, I think so. I think they were a different class of selectors that came on the land; they expected to pay the rent for seven years and then carry on.

3658. You think they were better provided with capital?—Yes.

3659. You say those selectors of 1865 came with more capital?—Yes.

3660. If the Government made it a necessity that they should show they were possessed of a certain amount of capital, would enough come forward still?—I think something of that kind would be very beneficial.

3661. You think in that case there will be still sufficient applicants to take up the land?—I do, undoubtedly.

3662. Do you think that the working of the Act of 1869 is upon the whole satisfactory to the classes who have become selectors?—I think it is fairly satisfactory. The selectors have been, of course, overcome by two bad seasons, which has been against them, and has made them lose the advantage of putting them on a sounder basis, where they have the virgin soil to operate upon.

3663. Do you know if Mr. Longmore's order limiting the amount of advance on selections to £1 an acre had an injurious effect upon the selectors?—I believe it has operated disadvantageously upon the selectors; it has prevented them from getting means of carrying themselves through, which they might otherwise have done.

3664. Has it limited their credit?—It has limited their credit.

3665. Do you think it is desirable to allow a man to draw more than £1 an acre?—Yes.

3666. But you have just stated that the men in 1865 were in a better position, because they came on with capital?—Yes.

3667. And yet you say that they should be allowed to borrow more than £1 per acre now?—I think in some cases they should.

3668. Is there not a danger that if they are allowed to borrow more than £1 per acre that they would be submerged in indebtedness so that they could not retrieve themselves. For instance, a man with 320 acres might borrow £500 and rely on certain good seasons to enable him to pay off the debt, but bad seasons come, the crops fetch little or nothing; in such a case the facility of borrowing is also a facility of ruining a man, whereas if he is not allowed to run headlong into debt he can face the bad seasons with a bolder heart?—Yes, I understand what you mean, there is no doubt that some people if they get money too easily spend it freely, but a man involved in that way will not do much good any way.

3669. What I desire to get from you is this; your experience as a farmer of many years' standing is of special value in a case of this kind—is it not an injurious thing to a selector to enable him with great ease to run deeply into debt?—There is no doubt it is; they do it, some of them.

3670. It is not a wholesome thing that they should be limited to a certain extent from incurring those debts?—Yes, it might have been better if that had been enforced in the first instance.

3671. Yes, but the Minister—finding men were in the habit of running into debt, and the policy of the State was frustrated on the principle of coming in even at the eleventh hour—came in. You admit there ought to be a limit. Do you think £1 an acre a fair and sound limit, or would you allow more?—Yes, I would allow more.

3672. How much more?—I think 50s. to £2 in many instances. As an individual I should judge by the man a great deal, but of course the State has not the means of doing that.
3693. I merely want to come at what would be the consequence to the policy of the State, and to the man’s own fortunes?—In some instances there is no doubt if he was able to borrow £2 an acre it would be an advantage, and in some others it would be detrimental.

3694. Have you not known of a good many instances of a desire to borrow a couple of pounds an acre having resulted in the desire to speculate outside of working his allotment?—I have seen instances of that kind.

3695. Is it not generally when they want that large loan something apart from fulfilling the conditions of the Land Act—something speculative?—No doubt it induces them to go for things they could do without in many instances.

3696. Then your experiences are that they are limited to £1 per acre, and that applications for more come from men who wish to go in for speculative work?—It is the case with some of them.

3697. Have you any suggestion to make, as a practical farmer, by which the present Land Act of 1869 can be improved?—I am a practical farmer in a sense, but I have been carrying on the business of milling since I came up into the district.

3698. That is a business that is akin to farming, and gives you more experience still; would it be desirable, for instance, to lengthen the preliminary period of license from three years to six years?—Yes, I think that would be an advantage—that a man who wishes to settle on the land will have no objection to it.

3699. And along with that, that the license fee should be reduced to 1s. per acre per annum, instead of 2s.?—That would be an advantage I think to many people; there is no doubt of that.

3700. Does it occur to you that it would be a still further improvement that the selector should not get his Crown grant for twenty years—that he should simply take up the land, pay 1s. per acre per annum, get six or seven years to make his improvements, and at the end of twenty years get his Crown grant—would that system tend better to settle population on the land than the present one?—I doubt it; it is altogether too long.

3701. What would he want his Crown grant for sooner than twenty years; what does it matter to him?—In many instances a man would not like to face that long period.

3702. Do you think that ten years under license would fix them on the land if anything would?—Yes.

3703. Not a period longer than that?—No.

3704. You think ten years would be better than twenty, or the present arrangement, and would be more likely to fix him on the soil?—Yes; I think if the probationary term was doubled it would be very beneficial.

3705. Especially when accompanied by a reduced rent?—Yes.  

The witness withdrew.

William S. Gardiner examined.

3706. Do you reside in Echuca?—I do.

3707. What occupation do you follow?—Commission agent.

3708. How long have you been in this district?—Nine years. I am agent here, at the present time, for James Oddie and Co., of Ballarat, money lenders.

3709. Is that the same as the Ballarat Banking Company?—No, it is a private firm.

3710. Have you been in the habit of making advances, either in cash or goods, to selectors?—In money only.

3711. Would you have the goodness to explain the terms you generally get from the selectors?—I have been agent for Mr. Oddie, who has been lending money, over three years in this district, at 7 and 8 per cent.; at the present time it is 10 per cent., on account of the banks refusing to lend money. Before the restriction of Mr. Longmore we were lending at 7 and 8 per cent., for any period, one, two, or three years; and the selector could pay it off in instalments, and not have to pay the interest beyond that.

3712. What sort of security did you take for that?—A mortgage.

3713. Did you have a bill along with the mortgage?—No, simply a mortgage.

3714. Besides paying 10 per cent., does the mortgage payer pay any commission for acting on the part of Oddie and Co.?—We charge the selectors 2½ per cent commission.

3715. Is that repeated at any other time?—No, it is only once; if the selector wants to renew in two or three years we do so at a fair rate of interest. If it were at 8 per cent, two years ago it would be a pound more now; we are lending at an advance of 1½ per cent.

3716. And no commission for the transaction?—No.

3717. I suppose you do a great deal of business?—We have; between £30,000 and £40,000 went through my hands to selectors.

3718. How much have you out now?—Between £30,000 and £40,000. My district extends from Mount Hope to Moonconga, and round Rochester and Pine Grove.

3719. What security do you receive?—We get the lease and have a mortgage on it.

3720. You never lend to a licensee?—Never.

3721. All the transactions are with the men after they get the lease?—All after they get the lease.

3722. Then the man gets his land and comes to you and says he wants money?—Yes; a selector would come and sign all the documents, and give me an order for his ease. They have to come some forty and fifty miles; and now, after Mr. Longmore’s order, the order is no good; they have to come a long way; it is a great inconvenience to farmers; the farmers are very much dissatisfied with it.

3723. Have you had to foreclose any mortgage?—Never.

3724. They have always paid up as yet?—Some have paid up and some have renewed.

3725. You carrying them on?—Yes, carry them on; we never sell them up.

3726. You would not carry on for ever?—As long as the land is of value.

3727. Is it not a condition that the interest should be paid?—Yes.

3728. Suppose he did not pay for two or three years?—A lot of them have not paid for six or twelve months, as long as they have paid the rent. Mr. Oddie allows time for the interest.

3729. There is a limit?—Some require ten to twenty shillings per acre, some cannot do with less than twenty-five shillings to two pounds per acre.
W. S. Gardiner, 
25th June 99.

3750. As a matter of fact, have you advanced more than £2 per acre?—We have, up to £700 on the selection; for the reason that they were men who were hopelessly in debt. Mr. Longmore's restrictions cause it; that we do not like to go beyond thirty shillings an acre, and the land is worth £4 an acre up here.

3751. From your experience you think it was an injudicious limitation?—Yes, it was.

3752. What would you think would have been a fair limitation?—Some of the farmers I know had not so much as to pay the survey fee; I have paid some for them, and paid the first rent for them; they came without a shilling virtually.

3753. Have they any prospect of pulling through?—They are in a good position, they have £500 and £400 to their credit in the bank now, and are buying land; some of those men have bought land adjoining paying £6 per acre for it.

3754. Are there many instances of that?—A good many.

3755. Since Mr. Longmore's regulation have you advanced in any case more than a pound an acre?—Yes.

3756. How did you do it?—We got the sanction of Mr. Longmore.

3757. Then you found it very easy, notwithstanding the regulation, to advance more than the regulation stipulated you should advance—you have lent more?—If a farmer comes, I ask him how much he wants; one says a pound and another says thirty shillings; if he wants more than twenty-five shillings I go and see the land, and if I see it is good, I let him have the money, if I see the improvements are good.

3758. Without the sanction of Mr. Longmore?—No, we get the sanction.

3759. Then the selectors are not really restricted?—No, but it takes some time to negotiate the loan, perhaps over three weeks.

3760. Yet in no case have you been refused permission to lend up to thirty shillings per acre when you asked?—No.

3761. When you have made up your mind that you will advance thirty shillings per acre to a man on his land, do you yourself write down to the Minister, or is it the way you bring it under the Minister's notice?—There is a printed form of application to mortgage his lease; it is the bank by form, and the rate of interest put on it, the charge, 2½ per cent. commission, and £2 for mortgage; I go and see these people's land, and they have no other charge. Messrs. Holmes and Salter, of Ballarat, do all Oddie and Co.'s business at the Land Office.

3762. When a selector wishes to raise more than a pound an acre he has to bring it before the Minister himself?—It is not legal to lend without the Minister's sanction.

3763. Who is your Melbourne agent?—I have got none.

3764. Do you go to Melbourne yourself?—No, I correspond direct with the Lands office myself.

3765. Holmes and Salter are Mr. Oddie's agents at Ballarat, who are their agents in Melbourne?—They correspond direct with the Lands office.

3766. Is there any prospect at the present time that money will be dearer; in your case it has risen from 7 and 8 per cent. to 10 per cent. Is there any prospect it will rise higher?—I think it will; the banks are not lending a shilling on loans, not a penny.

3767. That result is there is a great rush on people such as you?—Mr. Oddie himself is giving money to keep selectors going; he has to borrow the money himself at 8 or 10 per cent., and he does not charge them more than 10 per cent.

3768. If the selectors have no means to carry them on it will be fatal?—It is through Mr. Longmore's interference, I think. There are a lot of capitalists who are frightened to lend their money.

3769. Practically this regulation need not deter you, you say?—As far as my firm is concerned, they are next willing to help the selectors in every way. In my business I have sometimes to send over dozen leases by one post.

3770. Is there sufficient capital available through private means if the banks continue locked up?—Money is very scarce just now.

3771. From what you see, does not everything point out to the duty and necessity of the Government to come to the assistance of the selectors by a loan; does not everything in the money market point to that?—I do not believe it will be very long.

3772. It is not temporary with the banks; we had a manager here to-day, who said that this lending is not now legitimate business, that it ties up the assets, and as you say that money costs private capitalists 10 per cent., is it not time that Government should step in to save the selector from being cleared off the land?—I think so; but it is hard to tell how long this state of things will last; when the selector has to pay more than 10 or 12 per cent., it is time for the Government to step in.

3773. Your firm could not go on with this charitable arrangement for long?—Mr. Oddie pays 9 per cent. for money, lending it at 10 per cent.; he has for a long time got money at 7 per cent. and lent it at 8 per cent.

3774. On the whole, would you say the prospects of selectors in this district are pretty bright?—Yes, I think the most of the selectors are bête fide, that is my experience; and I am acquainted with nearly all the selectors in this district.

3775. They are a bête fide, thrifty, industrious set of men?—Yes; but some are compelled to sell because Mr. Longmore has refused them permission to go to two pounds an acre, and even now he has conceded they cannot get the money, owing to the tightness of money.

3776. You say that you communicate direct with the department?—I do.

3777. You employ no agent?—No.

3778. Have you reason to be dissatisfied with the way the department transacts its business with you direct?—It takes a long time to get a letter answered; it takes two or three weeks, that is the only objection I have.

3779. If you employed a Melbourne agent do you think you would have your correspondence attended to more quickly?—Yes, of course. I would have to pay an agent. I write a lot of letters for the selectors who cannot write without any charge whatever.

3780. What description of letter is it you write?—Connected with their land, &c.
3763. Give an illustration?—There was a party from the Terricks a month ago and said she wanted to borrow money; she said, "I signed it to-day at the office." I got the order, and I went to the Lands office with it here at Echuca, and the officer told me he could not give the lease without an order from Mr. Longmore, or else the applicant would have to come for the lease herself; I sent the order to Mr. Longmore; it took eighteen days before I got the answer back.

3762. What was the enquiry?—I got the order from the applicant to receive the lease, and I applied to be allowed to do so. In the meantime I wrote to the young lady to come in and get the lease, as I thought that Mr. Longmore would not give permission.

3763. You were eighteen days before you got a reply to a simple letter?—Yes.

3764. And if you had a Melbourne agent you could have got it by return of post?—Yes.

3765. What reason have you to think so?—I know farmers go to Melbourne and get their business through very quickly.

3766. Do you know any case where any selector employed an agent at the Lands office?—I cannot give a particular case, but I know there are such cases.

3767. Was it not necessary for the department to apply to this office as to the bona fides of the applicant?—No, that was all settled, and the lease was issued.

3768. It was simply a formal enquiry?—Yes. As I stated, it was a great inconvenience for the young lady to come over thirty miles.

3769. When you got that answer what did it say?—A circular was sent from the Lands office declining to give me permission to get the lease.

3770. Was that the commencement of the new regulations?—Yes, it was.

3771. Then it took eighteen days before they communicated the fact that the new regulation had been made by which you could not get the lease?—Yes. The farmers are very much dissatisfied with that.

3772. Is that a very frequent occurrence?—Yes, it is. The farmers say it is not right to be dragging them in forty miles and fifty miles. I could send the leases to them, and they could sign the mortgage before a justice of the peace in the district where they are.

3773. It is a frequent complaint that it takes fourteen and eighteen days to answer a simple letter?—Yes; I have known it sometimes take two months.

3774. And these delays are the source of great vexation to the farmers and such people as yourself?—Yes.

3775. Have you enquired as to the reason of this?—No, I have not. If I sent to an agent in Melbourne he would get the permission at once and send the reply.

3776. But no agents can go now?—That was within the last three months. I might mention that the farmers are very much dissatisfied; they think they ought to borrow what they think right on leases. They are nearly all bond, fide men here. Some came here hopelessly in debt; there is a current lodged in six cases out of ten by storekeepers to whom they owe money, and we have to look out for that. I think 30s. an acre should be the limit.

3777. As a general rule you think 30s. an acre would be a wise and sound limit?—Yes; a good many do not want more than 10s. an acre.

3778. If, then, the limit was extended to 30s. and there were less delay in the despatch of business on the part of the Lands Department, you think the most of the grievance would be removed?—Yes. Some time ago Mr. Longmore stated to Mr. Oddie that he would put the lease through in four days. Now it takes three or four weeks before we get the answer to a simple application, and the farmers complain and blame me, whereas it rests with the department.

3779. Is it worse now than it was previously?—Far worse.

3780. Are not things improving?—No, it has been worse the last three months; it takes longer to get things answered now than before.

The witness withdrew.

John McMahon examined.

3781. Do you live in this district?—Yes.

3782. What is your occupation?—A farmer.

3783. Are you a selector?—Yes, under the Land Act of 1869—209 acres.

3784. How was it you did not take up the whole 820 acres?—I had selected before in the Western district, near Colac.

3785. Can you throw any light upon the prospect of selection here, and give us your experience as a practical farmer and selector, do you think that it is advisable, as a man engaged in agriculture yourself, and knowing all the difficulties and troubles of your class, that the limitation of the borrowing power of selectors to £1 an acre has had an injurious effect?—I think that it is a very great mistake that there should be any restriction placed upon a selector. Before Mr. Longmore forced that restriction things were going on very well in the district. When he enforced the restriction in borrowing it caused quite a panic in this district, I remember; and some of the banks would scarcely lend, nor the money lenders, not for some time after.

3786. Why should it have that effect?—I do not know, except that it was considered like interfering with the value of the land.

3787. It made the security better in one respect—a small estate would not be loaded with so much debt?—Such was the effect at the time, I remember.

3788. Do you think it would be a beneficial arrangement for the selectors and help to keep them on the land if the preliminary licensing period during which he must make his improvements were doubled?—I think it would be very advantageous for the selector.

3789. And if along with it the rent were reduced to a shilling per acre per annum, would that additional advantage save him altogether from the hands of money lenders?—It would save him from the hands of money lenders to a very great extent, but unfortunately in this district a lot selected who had
not the money then to pay the first rent, consequently they could not go on with the work of putting on the improvements, hence the great difficulties that have arisen in their cases. I know in my own case I bought a good deal of money into this district, and with the bad seasons we have had, and with one restriction and the other, I can assure it is all spent; what can be the consequence with those that had very little money when they came into the district?

3790. We had it in evidence from Mr. Gardiner that men came with hardly anything, and are now prosperous?—I do not know about being prosperous, but I know they came with nothing almost, and have managed to hold the land—no doubt they have been forced to mortgage to the fullest extent. I cannot, of course, tell their position now.

3791. Will you give your ideas as to what the limit should be fixed at to keep the land in the hands of the selectors?—For a Crown grant I would say from £2 to £2 10s. an acre, because I have valued the majority of the land in this district at £4 an acre.

3792. The Crown has no power over that?—You now speak of the lease?

3793. Yes, of the lease?—From 30s to £2 would be the legitimate limit, I think; because I consider the lands in a little time, if we have a good season, will be worth from £3 10s. to £5 and £5 10s. an acre.

3794. Do you think it wise for a farmer to embarrass himself to the extent of £2 an acre with a bad season?—Of course in that case it would be very awkward, very disastrous to him.

3795. It is a great deal of money to borrow on a 320-acre lot, and very liable to submerge the man?

—I can assure you that the state of things has been such in this district that men want as much as they can get to carry on; and I know of cases where men have had to sell out through the bad seasons, because they want the money.

3796. You think with accommodation for a few seasons a good season would surely come, and would relieve them?—Yes. The land is splendid land, as good as any in the colony for wheat growing if we have good seasons. The last two seasons have been very disastrous; if we have a good season it will set a good many up again.

3797. Do you consider this promise to be an average good season?—Yes. I have been up here nearly five years; the first few seasons were a very good average, but with the amount of improvements we have to put on, and the bad seasons coming immediately after, it has been very embarrassing.

3798. I understand there is a great tendency for holdings to aggregate into areas of 2,000 and 3,000 acres?—Yes, there is.

3799. What do you attribute that to?—Of course we are all so ambitious that we want to get as much land as we can.

3800. Why do the men sell?—I suppose because they see a better prospect in other places; for instance, over the Murray a man with a large family can get 3,000 or 4,000 acres, whereas here they can only select one block; that makes a difference, and, with a valuable 320 acres adjoining a wealthy man, he can afford to pay a high price. They can make sometimes five times the value, and go on the other side.

3801. That seems to be a very disastrous thing for the State policy furnishing these men with capital and gamble, and to clear out and leave the colony altogether?—Is a great many worse it would be; I have known several cases of that.

3802. Do you think it will continue?—Really I do not know. Of course in New South Wales, in the Land Act there the people seem to have no confidence in it, they think the squatters have too firm a hold on the land.

3803. The experiences on the Moira run opened their eyes?—Yes, and a lot of other things; that has discouraged them from going over to the other side.

3804. Did you find much difficulty when you came to the district getting the land; were you kept out of your license a long time before you got it?—No, I got it at once; I found no difficulty.

3805. When did you first select?—In April 1872.

3806. You have your lease now, of course?—Yes.

3807. Do you reside near to Mr. Brown who was examined here just now?—Yes, I do; I am adjoining him.

3808. How far is it from Echuca?—Seven miles.

3809. Do you know anything of the history of that case?—Of course I must know a good deal about it, living there, and living there before the company selected, our family were the first that selected in that neighborhood for some two miles round us. Some six months after us the Marathon Company came and selected close to us.

3810. Was it your opinion then, and is it your opinion now, from all the appearances presented by that company, that it was a case of dummying?—Certainly so; I always thought so; I never thought otherwise.

3811. And your neighbors thought so?—Everybody knew it, not that I wish to make the matter worse. I might state that Mr. Brown and I are not friends, it may be thought that is why I speak.

3812. We have no thought of the kind, it is the universal feeling in the locality?—It is the universal feeling in the locality. Not only in the locality, but all Echuca knows it.

3813. It was the general belief of the district, and the country about, that this was an extensive dummying case?—Of course.

3814. Give us now some of the marks and tokens that induced you to believe that?—I might tell you that after we had selected—I will tell the whole story. We were a family of four, three brothers and a father selected there. I myself selected, in the Western district, 111 acres under the old occupation license in that district, about the same time selections were opened up in the same way, and we were allowed to select the full complement in the Wimmera district, consequently I thought I could select 320 acres. I came here and did so. Just a little while before my time expired for getting my lease or Crown grant, as the case may be, Brown and I got into loggerheads for running him for some of this dummy land. He managed to find out that I took up this 111 acres. I had quite forgotten all this. I had disposed of the land some eight or ten years before. The other man was authorized to select his full complement by a telegram from
Melbourne, consequently I thought I could select the full quantity. Mr. Brown afterwards seemed to get some hint that I had been a selector before, and he went to work with the Lands Department. My Crown grant was granted to me. Mr. Gillies was in power, but I got notice immediately after that the issue of the Crown grant was stopped, consequent on my having selected before and having made a false declaration. I went to the Lands Department and made a clear honest statement by letter and by word of mouth. I told them exactly what had occurred. They did not give me any answer. The object of the Board of Lands and Works was to prosecute me. Mr. Gillies did all he could to bring a case against me. I had to remain out of my Crown grant till Mr. Longmore came into power. I then stated my case to him, and I was allowed the lease less 11 acres of the 520, as the majority of the officers in the department considered that mine was not a selection—that there were some doubts about.

3815. What did the department ultimately do?—They gave me the lease and put up the 11 acres to auction. Before that, every time there was a chance of my getting some fair play from the Lands office, Mr. Brown, I expect, went to work, and I was persecuted in every way possible. With regard to the 11 acres, it was put up twice. The first time it was put up, the Saturday before it was to be sold, a telegram came up from Melbourne that the sale was to be stopped, for the reason that my papers and all things in connection with the selection had been called for in the House, by Mr. Yeang, the member for Kynepton. I had to go to Melbourne again about it. I believe the papers were held on the table, and nothing more done. I got the Crown grant and bought the 11 acres at auction.

3816. What was the upset price?—One pound an acre. That was near Mr. Brown’s land.

3817. You were allowed a consideration on account of the circumstances?—Yes, it was considered mine was a hardship.

3818. Were there improvements upon it?—Yes, I had £800 on it, though the other side disputed my improvements.

3819. You came into contact with Mr. Brown by “cursing” him, in the case of some dumbed land?—No, I did not curse him for the land. My brother is a land agent here, he ran him for it; and Brown was so annoyed that he set out on me. There was some more of his dumbed land put up, and I ran him, and bought it.

3820. Do you know the particulars about the 900 acres Mr. Brown got?—No, I do not remember; I think it was advertised at £2 an acre.

3821. Was it not advertised at £3?—I do not remember, but I do not think it was worth as much as that.

3822. What is the land worth now?—From £3 10s. to £5 an acre.

3823. That is an average of £4 5s. an acre; that being so, do you think £3 an acre was too much for the land when Mr. Brown got it?—I do not say it was too much, but I do not remember.

3824. If it had been put up at £3 would it have fetched it?—Of course it would.

3825. Then when it was sold at £2 an acre, Mr. Brown got a concession of £900?—I do not know about that.

3826. Would it have fetched £8?—Yes; I would have given it.

3827. You just said you did not think it was worth £4. If the land was put up at £2 an acre, would there not be competition to bring it up to what it was worth?—I do not know about that, whether it would have gone up to £5.

3828. You say it is worth from £3 to £5 an acre; is that without improvements?—No, in its present state.

3829. Without being freed in?—No.

3830. How much is it worth without improvements?—About £3 10s. an acre, without the stock on it.

3831. Do you know anything about the land taken up by Mrs. Bond?—No, I do not; except that I know that Mrs. Bond was always supposed to be one of the dummers.

3832. The general opinion of the district was, that this was an extensive dumming transaction; and all the people engaged in it have gone, and Mr. Brown remains in possession; that is the proof of the pudding?—Yes, that is correct. There were three first started the affair.

3833. Was the whole of the information or the land laid before the land board?—No; it has always been a sort of cloak over. There has never been any public investigation of the affair. This is the first time anything has been said in public.

3834. You say this never came before the public?—Not before the Government.

3835. Not before the land board?—Not to my knowledge, unless some of the dummers were called up for not improving their land, but somehow they always seemed to get out of it all right.

3836. What are the grazing capabilities of the land?—One sheep to the acre.

3837. We understand that the land classifiers have put it in the second class?—Yes, his land is of the same quality as mine; but there is a lot of his land that would scarcely carry a sheep to the acre. When the timber is ring and cleared up a bit it will carry more than a sheep to the acre.

3838. Instead of selectors being allowed to borrow 30s. and 30s. an acre, as you suggest, would it not be better to extend the time to ten years and give seven years to make improvements, charging 1s. an acre instead of 2s.?—I think it would be too long a time to look to; it is a life.

3839. But would it not secure the land to his children?—Yes, but we want to possess land ourselves.

3840. You think twenty years would be too long, because death might intervene?—Exactly.

3841. The feeling among selectors is that they prefer a freehold?—Yes, I do, as far as I can conclude. Still I would be nates in favor of the six years at 1s. an acre rent.

3842. You think that would be a great benefit?—I think it would.

The witness withdrew.

Adjudged to to-morrow at ten o’clock.
WEDNESDAY, 29TH JUNE 1878.


Walter William Moore examined.

3843. Are you resident in this district?—Yes, for about twenty-one years.

3844. What occupation?—Timber merchant and builder.

3845. Have you any dealings with the selectors?—Yes, I have had very large dealings with them for building materials—for wire and fencing materials.

3846. Have you had any dealings with them in money matters?—I have not had very much money transactions with them. My only money transactions have been where I have supplied them with goods, and they have got into debt for building materials and fencing materials. They have complained to me that they have not been able to get their leases; that they wanted to pay pressing claims—parties threatening to sue—and in many cases they have given set orders to receive their leases, and I have advanced them money to meet pressing claims, when they have been threatened to be sued.

3847. What amount have you advanced in that way independently of goods?—Not more than £200 to any one selector.

3848. What was the whole amount of your money advances?—I should say more than £1,200 or £1,400.

3849. What security do they give for that money?—No security; merely an order to receive the leases.

3850. Hitherto have you been able to obtain the lease on those orders?—Yes, until recently.

3851. What effect has the inability to get the orders honed now had on your transactions with them?—I have refused to lend them any money.

3852. Or have you given them materials for fencing and building purposes?—Of course some of the selectors are men I place implicit confidence in, and I would supply them with anything they asked, and would supply them with materials—men of good faith, who would keep their word. Others I refuse to supply building materials or money unless I get their lease; and as Mr. Longmore has issued the order that no leases are to be given, I have to decline to do anything for them.

3853. What is the feeling of the selectors themselves respecting that regulation?—I think the feeling is they would much rather have it remain as it was before.

3854. And that is your feeling and the feeling of persons in your class—the trading class?—Yes, and it is the feeling of the trading class generally.

3855. Is it the feeling of the selectors and of the trading class that it was an undesirable regulation?—Yes. You see when we have the selector’s lease—it is no security in reality—because any outside creditor, if he obtains judgment against the lease, can lodge a caveat against it; so that it is only nominal security.

3856. And yet you are content with it?—We have been content with it up to the present time. Of course it is understood generally this way. Supposing the selector owes various sums of money to different tradespeople, and they say, “Pay the money or I will sue you.” He will go to the tradesman and say, “I have given Mr. Moore an order to get my lease, and directly I get it I will borrow as much and pay the parties.” The parties would call on me, and I would say he had given me an order, and they would decide not to see him; so that it acts in that way.

3857. Then, in fact, as far as the past transactions under the Land Act are concerned, it appears to you that it would have been better altogether to repeal that regulation of Mr. Longmore’s, and that if anything was done by the department in that way it should refer to future selectors under the new system?—That is my opinion as to that regulation and also the one limiting the amount of borrowing. That has acted, I believe, very prejudicially to the selectors generally. When they were allowed to obtain their leases and make the best bargains they could, I believe they could get on better than under the new regulation. Also I have found that when a plain straightforward statement has been submitted to the Minister, showing that £1 or 30s. would not satisfy the selector’s claim, he has always been very reasonable, and allowed the selectors to borrow as much as 35s. and 2s.

3858. You have found that since the regulation was issued?—Yes.

3859. How long is it since that regulation was issued?—Six months, I think.

3860. Since that time you have had occasion to go to Mr. Longmore repeatedly and point out to him that it would be disastrous to a selector if he were not to borrow more, and Mr. Longmore has conceded?—Always except in one case. It happened this way. Some two years ago a selector called a meeting of his creditors in Enniskillen, and his liabilities at that time were £400. He told them he was owing £48 for rent, that he could not raise the money to pay the rent, and was afraid the selection would be forfeited; and he asked the creditors if they would assist him to carry on the selection to the end of three years, when he would borrow the money to pay them all off; and the creditors agreed to pay the rent amongst them, and the creditors appointed me to look after the man, and asked me to supply him with anything he wanted to complete his improvements; and I had an order to receive his lease, and I carried this man on, and I found him money to pay for ploughing his land, and paid his rent, supplied him with wire to complete the fencing, and building material to complete his house, and at the end of the three years he applied for his lease. He obtained it, and he was then indebted some £60 or £650. That was his total liabilities.

3861. Had he any capital when he commenced business?—No, I think not. I sent down a full statement to Mr. Longmore, showing a list of all the creditors; the time that they had supplied the goods, from twelve months to two years and a half, without charging any interest; and I made arrangements with the party to advance him £700 on his selection. A party in Cecilgar agreed to do that, but Mr. Longmore would not (I do not know for what reason) consent for more than £500. The £500 was obtained on the man’s
lease, and consequently there was not enough money to pay all the creditors. In fact all the creditors took 16s. 6d. in the pound and let the man go; but it appears there was one outside creditor whom I knew nothing at all about: he had had a judgment for some years, and after the mortgage was all completed he just sent the sheriff up and sold the man's selection.

3862. So that through borrowing so much he had lost his selection?—Yes; but I sent a statement to Mr. Longmore of everything connected with the affair, and if he had given permission to borrow £700 this man would have been able to pay all his creditors, including that judgment creditor, because if we had found that £700 was not enough to pay 16s. 6d. in the pound, I dare say we would have taken less and left him in possession.

3863. Who got possession by that sale, when the judgment creditor sold him off?—It was sold by auction by the sheriff, and was purchased by some party in Esquimaux. I do not know who it was.

3864. Wasn't a large landlord in the neighborhood?—No.

3865. This was a case in which he received a liberal amount of credit—what interest was he paying?

—None at all.

3866. The inference from that is that it is hopeless for a man without capital to go on the land?—If I could have got the £700 I believe the man would have pulled through.

3867. What interest would he have to pay on that?—Eight per cent.

3868. What was the extent of his selection?—320 acres.

3869. And burdened with £56 a year debt?—Yes.

3870. Could he pull through with that?—Yes, I think he could, with 320 acres of land. It depends of course on the seasons. I may say that owing to so many selectors being in debt, and many so heavily in debt, is consequent upon having two bad seasons. The last two have been very bad. Had we had two good ones instead, a great proportion of the selectors would have been in debt very little indeed.

3871. If he had commenced with £300 say instead of nothing he might have succeeded?—Yes, there is no doubt of that. It is a very difficult thing to pull through, I admit, without capital. There are selectors here who came here with money who have made money in spite of the bad seasons.

3872. Do you know of any instance, in one case, we heard of a man who came with nothing, but the horse he rode on and sixpence in his pocket, and who is now a prosperous selector. The inference deduced was that some men, no matter how little capital they had, or none, had such capital powers of good management, they were able to manage their lands so well that they become successful men notwithstanding the want of capital—do you know of any instances of that kind?—I do not recollect any at the moment, but I have no doubt there are such cases.

3873. Do you think they are great exceptions?—I dare say they are.

3874. You think that if Mr. Longmore had allowed you to advance the whole amount of £700 the man would have been still on the land?—Yes, I think he would.

3875. What did the land fetch when it was sold?—£75 over and above the mortgage of £600.

3876. What was the net amount of his claims at the time you acted as a committee for his creditors?

—About £501 I think.

3877. It fetched £75 over that?—I think it was only £75 over the £600. I think that was it.

3878. Then he was indebted as much as his land fetched or more?—He was indebted about £630.

3879. Then he had all those years for nothing, and was as poor a man as when he commenced?

—Yes.

3880. And he was the cause of inflicting losses on the creditors; were you the largest creditor?

—I was in the end; at the commencement I was a small one.

3881. What goods did you supply?—I supplied building materials and fencing materials. I may say he has a large public-house on the land.

3882. How far from this?—About fifteen miles. I believe he has still the house to the good.

3883. How does he manage to retain the house when the land is sold?—I suppose he has a rural store site.

3884. Of the £700 liabilities that he incurred, about how much was spent in improvements on the land?—I should say about a half of it.

3885. Was the whole fenced in?—Yes; a wire fence.

3886. How much per chain would that cost—15s. or 16s.?—The fencing I think runs from about £50 to £80 a mile.

3887. You were speaking about Mr. Longmore stepping the borders. Are you aware of any instances where the selectors were over-reached by the creditors—where the creditors had possession of the lease?

—No, I do not know of any.

3888. Then did you and all the creditors lose your advances to this man?—No; I received the £600 that was borrowed on the lease. We took 16s. 6d. in the pound. After the six months' interest was deducted, and the charges, I divided the balance amongst the creditors.

3889. Probably he found it better to let the land go and keep to the public-house, because he was in such a bad position?—No, I do not think he did that. I think it was at the meeting of the creditors. I think he forget to mention about this outside judgment creditor. Whether he was under the impression that the claim was wiped off or had forgotten it, I do not know. If that man had been on my list possibly the dividend, instead of being 16s. 6d., would have been 15s.

3890. How was it the rural store license snatched?—That is under a separate license.

3891. But it was property in his hands that his creditors had a right to?—But they had no occasion to do that, seeing the selection satisfied what they were willing to take.

3892. But if their debts had been larger they would have sold the other property too?—Yes, I suppose so.

3893. In this case the selector would have to borrow more than £1 an acre for other purposes than his selection. Has it come within your observation where they wish to borrow more than £1 an acre it is usually for purposes outside the selection work—Is that generally the case?—In a great many cases such is the case.

3894. The desire to borrow more than a £1 an acre arises from a wish to invest in something else besides the land?—Yes, a store or something.
V. W. Moore,
25th June 1829.

3895. What was the name of that selector? — [The witness handed in the name in writing.]  
3896. I suppose you have transactions direct with the Lands Department? — In what way.  
3897. In getting these leases you have had correspondence with them? — Yes.  
3898. How do you find they do their business usually; do you get prompt replies to letters? — I do  
get prompt replies to letters, but the leases have been detained.  
3899. How long has it been before you get a reply to letters? — Three or four days, and in other  
cases fourteen days.  
3900. Does one month over elapse before you get a reply? — About fourteen days is the longest  
time.  
3901. What would be the subject matter of your letters? — I had a very long correspondence with  
the department, which ran over twelve mouths, in reference to a selection where a selector died. He  
was owing £1,200 when he died.  
3901a. How much land had he? — 320 acres; and the creditors appointed me to administer to the  
estate.  
3902. What was the property worth? — I sold the property after obtaining the Crown grant. As  
administrator I sold it for £1,220, but it was well improved.  
3903. That covered the liabilities? — No; the liabilities altogether were some £1,500. I had to pay  
the balance of the purchase-money, and all the rents.  
3904. I suppose you know most of the selections in the district? — Yes.  
3905. Have there been many instances in which the selectors have sold out? — No, not a great many.  
3906. About what percentage have sold out, would you say? — I do not know. I should not think  
there would be 10 per cent.  
3907. About what percentage of the selectors have at present mortgaged their holdings, or proposed  
to mortgage them? — A very large number; from 75 to 80 per cent., I should think.  
3908. That makes 55 per cent. of the selectors have been involved? — Yes.  
3909. You do not anticipate that the 75 per cent. you mention will ultimately clear out? — Oh dear,  
no. There are large numbers, sharp, shrewd men, who will pull through their difficulties. It depends  
entirely on the seasons. I suppose I have hundreds of selectors on my books now whom I have been  
carrying on. This is the third year I have had to renew their bills, because of the last two harvests being  
bad. If they get a good harvest this year they will be out of debt.  
3910. If they get a bad harvest? — In that case I do not know what they will do.  
3911. What rate of interest do you charge? — Eight to ten per cent.  
3912. Higher? — Sometimes 12%.  
3913. Is there any charge on renewal of bills — any commission? — No, never any commission on  
renewal of bills.  
3914. Do you think 320 acres of ordinary land in this district is enough for a selector? — I do not.  
3915. What would you increase it to? — My opinion is it ought to be 1,000 acres. I do not think  
that this district can ever be depended upon as an agricultural district. I think that a farmer should  
farm 700 to 1,000 acres. They would be enabled then to combine grazing and farming.  
3916. Do you know of any present holders of an area such as you mention that are in embarrassed  
circumstances — 1,000 acres or so? — I do. I do not say „embarrassed.‟ You must look at it in this way:  
a selector perhaps came here three or four years ago, who has been thrifty and who has made money off  
his selection, and he has had an opportunity of buying out his neighbour's selection (which selector would  
have made no money or done no good if he had remained); possibly he may not have the money to buy  
this right out, but he has good credit and can borrow money.  
3917. That suggests this question: are there many whom you have called thrifty who have  
succeeded with the 320 acres in keeping their families and saving money? — Yes.  
3918. If that has been the case with thrifty men, why should the State enlarge the area on behalf  
of the unthrifty classes. If it was invariably shown that 320 acres was insufficient, then I could understand  
the suggestion for the 1,000 acres, but you and others give evidence that many with 320 acres succeed and  
can buy others' land — in that case it looks as if the amount is sufficient? — Yes, but there is another thing.  
There is a great difference in selections. Some are far better than others. The timber land will grow far  
better crops than the plain land; and if a selector has 320 acres of plain land the chances are he will keep  
on cropping his land till he ruins himself, but if a man with timber land purchases out the man with the  
plain land he can use that for grazing purposes.  
3918a. You mentioned that party during the time of his license incurred a debt of £1,200 — was that  
in working his selection? — No; in putting up a public-house.  
3919. You mentioned that you would consider 1,000 acres the best holding. A man and his family  
would not be able to work that. How many laborers would he require? — It would depend upon what  
he did.  
3920. If he put it to the best uses — not pastoral but agricultural — that is the object of the State?  
— If he had some good land, fit for agricultural purposes, he would till so much of it.  
3921. How many laborers would he employ? — Even a 320-acre man has to employ a laborer  
sometimes.  
3922. But a man with a large holding would have to permanently employ laborers? — Yes, I  
suppose he would.  
3923. Would not that frustrate the object of the State, and place upon the soil cultivators of the  
soil of the farm laborer class who are in England, instead of the yeomanry class that we want? Would  
not that be the tendency with the 1,000 acres? — Yes, but you must admit that in every community there  
are always a large number of men who make capital servants, but who can never make good masters.  
3924. To initiate the policy of 1,000 acres would necessarily fix those men in a bad condition, and  
the State would assist to create a laboring class who work on wages on another man's place, instead of  
a class like the small landowners in France and Germany. In fact, it would create a landlord and tenant  
system? — I understand what you mean.  
3925. The policy of the Government has been to obviate the revival of that system in this part of  
the world, seeing that it worked so ruinously in the old country. Your recommendation would tend to that  
very thing? — Yes.
3896. What income would you say should be derived by the occupant of 1,000 acres a man of moderate capital, take an ordinary selectoi; such as you know holding 1,009 acres— I think he ought to make 2s. an acre on it.

3897. 0ff 1,000 acres?—That is taking the seasons all through.

3898. You mean that a man can only make £200 a year off 1,000 acres?—Good seasons he would make more; bad seasons he would make only a little off his grazing.

3899. I dare say you know holders in this district having 1,000 acres here, what would you say is the annual income they derive from that land?—I should think from £400 to £500 a year.

3900. Have you ever selected any land yourself?—Yes. I have not got it now.

3901. Where was it?—About four or five miles from Echuca.

3902. How long did you hold it after you got the lease?—I never held it at all; I transferred it. I took it up under certificate.

3903. Not under the Act of 1869?—No, 1865.

3904. What do you think about the residence clause—do you think that should still be insisted upon?—I think if a regulation could be framed enabling trade-people living in a place like Echuca to select without residing it would be a good thing. Of course it is too late here now, the land is all gone; but I know myself if I could here take up a piece of land within reasonable distance of Echuca without the residence I should have taken up a piece of land of my own use, and very likely spent money on it.

3905. And you would have furnished employment to selectors all round about you?—Yes.

3906. You were prevented from that because you would have been compelled to reside?—I did try to take up 200 acres of land some years ago, about five miles from Echuca. At that time I thought I could have resided on it. It was a large reserve on the Sandhurst railway line, and my application was refused on the ground that the land was of special value.

3907. What happened to that land then?—Then the department were recommended to cut it up into 20-acre blocks, and it remained for some years and no one selected the land; and since then they have put it up at auction. It was not sold, and since then it has been thrown open in 40-acre blocks.

3908. Has it been selected under that?—I think it is nearly all gone now.

3909. Would not the fact of your having got land under the previous Act have prevented you?—I have only had 120 acres.

3910. Do you think a non-resident should be bound down more strongly as to improvements than a resident selector?—Yes, I think it would be advisable.

3911. Might he be called upon to cultivate twice as much and make twice as much improvements?—Yes. I take it the non-resident man would be a man in a better position.

3912. Would there have been a large amount of capital spent in this district if that arrangement had been in vogue?—Yes. I know of many in Echuca who would have taken up land had it not been for the residence clause. I may say in 1865, under the first Land Act, when the townspeople had the opportunity of selecting, say, up to 640 acres (the town was very small at that time), and I recollect we had a meeting of the people living in the town, and we all agreed that it was not worth while to take up land, that it was not fit for agricultural purposes, and we thought it would be throwing money away.

3913. Does not the residence clause have the effect of putting the real man who cultivates upon the soil?—Yes; there is no doubt that a man who wants to become the possessor of 320 acres will go and work on it and live on it.

3914. If the Government wish to place a yeomanry class on the soil what objection could a yeoman have to live on the land?—None at all.

3915. The parties you would have employed if you had got the selection would have been laborers?—Possibly they would have been adjoining selectors.

3916. Would not a man be able to employ himself as profitably on his own ground as on yours?—Perhaps he had not money.

3917. Suppose the State insisted that he should come with enough capital, or assisted him with capital, would not that be better working on your selection which you got below cost price?—If I took up a selection I should have to employ all the labor on it.

3918. Then you would convert the present selector from being a yeoman into a laborer if the residence clause were abolished?—Yes.

3919. Could you go out to-morrow and buy a selection—are they not plenty of them for sale?—Yes, I could.

3920. If you occupied it or not you could get plenty of laborers to work on your land?—Yes. I believe, of course, that if a man wants to become possessed of land it is cheaper for him to buy it right out than to attempt to select it.

3921. It has been urged in the public press that it would be a desirable thing on the part of the Government to provide itself with a loan obtained in England at 4 per cent.—say about £2,000,000—for the purpose of advancing to selectors in this way—it should be advanced to the selector on the valuation of the improvements that he has already effected, and on the security of his land, in sums of from £200 to £300, and he should have money for ten years, and pay it back in instalments annually, calculated at such a rate as would extinguish principal and interest in ten years, in the same manner as with building societies. Do you think that would be an advisable course to pursue, looking at the interest of the selector and the tradesman who depends upon the business created by the selector?—I have no doubt it would answer the selectors very well in one way. I do not know what position it would place them in as regards the tradepeople.

3922. It would make them good ready-money customers. They would get on?—The tradepeople would have to limit their credit, no doubt, because they would have no security to give them. The Government would have all the security.

3923. The Government would have their land, but you would have their chattels and property, their horses and pigs and cows, and ploughs and harrows, and so on. Would not this be the effect to create a solvent, well-established yeomanry population, who would furnish you with abundance of business, and who would be good, solvent customers; and in the case of those men who are unfortunate enough to become insolvent you would have their chattel property to fall back upon?—Yes,
3952. Apply the principle to the future—they ten years hence—all those well-established, settled men, with their property secured, and having a moderately good income from their estates, would they not form a most valuable class of people for the town?—No doubt about it.

3953. Would it not be a good thing for such customers to be assured to the district through that plan?—Yes. I think it would be beneficial, looking at it in that light, but I think the Government should make some regulation to compel a man to show before he goes on 320 acres that he has some funds of his own.

3954. A board would be appointed to carry out the matter of the loan, and they could require a man to show that he was the right class of man, and there would be evidence of the work he had done. A man who had the prospect of succeeding—of course a mere do-nothing would not be entitled to get such assistance, and his land would fall back to the State?—Yes.

3955. There is another point I should like to hear the opinion of a person of your experience upon. If the selector should have six years to make his improvements in instead of three, and if he in addition should have the opportunity of paying only 1s. per acre per annum instead of 2s., and in this way lighten the difficulties of the first settlers, would that tend to root the permanent population upon the soil and do away with demurrers?—I dare say it would assist a great many of the selectors, but at the same time I do not know how many of them would not be cleared off by it. Those who have no means to carry on for the six years would have to leave their selections.

3956. In that case it would be the means of weeding out the class that will not succeed?—But you must bear in mind, is a district like this, with a large amount of settlement, that there is a large proportion of men who never will get on. I know instances of selectors who came here with considerable sums of money, and still at the present time they are in debt.

3956a. Bad managers?—Yes; bad managers. They seem to muddle along.

3957. Do you approve of the State beginning the business of lending money to the selectors?—Well, I believe it would not be beneficially to the selector who wants the land with money of his own, but I do not think it would be advisable to lend to a man without 320 acres in his pocket.

3958. You stated that four-fifths of the selectors have borrowed money?—Yes.

3959. I have made a calculation showing how much the Government would have to lend in this district alone, 4,500 selectors. If four-fifths are borrowing money, take the average liability of each man at £100, it would require £1,440,000 in this district alone to advance. After you have heard these figures do you still think that the Government should undertake such an enormous sum as would be required over the colony? a sum not less than £10,000,000 would be required?—I think it would be a very serious undertaking. At the same time I think it would be a good thing for this district if they put a million and a half in circulation.

3960. At the same time you think there should be a stipulation first that a selector must have money of his own?—Yes.

3961. How would you guard against a selector going on who had not funds?—I think a man who has not 320 acres the State should not give him 320 acres.

3962. There has been careless borrowing in the past, but the board would not countenance that in future. A selector who had gone upon the land and who came to that board, and showed by the report of the land officer or other person appointed that he had expended so much in valuable improvements upon the land, and only wanted so much to enable him to tide over some temporary difficulties, that man should get a loan; but the man who had failed, and was able to do nothing on the land, and had commenced to borrow before he was half a year on the land, ought not to get the assistance of the board, and would have to clear out. The result would be, that all those speculative selectors would be cleared out of the field altogether, and some but bond fide men with moderate means would engage in selection, because they would see that none else would have a chance. The present system has encouraged a system of gambling?—There is no doubt about that.

3963. Do you think what I have said would prevent that?—I quite agree that the Government should take some precaution. When men select 320 acres of land they should compel them to put improvements, or show they are in a position to carry out their part of the agreement.

3964. As soon as the speculative portion of the community find that they will not get assistance unless they are bond fide (and of course private capitalists will not help them), they will think twice before they select?—Yes.

3964a. It would act as a caution against?—Yes; I think so.

The witness withdrew.

Isaac Braund examined.

3965. Are you a resident in this district?—Yes.

3965a. Are you a selector?—Yes; under the Act of 1869.

3966. How far from Eelera is your holding?—About three and a half miles from this.

3967. How much?—I could select only 200 acres, as I had already selected 120 acres in 1861, under Mr. Hales's occupation licence. That was in the Lancefield district.

3968. What did you do with that land?—I sold it.

3969. How long did you cultivate it?—I was residing on that land from 1861 to 1870, before I selected in this district.

3970. What was your reason for leaving that land?—I found it was too small to make a living on.

I could not cultivate the whole of it, as part was not good land.

3971. What did it fetch when you sold it?—£3 11s. per acre.

3972. And with the capital you made there by selling that, you came and settled here?—Yes, that and other savings, by hard work and being very careful all these years. In those times of course the price of produce was different.

3973. Have you any family?—No.

3974. And yet you found 120 acres too small?—Yes.

3975. How much of that land was first class?—There would not be more than one-third of it.

3976. If the land had been all first class would you have remained on it?—Even then, it would have been hardly sufficient in a cold district.
3927. Do you think 200 acres too little in this district?—I do.
3928. Would 220 acres be sufficient?—Not here. If I had had 320, or even 200 acres in the Lancefield district I would not have sold out at any price.
3929. Do you think the area should be fixed according to the district?—Yes; 320 acres in Lancefield or in Kyneton would make a very good home for a man, but if this district is different altogether.
3930. How many persons would be required here?—240 acres, so that a man could combine grazing with agriculture. On 640 acres no man could make a living by grazing alone, so that he would be bound to cultivate. 3931. Have you tried to buy any more land?—Yes, I have purchased a small block.
3932. Adjusting your own?—Yes; it is only 16 acres.
3933. Were you not able to get more?—No.
3934. Is the land selected all round you?—Selected or purchased.
3935. Then the men round you are not willing to sell?—Not that I am aware of.
3936. Would a man with a family be able to work a holding of 640 acres without employing labor?—That all depends upon how much the man cultivates, and the kind of land.
3937. Suppose he farmed it in the best way?—Unless he had a good many grown up sons.
3938. He would require one or five people to work along with himself?—It would take a good few to cultivate 200 or 250 acres.
3939. How many hands would be required?—In the harvesting time he might want from ten to fifteen—not all the year.
3940. Permanently, how many?—Permanently he would require a couple of men, or three if he cultivated largely.
3941. If he were to cultivate 200 acres out of the 640 acres, you think he would require some three farm laborers to assist him?—Not all the year round. Of course in the ploughing season he would require to employ perhaps.
3942. Is not that an afflicting barrier to man taking up land without capital?—I maintain that a man has no business on the land at all if he has no capital. The thing now-a-days is different from what it ever was before. Up to the present time, everything that has been grown in the colony has been consumed in the colony, and from this time we are sent out of the colony. And the South Australian cultivator has the advantage over us. He has 640 or 1,000 acres, with smaller charges for carrying.
3943. The farmers there have not got to struggle to produce their wheat.
3944. We hear that a great many are coming over here?—Well, I see there is a great deal of land being taken up there.
3945. We have it in evidence that a large number of persons, principally Germans and very thirsty people, have come over the border towards Horsham, because they can get the land cheaper, seeing that on the other side they had to pay from 10s. to a 12 per annum as rent?—Yes.
3946. How have they managed to grow wheat and send it to market?—They will not do it for any long time, only as long as the land is virgin soil, and they have no competition from others. At the present time and from this year, we will have to send to the London market principally; and if they have no advantage over us, and we cannot grow wheat as cheap as they, we must go to the wall.
3947. What assistance would help you to grow it cheaper?—Give a man a sufficient size of holding, so that he can combine grazing with agriculture. In such seasons as we have a man may get no crop at all. In that case he should have his grazing to fall back upon.
3948. Your evidence is to this effect—that if the holding were large enough for him to combine grazing with agriculture, he would be able to face the worst seasons with some chances of success; and in good seasons he would be able to produce his wheat at such a low rate of cost that he could afford to send it to London and compete with all the world?—I think so, provided the Government will lower the rate of carriage.
3949. How much is it?—Accompany a basket from Euston to Melbourne.
3950. You think that is high?—I do.
3951. What do you think ought to be the charge?—I think they should carry it very well for 3d. per bushel.
3952. Are you aware that our railways do not pay the interest upon the loan?—If you put them all together, not a single one made profit, and very few expected to pay.
3953. Do the farmers think it a fortunate thing for the general community to make railways to carry wheat below cost?—It amounts to this—that the South Australian farmers are pretty near the sea-board— Spencer's Gulf—and can ship their wheat at an average cost of 3d. per bushel; and if we cannot get our wheat to Melbourne at the same cost we cannot compete. I think that 3d. would pay the railways.
3954. If the large quantity that would be brought down?—It is a very large quantity.
3955. Do you send down all that you get?—No, we do not, because a certain quantity is sold in Euston; but, in either case, we lose the 7d. per bushel.
3956. What is the price?—I think it is selling at 6s. 7d. a bushel at Euston.
3957. Are you aware that they only get 3s. 6d. a bushel at Horsham, in consequence of the rough road and their having no railway?—No; but it never can be grown on 320 acres to pay at 3s. 6d. a bushel. I have sold for less than 4s., in Euston.
3958. Are you aware that the South Australians cannot deliver wheat in Melbourne under is. 6d. a bushel?—I think they could do it cheaper.
3959. One of the large grain dealers in Melbourne told me that, and wheat from Monto Barker, South Australia, as much as 2s. 6d. and 2s. 6d. ?—It would not pay at that rate.
3960. What wheat did you get at Lancefield?—Never less than 5s. 6d., and I have got 7s., and 8s.
3961. As a general average, what is the ruling price of wheat throughout the year in this district?—It does not come up to 4s. 6d.?—Not on the average.
3962. I want to get at the average?—I have seen wheat sold for 3s. 6d. per bushel—not my own—never sold so low as that in the Euston district.
3963. I refer to your experience as a farmer what would you fix as the average price, speaking roughly?—It might be a little over 4s.—about 4s. 2d.—that is up to the present time.
3964. Taking the good and bad seasons you would fix 4s. 2d. as about the average?—Yes, I think so.
3965. If you had to pay 3d. for freight instead of 7d., that would bring it up to 4s. 6d.?—would you be content with that?—I think at 4s. 6d. or 5s. it would pay a man very well.
4015. What would be the yearly income of a man with 640 acres?—That is very hard to say; it would be according to what purpose it was put.

4016. Take the ordinary selector—turning and grazing—working the land to the best advantage?

—There are some selections you might cultivate half the land and the other half be no good.

4017. Take the average?—Well, I consider if a man cultivates at all he should cultivate 100 acres at the very least, because it will not cost him very much more to cultivate 20; he must have machinery with the latest improvements, otherwise he will have to clear out.

4018. You were complaining about the price charged by railway, has there been any reduction made within the last two or three years?—There have been a little reduction, I believe.

4019. What was the amount?—I think it was a halfpenny a ton a mile.

4020. At present it is about 25s. a ton?—It amounts to 7d. a bushel.

4021. That is how much a mile?—It was 2d. a ton per mile, and then they reduced it a halfpenny; it is about 14d., I think.

4022. Sevenpence a bushel is 22s. 4d. a ton—that is about 13d. per ton per mile; do you not think that a very moderate charge?—I do not; I think it could be taken for less, because of the quantity. If it was reduced I believe there would be double the quantity produced in this district. A man would find that it paid, and he would probably put nearly the whole of his land under crop, at any rate all the best land on his selection. I think I would pay the State very well on account of the quantity.

4023. And you think the cultivation of what would be stimulated by a reduction to 34d. a bushel?—I do; I believe there would be fully as much again grown.

4024. How long have you been here?—About seven years; I selected in February 1871.

4025. What is your opinion of the position of the selectors generally; will they hold on to the soil as a rule?—That depends a good deal on their circumstances; a great many came with very little money, and it will be very hard times with them.

4026. Do you hear any complaining about having to pay high rates for the money they borrow?—I do not.

4027. Amongst your fellow selectors have you heard any complaints about Mr. Langmore’s regulation restricting the borrowing to £1 an acre?—Yes, I have heard complaints with a good many, although it never affected me.

4028. I refer to what your neighbours say; you are amongst the selectors, and see them and hear their opinions?—Yes.

4029. Is the general opinion amongst the selectors, as far as you know, this—that they condemn Mr. Langmore’s regulation restricting the borrowing powers to £1?—Yes, the majority I have talked to on the subject do condemn it, because, they say, a man is the best judge himself of what he wants; if he is a practical farmer, he is the best judge himself; but, of course, there are a great many not practical farmers.

4030. And those men ought to be saved against themselves—preserved from running into debt. Do not you think that those who want more than a pound an acre generally have something outside the selectors—a public-house, or something?—Well, a pound an acre in some cases, or perhaps less, might be sufficient in some cases.

4031. Those who wish for more than £1, have they not usually some speculation outside their own selection—is that your experience?—No. Of course, I am not acquainted with a great many who have public-houses. Of all the selectors round me, there are only one or two who have got that.

4032. Would not £230 be, generally, enough to work all selections?—It all depends upon what his lean is to be for. If it is to be for building houses on his place—sheds, outhouses, barns, and stables—that is very good in its way, but it brings a very small interest on the outlay.

4033. Is that work absolutely necessary?—It ought to be done if you can manage it without hindering yourself; but if a man wanted to improve himself and get a good wood of stock or sheep, that would give him a good return, and place him in a position to pay him off.

4034. Suppose you were £200 in debt, for which you paid 10 per cent., taking the average quality of your land, what position would you consider yourself in—would you have a prospect, see long, of redeeming yourself and getting entirely out of debt?—That all depends upon what I put the money to.

4035. Applying the question to your own position, with the quality of your land as it is, and everything worked to the best of your judgment, would you be able to redeem yourself in a few years so as to be out of debt?—If I was going to borrow, I would never allow myself such a short time—I would not take three years, I would say five years or more.

4036. Would you be in a position to redeem yourself in ten years, say—you would have to pay £32 a year?—Yes, certainly, I could pay it in that time.

4037. As a practical farmer, do you think it wise for a man to involve himself in debt, seeing he has adverse seasons to contend with and a climate he knows little about?—I think it is not wise to go into debt at all. I think when a man selects he should have enough money of his own to put the improvements on the land without the aid of capitalists; but, at the end of three years, when he has the lease, if he wants money to buy more or a better class of stock, I think he would be quite right to borrow then.

4038. Would you consider a man who borrowed £2 per acre on hisselection hopeless insolvent?—That depends upon what the money goes to. A man would be justified if there was a small piece of land leased him which he wanted to buy, because he would get a return in that case.

4039. What I ask is this: a man has 320 acres, and borrows £2 per acre to put on the improvements—will he not be hopeless insolvent?—Yes, hopeless insolvent; I admit that.

4040. You admit that: it is not desirable for a man to borrow £2 an acre on his selection and that it would be better to restrict him—I say it is not advisable to borrow £2 an acre to put the improvements only.

4041. Do you think the selection in your neighbourhood is on the whole permanent and prosperous, and likely to fix the selectors on the land?—I cannot say that the prospect on the whole is very good for the selectors, because they have very nearly all too small holdings. Those who are selling out are mostly those on small holdings.

4042. Where do they go to who sell out?—Probably they may select a little more again.

4043. Where do those go who have sold 320 acres?—I do not know; but some have sold that way who commenced with no capital, but generally it is the smallest ones that have been selling out.

The witness withdrew.
Are you a selector in this district?—Yes, within four miles of Echuca.

How long have you been in the district?—Fourteen years since I came to Echuca first. I
was in business in the town before I selected.

Did you give up that business to commence the work of selecting?—I did.

How much land have you got?—200 acres. That was all I could select, because I had
already selected 120 acres before.

Where was that?—At Rummyado.

Did you part with the first selection?—No, forfeited it. I selected it and then I saw I could
not do anything with it and I forfeited it.

Under those circumstances could you not have selected 320 acres here?—I never applied for
it. There were 200 acres in one square piece that I wanted.

Do you want to try and select any more land?—No, not at present.

Do you think you can still select 320 acres?—No, the Act forbids that.

How long did you hold the first selection?—Only for a short time, about three months.

Did you make any improvements at all?—No. I selected under certificate for Mr. Robert
Glass; I was not a dummy for him.

Who has got the land now?—At that time I signed it off.

You were employed by Mr. Robert Glass to select?—Not by Mr. Robert Glass; I was
employed by Mr. Shacklel to select those 119 acres in 1869.

Then you did not enter into the matter bond fide at all, and must have been a dummy?—I
presume so.

You were a dummy for Mr. Shacklel?—I presume so.

You will not be able to select again?—I am aware of that.

You are bond fide now?—I hope so; I quite believe so.

Are you cultivating this 200 acres?—A portion of it.

Have you got the lease?—Yes, I took the Crown grant up years ago.

How long were you in possession when you took the Crown grant up?—I think three years
and a half, and my son took the opposite piece of land up.

Was that as soon as you could get the lease?—No, we wanted a little time. For the
improvements we put on I knew we should have to borrow money, and I waited till I wanted the
money, and I paid the balance of the fees with that.

Has your son got his Crown grant as well?—Yes.

What was your object in getting the Crown grant instead of going on with the lease?—
Simply that we could go to any money market we chose and be independent.

How much land have you and your son?—300 acres I have, and my son has 320 acres.

Are those adjoining?—All adjoining.

And you work together?—We have done, but we have dissolved partnership now.

Were you paid any money for working as a dummy?—Nothing further than a day's pay.

How much was that?—£2 I think it was.

You sold your chance of selecting 120 acres of land for £2?—For £2. It was a certificate.

I thought it was nothing. I was not aware I could sign off.

Were you aware you were acting as Mr. Shacklel's dummy?—I was not.

You sold your birthright for a mess of pottage?—True for you, that is it.

Will you be able to retain this land and go on successfully now?—I am sure so.

We have had evidence that the selectors are generally in debt, is that the case with your
neighbors?—I have heard so, and I believe there is a good deal of that.

Do you think those men will pull through?—My impression is that the great majority, with
a good season, will pull through. If they have a bad one it is so much the worse for the country.

In my case we combine agriculture and grazing together, cattle or sheep.

You say you acted as a dummy for 120 acres—are you aware how many others acted?—
I cannot say.

How many?—Oh, God bless me, over a hundred at least.

Were the others in his employ?—I do not know; I presume so.

Did any other gentleman dummy land besides Mr. Shacklel at that time?—I do not
know.

Are you aware of what area was taken up at that time?—I do not know. It must have been
a very large tract of country.

How is that held now—is it stations?—I think it is principally stations now.

What are the names of the holders of the stations?—I really cannot say.

Was it Glass's station you selected on?—No.

This land that was then dummyed is all included in the large estates?—I think a great deal
is in the runs.

Held as a squatter's run converted into a freehold?—Yes, converted into freehold through
the certificates.

Are we to understand that at that period when you took up that land there were a hundred
others at the same work?—I cannot say exactly, but there were a great quantity of people. It must have
been near to that.

The effect of dummying that land has been that it has all passed into the hands of the
pastoral tenant, and is now held by him as a run?—Yes, no doubt.

Do you know his name?—I do not know, but it was the pastoral tenant at the time.

Mr. Kelly?—I believe it was part of Mr. Kelly's run, the Kamaroka run, near Rummyado.

To the witness.—The state of the case is this, that on this occasion the owner of the
Kamaroka run, Mr. Kelly, employed Mr. Shacklel as his dummy agent?—That I cannot say.

That is what appears, and that you were one of the dummies with others?—I had plenty of
compinions.

The witness withdrew.
James Castles examined.

4093. What is your occupation?—Farmer.
4094. Are you a selector under the Act of 1869?—Yes.
4095. How far from Echuca is your selection?—Eleven miles.
4096. What is the extent of your holding?—220 acres.
4097. How long is it since you took it up?—Since 1873.
4098. Have you got your lease?—Yes.
4099. Have you had occasion to borrow money to carry on?—No. I could show you the lease at home.
4100. You brought capital into the district, I suppose?—A very small amount.
4101. And yet you never borrowed?—Never paid a farthing of interest in my life.
4102. Would you have any objection, for the information of the Commission, to state how much capital you brought in?—We want to know, because it is said by some that capital is absolutely necessary, and by others that it can be dispensed with—how much capital did you have to commence with?—Would you include implements?
4103. Yes, including the value of implements and cash?—Perhaps, implements and all, I might say about £150 more or less.
4104. That included some stock?—Yes, a few cows and horses, etc. I applied for the land in April 1873, but did not get notice to take possession till the 29th of October 1873.
4105. Have you employed the land altogether in agriculture?—I have about 100 acres in crop. The first year I had 30, and I increased on till the present year.
4106. All in wheat?—Yes, and a few acres of oats, but only a few.
4107. How have you employed the rest?—Grazing.
4108. Have you sown any artificial grasses?—Only as a trial to raise seed—not any quantity.
4109. How do you account for it that you have been able to carry on so well, beginning with moderate capital, while there are others who seem to be unable to do anything without getting into debt?—I think the borrowing powers should never have been legalized or allowed by the Crown. When the Government give you the right to select, and the whole colony to select in, if you select a bad spot it is your own fault. If the land is worth £290, the payment comes to 10 per cent. interest for ten years, and then you have the capital as well. I think there should be no power to mortgage leasehold from the Crown.
4110. He may merely mortgage improvements?—I admit that; but that is sufficient: to lose the land to the State, and if that had not been legalized there would not have been such a system of demises, let a conscientious man would not make false affidavits. The result has been that grasping men got dummies to take up land for a few pounds, and made the Crown to put on improvements, and then it fell into the hands of the present owners. There were speculators who took the land who never intended to keep it.
4111. It instituted a system of gambling with the public estate?—Yes; I think so.
4112. It is your opinion that it was a sound restriction on the part of Mr. Longmore to limit the borrowing powers to £1 an acre; and, if you had the power, you would not allow the selectors to borrow at all?—I would not. If the residence had been ten years there would have been a class of men on the land who intended to keep it. The men would have thought before taking it up; and the selector would not have taken it up. I think the selectors should provide the means to keep the land out of the larger owners. What with the banks and the agents the selectors get so entangled that, if they put their hands on them, they have to sell. I was about Mooroopna district lately, and I noticed a large number of bills up announcing the land for sale. I enquired what was the cause; and in no instance did I get the answer that the reason was that the man had made his pile on it, and was going to live on his means. The answer generally was that they must go. That was selectors who had obtained their leases.
4113. How far is that from here?—Thirty-five miles. I do not mean to say that it is not the same in this district, but it came under my notice there on account of the large number of bills.
4114. Every bank manager, and every financial agent who has been examined has stated that they have never foreclosed in any one instance against a selector. Do you know any instance where they have?—I do not of my own knowledge; I only say what is generally told me.
4115. Might they not be selling out of their own accord to pocket the proceeds and go across the border?—I have no means of knowing they do not. There are some doing that, but the majority are of the other sort I believe.
4116. Would you make it a condition previous to a man’s taking up land that he should satisfy the State that he has sufficient money to begin with?—I think if the residence were made ten years instead of three it would be better.
4117. Do you think the Government ought, before a man takes up land, to ascertain whether he has the means of improving the land in accordance with the Act?—I do not think I would hold with that as far as my experience goes. I think it would be better if a man was compelled to reside on it for ten years, and not get his grant for ten years. There have been several industrious men that I know who had far less capital than myself and are now independent.
4118. We have it in evidence that four-fifths of the selectors about have borrowed money?—I would not contradict it.
4119. Very well then—if they had not been enabled to borrow money, what would have been the state of attendance in this district?—It would have been in more bond fide lands now.
4120. Do you say that those borrowing are not bond fide?—Certainly they are, but if the borrowing had not been allowed they would not have done it.
4121. That is four-fifths?—I do not say in all cases, but I say in many instances the monopolists would not have grasped if they had not had the means. A better class of selectors would have been on this land.
4122. You say that the monopolists are getting the land; do you know of any instance where an estate has grown?—There are several instances.
4123. Can you give an instance where a man has been able to lay up the selections all round?—Oh no.
4124. Can you give an instance where many selections are held now by one owner?—Simpson.

Frazier, and Craig, the man I am on, they were the partners when I came on the run.

4125. Did they buy out the selectors?—Yes, but others were dummies.

4126. Since 1869?—There are three under my notice at the present time, and the houses are removed from the selectors; and I might think of others.

4127. Did you think that those men who left the land to Fraser & Co. were dummies all the time?—I believed that.

4128. Your opinion is that had there been no borrowing powers at all the moneyless selectors, and the generator selectors who took the land up to make money out of it, would not have taken up the land, but a better class would have come?—I believe so.

4129. If we were beginning the land system now you think it would be better to allow no borrowing powers at all?—I believe so.

4130. Now that they have got into debt, you think that the Government ought to step in to prevent the land going to the destination it seems intended for now—the large proprietors?—I do think so.

4131. Unless the Government forces some means to the selectors to extricate themselves their selections will go into the hands of the large proprietors?—I do verily believe that is many instances.

4132. We have had some evidence that 320 acres is not sufficient here—do you think that?—I believe I can live on it.

4133. You can live comfortably and make money?—I cannot speak of making money; but I believe, had 640 acres been given at first, with the provisions that I have suggested as to borrowing powers, there would have been better settlement. But seeing that there is so much of the land gone in 320 acres, I do not think it would be well to extend it. I would not think it just to my family if the amount was extended unless I could take up the additional amount of 320 acres. Even then I could not get it within a near radius, so that I should be obliged to sell on and go elsewhere.

4134. Is it not your experience that a farmer may bring up his family comfortably if he is an industrious man with 320 acres in this district?—I believe so.

4135. How many cattle do you keep?—From 20 to 30, and horses.

4136. Do you keep sheep?—No.

4137. Is that the capability of your land—30 head of cattle?—Yes, young and old; it is quite enough with the horses. I generally have about eight horses.

4138. That makes 40 head, both together?—That would be the outside.

4139. And you cultivate 200 acres?—Yes.

4140. You propose extending that cultivation?—Yes.

4141. You will gradually bring the 320 acres into cultivation?—I cannot do that; there is a large swamp of about 40 or 50 acres.

4142. That swamp has been an advantage to you in this climate, has it not?—I thought it would be, but I have found it a mistake. I thought it would gather water, but the land cracks so much in those swamps in the summer time that the water disappears altogether, and in no instance has it stood beyond the latter end of November.

4143. Where were you farming before you came here?—In the Kyetorum district, and before that I worked for wages on a farm at Kyetorum.

4144. Have you a family?—Yes, four children alive, the oldest seven years old.

4145. Then, in fact, your case is this—you were formerly a farm labourer in Kyetorum, and you saved enough to begin on your own account, and your experience of life has enabled you to carry on 320 acres without getting into debt?—Yes.

4146. I wish there were a great many others like you. Did you never receive any assistance from any one—for rent or anything?—No, nothing more than a £5 or £10 note for convenience at the time, and I have assisted others; and I know of no instance, where a man is honest and industrious, where the neighbours will not assist him by labour, and seed, and every way.

4147. Beginning a new system altogether for the land that remains unselected, do you think it would be better if a man get six years instead of three to make his improvements, and the rent reduced from 2s. to 1s.?—I believe that the reducing of the rent would improve his position, leaving him more money, but I still think it should be ten years’ residence on the land.

4148. Then the ten years would consume the whole period up to his getting his Crown grant?—Yes.

4149. My proposition to make it six years’ license at a shifting per acre per annum, with seven years’ lease afterwards for two shillings per acre would fix him on the land thirteen years before he got his Crown grant?—Do you understand that there would be no transfer of the lease till he got his Crown grant?—Yes.

4150. Yes?—Then I would support it.

4151. Have any of your neighbours selections without residing on them?—I have known instances.

4152. How far distant do they live?—Seventy miles; most of them are business men in the towns.

4153. Who cultivates their land?—In some instances they employ men and in some themselves.

4154. They are not permanent selectors?—They are injurious to our district.

4155. You think that residence is necessary to make bona fide selectors?—Yes, most decidedly.

4156. What is the ultimate intention of those parties who do not reside on the land?—I believe that the result will be that it will be sold either to residents or others.

4157. Is it a mere speculation, not a bona fide holding?—Yes.

The witness withdrew.

John Mackenzie examined.

4158. You were the manager of Wyma station for Mr. MacBean?—I was.

4159. We should like to hear from you, without questioning you, a plain statement of the circumstances that led you to believe that you were a dummy for Mr. MacBean?—I am at a loss to give any information as far as people saying so; but I believe the Crown lands hilliff make some very queer remarks here yesterday on that very subject. I never was a dummy for Mr. MacBean or anybody else; nor ever had a dummy of my own.
4160. In the case of Mills, is it a fact that he was assisted with raisins from the home station, and that the station hand assisted in erecting the fencing, and that the station cattle grazed over his land, and that altogether the general appearance of things showed that Mills was a dummy for the station, acting under your orders as the manager of the station?—It is not true; there is not a word of truth in it.

4161. What was your connection with Mills then?—My connection with Mills was that his wife ten years ago was a governess in my house. She was a lady of very high culture. They were very hard up, and he was a postkeeper at Otego at the time she was employed by me. They were very hard up in Melbourne, and asked me to give them something to do; accordingly I gave them something to do; and when the land commenced going I applied to get a mail from here to Moroora. I pointed out to Mills that there would be a post office which he could get, and his wife would get the State school; and I told him that if he liked to come and select I would support him. He came, and I did support him. I advanced him money, paid six rents and paid his share rates, and on his sending a certificate of improvements he was promised his lease. Then the Crown lands bailiff, Mr. LeNon, commenced sending in his reports, and Mills never got his lease till some time ago, when Mr. Shackell saw Mr. Langmore about it. The man himself was backward in applying for his lease. I was told by Mr. Gardiner that Mills said he would never pay me for the money I advanced. I have got his bills in the Bank of New South Wales now, and Mr. Gardiner advised me to issue a writ against Mills and get a verdict in the Supreme Court for a judgment for the amount, and Mr. Shackell promised to take up my bills.

4162. Who will get the land ultimately?—Mr. Shackell, I think.

4163. Has Mills the land still?—Yes. He has the post office, and his wife has the State school, I built a house to make a home for them.

4164. When did you issue the writ?—About four weeks ago.

4165. How long had the lease been in existence at that time?—The lease came up to be signed.

4166. At what date did Mills became entitled to a lease?—It is nearly five years since he went on the land.

4167. Then he was entitled to the lease two years ago?—Yes.

4168. How was it he did not get it?—I do not say.

4169. Did he ever try for it?—I do not think he did. I always advised him to write for the lease.

4170. What for?—To get my own money.

4171. Did you think your getting the money was contingent on the lease coming?—I did.

4172. Was there an arrangement made between you?—No; I had not got his bills in the bank.

4173. Did he understand at the first that you would assist him with money, and ultimately he would transfer the land to you?—No; no man can say that.

4174. It was a more friendly advance of money to Mills?—Yes.

4175. And you had no intention of getting the land?—No. I said to the Crown lands bailiff that if the sheriff sold up the land I would not buy it. Even if I had the money I would not give 10s. an acre for it, simply because Mills was always reported as a dummy of mine, and I would not give countenance to that.

4176. When he took the land up he had no money of his own?—Not much.

4177. He had no money when you recommended him to take the selection?—Not much.

4178. You did the whole of the fencing?—I did. It is a top rail and wire fence.

4179. What use did he put the land to?—Grazing sheep and horses.

4180. Did they have the station brand?—Never. No station sheep or cattle went on his land after it was fenced in.

4181. Did you sell him the sheep?—I did not ever. He bought some sheep and bred some. I always lent him a Lincoln ram every season.

4182. When did he buy his first sheep from me?—From the selectors.

4183. How long after he first came?—His wife had always reared a few pets, and they became a flock.

4184. You say you paid the six rents, what was he doing all the time?—was he getting nothing from the land?—Well, he took in bullocks, and took in paddocks.

4185. Could not he pay his rent himself?—I suppose it took all his money to keep him.

4186. Was he employed at the station all this time?—No.

4187. When did he cease to be a boundary rider?—A short time after he selected the land.

4188. You took bills, you say, for your advance?—Yes.

4189. What rate of interest did you add to the bills?—Eight per cent. After my bills went down to Melbourne my solicitor refused to renew them as I could do nothing with Mills.

4190. How much does he owe you now?—I have got nothing yet.

4191. What is the amount?—About £450, or thereabouts.

4192. You have got no security for that whatever?—Nothing, except the bills in the bank.

4193. When did you commence taking the bills?—In 1874, the first year after he came.

4194. You say that, in consequence of McLean reporting adversely to Mills, he did not get his lease?—Yes.

4195. And then you refused to be his friend any longer?—Exactly—that is the truth.

4196. Then the whole thing hung upon the issue of the lease?—The whole hung upon that.

4197. If you had known he would not get the lease, you would not have advanced a penny?—I do not think I would.

4198. The case stands thus—you took pity on the family in the first instance, and said to the man, “Take a selection and make a home for yourself, and I will help you”; and, relying on his honor, you thought he would repay you, and took his bills; but you found afterwards he would not renew his bills, and you then said you would help him no longer?—That is exactly it.

4199. Was he entitled to his lease?—I think he was.

4200. How was he to recover himself after becoming so much indebted to you?—He could have put his land to better use if he liked.

4201. Did you always expect to get the lease?—I did not.

4202. But directly you found you could not, you ceased advancing?—He promised my banker before that he would take up my bills before he got his lease.
2208. Did you instruct your broker to interview Mills on the subject?—Yes. There is a document in the bank to that effect, but it would be of no avail.

2209. He could not raise money till he got the lease?—After he got his lease he snapped his fingers at me.

2210. He could not take up his bills till he got the lease?—No.

2211. Then why come upon the man before he had a chance to get his lease?—He only promised.

2212. Was it in writing?—Yes.

2213. Then how can you reconcile with that your statement that it was not your expectation of getting the lease at all through that led you to help him?—He promised to take up the bills.

2214. With whom did he make the undertaking in writing?—With my broker.

2215. Acting for you?—Yes.

2216. He undertook to hand over the lease?—He undertook to take up the bills; he was not to give me the lease.

2217. He said to you, "I will raise money on the lease, and pay you"?—Yes.

2218. Could you get that document?—I suppose so; it is down at the bank.

2219. Did he cultivate any land?—Yes, he cultivated his property—32 acres.

2220. Did the station assist him in his cultivation?—No, the station people did not; I did, I assisted him with my own horses.

2221. Who got the produce of the 32 acres?—He did; but there were not four bags of wheat on the 32 acres.

2222. Do you not think that the Crown lands bailiff was justified in reporting that it was a dummy transaction?—I do not think so.

2223. You, the station manager, put up the fencing, built the house, and lent your horses; and now the man will never settle on the land. Does that not look like dummyism?—Mills is on the land.

2224. But he has no claim to it according to you?—He has no claim to it.

2225. He will foreclose the judgment, and you are about succeeding in doing what you intended to do from the beginning—it has come upon you by surprise that you will get the land?—Not at all; my bills are in the bank. I have nothing to do. Mr. Shackell will pay it.

2226. How many sheep has Mills got on the land?—I suppose he has got 100.

2227. How many cattle?—Three or four, and three or four horses.

2228. What reason did Mills give in saying he will not pay?—He tells you?—Mr. Gardiner is here. He told me.

2229. You distinctly deny that Mills was ever your dummy?—I do distinctly deny it, and I say it is a tissue of falsehoods to say so.

2230. The impression upon my mind is that you really did all this out of friendship to Mills and his wife, and that Mills has not acted very properly towards you; but what I want to show you is that the general aspect of the case, as the Crown lands bailiff saw it, quite naturally led him to the conclusion that it was a case of dummyism, for the reasons that he saw you assisting the man to put up the fencing and do all the other things for and that Mills could not do himself, so that in that had been a bonâ fide report of the Crown lands bailiff, even though from your account it was not a dummy transaction—it shows plainly on the face of it that it was not a dummy transaction.

2231. Will you produce the agreement between Mills and the bank?—Yes, I will go for it now.

The witness withdrew.

Peter McBride examined.

2232. Are you a selector?—No, a timber and iron merchant.

2233. Have you been long in business in Eucla?—Nearly four years.

2234. Have you had dealings to any extent with the selectors?—Yes.

2235. In what way?—Supplying them with materials to build houses and wire to fence their land.

2236. Have you assisted any with money when they were short for their rents?—Yes, we have sometimes, to a small extent, not to any large extent.

2237. How much, on the whole, are they indebted to you, including the sums you have advanced and the goods you have given them credit for?—I suppose we have about £1,500 outstanding amongst the selectors.

2238. Are you satisfied with the state of selection, and do you think you will get back your money and that things will go on well?—I have been satisfied until lately, but things are looking very blue just now.

2239. Why?—There seems to be so many obstacles thrown in the way of selectors getting money or their leases that the business people complain in the town, and we feel it to be a large extent too.

2240. You think the system that was going on swimmingly before has been suddenly stopped by Mr. Longmore's two regulations reducing the borrowing power to £1 per acre and holding back the leases?—I believe that had a great deal to do with it. There may be other causes—the tightness of the money market, and other things.

2241. This scarcity of money, acting in conjunction with those two regulations, has created great embarrassment?—Yes; I know some cases where men have wanted 30s. an acre on their land, they have had to go to Melbourne, and it caused a delay of two or three months getting it through; they have had bills maturing, and those owing during that time, and putting the business people to a great deal of inconvenience.

2242. Generally speaking when they make out a deserving case to the Minister, he allots them to borrow more than £1 per acre?—I have known instances.

2243. Have you known instances of their applying for 30s. or £2, and Mr. Longmore allowing it—a person you have had business with?—I have known two or three.

2244. How long elapsed between the application and the time of granting permission?—It might be two or three months.

2245. That is unsatisfactory?—It is not very pleasant at all times.

2246. You have had dealings with the Land Office by correspondence?—No, we deal directly with selectors. We only take approved bills. We never applied for any leases.
Peter McAlpine, 29th June 1876.

4242. Your dealings are all on personal security?—Yes, we take approved bills.
4243. What interest do you add to the bills when they become due and are not paid?—10 per cent.
4244. That is rather over the bank rate of discount?—A trifle over.
4245. If the selector to whom you have given goods, gives a bill, what is the length of the bill?—It depends on the arrangements; sometimes three months, sometimes six months.
4246. If he is not able to pay at the end of six months, you charge 10 per cent.?—Yes.
4247. And as to that bill?—We get them to pay the interest down in every case we can, in cases of necessity.
4248. Do you find the selectors pretty honestly in their dealings with you?—As a rule; some we have to watch pretty closely.
4249. You have not lost much money by them?—No.

The witness withdrew.

Jacob Henry Müller examined.

J. H. Müller, 29th June 1876.

4550. What occupation do you follow in the district?—Farming.
4551. Are you a selector under the Act of 1869?—Yes.
4552. How long have you got your selection?—Something like seven years.
4553. Then you have your lease gone?—Yes.
4554. Have you found it necessary to borrow money in order to carry on?—No, I never had to borrow money to carry on.
4555. How many acres have you?—I selected 320 acres, and I have bought 220 since, making 540 acres.
4556. You must have had money when you came into the district?—Yes, I had some.
4557. Might we ask you what amount you had when you came into the district—cash and stock and implements, and everything?—I suppose between £400 and £500 altogether.
4558. Whose were you farming before?—Lancefield.
4559. What average did you occupy there?—Were you tenant or owner?—Tenant.
4560. How much land had you?—I had about 500 acres.
4561. How much rent did you pay for that?—£75 a year.
4562. Your savings I presume were made upon that land?—Yes.
4563. How long were you occupying the land at Lancefield?—About seven years.
4564. So that you were there for seven years with 500 acres, paying £75 a year for rent, and you saved £300, and you came to Edenhope?—Yes.
4565. And you have never had occasion to borrow money here?—No.
4566. And not only that but you have bought 220 acres since?—Yes.
4567. What was the reason the party sold the 220 acres you bought?—It was a piece of my daughter selected, and she got married, and lived away a good distance.
4568. Have you any other member of your family that has selected land near you?—No.
4569. While your daughter had that land, did you supply her with money to pay rent and improve it?—I did, to a certain extent. She had cattle herself, and they ran with mine, and we fended it together.
4570. How much have you under cultivation?—120 acres altogether.
4571. Do you purpose increasing beyond that 120 acres?—Well, I dare say I may a little more; perhaps up to 150 acres.
4572. How much had you under crop last year?—About 120 acres.
4573. What was your average yield per acre?—Not above 8 or 5 bushels per acre; in fact, the most of it I cut for hay.
4574. What would you call a good year’s average?—The best year I had up here was 20 bushels an acre; some would go to 30 bushels an acre, some 15—20 is about the average.
4575. Upon 320 acres do you not think a man can live comfortably in this district and bring up a family?—I do not; it is right enough for the first four or five years, not after that; when the land is worked out it is very little good.
4576. How much would you require then?—I think 640 acres is little enough for any man.
4577. When he works that out, will he not require more?—No, he can go on; but he can give the land a spell.
4578. Would he carry on a different system with 640 acres, cultivate some and grass some?—Yes, it is different in some districts from here; all we can depend upon is wheat growing.
4579. Have you anything to suggest as to the land regulations for the benefit of selectors?—No, I have not.
4580. Do you think that the charge on the railway for the carriage of wheat is too high?—Well, it is too high.
4581. What would you suggest?—I do not know; but I know it is too high a good bit, according to what it is to other colonies.
4582. Do you think the extending the time to put the improvements on and reducing the payments would be a great advantage?—Yes, I think it would be a great assistance.

The witness withdrew.

John Mackenzie recalled.

[The witness handed in the following document asked for by the Commissioner.]

Edenhope, 12th June 1877.

To the Manager of the Bank of New South Wales. 6th—Having given you the order to receive the lease of my selection, in the parish of Undera, you will please hold it as security of two overdue bills to John Mackenzie for £238 13s. 11d., due 28th January, and £246 15s. 2d., due 12th February, 1877, and I hereby agree to mortgage the said lease in order to accommodate the said bills. (Signed) G. Millars. Witness—T. R. Le Geyt.

Edenhope, 12th June 1877.

receivers and paymasters, Edenhope.—Please deliver to the Bank of New South Wales the lease of my selection, situated in the parish of Undera. (Signed) G. Millars. Witness—T. R. Le Geyt.
4283. Then it was perfectly true that the lease was to be handed over to the Bank of New South Wales on your account?—Not on my account.
4284. Then on whose account would it be?—He was going to take up the bills, to meet the bills.
4285. But it is stated the lease is to be held as security for your debt?—The lease is worth more than that.
4286. Did you not go to the manager to get that document?—No; Mills did it himself.
4287. Then he was willing to meet his obligations to you, and there is the proof; what has become of Mills’ lease?—I do not know anything about it; I wanted my money, I did not want the lease.
4288. You entered a caveat against the lease being issued?—Mr. Shackell promised to pay the money.
4289. The bank have no lien on the bills?—No.
4290. The bank had no claim against you or Mills?—Yes, the bank had a claim against me.
4291. On account of these bills?—No.
4292. Then the only reason that the lease could be given to the bank was, that the bank were to hold that lease in your interest, as security for the bills you deposited for collection?—Yes.
4293. When Mills became a selector did you dismiss him?—Yes.
4294. Was he not better off as a boundary rider?—He changed his quarters. He is the postmaster now.
4295. You are occupying 320 acres of selected land yourself?—No; purchased.
4296. You are renting a selection from your son?—Yes.
4297. What is the rent?—Three shillings an acre.
4298. When your son stated it was £30 yesterday it was not the truth?—Well, there are two paddocks, and I am giving him £80 for the two.
4299. He has 320 acres?—Yes.
4300. He stated that you paid £30 a year to him?—I have paid nothing yet.
4301. I can understand that?—We have stock remaining there.
4302. He stated that you pay him £30 a year—you say 3s. an acre—which is correct?—I am going to pay him 3s. an acre.
4303. You have not paid anything yet?—I have only occupied it four months.
4304. Have you made a written agreement?—No; it is verbal.
4305. When your son took up this land was it not with the intention of handing it over to you?—Certainly not.
4306. Did he not merely reside on that land the bare time required by law?—He had a store and public house on the land, and resided over the time; rents 640 acres from Maxwell.
4307. Did he not have when he got the lease?—He did when he got married. I think he is coming back to reside.
4308. You are in possession at the present time?—Yes, one paddock.
4309. Then the question of rent is hardly considered at the present time?—Yes.
4310. Then why did you mention 3s. an acre?—I am going to allow him that. He is due me some money, and I am to take it out in rent. I helped to build his house, and to put the fencing on the land; that is what it is for.
4311. Is this land adjoining to Mills?—No; there is a three-chain road between.
4312. So if you get Mills’ land you would have a nice block—960 acres?—I have told you before I would not have it. Mr. Gardiner will explain the case to show that Mills was no dummy of mine.

The witness withdrew.

Neil McDonnell examined.

4313. You are a selector in the district?—I am.
4314. Far from Eulina?—About five miles.
4315. What is the extent of your selection?—320 acres.
4316. Have you got your lease yet?—No.
4317. How long have you been in possession?—Six years.
4318. Did you ever apply for it?—I did.
4319. Then by this time you ought to have bad it?—Yes; but I had it forfeited for non-residence three years ago, and got a re-license July 1874.
4320. Are you residing now?—Yes; continuously. I was in business at Eulina at the time, and at that time they would not give the lease unless you resided continuously on the land. I have given up my business since.
4321. Have you cultivated much?—About seventy acres.
4322. Do you intend to remain on it after you get the lease?—Yes; certainly.
4323. The time has about come for you to get it?—Yes.
4324. Have you involved yourself in any debt in anticipation of getting the lease?—No.
4325. You are a fortunate exception; I suppose you had capital when you went on?—Yes.
4326. How much would you mind saying?—About £300 cash and £300 or £400 stock.
4327. Do you find 320 acres enough to live comfortably on?—I would like a little more, but I can manage on it; I would like 320 acres more; I think it would be better then.
4328. Is it first class soil?—Some of it—the average soil of the district.
4329. Has it been covered with timber?—Yes; I have some timber and some plain.
4330. You found the timber land best for cultivation?—Yes.
4331. How much improvements have you put on?—About £300 worth.

Lands.
4332. What do you think about the residence clause? — I thought it very hard in my case, as I partly resided; and, during the first three years, I fenced in, subdivided, and cultivated about fifty acres, and resided occasionally — not always.

4333. Did you always intend to reside there eventually? — I intended to make that my future home.

4334. Do you think the residence clause any hardship? — It was in my case.

4335. What business were you in town? — Hotelkeeper.

4336. Do you not think the effect of residence is to get a yeomanry class upon the land? — No doubt that is the aim.

4337. How fixed you were that you had to give up the publichouse? — Yes.

4338. You are within five miles of Echoes? — Yes.

4339. That regulation about living within five miles was not in force then? — No.

4340. When you found that you could not get your lease, how did you set about getting a re-license? — I went down to the Board in Melbourne and saw the Minister.

4341. Did you require to use any parliamentary influence? — No; the Minister said he could not grant my lease; that he would either put the land up for sale or issue a re-license; then I told him I would take the latter and give up my business.

4342. Under the present arrangement you would not be obliged to do so? — No.

4343. Is it your opinion now that it was a wise or unwise regulation on the part of Mr. Longmore to limit the borrowing power to £2 in any one? — I have no doubt he meant well in doing so, but I think it will create a great hardship, because there are several selectors who would like to borrow more on their leases to buy more land.

4344. But the object of the State is not to give to a selector that he may grasp more, but to spread the people over the land? — Yes; but, when a man is going to buy more, perhaps a neighbor may want to sell out instead. And another thing about that is we have had two very bad seasons, and that has thrown the selectors back considerably; and I think it would be only fair to let them borrow up to the value of their improvements at the nature of their lease.

4345. What would have been a prudent limit do you think for the Minister to have fixed? — I think that the Crown lands bulletin should go and see the nature of the improvements; and that if the selector wanted to borrow after his three years are up, he ought to get to the extent of his improvements — £2 or £3 an acre.

4346. Some at the end of three years have only barely done £200 worth of improvements? — Well, it is better to let him borrow than for him to be sold off.

4347. Would you allow generally £2 an acre, if he wanted to? — I would.

4348. Would you go beyond? — There might be an exceptional case of that.

4349. There are some men so foolish that they plunge themselves in debt, and never recover? — I would allow him to borrow to the full amount of his improvements.

4350. You say the Crown lands bulletin ought to report upon it? — Yes.

4351. Are you aware that that is actually the regulation at present? — No, I am not; I was not aware of that.

4352. Then, as a maximum, you think he ought to be allowed to borrow up to £2 an acre at least? — I do; I think it will tend to the better settlement on the land, enabling a man after a bad season to pay his creditors and to struggle on.

4353. With respect to future selection, would this be a desirable arrangement that the selector should get six years in which to make his improvements, so as not to harass him by making him pay it all in three years; and along with that, let him pay 1s. instead of 2s. rent — would that tend to better settlement? — That would be a great benefit no doubt, and would tend to settlement on the land.

4354. It would prevent borrowing money for six years? — Yes.

4355. The necessities of the man would not be so great, he would have longer time and half the rent to pay? — That would be a great advantage to him.

4356. What is the use of a man's 320 acres unless he fences it in at the start? — Nothing at all.

4357. Then the principal improvements must be made at once? — Yes.

4358. A man must build his house? — Yes.

4359. What would the fencing and house cost about? — To do it properly with 5 wires? — £100.

4360. The ordinary dwelling and the ordinary fences? — He can lay out about £500, and have a good substantial dwelling.

4361. Cannot he do it for less? — You cannot get a good fence up now under about £75 or £80 a mile.

4362. Would a good fence cost that? — Yes.

4363. But the fences put up by selectors are not as good as that? — If you want a good fence you must pay that.

4364. Take the average fence? — About £75.

4365. Then the selector must fence in the first year? — Yes.

4366. And if he employed labor he would have to pay three times £75 the first year? — Yes.

4367. That is if he has stock; but a great many commence without stock? — Yes, a great many commence without stock or means.

4368. No doubt in the case of a man with capital, it is wisest to fence in at once; but could not a poor man proceed gradually and fence in 20 acres one year, and 40 acres the next, and go on gradually, instead of doing everything all at once, proceeding according to his means? — As it is they have to do that now; but the great evil is, that the neighbors' sheep come and eat up the surplus grass; they are at continual loggerheads about it.

4369. Is there any timber they could construct log fences of? — There is.

4370. That would not cost £75 — No, but you cannot always get that.

The witness withdrew.
Patrick McMahon examined.

4371. You are a selector?—I am an auctioneer; I am a selector also; I have land; I have converted it into a Crown grant; I selected in 1872.

4372. And you resided on the selection long enough to entitle you to a lease?—No, I cannot say I did on my own individual selection; I did not reside on it at all; I was residing on the adjoining selection; my brother and myself were working the farm together.

4373. Did you cultivate any of your own land?—Yes, about 160 acres of it. I was working on it nearly every day, though not residing on it. The department was aware of the whole transaction, and they gave me my certificate.

4374. Then you got the Crown grant?—I converted it into that immediately. I am still the owner of it.

4375. Then after you got the Crown grant you returned to town?—Yes; in fact about eight months before I got the Crown grant I was in business in business.

4376. Is that land of yours under cultivation now?—Yes, about 80 acres this year, and the rest grazing on it; we work the farm still together; we work about 400 acres altogether; the whole of our farms are run into one, and my brother manages.

4377. The general tendency of the evidence taken before the Commission is that the selectors are very much involved in debt—that is a very undesirable sort of thing—can you make any suggestion to obviate the continuance of that?—The reason the selectors are very much pressed for money now is in consequence of the continued bad seasons. We have had, we may say, three bad seasons; our place has never paid us at all, in fact we have lost £3,000 cash in our venture here. We came here with means and have sunk it in this place. It may be there in improvements perhaps, but they do not represent cash. The farming business has never paid us anything—has never given us anything to place our credence in that.

4378. That is permanent fixed property?—Yes.

4379. You have 640 acres?—Yes, about 1,300 acres between myself and brothers, and I have 900 acres independent of that myself.

4380. Was that land originally selected?—Yes, and the other two lots that I hold were selected also.

4381. You purchased them?—They.

4382. How many brothers have you?—There were three brothers and a father.

4383. And each took a selection?—No, I had selected 60 acres before in Colac.

4384. You have 1,200 acres altogether?—1,100 acres under selection, and we have increased by purchasing.

4385. How much?—I suppose nearly 500 acres.

4386. Then you have about 1,800 acres altogether?—Not in that block.

4387. When you went upon this selection you were intending permanently to reside there?—I intended to make it my home, and as a proof of that, I am the registered proprietor of it.

4388. You never intended to be a permanent resident farmer?—I certainly never intended to live there all my life.

4389. Or longer than till you could get your lease?—I was unmolested in regard to that.

4390. Therefore you became in possession of the land as a speculation and intending to depart from as soon as you could?—You cannot say that, as I am still in possession.

4391. But the State intended to settle people upon the land, and you obtained it as an applicant never intending to settle there?—I did remain long enough to get my lease.

4392. But you cannot call that settlement—that is not what the State calls settlement at all?—I do not think it is intended any man shall remain against his will longer than the time specified by the Act.

4393. Do you know that it was to settle a yeomanry class upon the land that that Land Act was passed?—Yes; and I consider I am one, and I am cultivating my farm thoroughly, so if I resided there.

4394. It is a business speculation?—No, it is not, because I could have sold it.

4395. You resided as about a short time as you could, and when you got the lease you came to reside in town, that is your conclusion.

4396. Suppose the time of probation had been ten years instead of three, would you have taken up the land at all?—I think I would; at the same time I should not be favourable to the probation being ten years.

4397. It would not suit you?—You have no business to say that to me. I object to your coming to any conclusion as to what I want. You are not here for that purpose; you jump at conclusions.

4398. From your evidence it appears you have frustrated the intention of the Act?—I say there is not a move bona fide selector in the colony than I am. It is still my property, and I am using it.

4399. What we want to get at is that you engaged in this taking up of land as a bona fide thing?—I did; and I hold it still.

4400. And at a future period of your holding you thought to better yourself by taking the business of auctioneer?—Certainly, there is no crime in that.

4401. You are occupying 1,800 acres?—I am not.

4402. You and your brother?—My brother and I occupy 1,200 acres, and I have 900 acres in my possession which I wish I had not.

4403. You selected between you?—294 acres and 318 acres.

4404. You purchased the adjoining selection?—At auction, 596 acres, and paid £500 for improvements.

4405. Whose land was that?—Charles Seewood, who is also an auctioneer in this place.

4406. Did Mr. Seewood try to get land himself?—I believe he did.

4407. Did he attempt the sale and bid for it?—Yes, he did.

4408. There was no arrangement into whose lands the land should fall?—No, they never thought I would pay £500 for it, there was not £200 worth of improvements on it.

4409. Were they valued by the Crown lands bailiff?—No, I do not get them they could be.

4410. Had much per acre did you pay at auction; what was the upset price?—£1 per acre, and I paid 30s. It cost me about £3 17s. 6d. an acre.

4411. Mr. Seewood took up this land and did not reside?—No.

4412. But paid the rents and made the improvements, then he got this land up at auction?—Yes.
4413. And then you bought?—Yes, I endeavoured to have the valuation reduced, and I could not, because the valuation was fictitious.

4414. Was it not his interest to have the valuation as high as possible, so that he could sell out?—Yes.

4415. Did he express any disappointment?—I am not aware.

4416. Did you run each other up?—Yes, we were bidding shillings at the time we got it.

4417. Did he bid £1 9s.?—Yes.

4418. And you bid £1 10s., and got it?—Yes.

4419. There was another selection you bought?—No.

4420. Is that the only one?—I bought another selection about six or eight weeks ago, one I lent £600 on—319 acres.

4421. What was the name of the selector?—Mr. McLeod. It was sold under a writ of fi. fa.

4422. Did he owe you any money?—Yes, £600 on mortgage.

4423. You lent the £600 on the lease?—Yes.

4424. Did you lend any before the lease was issued?—No.

4425. Was any of that used to pay off previous liabilities?—Yes.

4426. How long did the mortgage run?—I do not know how much. He was sold under a writ of fi. fa. by a man of the name of Tait.

4427. You got the money?—No, I purchased the land; it cost me £214s. 3d. an acre.

4428. Do you do business in making advances to selectors?—Yes.

4429. And you invariably get the leases as security?—Always. I never advance except on the leases.

4430. Did you ever make any advances on getting an order to get the lease?—I might if a man wanted £20 or £30 till the mortgage was complete, never more than that.

4431. What is the usual rate?—At present I am charging 11 per cent.

4432. Is the business done on bills?—No, on regular mortgage.

4433. And the interest paid half-yearly?—Yes.

4434. At the present time you have 900 acres of land of your own property?—Yes.

4435. In your own case you did reside?—Yes.

4436. But you looked upon that residence condition as a great nuisance and a trouble?—No, I found it no inconvenience.

4437. But you ceased to reside directly you got the lease?—I did, nine months before I got the lease.

4438. How long did you mean about not residing nine months before?—I left it nine months before I got the lease.

4439. How long did you reside?—Not more than six or seven months.

4440. How was that allowed?—The Department are in possession of the facts; it has all been quite an open transaction.

4441. It is a common occurrence?—Of course it is.

4442. This selection of Seawood's cannot have been a bonâ fide selection?—It was not a bonâ fide selection, in my opinion.

4443. How came such a fictitious valuation as you have mentioned on Seawood's land to be in existence?—Yes, it was not worth £200.

4444. You tried to get the thing reduced?—Yes, even after I had paid. I went down to Melbourne with my brother John, and went before Mr. Archer and, I think, Mr. Martin, of the Lands Department. I think Mr. Martin was acting district surveyor up there.

4445. You were not able to get it reduced?—No, they simply told me it should have been a £1,000, and we ought not to have had the land at all; we were simply snared at.

4446. What was the objection to your having the land?—No objection; but this is the way the selectors are treated when they go to the Lands Department.

4447. Did the officer tell you that you ought never to have had the land?—Yes.

4448. And that the valuation ought to have been £1,000?—Yes, and that the land was intended for previous selectors.

4449. But for the ill-feeling between you and Seawood he would have got the land?—Yes. At the same time I do not think there was any special ill-feeling between me and Seawood. It was between me and Brown, and the feeling had taken possession of me that this land was for Brown and not for Seawood at all.

4450. Suppose the department had insisted upon your residing on your allotment and building a house?—I would have done so, but I was under the impression from the beginning that it was not necessary, that it was the usage of the department.

4451. Can you give us any information as to how this valuation of £500 was fixed upon Seawood's land?—I cannot—not the slightest.

4452. It was not done by the Crown lands bailiff, but by the department below in Melbourne?—I believe that was the case.

4453. Do you think that Brown had anything to do with it?—I do, though I do not know positively.

4454. What makes you think so?—I know it would be his interest, and he was using the land, and it was part of the Marathon estate.

4455. I suppose you believed that was dummy land—that Marathon estate?—I believe it was.

4456. Do you think that Brown used any influence to get that high valuation put upon the land?—I should imagine he did.

4457. In what quarter would he have to work in order to get such a valuation—how would he proceed?—He would have to go to the Lands Department to do it. I believe he has a good many friends in the Lands Department. He has a good many more friends there than I have. I can confidently assert that I have none there.

4458. And these officers told you distinctly that Seawood ought to have had the land, and that the valuation ought to have been double?—Yes.

4459. What year was that in?—I think it was about 1875. I cannot tell from memory for certain. I know the department has endeavored to inflict great injury on us in consequence of my opposition to Brown. That is what I believe has been the case.

The witness withdrew.
John Brisbane examined.

4460. Are you a selector?—Yes.

4461. Anywhere near Echuca?—About nine miles out.

4462. What is the area of your selection?—320 acres. I have been on the land since 1872.

4463. Have you got your lease?—Yes.

4464. Have you found it necessary to borrow money to help you along other than your own resources?—I may state I am a storekeeper also, and when I came I brought about £1,700 with me. I commenced storekeeping and farming at the same time. After those two years of bad crops my resources got wholly worn out. It would have taken three times as much as I had to have carried on the business that I found myself saddled with, because one bad year’s crop came the year before last, and then I had a great many selectors on my books. I took their bills, renewed their bills, and went on again, thinking that next year would carry us on, but it was bad also, and left me and the selectors almost starved.

4465. What kind of store have you?—General store, grocery and ironmongery and drapery.

4466. The second bad season nearly settled you?—Yes.

4467. How do matters stand now?—I carry on as well as I can, trying to weather through to another season.

4468. What is the extent of indebtedness to you now by selectors?—Nearly £2,000.

4469. And all your claims are now depending upon the present season?—Yes.

4470. Have you borrowed money yourself?—Yes, the banks assisted me.

4471. How much have you got from the banks?—£1,200; that is, a storekeeper wholly.

4472. You did not raise any money on your selection?—Yes, the lease has gone in as security on the overdraft; and they gave me about £1,800 on my personal security, that is, on overdraft on selector’s bills. The most of the selectors renewed when the bills became due. I think there was only one met his bill, the rest have been renewed.

4473. How much of that £1,800 now remains due?—About £1,200.

4474. And you depend upon the selectors paying you, to enable you to pay the bank?—Yes.

4475. Could the bank come on those selectors or you?—On me; they would come on the selector with the overdraft bills; they can come upon both of us.

4476. As to this practice that seems general of selectors taking up land and looking to borrowing money to carry them through, do you think it is sound?—No, I do not think it is sound; and I think that if it had not been for the two bad seasons it would not have been done so much.

4477. It was forced on them—a great deal of it; though some intended to sell out. Some commenced with too little capital, and made a miscalculation in that.

4478. Speaking generally, apart from exceptions, the selection was bona fide, but the two seasons have knocked them out of their reckoning?—Knocked them out of their reckoning.

4479. Do you reside on your selection?—Yes.

4480. Do you do your business on the same place?—Yes.

4481. Is there a township there?—No, there is a post-office: I am the postmaster of the place.

4482. Suppose this season turned out a bad one, could the selectors pull through at all?—I doubt it very much, unless the Government advanced them money to pull them through another year.

4483. That assistance cannot come from the banks?—No, the only place now is the Government.

4484. If the Government does not do it they are ruined?—Yes.

4485. So far the season promises to be good?—Yes; still, it has taken a strange turn the last two months. I am looking at my own crop of 70 acres very anxiously. I have a paper here. I am secretary of the Farmer’s Union. Their object was first to get this shire divided into ridges; they have accomplished this, but they still exist, and they have used it for bringing forward the selectors’ grievances. At a meeting at Torrembary this paper was drawn up, and it was placed in my hands to-day. I think the gentleman who was to have produced it was to have given evidence, but I do not think he will. I think he is gone, so I will read it. [The witness read the following “Memorial to the Royal Commission, signed Thomas Thompson”]:—

To the Chairman of the Royal Commission enquiring into the working of the Land Act.

GENTLEMEN.—The undersigned selectors of Torrembary, at a public meeting held at State school 1785, 9th June, resolved that selectors labor under great difficulties in obtaining money to carry on their operations, and that many of them will have to succumb to the heavy charges made for loans; and ask that the Government will, if possible, advance money to the selectors on behalf of the meeting. Signed on behalf of the meeting—THOMAS THOMPSON, Chairman.

Personally I believe that that idea is a good one of the Government taking the lands in their hands as security. There was some talk of Mr. Longmore doing it, and the selectors are in favor of that; and I believe if it is not acted upon that a great deal of land will pass out of the hands of selectors.

4486. That the Government should step in and save them from going into the hands of speculators?—Yes.

4487. That is the effect of that resolution?—Yes; it is the very general belief that the Government will do it, and that they ought to do it.

The witness withdrew.

Matthew Manger examined.

4488. What is your occupation?—Farmer.

4489. Are you a selector under the Act of 1869?—Yes.

4490. What is the extent of your selection?—Three hundred and twenty acres, situated in Millawna.

4491. How far is it that from Echuca?—Between five and six miles.

4492. How long have you got that selection?—Since 1872.

4493. Then you have got your lease, I suppose?—No.

4494. How far is that?—I was put back, and got a re-lease because I left the land, because I could not educate my children, and I went to keep a butcher’s shop in Rochester.

4495. I suppose the Crown lands bailiff reported that you were not living on it, and the department gave you the option of a re-lease?—Yes. There was no school nearer than Echuca, and my children were too small to be sent to that distance, and I thought I could go to Rochester and give my children schooling; but that would not do. There is a school now, and I went back two years ago.
Have you found it necessary to get into the books of any money lenders or banks?—I have borrowed a little.

As you are only a licensee I suppose that money you have borrowed—how much is it, by-the-

by?—I have borrowed about between £40 and £30.

What security did you give to the lender; did you pledge your lease to him?—No.

Then that £40 is lent on your personal security?—Yes, and on a bill, of course.

Is it likely that your wants will compel you to get deeper in debt?—If I should not have a

better crop than the last two seasons it will be a bad look out, I am thinking; it will place us in great
difficulties.

You heard what the last witness said about the advisability of the Government coming to the

rescue of the selectors?—I was not in all the time.

He seemed to say that, as the banks will not advance any more money to selectors—and there

is no other source where they can get money to save them from losing their land absolutely—it is necessary

for the Government to step in and aid them?—If there is a good crop this year, I think we shall be able to

weather through.

If not?—If not, it will be very bad.

Where were you before you took up this selection?—I was in Malmesbury.

Were you farming?—No; a butcher.

Were you one of those gentlemen who took up land with Mr. Brown?—No.

Is your land near his?—Yes.

When did you first take it up?—In September 1872.

Did you reside for the three years?—No, I did not live on my block very long. I was

working for Mr. Brown.

Were you under any monetary obligations to Mr. Brown?—Yes, he did lend me a little

money.

Did he lend you money to pay the rents of this land?—He did, on one occasion.

What security did you give him?—Only my personal security. I paid him that amount.

You say you occupied the land for how long?—Since September 1872.

And did not reside on the land?—Not continually.

How long during the three years altogether?—About six or seven months.

Did Mr. Brown induce you to take up that allotment?—No.

He never advised you?—No.

When did you get the re-licence?—Two years ago.

When the re-licence was granted what improvements had you made on the land up to that
date?—I had some fencing on it, and I had a house erected.

The house you are occupying now?—Yes.

Do you know anything about the selections that took place near your piece, one adjoining you—

Salter's?—Yes, it was adjoining mine.

Who has got that selection now?—Smith, I think.

There are some others—Cyprian Rowe, who has had that?—I think Mr. Brown bought that.

You have heard what has been said about that dummy estate. Do you consider in believing

that that Marathon estate was a dummy estate?—I am sure I could not say.

You have formed an opinion?—I could not say, I never heard any conversation with any of

them; I know some of the persons who took up the land.

Have they been there lately?—I have not seen them for a long time.

Were you one of the original twelve or fourteen that took up that land with Mr. Brown?—

No, I was not.

Mr. Tattam stated he would bring the land board book, which would show that the witness was

one of the men.

To the witness.—Do you not know every one of the persons mentioned here as having selected

land with Mr. Brown, forming as they called it a company?—I know some of them.

Were you one of them?—I was not one of the company.

Were you one of those that took up land with Mr. Brown?—I did not take it up for

Mr. Brown.

Did you take it up at the same time?—It was the same day I got it.

Did you have any communication with Mr. Brown about it?—I had a little, because I had

not sufficient means at the time, and I got him to lend me a little money.

You say distinctly you did not form one of the company known as the Marathon Company?

—No, I was never in it.

You know there was such a company?—I heard of it.

You do not even know that the land was dumbed close to your ground; I cannot say; I do

not know.

You never heard anything about it?—I heard a great deal about it.

Did you know Mrs. Ruth Bond?—I did.

Did you know Williams?—I did.

What was he?—He was an old gentleman. I do not know what he was.

Did he entice his selection?—I think he did.

Did he do it himself?—I think he was too old to work.

Do you know Thomas Holmes?—Yes.

Is he living there now?—No.

Do you know Miss Cowell?—Did she take up land there?—I have heard of the name, but I
do not know her.

Yes.

Have you been reported against as a dummy?—Yes, I was.

Had the Crown lands bulletin reported you were a dummy?—I do not know what his report was.

Were you ever brought before the land board?—Yes.
4549. Were you charged then with being a dummy?—Yes, I was.

4550. When was that?—That was two years ago last February.

4551. Notwithstanding that you were charged with being a dummy you got the re-license?—Yes, I did.

4552. Did the board grant the re-license?—No, I got the re-license in Melbourne.

4553. Whom did you apply through?—I went down to Melbourne myself.

4554. Did you employ anyone to act as your agent?—I got Mr. Thompson Moore to go with me, as he was my member.

4555. And he went to the Minister?—Yes, along with me.

4556. Did Mr. Moore know you had been charged with being a dummy?—I do not know.

4557. Did you tell him so?—I told him how it was.

4558. Did you tell him you had been charged with being a dummy?—Of course, I did.

4559. And, notwithstanding that, he took up your case and you got your license?—Yes; they did not prove me to be a dummy at the land board.

4560. What was the finding of the land board?—Because I did not reside on it the lease was refused.

4561. You state that you were not one of the company that took up the Marathon estate?—I state that I was not one of the company. I borrowed a little money of Mr. Brown.

4562. Did you sign any power-of-attorney after borrowing?—No, I did not.

4563. What security did you give?—Mr. Brown took my personal security for it.

4564. Have you paid him?—Yes.

4565. Mr. Tuttam.—Here is an entry from the local land board's proceedings. "33d February 1878, at Ebunah, Mr. Egans put in a statement to the effect that Mathew Manger was a dummy for Mr. Brown."

[At the request of the Chairman, Mr. Tuttam read the following from the minute-book of the local land board.—]

Mathew Manger, licensee, appears to show cause at Local Land Board, Ebunah, 23.2.76.

EVIDENCE.

Date of licence, 4.12.75; rent paid up to 4.12.75; Pat Rign, present, testifies to the correctness of his statutory declarations. 36 acres in parcels of Ebunah, South, which he abandoned.

Examined by Mr. Kelly.—Has been often on Manger's selection and never saw him reside on it. Knew a man named Bootham to reside in a hut on the ground. Knows Mr. Manger about three years. He is now a butcher at Rochester. The land has been chiefly used for growing Mr. Joseph Brown's stock. Between 50 and 40 acres cultivated. Has seen a woman residing on the ground. Not Mrs. Manger. Lived on the farm adjoining for about twelve months, and had an opportunity of seeing it every day, and did not see Mr. Manger working on the ground. Mr. Brown's men removed the growing crop. Two crops taken off the ground, is prepared to pay the value of the implements, roughly estimated at £200, less the value of the implements roughly reducing the amount to about £160. The south and east sides of allotment 20 are fenced, and also the west side. Also north side of allotment 20, intersewing road not fenced, a paddock of about 40 chains by 24 chains, fenced, in the south-east angle of allotment 20. Would seem that Manger did not reside six months on the land. He could not without his knowing it. Manger's family have not resided at all, except a few nights. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut. The house has been erected for about eighteen months, a small place about 20 x 10 feet, a regular dumby hut.

Mathew Manger examined by Mr. Rign.—Is the licensee of the ground. Went into occupation on 25th day of February 1874, but did not reside until April 1874, when he, with his wife and family, resided for six months. Was originally manager for the Marathon Company. Saw an opening for a butcherery at Rochester and went there. Left some of the children in the house, in charge of one Bootham, who remained in charge for three or four months. A person named Butler then resided for about two months. A widow woman then resided in the house. His daughter is now living with the widow on the land. Lived altogether six months on the selection. Paid for erecting the house with his own money.

Examined by Mr. Kelly.—Has been doing business at Rochester for over fifteen months. Has received no money from Mr. Brown to assist with the implements. The association was broken up before he commenced to make the implements, i.e., so far as he was concerned. Was not in Mr. Brown's employment while residing in the hut. Mr. Brown was only a member of the association. Members of the association appointed him manager. Received no money from the association while he left the company. The association was not broken up. Mr. Brown's stock sometimes depastured on the ground. Has had several hundred sheep at a time on the selection. Sometimes got mixed with Mr. Brown's sheep. Allows his sheep to run on Mr. Brown's land, and Mrs. Brown's sheets on his land. Gave the money to Brown to pay Bootham. Bootham received £1 per week to do anything. Believes when in his pay he worked a few days on Brown's land. Does not know who paid for the fence between his selection and that of Mr. McMahon's. Three rooms in the house.

By Mr. Rign.—Mr. Manger's cattle trespassed he would drive them off. Knows several selectors who obtained their Crown grants or leases without residing there.

Mr. Tuttam, C.L.B., states that he has been frequently on the ground, but seldom or never saw Mr. Manger on his ground. Questioned the selection.—In a report of the implement association, roughly estimates the implements as follows:—House, £50; fencing on the east side, £111 10s.; on the north, £22 10s.; on the west, £31; around cultivation paddock, £22 10s.; garden and water-closet, £3; total, £230; 28 acres of ploughing, but would not value same. Consider that Manger violated the conditions of his licence, by allowing Brown the unfruit of the land; that the site has not been enclosed; that £1 per acre has not been expensed. Consider Manger not bona fide. The only condition of licence complied with is cultivation.

Decision.

Mr. Manger has not complied with the conditions of residence or fencing, nor the expenditure of £1 per acre, but cultivated a sufficient quantity. His bona fide doubtful, inasmuch as he was associated with a company of capitalists and dummies. There are gates between Soward's and Manger's selections, and sheep and cattle run between Mangers and adjoining selections. Manger resides in Rochester, a distance of ten miles from his selection. He does not know who paid for the fencing between his selection and McMahon's, and it was proved that Manger handed a cheque to Mr. Brown (one of the company's agents) to pay the man who was in charge of Manger's selections.

We recommend that Manger has not continually resided or fenced in the land that his licence should be cancelled, and the selection should be declared void of title, subject to his paying the value of all improvements in favor of the licence, value to be ascertained by the Crown lands survey. We consider that the cost of ploughing should not be charged to incoming selectors, as it is of no value to them, the land having been cropped since the ploughing was done.

To the witness.—Then you really did belong to the company?—I worked for the company.

But you have led us all along to believe that you know nothing about those people?—No, I said I worked for it.

From that entry just read, it is surely proved that you were a member of the association?—No, I was only working for them. I used to work for them and they paid me wages.

What happened after the decision of the board?—I went to Melbourne and got a petition up, and 150 names to it of the farmers around; I went with the member, Mr. Moore; I had no one else; I was a stranger in Melbourne; I was there three times and they gave me a new licence.
M. Manger, 30th June 1878.

4589. Then it is not true that the local land board did not call you a dummy. They found you guilty and recommended your license to be forfeited?—Yes, of course, because I was not living on it.

4570. They stated they doubted your bona fide?—They did.

4571. How do you reconcile that with your previous statement—that looks as if you had come here to tell a lie that would screen you; you have contradicted yourself a dozen times—Did Mr. Moore know when you went to him that the local land board had adjudged you a dummy?—I told him all those facts.

4572. You went with Mr. Moore?—Yes.

4573. Did you pay him?—No.

4574. Who was the Minister of Lands?—Mr. Gillies.

4575. I suppose it was granted before you left the room?—No, I had to go three or four times.

4576. And at last you received the re-license?—Yes.

4577. When was that?—I think on the 29th of May 1877.

4578. Then the man that did the State good service by exposing your rascality got nothing, that is Egan, after going to the whole of the trouble of showing you had dummed the land. Mr. Thompson Moore goes to Mr. Gillies, the whole thing is condensed, and you are allowed to start afresh. Did you know Mr. Brown before?—Yes.

4579. And you know he was going there to select?—Yes, I did.

4580. Did he ask you to go and select?—No.

4581. Were you aware of the association when you went there to take up this land?—I was not.

4582. How did you know them about the association being broken up?—That was after I worked for them; I found that out by working for them.

4583. You had not much capital then?—I had not much; I had a little.

4584. How much money did you borrow from them?—£110 or £12.

4585. You fenced the land in?—Not with that money.

4586. Then in another year you will sell out to Mr. Brown, and he will get the land?—No; that is not the case.

4587. You intend to stick to it?—It is my home, for my wife and family; I have no other home. I am a poor, hard working, honest man.

4588. Have you ever spoken to Mr. Brown?—Not for the last two years. I am on ill terms with him.

4589. Why?—Because I owed him money and could not pay him.

4590. When you selected the land first, was not there an agreement that Mr. Brown was to get it?—No; not a word about it.

4591. How do you account for Mr. Brown fencing the ground, and your not knowing who fenced it in?—I do not know who fenced that portion between Mr. McMahon and myself. I do not know who did it. I believe Mr. McMahon did it.

4592. You see there was £132 spent?—Yes; but there is a lot of that fencing that is not on my lot. It was supposed to be between me and Mr. Seawood, but it is in the wrong place.

4593. Then you do not find any difficulty in finding a school now?—No.

4594. That was the sole reason why you left before?—It was. I should never have left it otherwise.

4595. Did you tell Mr. Tutam that Mr. Brown took Thomas Holmes's property, everything, including blankets?—I said I believed that they even took his blankets.

Mr. Tutam.—I may state to the Commission now, that I believe Manger is a bona fide man now.

The witness withdrew.

George William Weaver examined.

O. W. Weaver, 25th June 1878.

4596.—How long have you resided in this district?—A little over five years.

4597. You have been all that time in business?—Yes.

4598. What business?—Agricultural implement maker.

4599. You have had a great many transactions, it is to be presumed, with land selectors?—I have.

4600. Have you found it necessary to give them large credits?—Sometimes I have. I have had to carry them over two years sometimes.

4601. Has the result shown that your confidence was not misplaced?—I am fully satisfied that the selectors are a fine, honest class, taking them all in all.

4602. And you feel satisfaction and confidence in dealing with them?—I do; of course, there are exceptional cases.

4603. When you give those selectors credit for ploughs or drays or anything, what security do you take?—I just take their bill.

4604. Do you not ask them to leave their lease with you?—No.

4605. Is it your opinion, from your experience amongst selectors, that they are greatly embarrassed, and that they will find a difficulty in carrying on without a good security?—Yes, in some cases they are.

4606. There are two classes whom we have to be afraid of—those who go on the land without enough money, and those who have not enough knowledge to work the land.

4607. Those are two distinct classes?—Yes.

4608. Do they both fail?—Not always. I do not know of a single case of failure yet.

4609. Does insufficient knowledge of farming pursuits militate very prejudicially against a man—would he not soon pick it up?—Yes, generally, I should say he would become experienced.

4610. Of the two nuisances which is the more injurious to a man, the want of capital or of experience?—I think the want of experience of the two. I would rather, as a business man, trust a man that has good knowledge of farming—a steady, honest man—than I would the man with money and not sufficient knowledge of his work.

4611. He might muddle his money away?—Yes.

4612. Do many take up land in this district who know nothing of farming?—Not many; it is the exception.

4613. And those are failures?—Not quite failures; they are embarrassed, and we do not care to deal with them.
614. It is your opinion that, if there is a bad season here this year, the selectors will be very hard pushed, and that they will not be able to retrieve their position unless assistance comes from some quarter or other—they may be chin deep in debt?—Not so much as that. We generally think, if a man goes over his £1 an acre, he is not quite safe. We hesitate to deal with him. Not that the man will come out right in the end; but we could not afford to carry him on.

615. And then if he is in your books do not you begin to press him to get back your money?—No, we do not press them—not ones.

616. The man who has borrowed £1 an acre from another quarter, and who comes to you to ask credit for ploughs and things you are cautious in dealing with?—We are cautious. We reckon to make all enquiries to see whom he is dealing with, and whether he is an honest man. If he is likely to pull through we give him credit.

617. You think that ultimately they will all pull through?—Yes.

618. That is if the seasons are good?—If we could afford to give them still longer credit there would be no doubt they would all pull through. There is about one bad season in three. There is one bad, one medium, and one good.

619. If the next season is a good one they will all pull through?—Yes. The past season was a bad one; but I noticed that while they had not enough to pay their debts they paid what they could.

620. You have the utmost confidence in them, as a body; and you adduce that as a reason that they paid what they could in spite of a bad season?—I do.

621. Showing that they have the disposition, and that if they had the means they would have paid all?—Yes, they would.

622. Do you know anything about the habit of some selectors selling out to others.—No.

623. What is your own opinion about the extent of a farm here; do you think 320 acres is sufficient? I think it is, taking it as a rule, but there are exceptions where there is a good man who would make good use of a larger quantity of land, but that is the exception.

624. do you think there is a larger amount of capital?—Yes.

625. But, as a rule, 320 acres is a fair average farm?—Yes, that is my experience, from what I have to do with farmers, and my interest is thoroughly bound up with them.

626. There seems to be a difference of opinion about that, but you who are mixed up with them a great deal say that your opinion is that 320 acres is quite sufficient?—Yes, that is taking it as a general rule. Of course I do know men that would make use of a larger quantity of land, they would make splendid men, no doubt of it, but they are few.

627. Those men who would make use of a larger amount succeed well upon 320 acres?—There is so little decided in that. I am in judging. But I think the first year I came here every one was doing well, but they had not sufficient quantity of land under crop, so that we do not really know what a good season really means. After that they got on a little and they sowed a large quantity of land, and bad seasons came and they yielded very little in comparison with the quantity of land that was ploughed and put under crop, and it is very interesting to have a look at their books, how the banks did not care.

629. Do you think that the farmers generally have an eye to labor-saving machines, and would invest them if they can?—Yes; I think, taking them as a class, they are most anxious to get them.

630. Do you think on the whole the selection is good and permanent, and if there is a good season the district will turn out well?—Yes. I would like to suggest one matter that relates to Mr. Longmore's action. I believe he had the best intention in the order restricting selectors, but my experience is this: about twelve months ago the regulation was framed. Up to that time, when customers came to me, sometimes they were short of money to pay their rent, and sometimes they wanted money to pay something else, but we had no difficulty in taking them to the bank and getting small advances, and we stood between them and the bank, and took their bill and helped them through. Since Mr. Longmore's action the banks have put them on one side altogether, and said, "You must go to the agents." Of course the banks did not care.

632. Is it that propositions to borrow money upon the leases?—In any way. Just this morning a man came to me, a thorough splendid man. He wanted a bill renewed. He and his family have four blocks; he is dealing with a bank in the town—the Bank of New South Wales—and he could not get assistance to renew the bill. It was only a little one, £18.

633. And he could not get it?—No. That was the amount of his bill.

634. Had Mr. Longmore's regulation anything to do with that? I think that the tightness of money was sure to come, but I think the regulations brought it about a little sooner than it would have come alone. I think Mr. Longmore would have done better to trust to business men that have to deal with selectors; I do really. We have to trust our customers, and take care the bank does not get hold of them, and it is better than if he is driven to go to an agent.

635. You instance that case for the purpose of showing us that the limitation to £1 an acre has worked badly?—Well, no, I would not say that; because I said before that if a man gets £1 an acre, and he was in good hands, we would still give him credit.

636. Is that man whom you mentioned much in debt?—No; he said he only owed another small account beside my own.

637. He has not mortgaged his land at all?—I understood him not.

638. Did he want an overdraft from the bank?—Yes, but in my experience amongst selectors I find that the banks do not care to deal with the selectors direct, and this seems to have come about since the regulation.

639. The bankers say quite differently. Had this man an account at the bank, did he wish an overdraft?—Yes, he wished an overdraft. I do not know what he stated at the bank, but I owed me £13, and another gentleman a small amount. I said, "What do you intend to do, what time do you want now?" and he said "About a fortnight," and I said, "Do you intend to pay then?" and he said, "Well, I am going to Mr. Gardiner, I am going to raise money on my land." I said, "Dhays may occur, and I will give you two months time."

640. Then he has not as yet raised money on his land?—He has not as yet raised money on his land evidently. There is one thing he told me, he said "I have never had to ask for a bill to be renewed before," and he felt it hard.
4639. But evidently this man would not be affected by Mr. Longmore’s regulation.—I do not wish to say one word against Mr. Longmore, but I do not think it has worked well here; I do not think so really.

4640. If the Government were disposed to extend the time for improvements from three years to six years, and to pay a shilling an acre during that time instead of two shillings, and the currency of the lease to run thirteen or fourteen years, do you think that that would be any benefit to the selectors?—Well, I spoke to several of the selectors I have met, with reference to that question, and I pointed out that this would take twenty years to pay off. They said, “That is a long time, and if we could pay the next year what should we be restricted?” though they were pleased at the idea of getting the long credit.

4641. Do you think that the man who wants to borrow £200 or upwards on his selection is thus placed is almost insolvent circumstances, without much prospect, taking into account the seasons that would be against him, of his ever recovering?—I think you may trust a man up to £200 safely.

4642. On 200 acres?—Yes.

4643. And you think he would recover?—Yes, that is if he was a good man in every other way. I mentioned it to a selector this morning, a very good fellow, and I asked him what he thought about the Government scheme of borrowing money, and I know many are very pleased about the idea; but his idea was this, that for new selectors selecting, the New South Wales plan should be adopted of paying down the three years’ rent on the spot, and then give them time to pay the balance when they like, at a percentage to the Government.

4644. But that would deprive the man of the money he wants to begin work with, he would be deprived of three years’ rent at once, £30; that might completely hamper him?—Yes, I can quite understand the desire of the Government to settle the people on the land, but taking business people generally there are two classes we have to be afraid of in dealing with them, as I have said. One idea that I had was that the man should sign a declaration that he had money. If a man paid his rent down for three years he would have comfort of mind, as he has not to pay any rent.

4645. Instead of the Government taking that man’s £92 out of his hands would it not be better for the man to have in his hands to make use of it?—Well, it is a question. I merely mention what was said to me. I have not gone into the borrowing scheme.

The witness withdrew.

Lawrence Kicman examined.

1. Kicman.
29th. June 1871.

4646. What is your occupation?—Miller; I have a flour mill.

4647. How long have you been in the district?—In the town of Echuca about six months; in the district about three years and six months.

4648. Have you been a selector at all?—Yes, but I did not occupy the land at all, because I was in business. It was only a small piece, 100 acres, and in consequence of not complying with the regulations it was forfeited, and another applicant got it.

4649. As a miller you must have a great deal of intercourse with the selectors. Are you able to give any information as to the condition of the selectors—whether they have a prospect of pulling through their difficulties?—I think as a rule they will pull through if the seasons do not come dry. If we have average seasons such as we have had here since I have been here I think the generality will pull through. Of course there are exceptions.

4650. Have you formed any opinion as to the extent to which a selector might safely be allowed to borrow on his selection without endangering his allotment?—From my experience with selectors (and I have had a good opportunity of seeing how they finance) I think they are sharp enough to decide for themselves, and I think if they are let alone they will make no mistakes. If they are allowed to borrow as much as they like they will look after themselves.

4651. Is not £1 an acre fairly sufficient?—Yes, I think a good many would lose their selections if they borrowed that, because they would not be able to pull through, but many more, if they borrowed that with good management, would be perfectly safe.

4652. Then there were some grounds for that regulation?—Yes, but they were exceptional cases.

4653. My experience is that restriction does more harm than service. I know men who have borrowed less than £200 who will never pull through—they will sell. Some have told me they are negotiating now to do so.

4654. What was the cause of their failure?—They do not know their business; mismanagement, and in some cases intemperate habits, and in some cases single men who have no care.

4655. Of course the existence of such a class of men is to be regretted, and it is an evil for them to be in a position to gamble with the land?—No doubt.

4656. Would it not be better if the land could be made to revert back to the State in all cases?—Yes, if it could be done, but I see no means.

4657. Would that effect be brought about if the Government were to advance money to those men on the security of their land, so that by-and-by when they are failing or could not succeed the land would become forfeited—not to a private money lender or a bank, but to the State itself, which would throw it open again, valuing the improvements in favor of the man going out?—Yes, that might be.

4658. The man going out would not go out a pauper, and the State would secure what it wants—to settle a yeoman people on the land?—Yes; I think that might work very well.

4659. What is the general average return in a moderately good season per acre for wheat here?—This year the average was very small; about three years ago I remember it went to about 20 bushels an acre in this district.

4660. What was the average yield in that year?—I dare say it would come up to that in the district.

It was about 20 bushels, that is on the Goulburn.

4661. What were you engaged at then?—Storekeeper.

4662. Round this district, immediately about Echuca, what is the average return in a moderately good season of wheat per acre?—The average yield perhaps would be about 15 or 16 bushels in a good season.

4663. I mean an average good season, not the best or the worst?—Perhaps it might go as high as 15 bushels.
4664. And in a good season it might go to 20?—I think they would expect that.
4665. What is now the price you give for wheat per bushel at the present time?—4s. 6d.
4666. Would it affect the price of it much, say, if the freight to town were reduced, say one-half—would the farmer get the benefit of that?—Of course he would, to the extent that it was reduced; we are guided entirely by the Melbourne market. If the freight was reduced one-half we should pay about 4s. 6d.; we pay the Melbourne price less the freight, and sometimes a little more. We pay the commission; the people who buy here get a commission of 2½ per cent.
4667. On the whole you can state that the prospect of the district is pretty fair?—I think so.

The witness withdrew.

Joseph Carruthers examined.

4668. What is your calling?—My sons have two selections, and I am partly with them and partly here.
4669. You are not a selector yourself?—No.
4670. You reside with them?—Yes, sometimes.
4671. Are you dependent on those two sons?—No.
4672. What occupation have you?—I keep a boarding-house in Echuca.
4673. How long have your sons had those selections?—Three years.
4674. Have they got their leases yet?—One of them has.
4675. And the other has not?—His time is not up yet.
4676. Are there any selections adjoining them?—Yes, and their selections are all in one.
4677. What is the amount of the cultivation carried on?—One 34 acres, and the other about 30 acres.
4678. Have they had occasion to borrow money on the land?—I think the oldest one will have to now, that is the one with the lease; he has done without as yet.
4679. In fact, his means are all used up?—He never had much.
4680. Do you think that it would be safe for him to borrow more than £390 on that?—I do not; if he cannot do that on that he cannot do on anything.
4681. Does he propose to borrow so much as that?—No.
4682. Have you any idea of what he will try to raise?—I think about £150 will be as much as he will venture on.
4683. Do you think that it would have been a wise and safe thing to prevent others from raising more than £1?—If they had gone on with the knowledge that they could not raise it.
4684. But having gone on without knowing that they are taken by surprise?—Some may have borrowed money to put on improvements, and then when they get their leases they have nothing to put stock on with.
4685. So that the injurious application of this regulation is that it was unforeseen, and that consequently they cannot guard against its consequences?—That is what I think.
4686. If it had been enforced from the beginning it would not have been injurious at all?—Yes, that is what I think. But what I wish to say is that the rent and the amount of improvements they have to put on in the first three years, I think, are too much for them.
4687. You would be in favor of extending the time to six years?—I would not mind that so much as a reduction of the rent, because many have to go to work to pay the rent if the crops are bad.
4688. If your two sons had six years instead of three to make their improvements in, and a reduction of the rent, they could work comfortably?—Even with a reduction of the rent only they could, but the extension would give them a still better chance of doing so.
4689. Instead of being rushed into a short time to make the improvements?—That is where the shoe pinches; the time is gone before they know where they are. They have to bend their energies to get through without borrowing.
4690. They have to bend all their energies to carry out the regulations instead of to bend their energies to make the land pay?—That is just so.

The witness withdrew.

Michael Hardiman examined.

4691. Are you a selector?—Yes.
4692. How long?—Six years; about one of the first on the Terrickes.
4693. That is a good distance from Echuca?—About thirty miles, at Mitta-mitta. I have assisted to get that township, I and my brothers.
4694. Are your selection and your brothers' all together?—No, we are not independent of each other.
4695. Is the land adjoining?—There is a good deal of it.
4696. You have what?—Two hundred and eighty acres.
4697. Why did not you take 320 acres?—Because I had a few acres in Camperdown—20 acres under the 49th section.
4698. How much land have you in the Campbourn district?—Fifty-six acres.
4699. Was that a selection?—Yes, it was under Mr. Grant's 1885 Act.
4700. Did any one oppose you?—No.
4701. What was the objection to your getting more?—Because the whole lot came up to 320 acres.

The Leader newspaper gave me to understand I could apply and get the 20 acres under the 49th section, but I applied to the board to-day, and I could not get it.
4702. You can appeal to the Minister?—I intend to do so.
4703. Is all your 380 acres under cultivation?—Sixty acres only.
4704. Is it your intention to bring more under cultivation?—Yes, the whole lot in the course of time, I hope, gradually.
4705. Is there not a great tendency over in Terrickes way for people to sell out, and for men to buy them up and to get together 2,000 or 3,000 acres?—There is not in my district. It may be in Younghusband's run, but not in the Swan Hill shire. That is not in my shire.
4706. How near to your own land is that 20-acre allotment that you have applied for?—About a mile and three-quarters. There are 42 acres in the blocks, and I got 20 acres recommended to me eighteen months ago, and I applied for this 20 acres. It is no benefit to the Government or anybody else. It is just a square block. I got half of it, and have applied for the remaining 22 acres.

4707. Under what section of the Act did you apply for the 20 acres?—The 49th section.

4708. Then that could not be granted, because you have already selected 20 acres under that section?—Of course. I was given to understand that any individual that holds 20 acres can take up 20 acres more under the 49th section.

4709. But you have already taken 20?—No; I took 20 acres under the 19th section, and there was still 20 acres left in this block.

4710. Has anybody else applied for it?—No.

4711. And it is surrounded in all directions by selections?—There is not an acre within miles not selected.

4712. Have you had occasion to borrow money on your selection?—I have not, so far, thank God; but I shall if the Government does not help us.

4713. You think you will have to borrow if the Government do not assist you?—I shall have to borrow, and hundreds as well as myself; we shall have to borrow if Government does not help us; we cannot afford to pay up to 40 per cent., as I see in Bennett's case at Horsham.

4714. But you have a better class of men here?—Yes; but we do not know what the circumstances may be for the future; we have had to contend with two bad seasons, and there is a very bad prospect for the next one.

4715. What would be the most central place to go to visit the Terricks?—Mittauma. Runnymode is the nearest railway point.

4716. Is that the centre of selection, where we could get information?—I think so. I hope the Government will assist us; that is all I want.

The witness withdrew.

Adjourned.

(The Token at Colac.)

SATURDAY, 15th JULY 1878.

Present:

W. J. O'Hara, Esq., M.L.A., in the Chair;

A. L. Tucker, Esq., M.L.A.;

J. Andrew, Esq., M.L.A.

J. Ree, Esq., M.L.A.

Edward Shatlock examined.

4717. Are you the officer administering the Lands Department in this district?—Yes.

4718. How long have you been in this district?—About eight years.

4719. Have you all that time been at the head of the branch?—No, not at the head of the branch. I had been the head clerk in the Geelong office, and was appointed officer in charge of this district in January last.

4720. Are you familiar with the disposition of the land in this district?—Yes; about 900,000 acres of land in the district are held by squatters, held in freehold.

4721. Can you give a detailed statement of who those are?—Yes; I have a return giving the whole of that information.

4722. Will you read it?—[The witness handed in the same, which is as follows:—]

<table>
<thead>
<tr>
<th>Name of Owner</th>
<th>Nature of Interest</th>
<th>Conty.</th>
<th>Parish.</th>
<th>Area</th>
<th>Class</th>
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<td>William Armstrong</td>
<td>Freehold</td>
<td>Polwarth</td>
<td>Bannong, Gellibrand</td>
<td>5,204</td>
<td>1st.</td>
</tr>
<tr>
<td>Felix P. Armitage</td>
<td>Freehold</td>
<td>Grenville</td>
<td>Birregurra</td>
<td>14,483</td>
<td>2nd.</td>
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<tr>
<td>Sydney Austin &amp; Josiah Austin</td>
<td>Freehold</td>
<td>Polwarth</td>
<td>Yan Yung Gurt, Whoorei, Muroon, Gerangamee</td>
<td>6,300</td>
<td>3rd.</td>
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<tr>
<td>Charles Bell</td>
<td>Freehold</td>
<td>Grenville</td>
<td>Birregurra, Turgeki</td>
<td>2,818</td>
<td>3rd.</td>
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<tr>
<td>Thomas Bath</td>
<td>Freehold</td>
<td>Grenville</td>
<td>Creevy, Cundare, Osidi</td>
<td>920</td>
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<td>S. V. Buckland, E. L. Bell, R. Chirnside, and A. Armstrong</td>
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I may state that this return only shows the estates over 1,000 acres in the district. The average is 13,500 acres each. There are 65 persons holding the 900,000 acres; but nearly half a million of these acres are held by 10 persons—that is in round numbers.

4723. What is the largest holding of all?—The two largest are 180,000 acres, held by two people, Messrs. Chirnside and Sir Samuel Wilson.

4724. How much do they hold each?—Messrs. Chirnside have about 95,500 acres, and Sir Samuel Wilson the remainder of the 150,000 acres.

4725. That is 85,000 acres?—Yes.

4726. Does he not hold more than that?—He holds more than that, but that is Ballarat, and the Melbourne district as well.

4727. How much does he hold in this district?—[The witness examined the return.] I see I omitted a small estate here of 16,000 acres, making about 100,000 acres held altogether by him.

4728. How much has Mr. Chirnside?—95,000 acres—that is, the three brothers, Thomas and Andrew and Robert Chirnside.

4729. Do you know of any other large estate approaching those numbers?—This of William and James Russell; they had one estate of 90,000 acres, and there are two other estates of 13,000 and 15,000 acres each, held in their names.

4730. That is 78,000 acres?—Yes.

4731. Can you give any other illustration?—James Austin has 24,000 acres in one estate and another estate of 8,000 acres, making 32,000 acres altogether held by him. There is another estate of 36,000 acres in the name of George Armitage; those are the largest estates in the district. There is another of John Bell's, 40,000 acres.

4732. Do you know anything of the nature of the soil of this land? Some of it is very, very good, and other is fourth class country; the large estates generally are third class country, and some estates from 1,000 to 6,000 acres are first class country.

4733. Do you state that from your own opinion or the Land Tax return?—The Land Tax return.

4734. Do you consider that classification?—I cannot speak of that, as I have not been about the country much.

4735. Under what Land Act were those estates acquired?—I cannot tell that, but I think nearly all was purchased. I am told it was under the Nicholson Act.

4736. That was in 1860?—Yes.

4737. You state you are the officer in charge; do I understand, from that that you are the district surveyor?—No, I am not the district surveyor; I am simply in charge of the office in Goolong. Under the new arrangement Mr. Callinan is the district surveyor.

4738. Will you be kind enough to define very shortly what is the nature of your duties?—I have to deal with all the departmental correspondence which is referred to me, check the surveys as they come in from the surveyors, and attend local boards and land sales—conduct the land sales, and clerical work.

4739. And, in fact, do all the business connected with the Land Department?—Yes, for this district.

4740. Has there been much land selected in this district under the Act of 1869?—Yes, it has been progressing slowly.

4741. Do you know the acreage?—Not exactly.

4742. Generally?—They are taking up about 30,000 acres a year under the 19th and 49th sections.

4743. Is that from 1869 to the present time, was the acreage about that?—Yes, about that.

4744. Are you aware of the extent of land that remains open for selection?—I should say of available land 50,000 or 60,000 acres; but I do not suppose it is all worth taking up.

4745. How much do you think is fit for selection in that 50,000 or 60,000 acres?—I should say very roughly about 100,000 acres, exclusive of the forest reserve.

4746. What shires are included in the district you have charge of?—Colac, Bannockburn, Burns-bool, Meredith, Bellarine, Corio, Grunville, Winchelsea, Leigh, Wyndham, and South Barwon, also part of Hampden.

4747. In which shire are the 100,000 acres fit for selection?—In the shires of Winchelsea and Corio principally.

4748. In the other shires there is very little available?—Yes.

4749. Do you include reserves?—No; I am not including reserves; that is 183,000 acres for the forest reserve.

4750. In what shire?—In Winchelsea. There are also about 10,000 acres of forest reserve at Wurdie-Yang.

4751. Is it not more than that?—I cannot speak positively of that, but I think that is about what it is. There may be a good deal more land selectable, but that is all, as far as I know, from information obtained from selectors and others.

4752. How much has been taken up under the 19th section altogether?—I could not tell you from memory. I could find out and send you the information.

4753. Will you hand it in?—Yes, afterwards.

4754. It would be about 200,000 acres, according to your own calculation, of the amount per year?—Yes; about that, but a large proportion of this land has not been granted.

4755. It is not part of your duty to visit selectors at all?—No.

4756. That is the Crown land b设立了?—Yes.

4757. You are not able to tell us anything about the working of the Act of 1869?—No; I do not know much about that. There are frequent enquiries in the office about the State forest, seeking when it is to be thrown open.

4758. Do those people want the whole of it to be thrown open?—No; not all.

4759. About how much?—They do not say how much. They want the portions suitable for selection.

4760. Are those selectors of the bona fide class?—I think so; they are men of means, most of them.
4761. Have any of them selected already?—Some of them; just a little of the land has been thrown open; not all the blocks. There were thirty-three applicants for the eleven blocks; they were taken up at once; about 1,250 acres. Most of them were men who had made money on the goldfields. It was taken up at once.

4762. Is that a portion of the forests?—Yes; selection is also going on very rapidly in the parish of Lorne, on the borders of the forest.

4764. Who is the Crown lands bailiff?—Mr. Sylvester is the bailiff for the district. He lives at Morrinsville.

The witness withdrew.

Edward Armfield examined.

4764. You have been acting as Crown lands bailiff—have you been appointed?—I have been. I am police Crown lands bailiff.

4765. The Lands office frequently employ constables as the Crown lands bailiff?—Yes.

4766. How long have you been Crown lands bailiff?—About three and a half years.

4767. Were you acting before that?—No; about three years altogether I have been acting.

4768. Your experience only extends over the past three years?—Yes.

4769. Part of your duty is to visit the various selections under the Land Act of 1869?—Yes.

4770. Can you tell us anything of the nature of the holdings, whether they are bona fide or otherwise?—Most of the selection is bona fide. One or two have been reported against, and their land has been forfeited; people who have taken up land on the common, and have removed to other districts.

4771. What about the improvements under the Act—are they carried out bona fide?—Not in all cases.

4772. What is it which is wanting?—Principally the building and the residence.

4773. They fence the land and cultivate some of it?—Generally fence the land, and in some instances cultivate it; and in some instances there is non-residence, owing to their being too poor to carry on.

4774. What is the average size of the holdings?—About 3 acres.

4775. You are talking of the people on the common?—Yes.

4776. Does he look under the selections under the 19th section?—I have had very little to do with that.

4777. Have you visited the selections on the margin of the forest?—No, I have never been called upon to do so. Senior Constable Hatfield is the Crown lands bailiff who does that at Apollo Bay, that being his district; he is at Birregurra.

4778. Does he look after the selections under the Act of 1869?—Yes.

4779. Then you are not able to inform us of anything of these selections?—Not; I think there are about two or three I have reported upon under the 1869 Act.

4780. Men who have selected 300 acres?—Yes.

4781. What was the nature of your report in those instances?—They have resided, and are still residing on it.

4782. How were you called upon to report—under what circumstances?—I am sent a form to fill it in with reference to the situation, the nature of the ground, and the cultivation, and it bona fide.

4783. Do you know whether those people were trying to get their leases?—They have been trying; in two instances they have their leases.

4784. Did you report unfavorably?—One I did, for not completing the proper fencing.

4785. Did that man get his lease, notwithstanding your report?—I do not know whether he got his lease or not.

4786. Did any of the others get their leases that you reported unfavorably against?—One, I think, did. They have only taken up recently.

4787. Then that is not under lease?—I have had principally to do with the town common.

4788. You were called up to report, seeing you are not the Crown lands bailiff to act in regard to the selections under the 1869 Act?—I act in any case when called upon. It comes from Mr. Black, of the Lands Department.

4789. Then he communicated with you instead of Hatfield?—He communicated with Hatfield.

4790. And you got your instructions from Mr. Hatfield?—No, from Mr. Black, through the Chief Commissioner of Police.

4791. Do you recollect how many 19th section holdings you reported upon?—Several of them. I never kept a memorandum.

4792. Do you know how long these people were in possession of the land?—Some two years—eighteen months—various periods.

4793. Are they still in possession?—Yes.

4794. Did you visit each of the holdings?—Yes, each of the holdings.

4795. And you found, generally speaking, the improvements were carried on, except in some few instances?—Yes; these that I reported favorably were generally allowed time.

4796. On what ground?—Poverty, sickness, and inability to procure sufficient work at times.

4797. About these town common selections—are the occupants of those allotments satisfied with the present state of things; what is the rent they pay?—I think it is £1 6s. for each acre; £2 for 3 acres.

4798. Have they any means for obtaining the freehold?—They are generally the poorer class.

4799. Do they complain that they cannot get the Crown grant, or anything of that kind; are they satisfied to pay £2 a year continuously for 3 acres of ground?—Yes, the majority of them are.

4800. There is this land situated?—About two miles south of Colac.

4801. About how many holders are there?—I should think upwards of one hundred.

4802. They own 3 acres each?—Yes.

4803. You say there are one hundred holders, and they are paying £5 a year, so that at the present time the State has had there, and for 300 acres it gets £500 a year; and you state that the holders are perfectly content to go on paying £500 for those 300 acres of land?—They wish to have the fees go towards the purchase money.
4804. How long have they held these lands?—In some instances three years.
4805. Any longer?—Some of them are longer.
4806. What is the longest time you know?—Four years.
4807. Then some of them have paid £20 for 3 acres, as rental?—Yes; but some have purchased them; they have been put up, and they have bought them.
4808. Do you think these people are satisfied really with this state of things?—They appear to be.
4809. Have you ever heard any complaint from those people, that they are paying an exorbitant rent for these 3 acres?—I have only heard one instance, and that was the other day, and that was thrown up.
4810. Have they made any improvements on it?—Yes; fencing, building, and in some instances gardening.
4811. In each instance do those people want to buy the land and get the fee-simple?—Yes, I think they do.
4812. How does that coincide with your previous statement, that they are satisfied to go on paying £5 a year rent?—They only have to pay that for three years; they have then the option of having it valued and put up to auction.
4813. What class of people occupy those little pieces of land?—Laboring men.
4814. What occupation?—Splitters in the bush, stone-breakers, others employed on the shire roads.
4815. Have they made little gardens and substantial improvement?—Yes, in a great number of instances.
4816. Do they mean to make homes there?—As I have stated, there are about six that have not done so. I have valued about 20 in all.
4817. Have you been called upon to report about any occupations?—Yes.
4818. What has been the nature of the report?—That they were not residing on the land.
4819. Is that one of the conditions?—Yes.
4820. Any improvements?—Yes, and improvements.
4821. They pay £5 a year for that?—Yes.
4822. Then, I think, for the first time the State has made a great bargain with the people taking up that land; it is the most exorbitant charge I ever heard in my life. [No answer.]
4823. How many of these holdings have been put up to auction?—About twenty or thirty.
4824. What price?—Varying from £30 to £90.
4825. Have the original holders of these bought the land in themselves?—Yes; they have, generally speaking.
4826. So that they paid during three years £15 for the use of the land, and after that sums varying from £36 to £90?—Yes.
4827. How was that?—Was there competition?—Yes.
4828. Is it amongst themselves, or strangers coming down?—Principally the townsmen compete with those living in the bush, but it is very seldom; they generally buy them without any competition.
4829. What is the upset price?—£3 10s. an acre.
4830. Do you know whether those holders are desirous to be able to purchase the land without auction?—In some instances they would like to do so. They are allowed three years, and in some instances they would like to purchase in one year.
4831. I mean, would those men prefer having their lands put up to auction instead of having it without?—I think they would rather have it without being put up to auction.
4832. Even suppose they get the land at the upset price, they pay £15 for three years' rent, and then, they have to pay £25 10s. an acre, that is £10 10s., that is £25 10s. for 3 acres of land, and they are obliged to reside on the land and improve—is that so?—Yes.
4833. Do these never work for wages in the neighborhood?—Yes; on the roads and on farms.
4834. Is the employment permanent?—No; they change about a good deal.
4835. Then is that case are they obliged to sell their holdings when they are employed elsewhere?—In some instances they have sold out.
4836. When they go in search of work in other places they wish to return and consider this their home, their undisturbed ground as it were?—Yes; that is the case.
4837. Do they put much under cultivation?—In a few cases there is cultivation, but with most of them there is only the residence and the garden.
4838. In fact, it is the supply ground of the labor of the district; there would be no available labor unless these men were able to have these little holdings on the common.—There is always a class of laborers on the move.
4839. But here is a permanent supply always on the spot for a contractor or a landowner to engage—that is great convenience to the district?—Yes; in the case where they do not obtain employment, they work what little time they have to spare at home.

The witness withdrew.

John Vigar Bartlett examined.
4845. Are the original holders of those allotments still in possession? — The original holders are the large landed proprietors; principally the cream of the district were prior to 1865, under the Nicholson and Duffey Acts, exclusive of what had been selected under special surveys under the old system. There were a few of those special surveys in the district.

4846. By what method did the large estate holders take up the land? — It was before I came; all the good land was taken up before I came to the district. A lot of it was sold by auction by the special surveys, under the Nicholson and Duffey Acts. There are a few isolated blocks that have been taken up under the Land Act of 1869 and the Land Act of 1865. There was a lot of selection that took place; then, out the selections were too small to live on.

4847. What was the average size of those? From 40 acres up to 320 acres. Under the 1865 Act, 640 acres was the maximum; but the land along here — pointing to the map — the parish of Teo, Irrawilla, as well as some at Irrawillya, was selected under the 1865 Act.

4848. That is to the south of Calke? — Yes; the best of the land that intervened between the cream of the district and the rough forest land — that was taken up under the Land Act of 1865; but a system was introduced to prevent persons taking an area large enough to live on; it was an experiment that has proved to have been in the wrong direction. Each alternative allotment had a distinct color; and was thrown open on a certain day and the next half the day following, so that no applicant who was called could get more than one allotment; the chances were two or three thousand to one against him; so that those people were compelled to live on the land or the small allotments, and those are the ones that sold out. The residents are the district and others who had businesses, and were fortunate enough to be successful at the lottery, have retained their selections, as they were not obliged to reside, because they had another business to fall back upon. The land alone was not of sufficient area to support the people.

4849. What happened to the others? — They have gone to Benalla, Harrow, and other parts of the colony.

4850. Whom did they sell to? — Some sold to their neighbors, and many to those settlers who were in close proximity to this land.

4851. You mean by settlers, the large estate owners? — Yes.

4852. Have all the parties who now hold it occupy it? — They fenced in the land and grazed upon it; it was not fit for cultivation, the soil was not sufficiently deep.

4853. Who takes charge of that land? — They visit it once a fortnight or so, and keep cattle upon it.

4854. Have they a party in charge? — No, they reside in Colac, and have the padlocks out on the border of the forest.

4855. Is the land fit for cultivation? — No, it would spoil it to cultivate it.

4856. Have those people built houses? — Those who resided for a time did, but their houses have become dilapidated and of no use. Those who were not obliged to reside did not build. At first they thought they would have to reside and they put up a hut — something like the three sheets of bark.

4857. What substantial improvements have they put up? — They have put on fencing, waterholes, dams, felling the trees, gathering up the timber, and so on.

4858. Those 1865 allotments retained by the townpeople, are they fit for agriculture? — A very small proportion indeed; the land is of a light loamy nature, and has quicksand or gravel under it, and to plough it up would destroy it.

4859. Have you any idea what average was taken up in those parishes you have named under the 1865 Act? — No; I wrote for the plan but they have not been sent, and without them I cannot give that information.

4860. From your knowledge of the district can you give the Commission any information as to the percentage of those who have sold out? — I should say, roughly, two-thirds; fully that.

4861. And the remaining third consists of townpeople? — Yes.

4862. Do you know whether any of the land was immediately sold to the large proprietors when selected? — Only in three cases. Under the Act of 1865 subdivisions were allowed. This is a matter that I am thoroughly conversant with. In the first nine months of the operation of the Act in this district I negotiated 135 subdivisions.

4863. What was the purpose of that subdivision? — To give the land to some one else.

4864. But the original selector kept a small portion himself? — Yes, about 5 acres. Most of them were easily effected, and in a few cases there were clean transactions. It depended a great deal upon the officer who dealt with the case as to the quantity retained by the original applicant.

4865. How much did the original selector retain usually when he made this subdivision? — In the majority of cases, 5 acres, that was the minimum.

4866. What was the size of the holdings? — In a case of 40 acres I managed to make the original holder retain only 2 acres; that was insisted upon by the department, and he gave his neighbor or friend the other 38. In the 640-acre blocks, the minimum was 5 acres for the original selector to retain; he could give up the remainder.

4867. So that the practice was to take up a large allotment under the pretense that he wanted to retain it as a selector, and immediately he obtained it he got rid of all but 4 acres to some one else, under the 1865 Act? — Yes, that was the practice.

4868. What was the price? — I could not say; but the highest that I know of was 35s. an acre.

The transactions were immediately after the land lottery took place. Sometimes it was permitted a man whose name was called to bring in a friend with him, and they applied conjointly; the first would say, "I must retain the portion colored red, acre so much, and so on"; my joint selector will take the selection." And he signed an undertaking, at the same time, that he would surrender to the license or have whatever it might be.

4869. Was it or not the fact that this joint selector gave some money consideration to the original holder? — Undoubtedly, in most cases.

4870. What would be the amount? — It would go from a £10 note up to as much as £30, an acre — the maximum. I know of very few, but it transpired sometimes; I could not help hearing it; I did not want to hear anything about it; my business was merely to make a plan, for which I used to charge one guinea; and in a case where there was any difficulty in making the plan, a guinea and a half; never more than two guineas.

Lands.
487. Then the whole proceeding was idle, that the man looked upon the allotment as a prize which he disposed of as soon as possible?—Yes.

487. Then we need largely ask you whether you think the Act of 1862 was a success or not?—It was decidedly not a success so far as the settlement in this district is concerned.

487. Then it was a subterfuge holding the small allotment and not resisting?—Yes; it was not customary to reside under that Act, and it showed that residence should not be compulsory.

487. Do you gather that from the Act of 1862?—Yes, that has been memorialisng.

487. Do you think the Act of 1862 was a dead failure?—It was not successful, because there was not sufficient land to reside on; but the land transferred was in only three cases that I know of transferred to the large landowners. It did not assist in the aggregation of large estates.

487. Are you familiar with the certificate of that Act?—No, there was not much land in this district taken up under that.

487. Are you familiar with the 1860 Act?—Yes, I have made many surveys under that.

488. What is your opinion of that 1860 Act?—My opinion is that it is the nearest to perfection of any of the Acts yet passed, but of course it has faults.

488. You do not believe that residence should be insisted upon?—No, I do not. First of all there is the land in the forest. If a man is compelled to reside there within six months he must have capital, for it would take him three years before he could prepare the land for cultivation.

488. Do you think there is such a condition as the cultivation clauses should only be insisted on to the extent of what a man can do with the land?—The objection I would take to the present Land Act are, first, it would dispose first of all declarations. My experience has been with regard to land that is a rule men will swear anything.

488. You mean when they want to get a piece of land?—I am speaking of that. The under the 1865 Act there was a failure. It has been my experience that it was highly demoralising; that a man was not particular what he swore as long as he got the land—there were exceptions.

488. What would be the nature of the false statements they would make?—First of all about the pegging. A man swears to put in pegs at certain corners. Of course all men are not surveyors, and we make some allowance in the 330 acres, but they will swear they put four pegs and ten trenches, when they have not put in one trench nor only one peg on the whole selection.

488. Do you think this pegging out process is a desirable one? Is there any use for it?—Not in the way it is described in the declaration. It is a farce. When a man applies for a piece of land, he should have to put a notice on a tree near the track, where people would see it—a small placard written on a half sheet of paper, or take a piece of bark off the tree. That would be right enough; and then it should be advertised in the paper, or he should have to post a notice in the nearest Post Office or post office. That would have a better effect; usually a selector takes a bit of a sapling and puts a notice on it, sticks it in a clump of scrub, or behind a tree. In scrubby country a peg a few feet off the track would not be seen.

488. You think that notice might be nailed upon a tree, and that the same day a letter sent to the Land Department that the man had posted such a notice?—Yes, at the nearest post office.

488. Would it not be advisable, besides, that there should be a list published in the local paper of the applications received?—Yes, that would be better.

488. If the Land office sent once a week to the papers a list of the intending selectors?—Yes.

489. Would that give the necessary publicity?—Yes. And there should be more places for giving information. Where there is a post office there should be locality plans laid on the table, and those plans should be pencilled on showing where people have applied for land. It would give the information on the spot. People are now put to the expense of going to Geelong. It is not assisting people when the preliminary expenses are too much.

489. You think there ought to be in each of the towns a local office where there would be a map showing the selections that are going on, so that a man would have full information, and not be shut out in the dark?—Yes, at the local land office or the local post office, where there are several surveyors for one district, and the authorized surveyor is not confined to one district; though generally they employ him in one district, that one man cannot post all the information about the pegging out; he would be able to do so where land has been actually surveyed previously, but it is impossible where the selection is before survey. The pegging out is not carried on in that respect, and the declarations regarding that are a farce. With regard to improvements there are also defects. A man has to swear he will do so and so. There was a case which came under my notice in this district—one of the worst: a man swore he had put up some hundred and odd signs of fencing, and had to describe the lines he had fenced. I saw all the papers. I saw a certain line; such-and-such allotments had been fenced. I was there the day before, and I knew that no fence whatever had been erected there. The Crown lands bailiff reported that the fence had never been erected, but the department took no notice of it, and the man got his lease. They sent him notice that if he fenced he would have his allotment, and the act of perjury was condensed. He was not prosecuted, and afterwards got his lease from the department.

489. When did that happen?—About nine months ago.

489. Did the Crown lands bailiff report to the department that the fencing was not on the land?—I understand so from the constable who was acting for the Crown lands bailiff. Mr. Sylvester is the Crown lands bailiff in this district.

489. Do you know how it was that this man had this act of perjury condoned, and how he managed to get his lease after all?—I do not; I only give the facts.

489. Do you know as a fact the Crown lands bailiff did report?—He told me he did so, and that he recommended that the man should be prosecuted for perjury.

489. Who told you that?—Mounted constable Armfield.
4896. From the time the man pegs out till he goes on the land how long is it?—Sometimes it is three months, and I have known it to extend to three years.

4897. What is the preliminary expense the selector is put to?—I am told by the present regulations he has to pay an entrance fee of £1 to the government, for the certificate before the application can be received by the district officer or the land-officer. After that he is called upon to pay survey fees: there are six different scales. For Gippsland there were two additional classes made, one about 50 per cent. above upon the 4th class, that made a fifth; and another about double the fourth class, that made a sixth.

4898. What would be the average cost for the medium class of country?—Eight or nine pounds for 320 acres.

4899. And up to £20?—In Gippsland, where the country is heavily timbered, very many, and densely timbered would be from £20 to £25.

4900. What is the amount of capital that a selector must put to?—The ordinary scrubby country about 30s. an acre—to clear the scrub, to chop down trees of six inches in diameter, and ring the larger ones, and clear away the small timber.

4901. In such a country a selector could not get any returns for three years?—He would not.

4902. What amount of capital ought a selector to have; take an ordinary holding such as are being selected in this district?—Not under £1,000 in the heavily timbered country.

4903. If the forest was thrown open in 320 acre blocks, how much would a man require to have?—It depends upon the regulations—what you bind him down to. If you bind him, as under the present Act, he must have £1,000.

4904. Will selection of such country go on at all under such circumstances?—I do not think so.

4905. Do you know the approximate area of this forest, called the Cape Otway forest?—About 400,000 acres you may say altogether, between here and the coast, unselected.

4906. How much of that is what you call forest?—It is all more or less forest. Of course there are belts of low scrub and heath, and so on.

4907. I mean the reserved forest?—This portion [pointing to the map]—is reserved; that is about 193,000 acres.

4908. Have you heard any general opinion expressed that the forest should be thrown open?—Very generally.

4909. Who would take up the land?—Numbers of people.

4910. They had no idea of townships?—No, people out of this district.

4911. What are those people engaged in doing now?—I do not know; but some of those people were not to come to me about it came from Ballarat, Scarsdale, the districts round the diggings, where mining matters have gone down, and they wish to invest in land now.

4912. You do not mean the district round Colac?—No; they came from Ballarat and other places. I had known as many as twenty people in a week coming to me, and they go away dissatisfied when they see they cannot take up the rich forest land.

4913. Where do they come from?—Scarsdale, Pittfield, Linton, Ballarat, Clunes, the centres of the diggings. They came when the part was being surveyed at Apollo Bay. They were all married people, and with long families. They came down and pegged out in the forest, though I told them there was no use; and they took their applications, and there was a deputation waited on Mr. Casey, the Minister at the time; but it was no good, because the townpeople say it is a fine forest which ought to be reserved, and Mr. Casey said he could not think of it: “We must reserve the timber; it will be wanted in time to come; we have not to think of to-day or to-morrow, but future requirements.” Then he promised that a small area should be thrown open; and then that was done after twelve months, with some 1,500 to 2,000 acres.

4914. Is there any restriction as to cutting timber there?—No, the regulations provide only as to timber of a certain size.

4915. Are there a large number of splitters engaged in that trade?—No, there is no landing place near Apollo Bay. Mr. J. Johnston, of Apollo Bay, is much split up on the coast and the range, and went up there for about two miles; but the whole of the timber, with the exception of two or three trees in a hundred, had only a shell of timber; the inside was decayed with wet rot; and it is a fact known to nearly everyone that the timber along the coast is affected by the sea breeze and gales; the heads of the trees are twisted off, and the timber女生 decayed and utterly useless. At this time I was asked to send in a report as to what was advisable to throw open for selection, and this is what I recommended [pointing out the same on the map]:—commencing with the State forest at Cape Otway; there should be four square miles thrown open for selection, because there is a landing place at Blanket Bay, which is a little to the east of Cape Otway—there is a good road there.

4916. Was it thrown open?—It was not. I recommended that at Apollo Bay five miles should be thrown open, but my recommendation was not adopted. My opinion is that a mile along the margin of the coast should be thrown open, between Apollo Bay and Cape Otway—a rich healthy country; and here, at Albion Bay, three square miles, this fair grass land.

4917. If all those separate bits were thrown open and taken up, would it trench much on the area of the forest?—It would not, because the timber that it would include is almost worthless.

4918. It is your opinion that certain portions of the existing 193,000 acres ought to be reserved as forest reserves, and that other portions consisting of good land should be thrown open for selection?—I do. I think there should be a careful survey made of the best belts of timber in the forest, and those portions should be reserved permanently, and the other land accessible thrown open for selection.

4919. Is that accessible land good soil?—Undoubtedly. If it were cleared, some of it would grow from 15 to 20 tons of potatoes an acre.

4920. Was there much competition for the land that was thrown open?—Yes; there were about five or six applicants for each allotment.

4921. Is it likely how was it determined as to which applicant should get the allotment?—There were enquires as to their occupation, and how many children they had, and we think the children carried the day generally.

4922. Was that called before the land board?—Yes.
4924. Who decided that?—The presidents of the two neighboring lairs and a representative from the Lands Department; previously it was Mr. Taylor from Geelong; Mr. Lewis and Mr. Walsh, and Mr. Brook have been here, assisted by Mr. Shadbolt also.

4925. Supposing there was such a survey made of that forest—a distinguishing survey, that would show the selectable land—how many acres do you think could be thrown open to the public in that way?—I think if there was a judicious selection made of the best timber there that 50,000 acres would include all that would be any good to keep for timber purposes. There is no good keeping the exposed parts for timber. Here is the best part—[pointing out the same on the map]—where the high ranges keep off the gales; and there is a fine class of timber there, and I would recommend that reserves should be made a few square miles at various other points. I have been over a great deal of the country.

4926. You propose to reduce the forest reserve to 50,000 acres?—want in round numbers, yes.

4927. Then it would be in patches?—Yes, in patches.

4928. Then the remaining 143,000 acres are fit for selection you think?—I do.

4929. What size of holding would it be necessary to give to a selector?—I would make some limit. I do not think it would be right to give more than 320 acres, because of the expense to clear. If you allow it to go in larger allotments it would be soon monopolized.

4930. Why not small allotments?—I would let them have it according to their means.

4931. As it is rich land, would not 100 or 150 acres be enough?—Yes, according to their means. Some would take 60, and others up to 320.

4932. You think that a man would require 2,000 capital to take up 320 acres profitably?—Yes. I would not compel residence. Any future Land Act should make provision for licenses and no residence, and the licenses should extend to twenty years. I believe that dummy land has increased through the people being able lightly to acquire the fee-simple and clear out.

4933. You would make the licenses extend over twenty years, at how much?—Not in the aggregate more than 20s. an acre; and in open country a man might have his grant in ten years, but never under that.

4934. Would you reduce the annual payment to 1s. an acre?—Yes.

4935. How long would you give a man to pay the pound an acre?—I would make that depend upon the class of the country. In the densely timbered country I would not charge any rent for the first three years, except to show that the State had a nominal right over it.

4936. Suppose the State say, “We will throw open this land to Crown tenants, a perpetual lease at sixpence an acre,” how would that do?—I think a man will not take up the land unless he sees a prospect of getting the fee-simple.

4937. You have heard the evidence given about the tenants on the commons here?—Yes; it is true that they have to go there for homes.

4938. In the case of the town commons they make a home near their work?—Yes.

4939. To enable the men with limited means to take up that forest land, should not the land be given at a nominal rent for three years?—Yes.

4940. Do you say that in this thickly timbered land, on account of the difficulties and the expenses that the occupier will be put to, you would allow the first three years of his occupation at a mere nominal rent?—Yes.

4941. That would be recognising the lordship of the Crown?—Yes.

4942. Say 2s. 6d. a year?—Yes.

4943. And at the end of those three years what would you do?—Let the man have it at 1s. an acre per annum. Say he went on for seventeen years at that, and at the end of that time let him pay the balance or go on for twenty years at 1s. an acre; but I would not charge a high rate to start with, or give him his lease or grant too soon.

4944. About residence, would you allow people to take up this thickly timbered land who would not reside upon the land?—I would.

4945. Would you charge the same price to a non-resident man as to the resident selector?—Yes; I would make the same price; but I would make the non-resident spend more money and carry out his proper improvements, such as fencing and clearing, and only allow him half the area of the resident man.

4946. You would allow two classes of selectors in that case?—Yes.

4947. Each paying the same charges, but the resident should have the land?—Yes, because he is spending more on it. I would allow 320 acres to a resident, and 160 acres to a non-resident man.

4948. This land is of exceptional value, is it not?—Yes, when the money has been put on it, it will be, at present it's a waste.

4949. It is of exceptional value in comparison with other land in this district?—When the money has been put on it, 5 will be.

4950. Do you think, if thrown open, it would go rapidly?—No, there might be 100 come on at first; but you will have them come in steadily afterwards. There are numbers who have been waiting for years to go on the land and make homes on it.

4951. If the land was cleared it would be first-class land?—Yes.

4952. Suppose it was opened with a ground rent of 2s. 6d. an acre—a continuous rent that had to be paid to the State, and the man made perfectly secure so long as he paid that, would it be taken up?—No. To induce settlement there must be a prospect of ultimate purchase.

4953. Will you explain your reasons for offering these facilities to the selectors, and why the State should not make the best bargain it can if it has to part with the fee-simple?—If they want to make the best bargain the best way is to put it up to auction, and the poor man will have no show.

4954. The timber is valuable?—You cannot get it out. There are portions of that State forest you could get out a bellw or a sheep, but not a log; to get a log would cost three times its value in the market.

4955. Suppose ten selectors wanted one block of land, do you not think the man who would pay the highest price to the State should have the land?—No, I would not give way to capital at all; but that of course is a matter of policy.

4956. You have stated that even with poorer land there have been a number of selectors applying for the one block, the local land board deciding in that case which shall have it?—Yes.
4957. Have you agreed with the recommendations made by the board in those cases; has the board always given the land to the right man? In nearly every case that has been done. I concur with the recommendation of the board, and believe they have given it to the man most in need of the land, the man that will benefit most with it.

4958. Is there any particular rule?—No; the board makes recommendations, and many times they are reversed at headquarters; and then the man appeals, and the case comes on for re-hearing. I did not want to give an opinion on that.

4959. Do you mean reversed by the Minister?—Yes.

4960. Do you know why they were reversed?—No, I do not know; and, if I did, I would not like to mention.

4961. It is a very important thing; here is a land board which recommends (and which has the best means of knowing the merits of the case), and the Minister who remitted the thing to them, and who knows nothing about it, afterwards reverses their decision?—Yes, it is done on an ex parte statement.

4962. It is not a public hearing?—Not always. I have known twenty-five applications to be received at the Land office for an allotment, and a memo, has been made on one of those that only one should come before the local land office; and I do not know what the other twenty-four have done that their applications should not come before the board.

4963. Who gives the order—does that order come from the Lands Department?—Yes.

4964. From the Minister?—No, from a responsible officer at the head office.

4965. Who was the responsible officer in the case you have referred to?—Mr. Ryerson Moore.

4966. Do you know of any instances where Mr. Ryerson Moore, at that time the responsible head of the department, ordered that only one out of twenty-five should come before the Board?—I heard it mentioned by the district surveyor at the time—by Mr. Taylor. He said, "There are so many applicants for this, but there is a memo, made by Mr. Moore that only one is to be dealt with—I do not know what for."

4967. That must be a glaring act of injustice to the other twenty-four?—I do not know. There might be some departmental reason.

4968. Do you think it was an act of injustice that the board should not hear all?—I think so.

4969. Where was the piece of land?—Near the Barwon river; a strip of land between a piece of purchased land and the river. There was a great noise about it. About twenty-five people from the neighborhood applied for it. They came to the local land office, and were very much annoyed about the matter.

4970. Is the man who got that piece of land still in occupation?—I do not know; I only speak of the decision.

4971. How long ago was that?—About two years ago. I did not wish to say anything about Mr. Ryerson Moore, as we have asked a question, and I was obliged to answer.

4972. You have simply given that as an illustration of the abuse under the Land Act?—Yes. I believe it was a memo, to the district surveyor that only one was to be submitted to the board.

4973. Did the board grant that man the land?—I am not sure; I think the board declined. I should like to have the papers in order to give the facts; I believe they declined, and postponed the case till next board meeting, so that they could have the other applications forwarded.

4974. Were they forwarded afterwards?—I believe they were, with a recommendation. I believe, at all events, that the board were inclined to deal with the whole; but I cannot say who got the land; but I think it was taken from the whole lot. If I remember rightly, it was afterwards gazetted to be reserved from selection.

4975. Was it a piece of land of exceptional value?—Worth about £1 or £5 an acre.

4976. You think there was an attempt on the part of the department to play that particular allotment into the hands of one individual?—I cannot say what information they may have had; I only mention the fact.

4977. Did you fancy that at the time?—I supposed some one had some influence.

4978. What was the extent of this piece of land?—I have not the plans, and cannot say. The local land board declined to deal with that one case, and postponed the matter till next board meeting. I fancy it was 100 acres, but I would not like to commit myself to that.

4979. Is that an isolated case?—No; I know of other cases. There was another not two miles from the one I have mentioned. A man pegged out a piece of land which was open for selection. A previous selector under the 1860 Act had formally forfeited all claim to the land, not having paid his rent for five years, in consequence of which it was gazetted as open for selection. The board here recommended it for the other man. I surveyed the land. Afterwards that recommendation of the local land board was reversed at the head office. That was about three and a half years ago. The case came on again before the local board, and the result was that the person who had forfeited all claim to the land was allowed to come in and share the block with the other man. That was done by means of an appeal.

4980. Then the person who originally selected did not fulfill his bargain?—No. I wrote to the department and asked when it was open for selection, and the reply was for the last two or three years. I then sent a letter to the man to pay out. He did so, and what I have detailed happened.

4981. About what was the extent of that holding?—About 200 acres.

4982. Then each man has 100 acres at the present time?—Yes.

4983. Are they living on the land now?—One man resides, I do not think the other does.

4984. Which of the two resides?—The second man who selected, the one who had to give up half to the original selector who had forfeited his claim.

4985. You stated that in one of the cases there was a memorandum made on a certain document sent to the district surveyor—who was he?—Mr. J. Hamlet Taylor, formerly surveyor at Geelong.

4986. Is he in office now?—No, he was one of the removed officers.

4987. From your knowledge of the district, you know the condition of the selectors under the 1869 Act?—Yes.

4988. Do you think they think they are in a prosperous condition, or involved by having borrowed money?—I know some who would like to get a small amount—say not to exceed certainly £1 an acre or 10s. an acre. The men who have taken up land here under the 1860 Act are of the poorer class, and have to work some time during the year for others, so as to get money to work on their own land. They sometimes run short, and would like to borrow a few pounds, but they have no security.
4988. Have they not all been—? No.
4989. You speak of those who have been less than three years—? Yes.
4990. Do you not know many who have got their leases?—Yes.
4991. Are those men involved?—No; after the first few years, when they can get on the land, they seem to be able to turn round and do something with a sense of security.
4992. About what is the total acreage that is held by the 1869 Act men?—About 5,000 acres in the Colac shire.
4993. In the whole district?—I could not say at present.
4994. What is the acreage of the Colac shire?—About 780 square miles.
4995. That includes the forest?—Yes.
4996. What amount of land alienated from the Crown is in the Colac shire?—Fully half of it.
4997. About 320,000 acres altogether; out of this you say there are only 5,000 acres under the selections of 1869?—About 5,000 I should say. There is a portion of forest between the rich land and the land already selected that is of the poorer nature. I should like to say that I think there should be three classes—not for open land, one for the exceptional rich land, and the intervening poorer class I would allow 69 acres.
4998. The total land alienated is about 320,000 acres in the Colac shire?—I think it is about that.
5000. Of that, how much land is under the Act of 1869?—I should say about 4,000 acres.
5001. Have you any idea how much is held under the Act of 1865 by small holders?—I think they are nearly all bought out.
5002. Are there any small holdings taken up under the Nicholson or Duffy Act?—They are bought out.
5003. Then the position here is that out of 320,000 acres alienated from the Crown there are only 5,000 in the lands of bona fide selectors?—That is about it.
5004. Then the remainder is accounted for in that return of the vast estates?—Yes; of course there are a few small holders who retain possession under the 1865 Act.
5005. How much do they hold?—Would it be 10,000 acres or 5,000 acres?—I think over 5,000 and under 10,000.
5006. We may say then that selectors resident and non-resident have 1,500 acres, and the large proprietors have 215,000 acres?—Nothing like that.
5007. You state that these few selectors are not involved by borrowing money?—No; of course they are in debt to some extent.
5008. How many selectors would there be altogether taking up the 5,000 acres?—They have from 60 to 220 acres, very few of a larger area—not more than four.
5009. How many different holders?—About 100 acres each.
5010. That would be 50 altogether?—Yes; that is in the shire of Colac.
5011. How many men hold the other 235,000 acres?—I could not say.
5012. Was this 5,000 acres all selected under the 1869 Act?—Yes.
5013. Have any selections under the 1869 Act been parted with?—A few.
5014. How many?—I should think not half a dozen.
5015. Do those people who occupy the 5,000 acres cultivate the soil?—No.
5016. And the large estate owners do not either?—Mr. Maurice Watson, I think, cultivates more than anybody in the district in proportion to his estate—some 300 acres.
5017. How much does he hold?—About 7,000 acres. Messrs. Tims Brothers are also cultivating a large portion.
5018. What is the nature of the land selected under the 1869 Act?—Mostly poor, indifferent land, not fit for cultivation. I have reported against it on all occasions.
5019. Have any of these large estate owners let off their land for cultivation to farmers?—I do not think so; that is, in the shire.
5020. In the district do you know of any?—Only a small portion of the Tims estate. It has been done on Mr. Armitage's estate—that is in the Wimmera district. In that case it was some tussak land, and it was let to people for nothing a year first up to 4s. or 5s. an acre per annum for the last year of a term of years, but they had to plough the land. They have got immense crops from this land. It is 500 feet above the river, and I have heard it said that the Barrowood Hills in their best time could not produce such good results.
5021. Seeing that there is so little suitable land in this district—the whole district left—is it your opinion that it is absolutely necessary to the prosperity of this district that some portion of that forest should be thrown open?—Undoubtedly. That forest should be carefully surveyed, and flying surveys made, and certain portions permanently reserved, and the remaining portions thrown open for selection.
5022. You state there is some cultivation going on on a large estate—Mr. Armitage's, was there much competition for the land amongst the farmers who took it up?—I do not think there was; because I think it was almost limited to people living in the vicinity who had selections, and who were on good farms with the proprietor.
5023. How much rent was charged?—From 4s. to 5s. an acre, and they had to sow it down with grass at the end of some four or five years.
5024. There is no other land available for selection at the present time?—No. The land was very rough at the time the men took it up; very rough, tussak country. They could not make anything of it at first.
5025. And the proprietor let this land in order to get it in condition?—Yes.
5026. He found no difficulty in getting tenants?—No, decidedly not.
5027. Is not that argument in favor of the Crown having tenants? Would not the State be better off?—But a man will not spend his money on this heavily timbered country unless he can see that he will have the permission in time. They look forward to having the land, to call it their own.
5028. Then in fact those persons who took up Mr. Armitage's land took it up as a speculation during the five years?—Yes.
5029. As to the local town common, have you heard any complaints from those tenants as to the exorbitant price they pay?—They are always complaining. Mr. O’Hern introduced a deputation to the Minister of Lands, and spoke about 100 people, asking that the rent should be reduced. They said it was a most exorbitant price. This settlement was first allowed, a long time ago, at the suggestion of Mr. Byron Moore. He said, if the people will have this town land, it would be a good thing for the State to get a rental, and the rent should be made so high that it would not pay to dummy it. And it was laid down that a man was not to purchase for two years, and he was to improve the land. There have been a few evictions. Of the 80 acres sold by auction on that common there were only six people residing on those 80; while upon 120 selections that were allowed there were eighty people living, all within a very short time. I have only known one tenant upon that land—that is, people who I have reason to believe took it up for others. Some have not lived on it, but have cultivated it and ploughed it. It is the only outlet for the laboring population in this district for sites to live on. Nearly all the men living on the common are laborers, who work for the road contractors and on the neighboring stations and for business people in Collie. They have to fence in their land, and make average improvements running from £50 to £100 per lot; that is including the fencing and the erection of their houses. The upset price of this land has been from £3 to £5 per acre, according to site. Some of those selectors have taken up land within the limits of the railway reservation; and until the survey between Collie and Campden is adopted those unfortunate cannot get the fee-simple and purchase the land. The member for the district, Mr. O’Hern, represented this hardship to the Minister of Lands. They have paid four years’ rents—£20 for three acres of land—and yet the Minister of Lands would not make the concession to allow those men to pay the nominal price till the survey is made. They have to throw up their land or pay an exorbitant price.

5030. How much should they pay, do you think?—Two shillings and sixpence an acre.  
5031. Can those people make the rent off the allotment itself?—No.  
5032. So that the land pays a rent which it is not worth, and they have to get their rent from outside sources?—Yes.  
5033. Is it your opinion that those men ought to be allowed—those men who have been three years on this land—to get the fee-simple without competition?—I think so, because many of them who occupy sites have had the sites offered over their heads. Agents come to the Land office and buy them out over the heads of the selectors for landowners adjoining, men of business, or others.  
5034. A man makes a home and makes his comfortable garden a place he is attached to; he looks to it as his own, and he wants to get freehold possession of it, and he can only get that by auction sale, and then another man comes and bids more than that poor man?—Yes.  
5035. So that this poor man is turned out of his house and is obliged to begin the world again?—Yes.

Easton Johnston examined.

5036. Who makes the valuation?—The Crown lands ballot.  
5037. Does he make a liberal valuation?—I do not think in any case the selector gets five per cent. over his actual outlay. His time or expense incurred in obtaining the land is not reckoned.  
5038. You are a contract surveyor?—Yes, and a grazier also.  
5039. How long have you been in the Survey Department?—For twenty-two years I have been employed as assistant and otherwise.

5040. You are perfectly familiar with the circumstances and conditions of the occupation of land in this district?—Yes, and in nearly every district in the colony.

5041. We will confine it to this district. Will you state your own experience as to the working of the Act of 1869 here, and as to those things you heard us examine the last witness upon, about allowing selection in the forest, and so on?—I have written a statement which I will read—[The witness reads the same statement that he has been engrossed in the Survey Department for over twenty-two years, during which time I have witnessed many changes, and am sorry to say many of them for the worse, as far as the working of the Land Acts are concerned, the aim and object of which has been to establish the people upon the small areas of the colony, but so far it has been a miserable failure. In all the old settled districts the land has ceased to become State property at full one-half its real value, and a deal drifted into the hands of those whom the Land Acts have been framed to prevent; and from my own personal knowledge of this district fully nine-tenths of the good land has been bought from the original holder at from two to three hundred per cent. more than it cost the selector, after allowing ample value for all moneys expended. No doubt the intention of the Land Act has been good, but so far it has only been a genteel way of robbing the State and enriching the adjoining colonies, and, if allowed to proceed without a check, in a very short time our means of wealth will have drifted from our hands, leaving only a few large landed aristocrats; and then, and not till then, will the country curse the day the Land Acts were first introduced. And as far as this district is concerned, the Royal Commission is ten years too late; but if the subject is dealt with at once, the northern portions of the colony may be saved from the wreck; but what is done will have to be done at once. No one has a better chance than myself of judging of the working of the Land Act to the northward, and I am happy to say many of the selectors would be bound to if they had the opportunity, and will sketch out as briefly as possible a policy that I believe would keep the people upon the remaining portion of the Crown lands. In proposing the leading features of my ideas of land legislation, I do not say they are perfect, but may be of assistance in framing a new Act, as all the preceding Acts have with petitions signed by about 100 people, asking that the rent should be reduced. They said it was a most exorbitant price. This settlement was first allowed, a long time ago, at the suggestion of Mr. Byron Moore. He said, if the people will have this town land, it would be a good thing for the State to get a rental, and the rent should be made so high that it would not pay to dummy it. And it was laid down that a man was not to purchase for two years, and he was to improve the land. There have been a few evictions. Of the 80 acres sold by auction on that common there were only six people residing on those 80; while upon 120 selections that were allowed there were eighty people living, all within a very short time. I have only known one tenant upon that land—that is, people who I have reason to believe took it up for others. Some have not lived on it, but have cultivated it and ploughed it. It is the only outlet for the laboring population in this district for sites to live on. Nearly all the men living on the common are laborers, who work for the road contractors and on the neighboring stations and for business people in Collie. They have to fence in their land, and make average improvements running from £50 to £100 per lot; that is including the fencing and the erection of their houses. The upset price of this land has been from £3 to £5 per acre, according to site. Some of those selectors have taken up land within the limits of the railway reservation; and until the survey between Collie and Campden is adopted those unfortunate cannot get the fee-simple and purchase the land. The member for the district, Mr. O’Hern, represented this hardship to the Minister of Lands. They have paid four years’ rents—£20 for three acres of land—and yet the Minister of Lands would not make the concession to allow those men to pay the nominal price till the survey is made. They have to throw up their land or pay an exorbitant price.

The witness withdrew.
will follow the example set here—sell out and seek pastures new in the adjoining colonies; it has already commenced, and unless greater facilities are offered and remedied, men will make their rise here at Victoria's expense and enrich a neighboring colony. We must prevent this; and to do it the area must be increased, the tax and probate also to say twenty years, and the rent probation. We want neither compulsory residence nor cultivation, as the settlers themselves are the best judges how to work it most profitably. Occupation is what is required; but if this extended probation is carried, it will effectually murder dummyism. Another thing wants remedying, and that is the nominal value, as it is only a farce to think all selected lands are set down at 20s. Some worth 20s., some worth 200s.; they have both a right to a gift. The prices want arranging according to class; and if the Government cannot see their way clear of remedying the evil, I think it will be much better to revert to the auction system again; then the money would be here; but, according to the working of past land Acts, the colony has lost the land without establishing the people upon it, and the money gone, in many cases, to enrich other treasurers at Victoria's expense.

3042. How do you arrive at that conclusion that by extending the areas you would prevent dummyism?—Because a man obtaining only 320 acres in this colony now cannot live respectfully on it. He is offered £1,000 for it, and he goes to New South Wales.

3043. How will a man give all that for it then?—To increase a large estate.

3044. It pays the large owner to give £1,000?—Yes.

3045. You are speaking now of the more northern district—Wimmera and that way?—Yes.

3046. We had in evidence here that there were a number of acres still open for selection there, and that of that area half was first-class land?—Yes, first-class land, but the climate is not adapted. It is a very dry country.

3047. Do you know the country about Brandy Creek in Gippsland?—Yes.

3048. What area should be allowed to selectors there?—I maintain 1,000 acres. The country should be classed. My opinion of Brandy Creek country is that it will cost from £10 to £20 an acre to clear it, and after they have done that you can buy it for £20 an acre.

3049. Would you allow any special advantages to people who took up such land as Brandy Creek land?—Undoubtedly.

3050. What concessions would you allow in that particular district?—In taking up the Brandy Creek country I think that what I have sketched here would do. There would be so many classes.

3051. A man taking up land in the neighborhood of Dimboola, say where there is no forest, has no outlay to begin with, while in Brandy Creek or the Otway forest and other thickly timbered places they have to subdue the forest; would you allow any concession in the latter case?—No; I would compel them to hold it for twenty years.

3052. And give the forest selector no concession more than the other?—The concession would be classing the country. I would deem Dimboola country worth 40s., and the Cape Otway worth 10s.

3053. How would you apportion that 40s. an acre?—He can go on the land at once, and I would charge him in proportion to the value placed upon the land. That would be twenty years at 20s. Cape Otway 10s. for twenty years. "There is another ridiculous idea that could easily be done away with, and that is the 'Local Land Boards,' or at least in nine cases out of twenty. I fail to see their use in any of the nine cases. In all the outlying districts, for every selector to attend these boards becomes a serious item in the time lost and the money expended; and they have travelled hundreds of miles to hear their name called, no opposition, and recommended, after which they have to return and patiently wait their notice to occupy. Now, to remedy this evil, let the applicant peg out and apply in the usual way, and after making application advertise in the nearest local paper for fourteen days, and if no departmental or local objection is raised, it could be granted; but if it is objected to, then it could be heard before a board; but do not put 100 applicants to the expense of, in plenty of cases, of hearing about one objected to. These objections, in most cases, are frivolous, and either raised by a personal enemy or a shire council; the latter of which is composed principally of Crown tenants; and every 320 acres of good land saved from selection is worth about £40 per annum after paying the Government demand; to them objection is a paying speculation if they succeed, and if they fail, it is for the good of the country they have done it." 

3054. Your idea is that much of the opposition that is made to selectors comes from the Crown tenant, who opposes on personal grounds?—In many cases. My conclusion, I will instance three cases of the sort that have recently come under my notice in my official capacity; the first is an opposition raised by a shire council and succeeded; a person applied for 320 acres; a portion was good land; the engineer happened to be there at the time I was marking it, and requested me to reselect it, but he selected it as a grazing reserve; but I examined the land, also the lot, and marked the lot as pegged; but it was brought under the notice of the council, the reserve granted, and excised from the lot. The pegger I believe has thrown it up after being put to about £30 expenses, and there it is for the councillors' sheep to graze upon.

3055. What is the man's name?—His name is James Jasper Telangatuck.

3056. Did you report upon it?—I did. The Crown lands bailiff was sent. He bore out my statement, that it contained no gravel. I believe the man has thrown up the selection.

3057. Who has got the land now?—No one. The shire councillor's sheep are grazing on it.—Mr. Hayman. It is the Kowree shire manager for Mr. Charles Armitage. Mr. Hayman is the president of the Kowree shire.

3058. Will you proceed with your statement?—"The second is a case of personal spite of one selector to the other; a man pegged a block of ground where three or four adjoining selectors grazed their sheep by turns; these selectors got up a petition (signed by eight persons) attended the board, and stated that the land pegged contained a spring. They carried the day. I was instructed, when marking the lot, to excise the spring and leave good access thereto; but I failed to find it, and informed one of the objectors of my inability to do so, and requested him to show it to me; but he said he would not show me any spring, only just a seapage; he then admitted he would never have raised such an objection only that the applicant reported them for grazing their sheep upon Crown lands. In this case I have not carried out my instructions, and am prepared to fight it out to the bitter end rather than see such petty spite prevail, though no doubt it will cause me extra correspondence. That was in the parish of Farraparap, about seventeen miles from Geelong. And the last case I shall instance is a shire of about 9,000 acres, chains wide, along the margin of a lake about a mile long; a large landlord applied to the council for a
road; it was granted and excised, leaving it two chains by about a mile. The road is no earthly use, will never be required, but there it is, and there it will remain, for it leads from nowhere to nowhere, for the purpose of nothing, therefore it must be an important one."  

5059. Who is that?—A man of the name of Rolls, near Cressey.  

5060. Was Rolls a selector?—Yes. Mr. McVean was the large landholder referred to.  

5061. He got a road put there by the shire council, reducing the section to a mere ribbon?—Out of the selection I do not think there is more than six acres of land; the remaining portion is water, and to fence it properly would cost £246.  

5062. He selected at the margin of the lake?—Yes.  

5063. And is there not always a reserve by the margin of a lake?—Not in this case. It is a piece of small land left out.  

5064. What do you wish to show?—To show the ridiculous opposition at these land boards. I want to prevent that; that the thing should be advertised, and both sides heard.  

5065. You have no local boards except where there was something like bond side opposition?—Yes.  

5066. What board should decide on such a case?—The local board.  

5067. That would not prevent a spiteful man coming in. The local board is not to operate expect where there is opposition. Would not the opposition of a spiteful man arise then as well as now?—Yes.  

I only wish to show the ridiculousness of making every applicant come to the local land board. It costs £40 or £50 sometimes.  

5068. Has no one person to act on?—No. I know of persons who are paid to attend. I know of one, named Allen, who is a pastoral tenant, who employed a man who was a mining commissioner.  

5069. To oppose everybody?—Only those on his own station.  

5070. What was the result of it?—The opposition of any use?—It cost me £2 in one case to give the men a good hammering—to a man, in one case, to get this gentleman, Mr. Fraser, a good trouble. I had to pay a fine of £2 for the man who did it for me.  

5071. Where were any of the objections upheld?—No, they were not.  

5072. How many objections did this man lodge altogether?—Sometimes every case he objected.  

5073. What was the general objection?—Because it contained gold; auriferous land.  

5074. Is that run now occupied by selectors?—There is a deal of it selected under the 49th section. I think it is all selected under that.  

5075. What do you consider was the cause of the Land Act being a failure?—Because the area was too small. I have myself purchased nine, and I have paid a heavy price for it, and those people have cleared out that got the money. The money has gone to New South Wales.  

5076. Is there any way you can prevent that?—Yes, by compelling them to hold their land for twenty years; if they break down, the land reverts to the Crown.  

5077. The objection given to that to us is that a man could never get any advance upon his land at all?—That could be easily remedied, if a man wishes to borrow say ten acres on his land; if he requires more than that, it is better he leave the land.  

5078. Suppose I am a selector, and that I am five years upon the land, and that I want £50 to help me over some difficulty, and I go to the bank, and they ask what security I have; if I have no lease, what can I do?—It seems to have been done during the licensing time. I know of many cases where it has been done by overdrawing an account.  

5079. You stated that you were a grazier?—Yes.  

5080. Where do you live?—About two miles from here.  

5081. Are you a tenant farmer?—No, I own the free-simple.  

5082. What acreage do you occupy?—In my own name?  

5083. Yes?—About 1,000 acres.  

5084. How much do you own?—One thousand four hundred acres I own in free-simple.  

5085. Was this land selected under the Act of 1865 or 1869?—All of it was selected except 35 acres is in the township of O'Keefe; it was selected under the Act of 1865.  

5086. How long after that did you purchase?—Most of it in from three to seven years.  

5087. Were these lots of land gained as prizes in the lotteries held at the time?—Yes, in the land swindles.  

5088. And you bought the people out?—Yes.  

5089. And as an aggressor of small estates you have helped to defeat the Land Act?—Yes, and I do not see I was to blame.  

5090. You read us a long address about the land system in general, and it appears you yourself bought out nine of those men?—Yes, and would not you yourself do the same? I bought and paid honest money for them; they found the money was better for them.  

5091. What was the smallest holding you bought?—Fifty acres.  

5092. And the largest?—The largest I have bought is 260 acres.  

5093. Was the man who got that block of 260 acres bond side?—He held it for twelve years; he was bond side.  

5094. What has become of that man?—He is dead.  

5095. Take the class of land that you occupy, what acreage is necessary for a man to maintain his family on?—Anything less than 640 acres I think a man could not maintain his family on.  

5096. What is the grazing capabilities of your land?—At the present time I have 700 sheep, about 120 cattle, and about 15 or 20 horses, on 1,000 acres of land.  

5097. Do you carry under the land tax?—No.  

5098. What is it classified as?—I suppose it would be 4th class. A deal of it is poor land.  

5099. You heard what was said about State Forests—what is your opinion as to the advantage of throwing open portions of it?—I think they might almost throw open the most of the State forest, because they cannot get the timber out without a tramway.  

5100. You have heard certain views held by some of the land reformers; have you ever thought about the question of the leasing of lands?—I think it would be a very good plan.  

5101. Might the experiment be tried in this Cape Otway forest?—Yes; but you would have to give a permanent right to the land.
5102. Would you simply lease this land with no prospect of a man ever getting the land?—That they should be leaseholders—never part with the freehold to them.

5103. Do you think a man would expend £3 or £4 an acre on a leasehold, without any prospect of getting the freehold?—I think so, because we have tried Land Bills, and tried to settle the people on the land, and it has been a failure.

5104. Suppose there were 320 acres offered to you there, and you saw that it would require £1,000 and three or four years' hard labour, and you were told that when you had reduced it to the condition of a civilized farm you would be turned out at the end of a certain number of years—would you take it on those terms?—No; I say a permanent right to it.

5105. What is the difference between a leasehold for ever and a freehold?—The one is constantly bringing in a revenue to the State, the other is not.

5106. But the State can lay on a land tax. If you give a man a piece of land on a lease for ever, the State as effectually parts with it. The only difference is that the State does not get the capital value of the land?—Yes; but now the State is not getting one-third of the value of the land. It is private parties that reap the benefit—not the country. I have paid £5 for the ground I bought, and the man I bought from never spent more than £2 on it, therefore they robbed the State of £3.

5107. The result of this benevolent system has been to export men?—Yes, they go to another colony.

5108. They go into New South Wales and other places?—Yes.

5109. That arises from the three years' licensing period being too short?—Yes.

5110. Suppose this system applied to land generally: if a man was allowed six years instead of three years' licensing period, to make his improvements; and if along with that he only paid one shilling an acre per annum instead of two, would that ease off the system of dummyy man and fix the population upon the land?—The only thing to crush dummyy man is to extend the term of probation; six years would not be enough, you must extend the term to twenty years.

5111. Twenty years is generally considered too long by those who have given evidence?—I do not think so. I have purchased this land, and I intend to stop on it as long as I live. If they go in to make a home, it is not too long; if they go in as a speculation, three years is long enough.

5112. But they could not raise money on it?—Surely there must be some means of getting money?—

5113. Do you consider that the preliminary period, when a man has most to lay out, should be extended—the preliminary licensing period—from three to six years?—Yes. I should say from three to ten years.

5114. Would you think it also an advantage to reduce the rent from 2s. per annum to 1s.?—Yes, reduce the rent most undoubtedly.

5115. So that this double operation would be together the means of fixing the population upon the land?—Yes.

5116. You know Horsham and Echuca districts?—I know Horsham well, and part of Echuca.

5117. Is the settlement there of a character that will be permanent?—That in Horsham will, if the people are allowed to take up sufficient land to reside on. Now many of them are offered £1,000 for their selections; and if they can get that, and cannot get more land, they take their £1,000 and go to New South Wales with it.

5118. You think 640 acres the least a man should have?—Yes.

5119. How many assistant laborers would be required to work that?—If it is fenced in for grazing it would require nobody but the man and his family.

5120. For agricultural purposes?—I do not hold with agriculturists.

5121. Then you would alienate the land for pastoral purposes?—I think let a man do the best he can,whether cultivating or grazing.

5122. Would you abolish the cultivation clause?—Yes, and the residence clause. It is very easy to prove occupation. If you see another man's sheep on my land, you can conclude that the land belongs to the person who owns the sheep.

5123. What is the value of the occupation of the large estates like Sir Samuel Wilson's. The object of the State is to settle a yeomanry on the soil, and if you abolish residence altogether you will never have a settled population at all.—We have some homestead settlers here—mechanics, who are trying to make a home for their old days. It would not pay them to reside. In nine cases out of ten men would have to reside, but I would not make it compulsory.

5124. Then you would make two classes of selectors, resident and non-resident, and the latter should pay more than the others?—I do not hold with handicapping the non-residents. I do not see why I should not take a piece of land if I want to.

5125. You would produce a class of pastoral tenants?—Take the Horsham district: there is one half of that is nothing but grazing: there is no cultivation at all.

5126. That may arise from the ignorance or neglect of the people. For a long time it was thought that country was not fit for the cultivation of wheat at all. How do they grow in the south of France, and in Italy, and in Spain, and in all other countries—how do they manage when they have a dry climate. Your evidence implies that a class of well-off people like yourself ought to have the land, who would employ laborers?—[No answer.]

5127. You mean to imply that the man is the best judge of what use to put his land to?—Yes, but compel him to hold the land.

The witness withdrew.

JAMES SIEURIN examined.

5128. What is your occupation?—Shire engineer of the Cdeaux shire.

5129. How long have you been in this district—in this occupation?—About five years.

5130. We wish to hear your views about opening up that forest, and the means that should be taken to do it?—There are two questions I should like to ask you before expressing my views, so as to know on what to base my statement—that is, was the intention of the Government in its statement—that land Acts, to settle the residents upon the soil: if it was for the purpose of making homes for the poor men, then I want to know what you call a poor man—what amount he ought to be possessed of and still be called a poor man?
5131. You want to know what is the standard of poverty?—My reason is this: A man goes in and takes insurance; if he goes to pay £50 for survey he has got to pay two shillings per acre per year rental, which comes to £96 in the three years; he has got to maintain his family for the three years, which would cost at the very least £50 a year—that is £150 more, and he is obliged to reside on the land, and he has no means of earning money to increase the sum of money he started with. He has also to put £200 worth of improvements on it, and say, £100 for the three years’ sundries—say, £386 altogether.

5132. It comes to more than that—£686?—Yes, I see I have made a mistake—that is how much the “poor” man requires to have to settle on 230 acres. That is the Land Act that is giving a “poor” man a chance. What I wish to show in this is, the residence clause is what makes it so hard upon him. For instance, if A, B, and C, who are tradesmen in the town adjoining, say, “We will each take 230 acres; we will comply with putting on the improvements that the Government require upon the land.” At the same time come D, E, and F, who hear of the others having selected, and they say, “We have no money, but we will select alongside of A, B, and C, and get work to do on their selections.” That is the same money itself. You do not require a million of money for selectors when you allow a mechanic or tradesman to select and at the same time supply money for laborers out of his capital.

5133. You would institute capital and labor together?—Yes, and no one should try to displace them.

5134. And do you think that that system would come into operation generally? For instance, in this district, suppose these selections were thrown open in the forest, do you think there are local capitalists who would take up the various selections in that way?—Decidedly, and I would also add, give them no Crown grant for ten or fifteen years.

5135. Would you make any difference in the charges by the State to the resident man—the loosing class—and the non-resident man who brought capital there? Suppose you yourself, as a resident of Colac, took up 320 acres there, and other men took up land close by, and you hired them to do your work, do you think you would get them on the same terms as the other man?—Yes, I think, but it is a matter of opinion—how the thing would be worked out. I think the laboring man who resides upon the ground, and does the work, should spend 20s. an acre on improvements, and that I should expect 1s.

5136. You would oblige the non-resident man to double the amount?—Yes; but I hold that 2s. an acre for the man, is perhaps too much. How much is the laborer paid?—It is not; he makes it worth that value. There is land in the forest which I will not give fivefives for 10,000 acres.

5138. You must know that our system is copied from the American system to settle a yeoman class upon the land?—Yes.

5139. And shopkeeping is not a yeoman class?—Shopkeepers have children as well as other people; could not their family be a yeoman class?

5140. I may mention that we have taken evidence in the Horsham district about that, and a man mentioned that if such a system existed the land would have been all selected in one week by non-residents?—Yes, but Horsham is not the Colac district. You might allow the whole of the merchants of Melbourne to come and select the Cape Otway forest, and they will soon find they have got a white elephant; they will find the man who is doing the piece work for them will be able to buy them out in ten years.

5141. Do you not think that it is enough for a shopkeeper to be able to lay without giving him a gift of the land?—Why should the shopkeeper have the birthright of his country, just because he is calling is trade, and he is in the town, and he is connected with business pursuits, any more than the laborer who sees he cannot make wages better than going on the land for three years, and then selling out to a shopkeeper?

5142. What you say is to be only applicable to forest land, such as Gippsland and the Cape Otway forest?—Only that I do not see why the retired shopkeeper should not be a yeoman as well as any other man.

5143. I understand you that there is no way of utilizing this forest land but by bringing capital to bear upon it is absolute, and that the best mode would be to have two classes of selectors—the man who has labor as capital, and that the connection of the two upon the land will subdue the forest and do what the State wants—settle population permanently upon the land?

5144. And that without some such system the land will lie there for ever, no use to the State?—Precisely.

5145. Are you aware that similar land has been taken up under the 1893 Act?—That is at Scott’s Creek near Camperdown, and I believe the soil there is good. Here the good land is only in patches; it is sandstone soil except on crowns of ridges and flats or valleys; the greater portion of the Cape Otway forest has never been travelled through.

5146. So that there is a good deal of conjecture about what the land is?—Yes.

5147. Have you any other suggestion?—No. I do not know anything else.

5148. I understand that your remarks apply only to the State forest?—Yes.

5149. And this argument about birthrights only applies to Colac; the people at Sandhurst, where there is no selectable land, have no birthright?—Let them come down to Colac.

5150. If they come there, you will allow them a birthright then?—Yes, let them come, they can have that birthright by paying the work done in the forest. I would throw it all open, reserving portions here and there of timber for public purposes.

5151. Are you not aware that the whole forest is there for climatic purposes?—It is not necessary to have so much.

5152. And you are aware that the timbered tracts have a great effect upon the climate?—Yes, but fringes of growth might do as well as whole masses.

5153. If the forest is of enormous extent, the rainfall is absorbed in the forest itself, and it does not go outside?—Yes.

5154. So that the forest is too large for the purposes of climatic influences?—Precisely. I would reserve other reserves for towns. I think the Cape Otway Ranges will be the highlands of Victoria some day, where strong men and women will be grown.

5155. What is the population of Colac?—I suppose from 5,000 to 6,000 in the township.

5156. Is the population increasing in the township?—I think it is.

5157. Is it diminishing in the share?—I cannot say.
5158. Do you think the town is in a thriving condition?—I think it is.
5159. Trade here doing well, and so on?—Well, there is a general pull all over the colony at the present time.
5160. By growth Coates, as one of the oldest towns in the country, is not what it ought to have been if you had the lands all round settled on by European population?—No, decidedly not.
5161. You have something like an arrested growth, something like the Chinese civilization, and whatever growth there is is in spite of the system!—Coates has got isolated altogether on account of the forest being shut out.
5162. Are you the shire engineer?—Yes.
5163. How about the roads round Coates, have the large proprietors alienated them as in most other shires?—The roads round Coates are all open so far as round Coates is concerned. In some places in the shire, swing-gates have been applied for, and put on.
5164. When?—A twelvemonth ago.
5165. Are you aware that your council has not the slightest power to grant these gates?—I have nothing to do with the power of the council, I only attend to my own business.
5166. I asked you as to population of Coates and so on, you can see what it leads to—you can see that the town is being strangled by these large estates?—I do not think so.
5167. Have you, as shire engineer, had any instructions to open roads that are public property?—I have when the roads are applied for; there are roads which I think will never be applied for, because they lead nowhere and we have not money to spend on them.
5168. Are any of the proprietors of the large estates members of your council?—Yes.
5169. You have received to instructions to open roads through their properties?—Yes; I do not think these are many closed roads to open on them.
5170. Then do you not know much about your shires?—I know everything about it.
5171. Have you seen the map that was sent to you by the Closed Roads Commission; have you returned it?—No.
5172. When will you?—When I get instructions.
5173. Has the matter been brought before the Council?—I do not know.
5174. When was the last sitting of the Council?—The third Wednesday of last month.
5175. Had you received the return then?—I do not think it; I have received no orders.
5176. You are aware that if the shire council does not comply with that, the Minister can withhold the salaries?—I do not know anything about that.
5177. You, as shire engineer, can inform us whether the frontage to the lake is barred off by the landed proprietors, and the roads that lead to the lake, are they not forced off by the proprietors, and included within their lands?—There may be some; I cannot say there are any. There are no roads round the lake. I believe there are one or two leading down to the lake, which are no use to anybody.
5178. Except to the landed proprietors?—Yes.

The witness withdrew.

Edmund Cooper, J.P., examined.

5179. Have you been long resident in this district?—Six years.
5180. As a business man you are able to give some idea about the prosperity of the place, and what is the general effect of the estrangement of the town by these large estates and the absence of a sustaining population—what are your views upon that?—I concede that owing to the selectors that selected some ten or twelve years ago—that is the bulk of them, going away with their money—we have lost the best class of people we had here for the business people to deal with. The large estate owners, as far as we mortals are concerned, are very little use to us; their money is nearly all spent in town, whereas the selectors were people who spent the whole of the money they had in the district. I think that one of the reasons why they went away perhaps was their ability to get the Crown grant in the three years' time. I think the spirit of the Act was eradicated through that. If you put a young man on a piece of land of 100 or 200 acres here, it is equal to 400 or 500 acres in many other places; he keeps it for three years, and then sells out at a good price and goes elsewhere, perhaps to New South Wales, so that men of enterprise have cleared out; whereas with ten years' probation a man would have become middle-aged at the end of the time, and would have remained here. In regard to forest land, I think that the selection should be allowed to be something like 640 acres, and that cultivation should not be insisted on there. I think that they should not get the fee-simple of the land under eight or ten years' time, and they should pay something like one shilling an acre a year for that time. It should be a license up to that time, and if they could not buy it in that time they could clear out.
5181. Would you have a class of non-resident selectors?—I would decidedly, on any lands subject to certain conditions. I think you might have no bond fide selectors, perhaps not what you call a yeoman as yours; but if you make them put on improvements to double the amount that you ask in regard to resident selectors, say 2- an acre a year, that would do. For instance, here is a man makes money in his business; he is able to take out a certain sum and employ labour, and he would do improvements much better and quicker and introduce capital into the district.
5182. That might be in forest land where great difficulties have to be overcome, and where capital would not come except from enterprise; but in regard to Echuca and Horsham and land like that, the evidence there was that directly the Act that proposed such a thing passed, the whole of the land would be rushed by wealthy men, and there would be none left for resident selectors at all, before a week had elapsed the land would have been snapped up by capitalists. Well, I believe your argument might stand in regard to open country, but not in regard to forest that needs to be cleared; no man without capital can take up the forest land and do any justice to it. Every small selector that has had the land has done nothing practically with it; just muddled along and put a brush fence on it, and stopped till somebody would buy him out.
5183. How much do you think it would cost per acre to clear this land to make it fit for agriculture?—Such land as near the Coliban?
5184. Take the best?—I should think it would cost about 5s. or 6s. an acre, perhaps 70s. an acre.
5185. Take 10s. an acre; then on a selection of 200 acres a man would have to spend £5,200?—Yes.
5186. And he would have to pay about £200 for fencing?—Ordinary fencing would cost about £50—Edmond Cooper, Esq.,

5187. Then £120 for fencing; how much for building?—Two hundred pounds. 31st July 1862.

5188. Have you an expenditure of £3,520?—Then you think that land would pay interest on that money?—It would pay interest on the money in the run of years. I do not think it would be a quick return, but I think it would be a good investment; the land improves every year, and the population will give an increased value.

5189. Do you know of any land that would fetch for 320 acres £5,520?—Plenty of it. There have been blocks sold about Ondit at from £10 to £20 and £50 an acre for blocks from 20 to 100 acres and so on.

5190. You know from your own experience that good land in this district has fetched from £10 to £20 an acre?—Yes. There was something like 100 acres sold for £17 an acre not long ago.

5191. Then townsmen taking land would not look at it as a speculation but a sort of hobby?—Yes; in my case I would make it a hobby, and make a home to retire to, and I would be less likely to clear out.

5192. Do you not think that the acreage to be allowed to townpeople should be less than those who have to reside and make a living on the land?—Yes; you think you might make it one-half.

5193. Would it not be better to make the charges double?—Yes. The improvements I would go in for making double.

5194. The way to look at this forest settlement is this, that without some such system as you propose the land will never be utilized?—Yes; I think the best timbered portion should be surveyed in blocks of from 5,000 to 10,000 acres each, and reserved for forest reserves. And there should be township block reserves and water reserves to the full extent. I would then throw open the rest of the land to resident and non-resident selectors on certain terms. I think that it would also pay the Government to subsidize the local bodies in regard to forest land like this, which will not be taken up without that.

5195. Is it your idea that the throwing open of this forest country is indispensably necessary in order to conserve prosperity to this township?—I believe this township will go down materially unless this forest is thrown open. I think it is the backbone of the place, and the only thing we have to look to.

5196. You mention the large estates around as what has conduced to prevent the prosperity of the place. A policy which would have the effect of making it unprofitable to those large holders to hold the large estates would go to restore prosperity?—Partially it would, but it would take some time to do that.

5197. Suppose it can be done by means of a joint policy, would that have the immediate effect of restoring prosperity to the place?—Undoubtedly.

5198. Is it not the feeling of the whole community here that the feet of their being no yeoman class, but a large pastoral class, round, is the condition that has prevented the prosperity of the place?—Yes; and the fact that this land, which is adapted by nature for agricultural purposes, is utilized merely for pastoral purposes.

5199. Then would not the Colonist people be doing better to try and remedy that evil that is close round them instead of going into the subject of that forest. Would not that more than to alienate the sea-board of that forest?—I think the bulk of the people in this district are content against the aggregation of large estates.

5200. But while the people of Colonist are strongly desirous of that they feel that it is a remote policy, and that there is now land in the forest that can be utilized at once?—Precisely.

5201. Suppose that policy talked of eighteen months ago had been carried out, and that the large landowners were disposing of their large estates into small estates, this agitation for the forest would cease?—Not cease, but it would lessen; for there is a lot of timber and minerals that want bringing out, all of which is capital lying dead.
there were 33 land settlers people pegged out those eleven selections—men from Ballarat, Scowdale, Smythesdale, and other districts—showing that substantial men are willing to come and take this land. There is just one point I would like to mention in regard to surveying. There has been a lot of surveying done on this system—on the system of irregular outline, leaving wide spaces here and there—which the State has done is incomparable instances. The American system lays out parallel blocks, and compels them to parallel groups or squares in every instance.

The witness withdrew.

John Elkingston examined.

2521. Are you a long resident in this district?—A number of years; I have been acquainted with the district for 22 years.

2522. During that time have your occupations enabled you to gather experience in regard to the occupation of land?—I might start off by saying that I was employed for four years—from 1857 to 1861—in the collection of agricultural statistics, stock returns, and so forth, and I had opportunities of observing the early settlement when the population was inconsiderable.

2523. Were you secretary of the shire?—I was secretary of Wincleshara shire for fourteen years.

2524. You witnessed all the allocation of the land in this district?—Not exactly the Colac district, but more particularly the Wincleshara shire.

2525. Are you familiar with the land about Loutit Bay?—Yes.

2526. Is there any of that forest land fit for cultivation that it would pay a man to take up?—A considerable portion of it.

2527. Good land?—Yes, very excellent.

2528. Is it very heavily timbered?—In places it is very heavily timbered.

2529. Is there any settlement going on at all about Loutit Bay?—Yes, gradual settlement—there are several selections pegged out within the last three months along the track from Dean's Marsh.

2530. Does the forest reserve come down to Loutit Bay?—Not quite.

2531. As to the land that is between Loutit Bay and the forest reserve, is that land good for agriculture—will it pay men to take it up?—In places it would not entirely—there are rocks that may be taken up and utilized.

2532. In fact, your evidence goes in the same direction as all we have taken, namely, that it is desirable to make detached forest reserves here and there, and let the other land be selected.—Precisely so; I would like to state that one matter to facilitate settlement is this. In my opinion, the Department of Lands and Survey should survey trading lines along the ranges tending towards the coast in one direction, and to come up northwards towards the lines already surveyed.

2533. Tracks laid out by the Government?—Yes, by officers who would take great pains in doing it; it is easy to be done.

2534. You were secretary of the Wincleshara Shire for 14 years?—Yes.

2535. Do you remember the selections that took place under the various Land Acts during that time?—Yes, quite well, beginning with Mr. Brook's Act down.

2536. What has been the result of the Land Acts in that shire, in your opinion?—Under what was originally Mr. Brook's system, I believe it is about the best system ever brought forth yet, for this reason, I could show you to-day men who are in possession, it is comfortable circumstances, who worked hard, and who are the very men who took up the land in 1861, under the license, and the greater part with their families are there now, that is in the parishes of Barma and Maroona.

2537. What do you attribute that to?—To the men who were anxious to get upon the lands; and some of them were married at the time and had small families; some were not married, and went upon these lands with the determination to make a home. It was selection, before survey; they chose their lands in different shapes, some rectangles, some oblong and some square pieces; but at that time the greater portion was heavily covered with timber, and a large amount of physical endurance, these men have been able to do what they have. You can go to-day and see hundreds of acres, completely cleared, and good crops have been raised for some years past therefrom.

2538. What was the average capital of the selectors?—These men had very little capital at the time; but through friendly assistance from storekeepers, and small capital of their own, they have been able to get on, and they had the industry.

2539. How many acres in each holding?—The smallest holding was 40 acres, a very nice tract of land, that person got on very well, he is not long since deceased. There are a few 50 and 60 acre blocks, but the average was about 120 acres; 160 acres was the limit, there were a few of them.

2540. The land was good after it was cleared?—Yes, fine stock land.

2541. What were the conditions of those occupation licenses?—They had to pay a certain sum in the shape of rent, and up to a certain amount, then they could make it their own after a term of years; but I think in the subsequent Act there was a clause inserted that facilitated their getting the Crown grants.

2542. Then these men took the land up as leaseholders at first?—Yes, it was a license to reside and occupy, and to cultivate.

2543. They took up the land originally as leaseholders, they were afterwards transformed into freeholders?—Yes.

2544. There were men at the time did not know they would be ultimately freeholders?—Yes. I think there was something foreshadowed in the Act at that period by which they all entertained the idea that they would obtain the land in a few years.

2545. This land was very excellent land?—Yes, a good deal of it; but it was densely timbered for the greater portion.

2546. It was too great distance from market?—Yes, they were too distant from market.

2547. Compared with those selectors under the present Act, who have a greater distance to go?—No, not so very much; there are better roads in the shire now, then the road improvements were very considerable.

2548. The fact is that the cause of the occupation license being a success was that the dummy system had not then come into operation?—It was not practised then.

The witness withdrew.
James Sinclair further examined.

5239. You know the forest pretty well—is it a practical thing to open up roads through the forest along the top of the ranges. Are there practicable roads if there were a proper road survey made? In many places there are.

5240. Will you mention one or two?—There is one that I ran down recently from about three miles below Mount Saline to the coast. The present track is over very broken country, and we applied to the Government for funds to widen and cut the timber to a greater width. The trees are continually falling down as you go, in the passage, and Mr. Patterson, the head of the Works department, said that they were under the impression that a better track should be got before any more money was expended on the present track, as they thought a better one could be got.

5241. Has it been got?—Yes. I have got a better track. I went out there and blazed a track from the Double Mia Mia to the coast, striking the sea shore about half a mile to the northeast of where Skene's Creek empties into the sea. That road runs along the ridge, a literal backbone, all the way. It is a very good track with the exception of the coast range, which is pretty steep, but a fair grade can be got by detouring.

5242. Do your knowledge of that forest tell you that there are practicable routes for roads to open up the forest?—Yes, decidedly; and unless there are roads made, there is no probability of the land being selected.

5243. You, as a surveyor of the locality, state, from your own knowledge of the locality, that there are practicable roads, but that unless there are roads made there is no possibility of the land being taken up by selectors?—Yes, roads cut (I mean cleared). It would be necessary, because you cannot see above two yards from where you stand, the forest is so dense.

5244. You think it stands a good chance of not being selected if that is not done?—Yes. I might state as an instance that within five or six miles of Colac we extended the road, clearing about a mile further than we intended, through pretty thick timber, and the land there is far better on the left hand side of the road than what is nearer to Colac. This land would not have been known but for the clearing, and I believe it has been selected since that road was opened.

The witness withdrew.

Charles Buchanan examined.

5245. Have you been long resident in this district?—I have been nineteen years. I am afraid that you have elicited so much information that anything I can say will be of very little profit.

5246. I shall only trouble you on one point, that is, have you any idea at all upon the subject of throwing open certain lands in the forest—do you think it is absolutely necessary for the prosperity of the district, or what do you think?—With regard to that question I might say, that after nineteen years' residence in the district, my opinion would be this, that as much as the land at the northern portion of Colac has been parted with under law, which you cannot alter now, although some seem to think that those who possess that land can be deprived of it—that is a radical opinion; but the forest possesses a wealth of riches that only requires a short time to develop. I might state this much, that, in company with other five, fourteen years ago, we went back into the forest with a view of finding gold by prospecting—surfacing. We found gold—in almost every little gully we could get the color. We were not satisfied with that, and we commenced a shaft. We went into the bowls of the earth 153 feet. This was private enterprise. All the indications were of course auriferous all the way through. We bottomed. The depth was too great to find gold, and, in consequence of the harvest coming on, we abandoned our proceedings. Still we are fully satisfied that there is gold there to be found in payable quantities.

5247. You think from what you saw there, in fact, that if there was anything like a rush of population it would develop a goldfield?—I am satisfied of that. I am prepared now to advance, poor as I am, and only a working man, a portion of my resources to develop it. I am satisfied if the forest was opened the resources would be developed.

5248. Are you aware that the very fact that you have stated, that it is auriferous, would prevent settlement?—Prevent?

5249. You state that the land is auriferous?—Yes.

5250. Are you not aware that all auriferous land is especially reserved from selection?—I am to understand that we are not to interfere with what is in the bosoms of the earth, but to interfere from the surface of the ground. I might state this much, that if the Department of Public Works would give encouragement to the shire council of Colac to open up roads into the forest by tramway—not otherwise, because there is very little metal to be found—if they would grant the power to make roads on the most suitable routes, I am satisfied that selection would take place such as has not taken place in the colony, for the reason that the Cape Otway forest abounds with the best of timber from this to Cape Otway; and I may state, that the timber runs in zones; and it is a well-known fact that the soil is indicated by the timber that grows on it; so I think that if the place is open it will be capable of maintaining a yeomanry on the soil. I am not going to ask what a yeoman is.

5251. A man who lives on the land?—Directly or indirectly it is little difference in regard to the opening up of the forest. I might say that the land in many portions is exceptionally rich. It has been a forest from time immemorial, and the ground has become enriched by the vegetable decomposition.

5252. You confirm the evidence given by all the other witnesses—first, that it is desirable to throw open the forest; and next, that roads should be opened by which the people should have access to the interior of the forest; and, thirdly, that if that was done it would be a great element of prosperity to this district?—Yes; and I would go further, and say that the way to accomplish that is not limited to 320 acres. I should say from 320 to 1,000 acres, because I know that portions of the land are not so good in the forest. If there were concessions made in this way, that he would not be asked to pay anything for ten years, but when ten years did elapse, if he did not pay between when he took up the land and the ten years, whatever improvements he did make upon the land should go to the benefit of the State, because it is quite evident that a poor man cannot take up even 320 acres and live on it.

5253. Then the selections will be taken up by rich men?—The acquisitiveness of some is so great that some will get land anyhow.
2524. As to the general question of settlement, have you been present when the other witnesses gave evidence?—Yes.
2525. Do you know the allotments taken up under the Act of 1869?—Yes, I have been in the place nineteen years, and have watched the process all through.
2526. Under which Act was it that those aggregated estates took effect?—It does not take effect in this district at all.
2527. Under which Act was it that the estates aggregated?—Under the 1869 Act.
2528. You do not think that it was a success in fixing the ownership on the soil?—Quite successful under the circumstances. We are a progressive people.
2529. Is it progress if the land goes into the hands of a few instead of many?—Might I say prior to 1869 what was the thought of the bulk of the people of this colony, was it not gold mining? Those whose heads were screwed the right way were wise in their generation and took up land.
2520. Will you confine yourself to answering questions instead of making speeches. You say by the 1869 Act those large estates were aggregated?—Some of them had very little added to them then.
2521. Did the Act of 1869 help that aggregation?—Yes.
2522. Did it help it in a large degree?—Yes; it was a great mistake that.
2523. Can you point to any particular estate in this district that was acquired under the provisions of 1869?—Yes.
2524. Can you name one?—Yes. I know a strip of land that runs east and west in a certain estate.
2525. Where is that estate?—About eleven miles to the north from where we are now, as the crow flies.
2526. What is the size of that estate?—About 700 acres.
2527. You state that in the year 1862 a great deal of land was aggregated in large estates—how did the 1862 Act result?—Excuse me, I understand you to ask me a question in regard to 1865.
2528. I asked about 1862 before—Duffy's Act?—Yes.
2529. Now then with regard to 1862?—That had no effect at all.
2530. Was not the land purchased under those certificates?—Not in this district. I am not aware of a single instance.
2531. Are not those estates continually increasing in size?—They are.
2532. Have any been increased through the Act of 1869?—Yes, they have.
2533. To what extent—how much of the land selected under the Act of 1869 has gone into these large estates?—I could not for a moment enter into figures. It has been entered into by the previous evidence given, and I am satisfied that much has been said in exaggeration than otherwise. There has not been a great deal under the Act of 1869, I am sure of that. Land has certainly changed hands in regard to the large area holders. I am not aware of any but one.
2534. Who is that?—It is a very small portion, about 40 acres.
2535. Are you a holder of land?—Yes, I hold 20 acres.
2536. Where is that land situated?—About three miles from Ongar.
2537. Did you select that under any Act?—No, I bought that land under the Nicholson Act the following year.
2538. What is your opinion of the effect of the various Land Acts upon settlement in this district?—I think the Act of 1869 has been quite a success, all things considered.
2539. When you speak of this district, what do you mean?—The Colac shire.
2540. How can you call a selection of 5,000 acres a success. We have evidence that the aggregate selections together was 5,000 acres?—I am not going to answer as to anything said before.
2541. Are you aware how many selectors there are in the Colac shire under the 1869 Act?—No, I cannot say that, but I can say they are mostly bond fide. I cannot say without referring to the roll-book.
2542. You are a member of the shire council?—Yes.
2543. You state that the Act has been a success—will you give your reasons for thinking so?—Yes, inasmuch as many men who have like myself had to put off their coat and up with their sleeves to work hard. There were facilities for persons who were willing to take land under the present system, that is by residing on the land complying with the requirements of the Act, to have that land in a certain time. It is a nice thing to be possessed of some of mother earth; it is the backbone to society. There were many who found it a benefit. Then their families were increasing. They got 100 acres or less, and they have retained it still.
2544. When were you elected a councillor?—I think that is rather irrelevant to the question. Mr. Chairman, will you be kind enough to ask me; I decline to give an answer to that.
2545. The Chairman informed the witness that he must answer the question.
2546. The Chairman—My brother Commissioner has asked you a question. It is in my power to compel an answer, and you are liable to a fine of £20. If you do not answer it, and without going to any trouble, I ask you to answer the simple question, namely, what time you joined the shire council?—I will do so with pleasure and comity. It is eight years next August.
2547. Is this shire divided into ridings?—Yes.
2548. Which do you represent?—Wearing.
2549. Are any of the selectors that you spoke of as bond fide living in this district?—Yes.
2549. How many?—Not less than 20.
2550. Have you any reason to suppose that they supported your candidacy for the council?—They did.
2551. Do you remember whether the road question came forward at that time when you were elected?—Might I ask whether you are alluding to eight years ago?
2552. I allude to closed roads?—Yes, it did.
2553. What view did you take on the question—in favor of opening the roads or closing them?—Without prejudice. I gave it to be understood that I would do all I could to carry out the Act in its entirety. I gave it to be understood at the last election.
2554. What Act did you allude to?—The Local Government Act.
Robert Hadfield examined.

5306. We have had under examination Constable Arnfield, but it appears that he only knows about the town common selections. What we want to get from you is this—whether you have visited any of the selectors under the 19th section of the Act; and, if you have, can you tell us how far they have complied with the provisions of the Act and sworn themselves bona fide selectors?—Well, the majority of them, I think, complied with the conditions of the Act; but I find that in a great many instances land has been taken up for speculation, and in other cases it has been taken up bona fide, but found too small to live upon, and the selectors have consequently been obliged to sell out to large landholders.

5307. Some have been fraudulent—taken on speculation to make money by it.

5308. You think one portion was dummying the land, and the other portion was bona fide, and the bona fide selectors have had too small allotments to enable them to live?—A great deal of it was taken from 50 to 100 acres; and in some cases the land was poor, consequently they could not live upon it, and they have sold it out to some advantage.

5309. Could they have taken more if they chose?—Perhaps it was not convenient; they might by going to some other portion of the district; but it does not do to hold blocks of land so far separate; that is under the Act of 1869.

5310. Did you find a greater tendency on the part of the smaller holders than the larger holders to sell out?—A great many have done so.

5311. Do they sell to large estates or to each other?—Chiefly to large holders.

5312. Have you been frequently called upon to report upon the improvements, and whether the condition of residence has been carried out?—Yes, I have.

5313. Have you ever had your report disregarded by the department?—In some cases I have, but not frequently.

5314. In how many cases—about?—I think in perhaps two or three only.

5315. Do you think you were wrong?—No; I think I was right still.

5316. You think the department was wrong?—I think some interest was brought to bear.

5317. Some political interest between you and the Minister?—Yes.

5318. What was the nature of your report in those two or three cases?—In one instance I reported that the selector was a dummy for another person, because the other person's cattle were grazing on the land; and I think the man was not doing anything on it—not residing; it was fenced.

5319. Had you any reason to believe that the original selector had done the fencing himself?—I had reason to believe that the person who employed him as a dummy did it.

5320. Did you report in that way?—I did.

5321. What was done?—It went against me.

5322. Where was that?—In this district, a little lower down than Yeo.

5323. What was the extent of that holding?—I think about 70 or 80 acres.

5324. How long ago was it?—It might be two years.

5325. Who was member of Parliament for the district at the time?—Mr. Connor.

5326. Then, as a matter of fact, you found that some influence was at work—you don't know what—and your report was bucked?—Yes.

5327. That occurred in three cases?—In two or three.

5328. Were you ever asked for another report in those cases?—Not in the same cases. I think not.

5329. Those men against whom you had reported did get the land ultimately?—Yes.

5330. Have they got that land now?—Yes, I believe so.

5331. Are these men against whom you reported, and who got the land, now in possession of that land?—No, I do not think they are; I believe the person who employed them has got it.

5332. And your report has proved to be correct?—I think so.

5333. Have you any idea what area is under cultivation under the 1869 Act?—No, I cannot say.

5334. Are there many selectors?—There are a good many; but I cannot say; I did not keep a list of them.

5335. You think that many of these men are holding on as a speculation?—I say a great many have already sold out.

5336. Do you think that some of those who at present hold licences will sell out when they get their leases?—I think they will. In fact in a great many cases the holdings are too small.

5337. What rate per acre do these men get for their holdings?—In some cases £10s. and £4 per acre.

5338. Land for which they gave the State $1?—Yes; but of course there are improvements.

5339. Take the district altogether, these are exceptions?—Well, yes, they are, upon the whole.

LANDS.
5340. Is it the general character of the settlement of the district, this dummyism?—No, I do not mean to say that; I mean to say many selections have been taken up, and after having been found too small have been sold out to larger land holders; and I also say that some have taken up with a view of selling. I think the three years are too short a probation.

5341. Is that the proportion of the people?—No.

5342. Not 10 per cent.?—I think it would be below 10 per cent.

5343. What is the average acreage held by selectors in the shire of Colec?—I am not so very well acquainted with the shire; I am stationed at Birregurra; I have not to visit those in Colec.

5344. Who has to look after the selections in the Coley shire?—Mr. Sylvester is the bailiff for the whole district; we are only police bailiffs, and act within our districts.

5345. Do you know the State forest?—Somewhat.

5346. Do you find any complaint amongst the people in this district that is not open for selection?—I think a good many would like to see it open.

5347. For what reason?—I think a good deal would be selected.

5348. Have you heard it isurious?—I have heard of specks of gold, but I am not aware, so far as my knowledge goes, that it isurious. I think the first thing to be done in the forest is to cut tracks and open up roads.

5349. At the expense of the State or of the land selectors?—It would be a burden upon the selectors in the latter case, and I think they would have enough disadvantages without that, unless they had capital.

5350. Did you ever think of taking up a selection yourself?—I have thought about it, but I never did.

5351. Do you not think you should be allowed to?—I do not see why we should not as well as other people.

5352. You would make the improvements on the land?—Yes; I should take it with that view.

5353. And ultimately make it your home?—That would be my idea. Of course we are debared from many political privileges. We could not reside upon it.

5354. Oneconstable in a district we visited has 900 acres; you are a long way behind the crowd?—I am in that case. I could not reside upon it, and comply with the residence.

5355. With respect to the general character of the selection here your opinion is that it is bonâ fide, and that the men will comply with the conditions of settlement as far as they can, and that about 10 per cent. have proved to be now bonâ fide?—Yes.

5356. Do you think many of them are involved with money transactions with storekeepers or others?—Well, in some cases it is a very hard struggle—the land is poor.

5357. They have borrowed money?—Yes, but I don't think it is a general thing. The witness withdrew.

Michael Howe examined.

5358. You are president of the shire council of Colec?—Yes.

5359. How long have you been in this district?—Fifteen or sixteen years.

5360. From your knowledge of the district what can you say about the only selectable land in this district, namely, the forest land?—I am not acquainted with the forest country much. I have been there, but I believe a belt of timber ought to be left along the sea-coast and the rest taken up by selection, what is worth taking. The people seem anxious to take it up.

5361. Do you know anything about the coal taken up?—I have taken some shares in the company, but I am doubtful about the results. The prospects at present are very good. Some portion has been analyzed, and the result was good, considering that the thing was merely taken from the surface. I believe the analysis showed that it was of very good quality. The local blacksmiths think it is a very good article.

5362. How long is it since it was discovered?—A couple of months ago, I suppose.

5363. Of the reasons why that forest ought to be thrown open is that the mineral resources ought to be thrown open, which cannot be done without a crowd of people going there?—I think you can get iron and coal, but I do not think there is any payable gold there.

5364. Have there been any indications of ironstone there?—These have, I think, ironstone and coal, which I think far better than gold.

5365. What is your opinion of what should be done with those forest lands?—Persons thoroughly conversant with the country there want it thrown open. The local land board has been applied to very often, and the people seem to be very anxious to get it open. I think the surveys are too small. I think the land ought to be classified, and give the people according to the quality. I don't think it any good making people bidders by giving them too small an amount.

5366. You would allow 460 acres to a man—would you give any concessions to a man for clearing the forest there?—There should be unconditionally, or else you will not get the right class of people. It takes a large amount of capital to begin with.

5367. Have you taken into consideration the question of allowing non-resident selectors to take up land in the forest?—No, I think they should be resident. I would not have any non-resident selectors at all. You will find plenty of people to go there and reside on it.

5368. If this were done, a distinctive survey of that forest land made, separating the portions fit for forest reserve and the other fit for selection—do you think it would be desirable to restrict the selection altogether to people who would reside on the land?—I think so; and I believe you would get plenty of people to take it up in that way.

5369. Where from?—From these districts, and from other parts—Ballarat, Scarsdale, and other parts.

5370. Do you think the land is servious?—Not in payable quantities. You can find floating specks in the gullies—more specks, but not more.

5371. Are you aware that the whole township of Sorrento was selected on the plan that there was gold in these ranges; that they were within 30 miles of a goldfield, that goldfield being on the ranges of this Otway forest?—Is that a fact? If so, it must have been a pretence.
5372. You say there is not a goldfield?—I am simply giving my opinion.
5373. Your opinion is this then, that this land in the forest ought to be thrown open for selection, and that certain reserves ought to be made as forest reserves, and tracks opened up through the forest?—That is correct.
5374. Would you repay the cost of making the tracks upon that land?—No, the Commissioner of Public Works did, I think, some time ago tell a deputation he would agree to pay a portion of the cost, on the strength of which the engineer has blamed the track.
5375. Who will pay the rest of the money?—The shire council; and, if you recollect, the Commissioner of Public Works appeared to approve of the tramway scheme. A great mistake was made in the early days of surveys. They went north, south, east, and west, without reference to the character of the country; however, the shire engineer since then has traveled the country and devised and found an excellent road.

The witness withdraw.

Alexander Hamilton examined.

A. Hamilton,
18th July 1875.

5376. Have you had considerable experience in this district?—Not in this district, but in the forest I have.
5377. At one time you had a mill here?—Yes, I have a mill now.
5378. Have you found that the clearing of the agricultural population has more or less done away with your milling operations?—The most of the farmers have given up growing wheat because they find that growing sheep and cattle pays better, and I believe a great many have gone north.
5379. You say you know the forest well?—Yes, pretty well.
5380. What do you think of the suggestions and the views that have been propounded before the Commission to-day, that it is desirable to open the forest by tracks in order to throw it open for selection, reserving certain portions for State forests?—I think that is quite correct. I think a very large portion is very poor land, covered with scrub and of very little value. The real forest is only in belts here and there. The land generally is poor and will take a very great deal of labor, and no doubt that they will take it up and have to leave it. There are portions very good, such as Scott's Creek. There is some real genuine settlement taken place there.

5381. Are there other portions very good?—Well, very often where the best timber is the land is very good.

5382. The country is all range country?—Yes, very rangey.
5383. And in the valleys between there is very rich soil?—The land behind here particularly is very patchy, but there are a great many patches of rich land, but far more of very poor land.
5384. A selector taking a rich patch for cultivation, and some of the other for grazing, would get on?—It would take a very long time before he could gain much.

5385. Do you think the land should be thrown open at all?—Certainly; all where there is not good timber for saw-mills. It should be thrown open for selection. I think it is nonsense to shut it up.
5386. Would there be anything like a crowd of people taking it up?—I think a great many would take up land if they had not to reside on it; and I think a great deal of it would be better if the residence clause was not insisted upon—poor land. I mean the poor land would be largely taken up if residence was not insisted on. It would be improved by ringing the trees, and gradually, in a cheap way. It will not be taken unless you do demand for residence in other ways.

5387. Then it seems to be your opinion that, in order to utilize this forest land, it is absolutely necessary to have non-residence?—Yes, I think so. There are small capitalists who are following some other occupation; they are small saw-mills, and generally, in a cheap way. To give any return, if they did have on it and live upon it, I do not believe it would pay, a great deal of it at any rate.

5388. Do you know that land south of Dean's Marsh, and that way?—No, I do not; but I know that along the rich land—splendid land; I think they ought to be forced to live out on that.

5389. Then your opinion is that the forest ought to be thrown open for selection?—Yes; leaving just the timber that is fit for saw-mills.

5390. And you would allow non-residence?—Yes.

The witness withdraw.

John Woods examined.

John Woods,
18th July 1875.

5391. We want to ask you about those three-acre selections?—That is under the 47th clause?
5392. Yes. Are you aware of any occasions on which those poor men got their land put up for sale by auction, and the land was bought over their heads?—Yes; there was one large and holder here who bought two or three blocks; and I believe ten or eleven blocks will go to the same way unless the Minister makes some provision. They are poor men with families, they will be thrown in the street unless that is done, if their allotments are bought over their heads.

5393. Do you think that the valuation that these men get for improvements is sufficient compensation for losing their homes?—No, not half enough, I should think; they have made a home, and intended to stay, and the land was bought over their heads at fabulous prices.

5394. What object can the large proprietors have?—To shift population.

5395. Do they find that population is inconvenient to them?—If population comes people will want to open the roads; that is the reason, I think.

5396. To get these people is a nuisance; people might ask inconvenient questions about the roads?—Yes. Besides, the price of the land is too much. They are paying £2 an acre for the land, which is not worth more than £1.

5397. What is the real value of those three-acre allotments?—About £10 an acre, I should think, the average by auction.

5398. Improved?—No, unimproved.

5399. Was this part of the common?—Yes.
5400. Suppose that all these people got tired of paying this £5 a year for those holdings, is there a danger that the land will be bought over their heads?—That is where it is; many of those men have a grievance amongst themselves, and run each other up. The poor man has to pay dearly for that.

5401. Where are those allotments?—Two or three miles from here. Some at the Ti-tree and Freshwater Spring.

5402. In which of these two places was it the large proprietor bought?—The Ti-tree.

5403. Who was that?—Mr. Robertson.

5404. Did he buy at auction?—His agent did. It is in his possession now.

5405. What acreage of land has Mr. Robertson?—26,460 acres.

5406. Yet Mr. Robertson wanted three acres more?—Nice acres it was.

5407. How long have you lived in this district?—Twenty-five years.

5408. Have you watched the alienation of land under the various Acts?—Yes, since I came to understand the working of the Land Act.

5409. What do you think about the operation of the 1859 Act so far as this district is concerned?—I think it has worked badly. The fact is that all this land is away from the big estate, land that those men would not buy, not thinking it worth buying.

5410. It is the more refine land?—Yes; very poor land, third and fourth-class land. Nearly all the good land is taken up by the large estates. The holdings left were too small to keep their families on. You can see the chimney and remains of dwellings showing that they used to be there.

5411. Are there any roads?—Yes, but three-fourths are closed up. As soon as the population leaves they put a ring fence round and take in the road.

5412. Is one of the reasons that they put up with the heavy charge of £5 a year that they are afraid if it was put up at auction it would be bought over their heads?—Yes, that is it.

5413. What remedy would you suggest?—I would put them on the same footing as other selectors.

5414. I do not think any one will disagree with that?—The men have various occupations; they make a little home of it.

5415. Mr. Tucker.—Of course this is the Chairman’s constituency, but I can say this for myself and the other members of the Committee that one of the first things we shall do when we get to town will be to go to the Lands Department and see that justice is done to those poor men?—It is much wanted. The men have been very much harassed over their little selections.

5416. I suppose there is no selection in the district scarcely at all?—Very little. All the good land has been bought or demised.

5417. What do you think about selecting the land in the forest?—I think it will be a good thing.

5418. From a national point of view?—Yes. I think myself the man who selected in this district have sold out and gone to Echuca and elsewhere. Some others have leased their land. I wish to give some evidence on the roads question if you will allow me.

5419. You stated in your evidence that it is a common proceeding, as population decreases, for the large holders to take in roads and all?—Yes.

5420. Has it been the question at the municipal elections?—Yes; we have tried that over and over again, and as soon as they are elected they turn round.

5421. Is there a majority in the council against the opening of roads?—Yes, they look out for that.

5422. Do you think some of those gentlemen are personally interested?—Yes, most undoubtedly; they sit on their own cases.

5423. Do you think it would be a public benefit?—Most undoubtedly; a public benefit and convenience.

5424. Do you know of any obstruction at the lake?—There is about 12 miles frontage of the lake you cannot get to because of closed roads fenced in by neighboring proprietors.

5425. That has been allowed by the council?—The council wink at it.

5426. You mean the council themselves have done it?—Most of them.

5427. You would not think the council proper custodians of that question at all then?—I do not think they ought to have it at all. There is one councillor had a road closed up in Pirron Yalgar near the lake, and the people had to go a long way round; and a part of the road is closed still.

5428. Do you think the council omitting to do its duty facilitates the holding of land in large blocks?—Of course it does. There is one proprietor, Mr. Hazen, bought some suburban lots, and tried to get some roads changed to throw the whole into his estate, but it was opposed, and now the council want to do it.

5429. Do you think the opening of roads will cause a subdivision of the large estates?—No doubt of that. Letting them have it as they are keeps them together; besides it would be an advantage to the council, they could rate them higher.

5430. Would they be rated higher?—They ought to be; but they appeal and get out of it.

5431. To what tribunal do they appeal?—To the General Sessions at Geelong. They are bound to get it reduced.

5432. Do you find that that opinion you have expressed with reference to opening the roads is general?—Yes.

5433. Three-fourths of the people who are not large landed proprietors say it is absolutely necessary to throw them open, and that if they are it will be the best thing possible for the country, because it will cause the large estates to be subdivided?—Yes, for the sake of traffic. The whole of the roads are closed for miles. Some have gates on, I have heard; but I do not think any man has a right to close a road.

5434. The result is that one road gets worked more than it ought, all the traffic being thrown on it. The traffic ought to be divided.

5435. They, in those selectors sold out, the proprietors who bought them out took the roads as well?—Yes; you will find that all over the country. Some of them have never applied to have a gate on the road.

5436. I suppose you have read the 39th section?—Yes. Our council has not taken any notice of that.

5437. The law is a dead letter, as far as they are concerned?—Yes; and the public are put to great inconvenience; and miles of roads have been sold.

5438. You think this roads question, in its present state, is beset with the success of this district?—I do, most decidedly.—[The witness exhibited a plan showing the roads which had been sold.]
5438. Are you familiar with the forest land? — Yes, and I have been for this twenty-five years.
5439. It was said by one witness that the land was inaccessible—what do you think of that? — I think I have taken out eight or nine parties, but they have generally come home starved; they did not show very well for that.
5440. Have you seen any other minerals? — I have seen good iron ore within six miles of Collie.
5441. About this coal? — I believe there is coal right down to Louttit Bay; six years ago, I brought coal in small quantities.
5442. Then you think there is not only ironstone, but coal; and you think that this treasure will never be got unless the place is thrown open to occupation? — Certainly not.
5443. Could a man get a farm in the forest that would support him? — I think he could get one, if it was carried out as it was originally intended. I went down to Mr. Grant, some years ago, to get the whole of the land surveyed; and after that another portion was surveyed—1,100 to 1,600 acres—which you would not have been surveyed for common taking up on account of the difficulty—we could not get the land surveyed before that. There was some surveyed in 1865; and it was not till we went down several times that we got it surveyed.
5444. What has become of that? — Most of them are there; but some have gone away, and sold to their next-door neighbours; and I believe a little has gone into Sir Samuel Wilson's estate, but beyond that I do not know any that has gone into the hands of large proprietors. I am conversant with every mile.
5445. Is there a population there on that spot you point out (pointing to the map)? — Yes, there is population everywhere. If you could go up in a balloon and get a view of it, you would be surprised at the amount of population.
5446. What do you want to get at is this:—There are doubts as to whether this forest land should be thrown open for selection; what do you think? — I feel convinced that people could make a living if they got the land at a reasonable rate. To pay £2, an acre for the first year would ruin them. This (pointing to the map)—was originally surveyed by Mr. Grant to let at a penny to two pence an acre.
5447. What was done? — When Mr. Grant went out of office, I think, Mr. MacPherson came in, and he knocked that into a cocked hat at once, and he let it to one person for £10 the lot. They are going down and selecting a piece here and there. Now that costs a great deal for survey fees. It is the fees that would ruin those men.
5448. It was surveyed in large blocks? — Yes.
5449. What I want to know is this: If this land in the forest were divided into two or three classes—land to be set apart as forest land, land thrown open for selection, and so on—do you think there would be people to select that land? — Yes, I am confident. I have been with ten parties from Clunes and other diggings. The only thing they are afraid of is the distance, and there are no roads at present. You must follow the contour of the country to make the road; not do as the surveyors do, or else you will be in a pretty mess. There are thousands of acres of as good land as any man should wish to occupy down by the Gellibrand River—a very large portion.
5450. Is that within the reserve? — No, outside the State forest altogether.
5451. What necessity is there to open the forest? — I do not see what reason there is to touch the State forest at all, unless made by the coast.
5452. But you must have tracks, and let the people come down and see it? — As for what is in the forest, it is monstrous timber, but I do not think they will ever bring it out.
5453. Would you rather select where you have indicated? — Yes. There are various streams running into it, and large flats, half a mile broad, and ridgy country beyond.
5454. Those people whom you brought down to the Gellibrand River, and showed the free land there, have they selected? — Well, I know this, they pegged out. I cannot say anything more. Then I referred them to Mr. Bartlett. He is the gentleman who ought to know.

The witness withdrew.

John Vigar Bartlett further examined.

5455. Did those people whom Mr. Chapman has just told us he brought down and showed the land to, afterwards go out to select the section? — They did not, in consequence of the land being inaccessible, there being no roads. They have not selected, because there are no roads.
5456. Did any of those people say they would prefer going into the forest? — They would always prefer going on the coast side, because they can get goods shipped at 10s. a ton, whereas on the Gellibrand side it would cost £20 a ton. They cannot get there because of the cost of transit.
5457. About the selections along the coast line, is it not because they know those will improve in value? — No, I think it is because the produce will pay better than anywhere else, and there is no timber anywhere along the coast because of gales.
5458. Would not they select a strip of land all along the forest if they were able to select? — No; the land is very much alike all the way round.
5459. All along the sea-coast? — Yes.
5460. I want you to explain some things you left unexplained with regard to the forest country? — There are portions of timber in the forest other than State forest, and there are certain land regulations which provide that timber under a certain size shall not be cut down, and if bark is taken the trees shall be felled. I can point to hundreds of trees that have been deprived of their bark, and these fine trees—old trees that would have supplied posts and rails for several years—and this wholesale slaughter has gone on, and is still going on. The Lands Department are good at making regulations, but I never saw any attempt to carry them into effect.
5461. Then, in effect, the forest regulations are a sham—a dead letter? — As far as this district is concerned, I can speak of what I see; I am not going by journey evidence. They had a saw-mill in this district. At that place you can count 200 trees from nine inches up to a foot with the bark taken off as far as a man can reach.
5462. What for? — Perhaps to cover a piggyhouse or a shed, and the bark is brought in and sold at a shilling a sheet.
You are a resident, I suppose, in this district?—Yes, at present. I was about seven years shire secretary, and about three years land officer.

For the Government?—Yes.

At what period were you land officer here?—About four years ago.

Then you must have seen some selection under this Act of 1869?—Yes, a great deal of it.

Tell us what you know about it from your own observation?—My observation is that a great portion have sold out here and taken up land in the Winnares and other districts. The selectors in the Winnares came from here and Hamilton.

But they could not select more?—A great many are not particular about the declaration. My experience is that they do not care one jot what is in the declaration, and I think one reason is that a land board does not require them to make declaration upon oath.

Is not it in the nature of an oath?—The declaration they make; but the examination before the land board is not required to be made in any statutory form; it is in the same way as before this Commission now. The land boards cannot put a man on oath.

Do I understand from you that when selectors make a declaration before a local board that that declaration is not what is known as a statutory declaration?—It is scarcely called a declaration, it is merely giving evidence. They are asked as to their family and means and other things; some of the land boards ask about the families, and their marriages, and so forth.

That is before they get the land?—Yes.

But afterwards many are questioned as to the improvements they put on the land?—They give a statutory declaration about that.

Before the local board they give a statutory declaration; but as to improvements, they have to make a statutory declaration; a false declaration is equi to perjury?—Yes; it is generally supposed to be, but action has never been taken on that.

One of the questions is as to land they have taken up before; they are not at all nice as to answering that?—They are not at all nice; and I may say that when they have been found to have made a false declaration, they have never had anything done to them further than to have to forfeit the land.

The result is that the people who left this district have been able to get the full amount in other parts?—Yes; I know some who have selected three and four times, in different parts of the country.

How do you account for the rush, from here and other districts, to the Winnares district?—First of all they come over from South Australia, but the rush from here was after two or three mills were erected there, and they went where they could dispose of their grain.

The erection of mills up there caused the rush?—The erection of mills up there caused the rush.

If it was not the leaves in these towns, and a fertile country—no fear of drought, and all that sort of thing—and they would go there where they are exposed to drought?—Because they got a valuable consideration for their land here.

Was the land here generally taken up in allotments sufficiently large to maintain a family?—I should say so, especially the land about Oodlit.

What was the acreage of the allotments?—From 50 to 160 acres.

You think that was enough to support a family here?—Yes.

The motive that induced them to sell out was that they could get a good price for the land here, and with that money go and select a double quantity there?—Yes; and with the idea of selling out there where they got the chance, and going somewhere else. I may remark that my idea of stopping the dummyism would be to prosecute everybody who makes a false declaration.

Would there be a very encumbersome?—Yes, but you will never stop dummyism unless it is done.

What are you?—Shire valuer. I have known the forest for many years, and I know there is valuable timber in many things that will be useful in time; but I know there are very poor lands and also some very rich lands; there are lands that, if cleared, will pay those that bestow the labor upon them—there are instances in which it has been done. Mr. Ellington referred to Yan Yan Gurt, Bamben, and Westley Dale. Years ago, the land was very much covered with scrub and heavily timbered, I could scarcely ride a horse through. I had occasion to go there a few weeks ago, and it was surprising to see the improvement that has taken place in the places I have named; it was a very rough, heavily timbered country originally; at the present time it is cleared—some spots wholly cleared—good homesteads, and with all the appearance of comfort—an appearance about them as if those who had taken them up had evidently taken

The witness withdrew.

Benjamin Joseph Miller examined.

What are you?—Shire valuer. I have known the forest for many years, and I know there is valuable timber in many things that will be useful in time; but I know there are very poor lands and also some very rich lands; there are lands that, if cleared, will pay those that bestow the labor upon them—there are instances in which it has been done. Mr. Ellington referred to Yan Yan Gurt, Bamben, and Westley Dale. Years ago, the land was very much covered with scrub and heavily timbered, I could scarcely ride a horse through. I had occasion to go there a few weeks ago, and it was surprising to see the improvement that has taken place in the places I have named; it was a very rough, heavily timbered country originally; at the present time it is cleared—some spots wholly cleared—good homesteads, and with all the appearance of comfort—an appearance about them as if those who had taken them up had evidently taken

The witness withdrew.
them up for homes, and had made them such; and, looking upon them at the present day, they appear to me quite equal to some of the homes I have seen in my native place in England—Kent. In the course of my duties, I have been in the forest several times, and only about three weeks ago I had occasion to visit a holding in the parish of Irrewillipli—the land, to some extent, has been cleared. The holding I refer to was one of the heaviest timbered portions in that forest. It is selected by a man very recently from Scarsdale; he has made a very considerable clearing of forest of about 20 acres, with a paling fence, and he told me he intended to plant 30 acres with fruit trees, and he has commenced to do so. That is quite a new selection; and that is one sample of the state of things going on in the parish of Irrewillipli. At the same time, people coming from Ballarat and other districts have come to me to point out land to select in the forest, and they have gone to see it; and if the facilities for getting into the forest were greater they would push in, but the difficulties are too great. The question of whether they should be resident or non-resident is one that is difficult to answer, but one that can be dealt with in this way—if it is desirable to open up the forest, we must have roads to do so, I would, therefore, allow non-residents to select, on the condition that, if they are allowed to select, they should bear the expense of making the improvements to enable those who are residing on the land to reap the advantage. I would charge the non-resident double the money in rent, and pay the extra money to erect schools and make roads for the benefit of those who reside and make all the improvements. At the same time, I do not think it is desirable to throw open the whole of the forest—there is not population enough for that.

5498. That non-residence is not population?—No; but I think it would be desirable to throw open a portion—not in large areas, for this reason, because the man who possesses the means to improve large tracks of forest land could do better by going elsewhere, and I have found that generally they are men who have not much money, and have to work hard who succeed best. At the same time I would not deprive those who are willing to spend the money on the land of the chance to do so. Another matter is that I think selectors should be allowed to live rent free for three years in consideration of their putting on improvements to the value of the rent. After that they should have to pay the rent, and be allowed the extension of occupancy, the rent to go towards purchase.

The witness withdrew.

John Baird examined.

5499. Have you been long resident in this district?—About fifteen years.

5500. What occupation do you follow?—Mason.

5501. Have you ever taken up land?—Yes.

5502. Where?—In the immediate neighborhood.

5503. How much?—I had selected first 163 acres under the Act of 1855, which I still hold; and 79 or 80 acres, in Birregurra, under the 42nd clause of the 1865 Act; and lately I selected 77 acres under the Act of 1865.

5504. That makes about 320 acres in all?—Yes.

5505. Do you consider it good land that you have got?—The land that was selected under the 1865 Act was on the fringes of the large estates, and much inferior, I think, to the land selected under the other Act—I suppose it would be classed in the fourth class.

5506. How do you occupy that land now?—Grazing.

5507. The whole of it?—Yes.


5509. Have you got the lease of the 77 acres?—No.

5510. How far do you reside from that?—I will go and reside on it when I get it—I have promised to do so.

5511. You are not residing on it?—No; I have only just applied for the license of it—I have not selected it completely yet. I shall reside on it unless the law is altered.

5512. Where are the 77 acres?—About seven miles south of Colac.

5513. Is it good land?—It is very heavily timbered and scrubby. I went further out because I thought it was better than nearer Colac; there is some very poor land between that and Colac. I do not think there is much rich land in the district; these gullies are rich; but from my experience of the forest so far, there is not much good land until you get down as far as the valley of the Gellibrand. I think the area allowed to selectors is far too small.

5514. Why?—Because if a man gets 150 or 200 acres of that land it is at least ten years he is behind a man taking land away north before he has the grass as good for feeding cattle as in the northern parts of the district, and altogether the land south of Colac is exceptional from the growth in the north. I have been north as well, and in the framing of a new Act the land should be classified, and there should be some privilege allowed to those who take up this land, because I think they are at least ten years behind those who take up land in the north.

5515. That is, that after ten years of spending money in fitting the land for cultivation, only then will he be in the same position as the man taking up land in the northern part?—Yes. Another thing in regard to forest land, in taking up, the residence is a hardship, because a great many select land and have children, and they must comply with the Education Act, they must reside near a school, and under the Land Act they must reside on the land; they must have two homes on account of that.

5516. And then your children will be far from school?—I must keep two homes on that account.

5517. All the land you have selected you have applied to pastoral purposes?—I would not have possessed it if I had done anything else.

5518. Are you aware that the Government intended something else; that is not what the Legislature intended to be done with the land?—I think I have complied with the regulations. I selected under the Act of 1865.

5519. Is the land fit for agriculture?—No.

5520. You put your land to the best use you thought it was fit for?—Yes.

5521. The selectors are the best judges of that?—Yes, I think the selectors should be left to do what they think best.

The witness withdrew.
Henry Johnson, summoned as a witness, subsequently forwarded the following letter—

"Dear Sir,"

"Cassique, 17th July 1878.

"I did not get the letter from the Commission in time to attend the sitting in Colon, but I only received the letter on the day (mid-day) on which the Commission sat.

"I will put my views in a concise compass.

"The present Land Act works tolerably well, with a little improvement I think it would be difficult to get a better, considering the wrong position the whole subject has worked itself into, for we all know they (the law-makers) started wrong for the general good.

"I would extend the area to 640 acres on poor land, keeping to 330 on good forest land, and take away (or lessen) the penal expenses, so long as sufficient check was kept to prove the bona fide of the selector. The selector at the present time carries on a contention between his conscience and his pocket. He gets rather loose. Don't worry him so long as he is bona fide.

"Put there another aspect of the land system which overrides all others at the present time. That is, the acquiring and holding together of large estates. I would like to see a law passed that would not allow any man (or party of men) to purchase more than 8,000 acres of land, either to purchase from the Crown or from private individuals, or to lease more than that quantity (except from the Crown). The owner of a large estate may die now, and his property will pass in a lump to the next large capitalist, and still the country would be a sheepwalk.

"Unle the law of this nature is passed by a large estate will accumulate to the detriment of the general good."

"To the Chairman of the Lands Commission."

Adjourneed.

TUESDAY, 30th JULY 1878.

Present:

W. J. O'Hear, Esq., M.L.A., in the Chair;
A. J. Tocker, Esq., M.L.A.,
J. Andrew, Esq., M.L.A.,
J. Rees, Esq., M.L.A.,
T. Cope, Esq., M.L.A.,
H. R. Williams, Esq., M.L.A.

Mr. McLean called on the Survey Department, were called in.

The Chairman stated that Mr. McLean, in giving his evidence at Echuca before the Commission, had made certain statements which impugned the conduct of Mr. Byron Moore, while in the Lands office, and of Mr. Allan, the present Assistant Surveyor-General. Those statements were afterwards controverted in a letter to a newspaper written by Mr. Moore. Mr. McLean then appealed to the Commission to furnish him with an opportunity of showing that he only stated the truth. He and some doubts when the application was made to him whether the Commission should enter into the matter; but Mr. McLean impressed upon them the view that, if a subordinate in the civil service were to be punished, or, as he alleged, persecuted for having done his duty, it would be impossible to calculate the further upon the good performance of duty by subordinate servants. The Commission wished it, therefore, to be distinctly understood that they had not met on this occasion to try Mr. Moore or Mr. Allan, or any one else, but simply to give Mr. McLean an opportunity of explaining himself, and to hear the gentlemen on the other side, in the interests of justice. Therefore it would be unnecessary for any gentlemen who came before the Commission as witnesses to employ legal representatives or any other outside assistance. The Commission were not trying any person, nor was this a judicial proceeding.

Mr. Stewart, solicitor, who appeared on behalf of Messrs. Moore and Allan, asked, in reference to the Chairman's statement, whether the Commission declined to hear him, or whether it was left to the discretion of the gentlemen accused whether they would call in the assistance of a professional gentleman in regard to what is a grave imputation upon their character?

The Chairman said that, if justice required, the Commission might hear him; but in the present aspect of the case the assistance of professional gentlemen was not required.

Mr. Stewart replied that it might not be required by the Commission, but they might not know the facts in the possession of Messrs. Moore and Allan, and he wanted to know whether the Commission would deprive them of the assistance of professional gentlemen to cross-examine Mr. McLean?

The Chairman stated that the Commission itself would examine each witness; and Mr. McLean would be allowed to be cross-examined without the aid of a lawyer.

The room was cleared.

The Chairman declared that the parties were again called in.

Mr. Moore asked if he was to understand that the Commission denied him the right to have a professional gentleman present to conduct his case?
The Chairman stated that Mr. Moore and Mr. Allan would be called as witnesses to elicit the true state of the case as to what Mr. McLean had stated.

Mr. Moore pointed out that incidentally his reputation was attacked.

The Chairman said Mr. Moore was as well able as Mr. McLean to conduct his case.

Mr. Moore protested against the decision of the Commission, and said there was another point, viz., he had been over the morning the full report of the evidence reflecting on him, and that he was all day yesterday endeavoring to get access to the necessary documents to enable him to answer questions that might be asked him to-day. He had not been able to succeed, as many were at Horsham and St. Arnaud. He was therefore unprepared to go on, and it would save his time and the time of the Commission to adjourn for a week or so. It was five years since the matter in question happened, and if the Commission could give him a week's postponement he would then be perfectly prepared. He had obtained from the Commissioner of Lands permission to get what papers he required, and had used every endeavor to be ready this morning, but had not been able.

Mr. Allan stated that he was also in the same position as Mr. Byron Moore.

Mr. Moore said that he and Mr. Allan only came to ask for an adjournment this morning.

Mr. McLean protested, and stated that he had a number of witnesses present whom he had brought down from the country.

The Chairman stated that the Commission would proceed with hearing Mr. McLean's statement and his witnesses', and examine them upon it, and that Messrs. Moore and Allan could also examine them.

Mr. Moore stated that he did not want to examine them; he did not require it at all. They could say whatever they liked.

The Chairman pointed out that Mr. McLean had brought his witnesses, and wished to go on.

Mr. Moore asked whether, if he left the enquiry at this stage, it would be regarded as an indication of disrespect?

The Chairman said he could go if he liked.

Mr. Moore stated that he did not wish to go if the Chairman required him; but, if it was understood, that he and Mr. Allan could go on preparing their cases, and could let the Commission know directly they were ready.

The Chairman informed Mr. Moore that they were summoned as a matter of justice to hear the statements.

Mr. Moore replied that, if that was so, then they were the defendants.

The Chairman said he did not think so, but he thought they ought to be present at this stage of the proceedings, and to remain during the investigation; but if Mr. Moore thought it was of no consequence to himself, the Commission would not press him to stop.

Mr. Moore said he was not ready to cross-examine yet, and he supposed the evidence would be all taken down.

The Chairman pointed out to Mr. Moore that if he were present he could see what points needed to be dealt with, and could assist the Commission by bringing out any matters the witnesses might unintentionally suppress.

The Chairman further stated that the Commission would in any case expect Mr. Allan to remain.

At the request of the Chairman, the Government Short-hand Writer read from the printed proof of his notes taken at Echuca the statements made by Mr. McLean at Echuca, which formed the basis of the enquiry, viz., from question 2540 to 2556 inclusive.

Mr. McLean stated that, as some errors had crept into the evidence which he gave at Echuca, he had prepared a short statement giving the correct details in full—[reading the same, which is as follows]:—

When stationed at Pleasant Creek, in charge of the Wimmera district, I wrote to the Surveyor-General requesting permission to guarantee the expenses of several reliable witnesses to assist me to expose a wholesale system of damming and cruel monopoly there. Permission was given to do so. Mr. Casey was Minister at the time. I set to work, and was for some weeks travelling about the district collecting evidence, with the assistance of several hand-file selectors. When I had obtained sufficient evidence to justify my statement as to the existence of dummyism, I received instructions from Mr. Byron Moore to take all my witnesses on to Horsham, in order to have the cases heard before a local land board. On reaching Horsham we were met by Mr. Moore, who privately inquired into the particulars of the cases during the evening and ordered us to return on the following morning to Stawell. About a week subsequent to my going back to Stawell I received a letter from Mr. McLean, asking Mr. Stacy, Crown lands inspector, to send some of his staff to Stawell to aid me in the examination of suspects in his district. I immediately wrote to Mr. Stacy, and suggested a place on the Carr's Plains run where we could meet. Before receiving my letter, Mr. Stacy had written to me expressing surprise at having received all the documents I had given to Mr. Moore concerning dummyism in my district, with instructions for him (Mr. Stacy) to prosecute the enquiry. On meeting at the appointed place I complained to Mr. Stacy against such double-duty conduct on the part of Mr. Moore, who led me to believe he was in his district; and, as Mr. Stacy was almost an entire stranger in either districts, I declined to act under such apparently doubtful conditions, more especially as Mr. Stacy was unknown to my witnesses, and consequently would not be so likely to secure a single conviction. Mr. Stacy concurred in this opinion, and wrote to Mr. Moore to the effect that he had made a great mistake in taking the enquiry from me, as the bond-side people in the Stawell district seemed to have every confidence in my ability and honesty to successfully carry out the enquiry; and as he (Mr. Stacy) was a complete stranger to the district the witnesses would doubtless fight shy of him. In reply, Mr. Moore requested Mr. Stacy to assure me that neither Mr. Casey or he doubted my honesty and ability, and that, as suggested, he (Mr. Stacy) could return to his own district, which he did. Shortly after that I was ordered to leave the district on the plea that a salaried bulwark was more required at St. Arnaud than at Stawell.

Mr. Moore asked if both the printed evidence and this written statement were to stand?

The Chairman replied that both would go together and both form the basis of the enquiry.
conduct the cases. Now I think of it, I do recollect on one of those occasions having complained to McLean, or of him, for not being there, and I understood he said he was ill or something, but I really did not notice of it at the time—it was only just as long as, and who might have given a proper reason. I have no complaint to make of him; on the contrary—as there were several hundred witnesses, and the enquiry was so large—it was not possible to get a transaction of that sort in hand all at once, and I think there was some little confusion at first. The court was rushed, and I think we had to adjourn to the town hall. However, the cases went on. Messrs. Moore and Allan were both members of the board. I could not communicate with them, as they were members of the board, as to what order to follow, or what witnesses were coming forward; but the instructions, as I was informed before I left town, were given to all the employees of the Lands Department, who were to give me what assistance I required. Mr. McLean, as the Crown lands agent in the district, and Mr. Stacey, were there, and they gave me every assistance in their power, so far as I know. Every evening after the cases of the particular day were over, I had communication with these gentlemen, and, if my memory will allow me to say now, I told them everything of interest to them, how the cases were going, and what evidence would be required the next day, and they were both of them very attentive, and, so far as I could see, zealous and anxious about the cases. Mr. McLean and Mr. Stacey, in fact, were the two people accredited to me to assist me at the time. Of course, any officer of the Lands Department I would have taken information from, and I got it from them; and as to Mr. McLean, in the evening when I saw him, I used to say what I would require for any particular case, and he used to attend to that, and see that the witnesses that were required to give the necessary information were there by next morning.

There is a categorical statement there—"referring to the printed evidence"—that you found the brief, which you say was prepared by the Lands Department, useless, but by following his verbal instructions, and calling his witnesses, you saved the thing from being a failure. I have no recollection of his asking anything of that kind.

What do you say as to finding the brief that was handed to you from the Lands Department entirely useless?—Oh no, it was not useless at all, by any means; but, of course, it had to be supplemented on the spot, and that was done by the local knowledge of Mr. McLean and Mr. Stacey, and by my own knowledge, from time to time, as to what I required to be done; and the suggestions from both of them while the case was going on were no doubt valuable.

There was no impression on your mind at the time that the instructions you got in the form of a brief from the Lands Department were of little or no value, but, on the contrary, you found them a very good basis to proceed on?—I cannot charge my memory with anything like the statement that it was useless in any way. Of course it was the basis of my instructions, but it had to be supplemented on the spot by the calling of witnesses, necessitated by the exigencies of cases as they went on.

Things went on, in fact, in the ordinary way—we got the instructions from the department here, and when you went on the spot you availed yourself of all the local knowledge you could get?—Yes, that is precisely the state of the case.

Then it does not appear to you that there are any grounds for saying that the instructions you got in the form of a brief from the Lands Department were of little or no value at all?—I cannot say they were of little or no value at all. Exactly the same thing happened in the cases I took in hand afterwards at Echuca. There, I went into the case very fully before I went up there, but, even then, we had to get the cases supplemented as we went along. I may tell you that the Stawell cases lasted over a fortnight or three weeks, and there were some hundreds of witnesses examined, and I do not suppose the department in Melbourne, in the first instance, could by any possibility know all the witnesses that would be required in cases where there were more than 100 selectors whose selections were forfeited, and five landholders whose rents were forfeited subsequently. The carrying on of a very heavy, complicated prosecution of that kind necessarily involved a great deal of responsibility on the local men in the district, and from them I get every assistance.

The cases were supplemented by them as you proceeded?—No doubt of that.

In fact you got the standing ground from the brief of the Lands Department, and then went on as you thought best?—Yes.

About that Decameron run—is it the fact that that is the only run that escaped the penal consequences of the prosecution?—No, not the only one. In the case of the Decameron run, the selectors on the run there were severely examined; the run-holder, Mr. Williamson, was examined himself, and the recollection of the board was that further enquiries should be made in respect to the pastoral licence, and also in respect to the selectors as to their bona fides.

Then the evidence in that case of the Decameron run was not sufficiently pronounced or emphatic enough to enable the board to come to a definite decision?—I presume that must have been the impression on the minds of the board; but I may say that the whole of these proceedings were reported very fully and accurately by the Government Shorthand Writer, Mr. Webb, and the printed paper presented to Parliament can be got by the Commission. Subsequently also the pastoral licence was revoked before the Minister of Lands, and the hearing of the case occupied several days in Melbourne, and all the cases that the Board recommended for forfeiture were subsequently forfeited. There was another case not forfeited besides the Decameron run, viz., the Green Hills run, Mr. Wilson's; but in that case there were a number of selectors whose blocks were forfeited.

Do you remember whether you received instructions directly from McLean on the spot?—I did receive instructions directly from McLean on the spot in the way I have mentioned.

Was it to McLean you looked generally for information?—McLean and Stacey. I think at that time they were both strangers to me—McLean was certainly; I only knew him as one of the Crown lands heirs who was instructed to be absent, and Stacey was, I believe, to give me assistance.

You said you thought Mr. Moore prepared the brief?—I can only tell you impression always on my mind that all the proceedings were originally got up by Mr. Moore, or at least in the department under his instructions.

Then after Mr. Moore prepared the brief he was also one of the judges?—The impression on my mind was, as to the proceedings in the department, that he was the person who originally directed the making of the brief, and the taking of evidence in the case.
5527. He represented the public?—In this way: he was one of the officials belonging to the Lands Department, and all the officials were directed to give me what assistance they could. He was, I believe, the Crown lands bailiff of the district; I therefore looked to him for assistance.

5528. Did McLean deserve thanks as a public officer?—He did. I thought he was a zealous man in the performance of his duties.

5529. You thought he performed his duties zealously and effectively?—I did.

5530. Was the Decameron run in McLean's district?—That I cannot tell; they were all in the same block to me; there were seven runs altogether, and I do not know whether they were in Stacey's or McLean's district.

5531. Your evidence amounts to this: that you received instructions from the Lands Department; you conducted the enquiry on the part of the Crown; that it developed very largely in your hands; and, during that time, you received from McLean zealous and effective assistance?—I think I may say so.

5532. Is that a true summary?—I think so, practically. Recollect I am speaking of a case that occurred five years ago.

5533. By Mr. Moore (through the Chairman).—Were the additions to the brief which had to be made, chronological additions, as the case developed day by day; that is, they were not alterations, but additions that were found necessary day by day?—Yes.

5534. Did the further evidence that was elicited take the form of a chronological succession simply unfolding of the circumstances?—Yes, I think so.

5535. They were not corrections or amendments on the original brief, but prolongations?—Yes, I think so. I have already in effect stated so. You see it would happen in this way: the case of one of the runs in which there were thirty or forty dummy selectors; in the course of examination of one particular dummy-to-day something would turn up which would require further enquiry to be made, or some additional evidence connected with it. In that way I would see McLean, and say, "You must see to this, and get such and such a witness, and get such a thing explained." And in that way the thing went on necessarily.

5536. By Mr. McLean (through the Chairman).—I yesterday asked for the original brief from Mr. Smyth, for I have a distinct remembrance and know it well that I called Mr. Smyth's attention to the sequence on the brief of the witnesses who were to be called. Mr. Smyth said to me, "Whom am I to call?" I advised him to call a man far down on the list in the brief first, in order to prove the cases breaking down?—No doubt, very likely such a thing as that occurred. I do not keep the old briefs, but that may be perfectly accurate. For instance, taking up the case of particularselectors, McLean knew more about the locality, and the people, and the order of events is connected with that particular selection than I could possibly know; and I would positively say, "Now, I am going into A. B.'s selection, which person ought I to take first?" and very likely he did give me those instructions.

5537. By the Commission.—His local knowledge enabled him to say: "It is better to call such and such a man first."—Yes.

5538. That arose from his intimate knowledge of the circumstances of the case?—Very likely.

5539. Whereas in the Lands Department they might not see the particular value attaching to a certain order of proceedings?—Just so.

5540. What he points out might occur in any case with the best dispositions in the world?—It occurs every day in every case.

5541. McLean seems to think it was arranged in this case so as to cause a failure?—Oh, certainly not; it was a necessity of the case, as I have said. I have a case now, for instance, in which I am about to call a number of witnesses, and I ask the attorney's clerk, and say, "You know more about this case than I do; what order am I to take them in?" I take his opinion, but of course, use my own discretion.

5542. By Mr. McLean (through the Chairman).—Do you remember the fact, when the cases were over, of having remarked to me that great credit was due for the way these cases were worked up, when I said, "I have been working hard on my day," to which he replied, "My day," and turning up having shown you a letter, and saying "This is the result my peremptory removal." When you said "Who has done that?" and I showed you the letter ordering me to remove to St. Arnaud, and you said, "Who has done this?" I said, "I do not know," and in reply you offered to see Mr. Casey or my behalf when you returned to Melbourne; and I said, "Do not do so; I can go there, and am now approved to leave the district." I have no idea. I expressed myself as Mr. McLean has said with respect to the credit due to him, but I cannot at all bring to my recollection this showing me a letter.—[The following letter was handed to the witness]:—

5543. Mr. Smyth,—It being considered that the services of a prudent bailiff of Crown lands are more urgently required at present at St. Arnaud than at STAVELL, I am directed by the Honorable the Minister of Lands and Agriculture to request you to remove to St. Arnaud as soon as possible.

Mr. McLean.—I have no recollection of seeing that; but if Mr. McLean says he showed me that, and I made the observation he speaks of, I can quite believe him.

5544. By the Commission.—What was the date of the enquiry?—I forget the exact date.

5545. By Mr. McLean.—This letter was received while I was collecting the evidence to prosecute the cases. The witness.—Then that would have been the cases over; he says he showed it to me after the cases were over. I have no recollection of it; but, as I have said, if he says he showed it to me, I made the observation he speaks of, I believe what he says.

5546. By the Commission.—What was the observation?—He says that I asked who directed this to be done, and that I said I would see Mr. Casey on the subject, and he said, no. It appears from that, that the thing passed off, from his own statement; for, if he had said, "Do see Mr. Casey," I, very likely, would have done so, and that would have brought it to my memory, but I do not recollect about it. No doubt I said, and I say so still, that McLean deserved credit.

5547. For the zeal and activity with which he carried out his instructions?—Yes, I think so.

5548. There were one or two days I had to complain about his not being there in the morning, but I do not attach any particular importance to that.

5549. You are not able to give us any definite account of why the Decameron ran was excepted?—All I know about it is all printed in the report; and the evidence of all the witnesses is all in print; and I cannot furnish the Commission with a copy; and with that evidence before you, I presume you will be as well able to investigate it here as I could be. The explanations were that the horse was betrothed. The itself and the selectors as it should be kept under strict survey till further enquiries were made about it.
5547. By Mr. Moore (through the Chairman).—Did you observe any reluctance on the part of Mr. Allan or myself, as members of the board, to bring those people to justice; or did you observe any reluctance on the part of officers at head-quarters to assist you in every way to prepare your case?—Certainly there was nothing of the kind. There was no lack on the part of any member of the board; or, as far as I could see (and I had a great deal of trouble with the case), on the part of any gentleman in the Lands Department, at head-quarters or elsewhere. Every facility was given me by everybody to conduct the cases.

5548. By the Commission.—Then you say that the conduct of Messrs. Moore and Allan, who were sitting in judgment on the case, was equally unimpeachable as the conduct of McLean, the prosecutor?—Decidedly; in fact I would go further, and say that their conduct and that of those sitting on the board was as thoroughly unimpeachable as the conduct of any judge of the Supreme Court could have been.

5549. By Mr. Moore (through the Chairman).—Was there not rather an enthusiasm on the part of officers at the head office as to giving information?—I think that was the case. I had subsequently a great deal to do about them, and I saw Mr. Moore and others, and from every one I got every facility to conduct those cases to a successful termination—from every one, without any exception. The whole burden fell on my shoulders eventually, and I looked to the officers of the department for assistance, and I got every facility.

5550. Have you ever singly had to fight such a strong bar as was retained against the Lands Department?—I never had. We had the late Mr. Ireland, Mr. Trench, Mr. Holroyd, Mr. Ahern, Mr. Quinlan, Mr. Byrne, and some others.

5551. By the Commission.—Did you stand alone against that host?—Yes; and those gentlemen were all down on the subsequent enquiry before the Minister, in the cases of the pastoral licences; there were Mr. Trench, and Dr. Hearne, and Mr. Percival.

5552. To whom did you look for instructions?—Of course primarily I looked to the Crown solicitor, but inasmuch as it was a Lands Department case I looked to officers of the Lands Department.

5553. Did you complain to McLean that you had not received instructions?—He puts that categorically; but all I can say is what I have said. On the first morning there was more or less confusion; there were so many hundreds of witnesses; it was the first proceeding of the kind; there was a good deal of confusion; but after the first day it all settled down and went on without trouble. I cannot say I made that complaint he speaks of; perhaps I was a little annoyed at some delay, and said something harsh; I do not now; I forget.

5555. To whom did you look for instructions?—Of course primarily I looked to the Crown solicitor, but inasmuch as it was a Lands Department case I looked to officers of the Lands Department.

5556. McLean states here, although the court was to be held on the Wednesday, up to the Saturday previous he had not been supplied with a single form to call witnesses; there were ninety of them, spreading over some 400 miles. Do you think that shows much enthusiasm on the part of the Lands Department?—I may say with respect to that about the calling of witnesses, but there was this arrangement made before we left town, that the witnesses should not be summoned until they were actually necessary; for this reason—it was supposed that if they were summoned in advance they might get away, and our object was to get them to the board, and for that reason they did not give too much notice.

5557. It is not usual surely to rush matters up so close to the enquiry?—You see McLean is there speaking of instructions he would have got from the department; I do not know anything about that; I am speaking of the conduct of the department to myself.

5558. He says, "Before the Wednesday Mr. Allan came to me and told me he was going to prepare a brief, and that he wished me to prepare a brief for him"—That I know nothing about of course.

5559. You had no communication with Messrs. Moore, Moore and Allan during the trial I suppose?—We met in the same house, and may have had conversations, but not more than I would to any here.

5560. It appears, from your brief, that the brief was drawn up by Mr. Moore, or Mr. Allan, or one of them?—That I cannot say; my belief in the matter is, that originally Mr. Casey having reports from some of the officers, upon that directed this enquiry to be made, and that enquiries were made inside the department that led up to the investigation of the matter itself. With all that I had nothing to do; but my impression was that it arose in the Occupation Branch.

5561. Was McLean examined?—I think so, on several occasions.

5562. In another place he says that, Mr. Allan "would require me to give my evidence before the board, not directly, but through two neutral individuals." Do you think, if that is true, and it had been acted upon, you would have been so successful?—I do not exactly know what he means; will you read it again.

5563. "He said he would require me to give my evidence before the board, not directly, but through two neutral individuals." Do you think, if that is true, and it had been acted upon, you would have been so successful?—I do not exactly know what he means; will you read it again.

5564. "The name of Mr. Moore should be substituted in that part of my evidence for that of Mr. Allan. Mr. Moore informed me, whilst the brief was in course of preparation, he said, "McLean, when the case are heard you will give your information to Mr. Reading, and he will instruct Mr. Cleres, the chief secretary, Stawell, and he will instruct Mr. Smyth.""

5565. By the Commission.—Suppose that rumourous method had been adopted, would you have been so successful, and have been able to terminate the enquiry so quickly?—I do not know, so fag as the informant reached me.

5566. Would you not prefer getting it directly from McLean?—Undoubtedly I should prefer getting it from an officer of the department.

5567. Suppose McLean had been kept out of the enquiry altogether, and had been forced, as he states Mr. Moore wished him to be, to give his evidence through two other individuals?—I think there must have been some misapprehension there. Mr. McLean was necessarily a witness in some things. There may have been this thing, that I would prefer calling an independent person outside to calling an officer of the department as a witness. I know that McLean was examined.

5568. It was absolutely necessary to examine him?—Yes, no doubt; but the whole thing is all reported, and I am now speaking from memory.

The witness withdrew.
Charles Tracy Stacey examined.

5568. What is your occupation?—I am now employed in the Land Tax Department.

5569. Have you been connected with the Lands Department?—Yes; as Crown lands bailiff until a few months ago.

5570. Were you Crown land bailiff in 1873?—Yes, at Horsham.

5571. Do you recollect those dummy cases that were made such a noise at the time, in 1873?—Very well.

5572. Will you just state, without necessitating any questions at all, for the information of the Commission, what your recollections are of the proceedings on those occasions?—Yes. About the middle of 1873 I was instructed by Mr. Moore to make inspection and collect evidence respecting those dummy cases, and was advised by Mr. Moore that Mr. McLean, who was Crown lands bailiff at Stowell, was placed at my disposal in a subordinate position, to assist in making those inspections.

5573. You were in the same position as Mr. McLean?—Yes, only I was at Horsham, which was formerly a portion of Mr. McLean’s bailiwick. I wrote to Mr. McLean to meet me as he was a stranger to me then, and we met at Carr’s Plains run; and Mr. McLean then represented to me that he thought a mistake had been made in placing him under me. He said that he was already acquainted with most of the cases, and he thought that to take them out of his hands, and put them into my charge, would be to thwart the instructions of the department; and it would jeopardize the success of the investigation, inasmuch as the witnesses were personally known to himself, and he knew what they could prove, and he believed they would come forward willingly; but he was doubtful whether they would do the same for me, and whether they would be as free with me as with him. I saw the reasonableness of his view, and wrote at once to Mr. Moore recommending that the alterations should be made, and Mr. McLean be allowed to act. It was made at once, Mr. Moore dismissing all apprehension of offering any slight to Mr. McLean; and directed that we should act individually, except so far as we thought our mutual action would further the public good. Then the thing went on well enough till the eve of the inquiry at Stowell, and then Mr. McLean was missing, and Mr. Moore seemed to be a good deal put out, and asked me if I could account for it; and I think (although I am at this distance of time not quite sure) I am pretty sure that Mr. Moore had the impression, or asked me if I entertained the impression that Mr. McLean was untrue; that is, that he was not what he was thought to be. I told him I was quite sure he was not disloyal; Mr. McLean at all events seemed very put out about his absence. That was on the eve of the investigation, a few days before. When Mr. McLean turned up—

5574. How long was that after?—A day or so. The thing was postponed from one place to another, and in the meantime I was engaged in making the briefs, and when Mr. McLean turned up I found Mr. Moore’s remarks had left some unpleasant impression on my own mind, and I felt a little sore with McLean and asked him where he had been, or something of that kind.

5575. What did he say? I think he said, in effect, that the thing was being muddled and it was being put out of his hands, and he could not be answerable for it; that it was making a fool of him, and he feared there would be a miscarriage in consequence. He did not explain himself very clearly, but that was the effect of it; that an injustice was being done to him in some way, and he thought it was being muddled. I tried to soothe him, and the inquiry went on.

5576. He did not account to you for his absence at that moment, but when he did make his appearance he complained that matters were getting muddled?—That was in answer to what was very like a reproof from me. He gave me to understand that he had been dealt unfairly by. I think he used the expression that he was “being made to play second fiddle,” and the case not receiving justice.

5577. From whom?—From the department. I said, “Suppose you mean from Mr. Moore?” he was the recognized governing spirit.

5578. There was no talk of his being kept away by sickness?—I do not recollect that. Mr. McLean has since told me that he was, and he may have told me then, but I do not remember.

5579. At all other times we can only get impressions and memories of this thing, it is so long ago. Was there any impression on your mind at the time that there was a disposition to baffle McLean’s efforts?

5580. At the time the case came on I am sorry to say that that was the impression on my mind.

5581. What produced that impression?—I had no reason to entertain such an impression until a gentleman was enlisted, the owner of the Decameron run. There was an exception made in his case; whereas the other squatters had been examined by the Crown prosecutor, Mr. Smyth, Williamson’s case was taken out of the hands of the Crown prosecutor, and Mr. Moore and the members of the board took the exceptional course of examining Mr. Williamson, instead of allowing him to be examined by the Crown prosecutor as was the case with all the other squatters.

5582. That produced suspicion in your mind—their doing that?—Yes.

5583. Who were the board?—They consisted of Mr. Holmes, the police magistrate, Mr. Moore, Mr. Allan, and Mr. Meadon.

5584. They were the blemish, and took the examination out of the hands of the Crown prosecutor in the case of Mr. Williamson?—Yes; it was an exceptional mode. It was the first case that happened, and the only case in which the ordinary course of allowing the Crown prosecutor to examine was departed from.

5585. Was there any reason given for making that change?—No, not that I am aware of.

5586. What was the result in that case?—I was at first very much struck with the straightforwardness, the air of truth, of Mr. Williamson’s evidence. Everything seemed very fair and straightforward until Mr. Smyth, the Crown prosecutor, put a question or two, and entirely altered the aspect of affairs.

5587. What was the result in the case of the Decameron run?—There was a postponement, I believe, of that particular case.

5588. Your suspicions became aroused by the conduct of the board in that particular case?—Well, I cannot say that I had any suspicion then. Now that I know all the circumstances I see the thing differently, but it struck me not as being exceptional. I cannot say I had any suspicion then.

5589. Did you endeavor to account to yourself for this extraordinary exception?—I did; it did occur to me.

5590. What did occur to you?—That this was exceptional, and I could not understand it, and I asked Mr. McLean for an explanation, but he seemed to hold me in arm’s length. We were strangers then, and when I asked him what he meant he said, “You will know well enough some day what it means,” or something to that effect. “You remember what I told you before—that I was being humbugged,” or some such word as that.
550. With the light of the five years that have passed since that, what is your explanation of the extraordinary proceeding now?—Well, I am very much painsed to entertain the impression that I do entertain.

5591. Pained or not pained, you will require to give an explanation to the Commission?—Well, you see, Mr. Moore has shown me kindness before in the department, and I have no cause to bear ill-will against him; but I have been made to seem antagonistic to Mr. Moore in the Elections and Qualifications enquiry, and now this affair brings me again into antagonism with him.

5592. Mr. Moore.—I shall be happy for Mr. Stacey to state anything he wishes to state; I shall not think it ill-feeling.

5593. By the Chairman (to Mr. Stacey).—Whether you were brought into antagonism with any person in doing your duty or not, your duty is clear now?—Well, the reason for my entertaining the unpleasant impression is that Mr. Moore has lately formed an alliance by marriage with a lady connected with the Williamson family.

5594. You mean to say that Mr. Moore is connected by marriage with the Williamson family?—Not at the time. He has since contracted the alliance with a lady of that family.

5595. Could that fact, four or five years after, affect the event at the time of the occurrence?—I am only giving my own impression.

5596. You mention that the unusual course was taken of the bench themselves examining, instead of the Crown prosecutor, and that the effect of that exception was to bring it out in a very favourable light to Mr. Williamson?—Yes.

5597. Which was completely changed when the Crown prosecutor began his questions. Your impression then was, that those questions were put for the purpose of producing a prejudicially favorable aspect of the case?—Yes.

5598. And that it did succeed in creating that?—Yes.

5599. And had the examination been closed as it was being conducted by the beach, that favorable opinion would have continued?—Decidedly, if the Crown prosecutor had not put the questions.

5600. Then you have no hesitation in saying the bench were trying to screen Mr. Williamson by questions they put?—I do not know about the bench.

5601. The parties that were leading the examination?—What I wish to convey is, that the course pursued would have had the effect of bringing that gentleman, Mr. Williamson, through the enquiry harmless, if it had not been for the conduct of the Crown prosecutor in putting two or three questions in cross-examination.

5602. Practically you saw then, without the additional light you subsequently got, that there was an attempt to bring out an unjustly favorable view of the case?—Yes.

5603. Which unjustly favorable view of the case was altered when the Crown prosecutor asked questions?—Yes.

5604. There were four members of the board?—Yes.

5605. Which member put the principal questions?—I cannot say that, or what the questions were.

5606. Do you know which member of the board undertook the chief examination of Mr. Williamson?—I think the chairman, Mr. Holmes, put the questions; but Mr. Moore, as was quite natural, being all the circumstances of the case, prompted. I believe he did prompt, but I believe Mr. Holmes was the mouthpiece.

5607. Was it the system that all questions were put through the chairman?—Yes, I think so.

5608. Do you think that Mr. Moore prompted the chairman to put the questions to lead to a favorable result?—Yes, no doubt; it was quite natural; he knew all the circumstances.

5609. Do you think it was in consequence of that—through putting the questions though the chairman from Mr. Moore—that the favorable aspect of the case was established?—Yes, I think so.

5610. I suppose it would be only on Mr. Moore’s knowledge of the circumstances that they could produce the favorable impression?—Yes; he knew all.

5611. He was the only party who could lead Mr. Williamson favorably out?—Yes, unless the board had a copy of the brief held by Mr. Allan or Mr. Moore; and if so, the chairman and each member of the board would know as much as Mr. Moore did.

5612. Did you know at the time that Mr. Moore drew the brief himself?—No; I drew the brief.

5613. From whom did you get the instructions?—From my own reports and McLean’s reports.

5614. Was it from the brief you drew that the Crown prosecutor examined?—Yes.

5615. Did you submit it first of all to Mr. Moore and Mr. Allan?—I think not. I have been very much surprised to hear from McLean, the last few days, that he drew the brief. I thought I did it. I was engaged for almost thirty hours, without eating and without rest, drawing this brief at Stawell. I had written out a statement of the case before, and I was told that was not en règle, not being on brief paper, and I then got brief paper and wrote it out again.

5616. Do you recollect a difficulty in summoning witnesses?—Yes.

5617. Do you recollect the fact that forms were not sent up?—I had no difficulty; that did not occur to me. I have heard McLean speak of that.

5618. Were the forms in time?—They were very late, but by making a rush I was in time.

5619. Did you deliver the brief direct to Mr. Smyth, or was it given through an officer of the department?—Oh no; I delivered it direct.

5620. Then Mr. Smyth is wrong in stating that it was prepared in the Lands Department?—Quite wrong.

5621. In your brief did you show the evidence in the Williamson case?—Yes, as clearly as I could. I should say there had been a case prepared from my own reports in the Lands Department, but I think Mr. Moore told me or Mr. Smyth told me that would not do. We must prepare the cases in the form of a brief, showing who the witnesses were and what they could prove, and I set to work, and the hearing of the case was adjourned, and in the interval I was engaged in drawing out those briefs as I thought of the whole of the cases.

5622. You drew out the evidence of the Williamson case in precisely the same way as you did in the other cases?—Yes, I am under that impression, but McLean has told me that he drew them.

Mr. McLean.—I prepared a rough sketch of the brief in the Williamson case. It was in my district. I am not aware of Mr. Stacey’s having prepared the brief in that case at all.
Mr. Stacey—I think I prepared the entire brief.

5623. The Chairman.—Then there was no reason for a departure from the ordinary course of business?—No; that was what struck me with so much force, that there should be any exception made.

5624. It was from the brief that the Crown prosecutor examined?—Yes.

5625. Was there a copy on the bench?—That I cannot say.

5626. This Decameron station, as a matter of fact, was not forfeited?—No.

5627. Was that the only station that escaped?—No; I think there were one or two others. There was Wilson's—the Green Hills.

5628. Who reported in all those dummy cases?—Mr. McLean upon whose in his district proper, and I upon those in the Horsham district.

5629. Is it usual to use another strange bailiff to get the cases up in one man's district?—I do not know that there is any rule, but it was done in another case—in Echuca. The bailiff there—Mr. Tatham—was engaged to some extent; and Mr. Moore gave instructions there, and I was sent there again.

5630. If you had been in Mr. McLean's position, would you not have thought you were being dealt with unjustly, as it were?—I should, decidedly; and that is why I wrote as I did.

5631. You saw no reason?—No, I had no reason to know why it was. I thought it was a mistake—that it would jeopardize the affair.

5632. You are inclined now to look upon it more unfavorably than as a mere mistake?—Well, it does look as though Mr. Moore had some bad feeling to Mr. McLean, judging from what has happened since.

5633. Is it a difficult thing to shoot home dummyism?—Yes.

5634. Then it should be left in the hands of the man who reported it?—Well, the strong point was that the persons I looked to help him were personal friends, who might not like to confide to me. It is necessary to know many things you do not intend to bring out in evidence.

5635. Did he state that he was to be removed?—I heard afterwards he was employed in the Lands Department elsewhere.

5636. Did you connect this with the action at Horsham and at Stawell?—I did.

5637. Did you regard it as promotion?—I considered he was very harshly treated.

5638. You connected that with the proceedings at Horsham and Stawell?—Yes. May I say at this stage of the inquiry I wish to dissociate Mr. Allan's name from this enquiry altogether. When I saw the name in the evidence I thought it was a misprint. I am giving my impressions.

5639. Was Mr. Allan on the bench at the time?—Yes.

5640. Did he take part in assisting for that favorable view in that case?—There was nothing prominent in Mr. Allan's conduct that I saw.

5641. He being possessed of the information, did he assist in allowing Mr. McLean to produce an unjustly favorable view?—Only to the extent that he was a member of the board.

5642. He could have put the searching questions that produced the just view of the case?—If he had known.

5643. Was it within his knowledge to have put those questions?—No, I am not aware that he knew anything of our reports. They were confidential reports of the department.

5644. It was Mr. Moore who had the necessary information in that direction?—Yes.

5645. Was Mr. Allan the district surveyor of the district in which the Decameron run was situated?—Yes.

5646. Therefore he must have had a deal of local knowledge of the sort that McLean had?—That I cannot say. I was a stranger, and I do not see how he could know from us what the nature of our reports was.

5647. Would he not from his office be necessarily possessed of the knowledge?—No; as this was a special enquiry.

5648. The more fact of his being the district surveyor would not give him that knowledge?—No.

5649. Mr. McLean says—"After that I was again authorized to work the cases up, and Mr. Allan, who was district surveyor at Ararat, came up on behalf of the department"—would it not be his duty to make himself acquainted with the whole of the cases?—If he could; but McLean would have facilities that Mr. Allan would not have. Mr. Madden was the district surveyor at Horsham, but he did not know what I was doing. It was a sort of confidential mission. Mr. Madden knew no more officially about it than you, the Commission, do. I did not communicate with him at all.

5650. Then your impression is that Mr. Allan could not have been an active agent on the bench in presenting this very favorable aspect of the Decameron run?—Certainly not.

5651. What has happened to that run since?—I cannot say that.

5652. Is it still a squating station?—I think it is a freehold now; but I do not know of myself. I cannot say what has been done since with the cases. I have heard that they were decided favorably for Mr. Williamson, but I cannot say.

5653. All you can say is this—that the enquiry, as far as the Decameron run is concerned, took an exceptional form, and that excited your suspicion and surprise; and that you were unable to account for it at the time, but that since the fact of the alliance by marriage between Mr. Moore and that family has led you to believe there has been favoritism?—That it is, in few words.

5654. How much hand was involved in that Williamson's run?—I cannot say.

5655. Mr. McLean.—From 3,000 to 4,000 acres.

5656. The Chairman (to Mr. Stacey).—You know McLean intimately now?—Not intimately. I have seen him perhaps half a dozen times.

5657. Have you had an opportunity of judging of his capacity?—Yes; a very good opportunity, because I was assisting Mr. Macpherson, the superintendent of bailiffs.

5658. Do you consider him a good officer?—Yes; no doubt of it.

5659. Do you consider him an intelligent, efficient, zealous, and thoroughly upright officer?—Yes.

5660. And you formed that conclusion from the position that you were in as a species of head over the bailiffs?—No; Mr. Macpherson was the superintendent of bailiffs, and I was under him, and the correspondence came through me.

5661. Do you think that the subsequent treatment of McLean was persecution from the superior officers?—Yes; I thought it was extremely hard, his treatment.
And a strange return for his zeal, upright and intelligent conduct—Yes; I thought so. By Mr. Byron Moore. As to the course adopted in those Winslaw inquiries, if crouching you is charge of them and putting McLean under you, did we not adopt a similar course in the Esneau cases, practically putting Mr. Tatam, the Crown lands bailiff there, under you?—I have already said so.

Mr. Byron Moore.—We looked upon Mr. Stacey as a reliable officer, not likely to be led away by entrapment. In consequence of that he was sent in charge of each of those cases at Stawell and Esneau. When he sent word that Mr. McLean felt hurt, I condescended to his request at once.

The Chairman (to Mr. Byron Moore).—What was the motive that operated upon your mind in sending Mr. Stacey to conduct the cases instead of Mr. McLean, and again in sending him to Esneau instead of Mr. Tatam?—Because we thought he had more experience.

But local experience was what was wanted—That is only a secondary thing.

Those were the only two instances where it was done.—Those were the only two where we had large raids on dummy cases. We had no other similar cases. Mr. Stacey says the enquiry was postponed in consequence of McLean's evidence. That is not correct. The enquiry was advertised to take place on the 26th, and it took place, and we sat on from that time.

Is there anything immediately arising out of the evidence of Mr. Stacey which Mr. McLean, or Mr. Moore, or anybody wants to put a question on?

Mr. McLean (to Mr. Stacey).—What was your impression on my showing you the note I received from Mr. Moore requesting me to assist you in your district to find out some suspects, when at the same time you had received my papers to examine cases in my district?—I do not remember the circumstances beyond what I have already stated, that I thought it was a mistake to divide the responsibility—to interfere with you. The thing created an unpleasant impression in my mind.

Mr. Moore says that, subsequent to the Stawell enquiry, Mr. Stacey was sent to Esneau to take Mr. Tatam's work, and now it must be justifiable in being the same with me at Horsham; but I ask, what impression was made when the memo. came to me to say I was to go to Horsham to assist Mr. Stacey in his district?—I have never received any instructions to inquire into suspects in my district.

Did Mr. Moore think he was slighted by the action taken in his district at Esneau? Are you not good friends up to this day? did he consider that he was superseded by the fact of your being sent there?—No, he seemed rather pleased to be relieved of the responsibility; he thought my experience at Stawell a qualification he did not possess. But to be just to Mr. McLean I ought to say that I had not that experience at the time he objected to my being sent to his district.

Mr. McLean says that there was a sort of double-faced instruction given in that matter, you having received all his papers, and being ordered to go up there and conduct the enquiry, whereas he received instructions to go and assist you in your district.—I do not remember the circumstances.

You had no special qualification at that time that would justify your superseding Mr. McLean?—No, that I am aware of.

And, your superseding Mr. Tatam was based on the experience you got there?—Precisely.

Then you can only attribute your being employed in the Winslow district to the fact that you were a suitable person to conduct the cases?—That was the impression I had at the time.

The witness withdrew.

Mr. McLean said he had made search for the telegrams and the memos in connection with the Stawell enquiry. He wrote to Mr. Skene and asked for them, and he promised to find the memo, for him, but Mr. Skene being unwell it unfortunately could not be found; but there are officers in attendance who would speak of it.

The Chairman (to Mr. McLean).—What do you want to prove?—Simply a question as to the investigation at Stawell. A question may arise, and I have not the documents or the copy.

But it is a prima facie case that requires no proof that the Inspector acted on your report, you being authorized for the special purpose of getting this information and supplying it to the department—that is self-evident?—I wish to call attention to this fact: a statement may be brought before the Commission to say that I did not originate this enquiry, that others did—that it came from other quarters.

Nothing of the kind has been done yet?—I merely mention that it may be.
That would be the usual way in which it would originate?—Yes.

Do you remember the case of McLean being removed from his district?—I do.

Was it in consequence of any report of yours?—No.

Were you consulted at all about it?—No.

Do you look upon his removal as being of promotion or reduction?—I should consider that it was more the latter than the former; I thought so at the time by any means; I thought it would be better for any other reason; that any duties, at that time and for some time previous, had been chiefly involved.

Was it necessary, you being the superintendent of Crown lands bailiffs, that you should be consulted in the transference or removal of a bailiff from one district to another?—No.

Were you ever consulted?—No; I do not think I ever have been.

Had you not special knowledge of how they discharged their duties, being superintendent?—Yes, I knew the bailiffs individually.

Would not you be the party who knew best, in the department how they discharged their duties?—My title bore much more nominal than real weight, that is the truth.

What had you to do as superintendent?—Sometimes I went out to furnish special reports on special cases to the Minister; and during the few years past, when I was confined more to office work, I examined applications under the 20th section of the Land Act to see how the conditions of the license had been carried out.

Would the reports of the Crown lands bailiffs come into your hands in the first instance?—If they referred to the particular matter I was dealing with they would.

I mean in the ordinary course of business. Bailiff McLean or Tuttam, or anybody else, makes a report, he says that he believes that there is dishonesty going on, and it is absolutely necessary for his department to move in the matter, and so on; would that report be referred to you, in the first instance?—No.

Would you have anything to do with it at all?—I think that at the time you refer to, Mr. Moore had special control of the bailiffs of all degrees, superintendents and others.

Then you were not at that time really the superintendent of the bailiffs?—I held the title, but I had very little to do with the work out of doors.

If they wished for an opinion as to fitness of bailiffs, you were not the person who would best give the opinion?—I can only say that, that shortly before the Wimmera inquiry took place Mr. Casey sent for me, and I found the Surveyor-General with him in his room; Mr. Casey told me that it was his purpose to have an investigation on a large scale in the surveyor, and wished me to undertake it. I pointed out to Mr. Casey that the work I was then engaged on, namely, examining the applications under section 20, which were coming in thick and fast, occupied all my time, and that it required an expert to perform the duties; and he saw it would be better for some one else to take these cases in hand.

Did Mr. Casey allude to McLean as having brought the information?—I do not think he mentioned the name.

Did you understand him as referring to McLean's district?—I think he did, but I am not sure.

If you knew so little of the Crown lands bailiffs, how can you give McLean such a high character as you have done; what have been your opportunities of forming that opinion?—I had many opportunities before and since, although not in connection with the Wimmera inquiry—"with this one exception.

I hold a document in my hand which has some bearing on the case. By order of Mr. Casey, I furnished him with the history of two special cases of deception on the Desamorun run; and it is evident, from what these papers disclose, that McLean was the cause of attention being directed to these cases.

Was that prior to the great enquiry of 1873?—It was.

Mention two cases on the Desamorun run which McLean brought, at that period, under the attention of the Minister, and which caused you to make that report?—The name of the selector in one case is John Clark, and the other John Farquharson.

In those two cases of Clark and Farquharson, Mr. McLean had led the department to believe there were two cases of dishonesty, and you were sent to inquire?—No; I simply furnished a history of the cases, taking it from those papers, amongst which are Mr. McLean's reports.

Did that history lead up to the conclusion that they were dishonest?—I have not the slightest doubt of that. I have recorded my opinion here, and I have not altered it in the least, that they were both honest; and I ascertained, so far, that the land has been purchased by the owner of that estate, Farquharson transferred it directly the three years were up. He conveyed it to another gentleman first, but it has gone into Mr. Williamson's hands.

In those two cases the initiating agent is seen to be Mr. McLean?—McLean, or perhaps a selector in the neighborhood who is complaining of those persons, Mr. Grant, I think his name is.

That is the one case where you felt that Mr. McLean was zealous, upright, and able?—Yes.

Have you any other case?—No, but I have been in communication with him, as a Crown lands bailiff, for several years past, and I never had any other opinion of him.

Having this opinion of him as a good, zealous, and able officer, do you think it was harsh treatment, or otherwise to send him first to one district far off from his original habitation, and then to another, considering that he was a man with a large family?—I must confess I did regard it in that light, and I do regard it so still.

You regarded it more in the light of punishment than otherwise?—I did.

And that is your opinion still?—It is.

How do you account for it that an officer still in the department, having done his duty in those cases, should be visited with punishment rather than with reward?—Well, without describing it as punishment, I must say distinctly that I looked upon it as an expression of the displeasure of those above him in the department.

Can you trace that expression of displeasure to any cause?—He might have been over zealous. I have been a Crown lands bailiff, and I know the more zealous a man is in the performance of such duties the worse he is thought of by some people.

LANDS.
5719. By whom?—By those who are interested.
5720. By some of the heads of the department?—No, I do not say anything of the sort.
5721. When you said he was over zealous, I cannot see how a man can be over zealous in protecting the public estate?—Well my experience has made it very clear to me, I have been accused of that myself.
5722. Do you not see that opens up a vista of a very unpleasant character? You say that the over zealousness of this man might have caused dissatisfaction in some quarters. The natural inference that you wish us to draw is that it was amongst the squatters, but not in the Lands Department?—Yes, but it has—
5723. Your evidence is that the extreme zeal in unearthing dummyism has produced a certain feeling of dissatisfaction in the Lands department, and he is the sufferer?—Yes; but permit me to add that there may be something in McLean's manner or demeanour in transacting business that may have had some influence.
5724. Have you experienced any such unpleasant demeanour?—No.
5725. Then what is the use of making the supposition; that would not be a sufficient explanation of his treatment?—No.
5726. Do you mean being over zealous is more likely to touch some matter in which some superior officer has an interest than a man who performs his duty in a slavery manner?—That is the inference to be drawn. I must confine myself to what I have said—I say that an officer dealing with such matters, if very zealous, is apt to bring himself into trouble.
5727. I cannot understand that?—It is very easily understood. Let me refer to a case that caused such stir recently—the Steevenson's. Do you not think that the officers who displayed the greatest zeal on that occasion were considered the most objectionable parties?
5728. Yes, by the Stevensons, but not on the part of the Government?—I cannot answer for that.
5729. You do not mean that the Lands Department is managed much the same way as that enquiry was conducted?—I do not wish to cast any reflection on the Lands Department, because that is a very comprehensive term.
5730. But your impression was that the over zeal of Mr. McLean was offensive to officers above him in the office, and that he was harshly dealt with in consequence of his zeal in that case?—I did think so, and I have the impression still.
5731. If such an impression existed on the part of Crown lands bailiffs then it was very much calculated to defeat the ends the department had in view to expose dummyism?—I do not think that necessarily follows. If the bailiff has a proper spirit in him the more he is thwarted the more he will carry out his duty.
5732. Has this harsh treatment of Mr. McLean for over zealously doing his duty become generally known amongst the bailiffs in the colony?—I do not know, but I suppose that every bailiff in the service is well aware of it.
5733. Then you would infer from that that it is an example to them not to thwart their higher officers by over zeal?—But there is another aspect—that McLean may have given offence by his manner.
5734. And I ask have you ever seen anything of that sort in his manner?—I have not.
5735. Then you have no ground for saying that?—I have this—that at the time of McLean's removal I had heard a good deal about him, and the dissatisfaction that he caused, and I used to stand up for him at that time. That is why I say it.
5736. Will you give an idea in what form he gave dissatisfaction?—What was the ground of dissatisfaction?—I never could get at that.
5737. Did McLean ever complain to you?—Yes, he has complained to me—not officially.
5738. Did he ever state any reason to you?—No. He knew, in point of fact, that although I was nominally superintendent of Crown lands bailiffs, I had very little to do with work out-of-doors.
5739. Do you not think it strange that he made no complaint to the department?—I do not know whether he did or not.

*The witness withdrew.*

Joseph Reading examined.

5740. What is your occupation?—I have been secretary to the Miners' Accident Society, and member of the Mining Board, and engaged in mining pursuits for nearly the last twenty years in Stawell.
5741. Do you know anything about those Wimmera dummy cases?—I do. I believe that I and Mr. Allan were sitting on the Board during the whole of the time, and I believe that most of the cases that were heard before the Board were heard before me and Mr. Allan at the local land boards.
5742. Were you present at the investigation at Stawell?—Yes, during the time that Mr. Allan and I were sitting on the local land board at Stawell.
5743. Were you a member?—Yes.
5744. You were not on this Board when the Wimmera enquiry was made?—No.
5745. By Mr. McLean.—Were you summoned on the enquiry at Stawell to give evidence?—I was.
5746. Did you accompany me to Horsham with other witnesses?—Yes, I did.
5747. Who met you at Horsham when we arrived there, in connection with this matter?—The first individual I saw was Mr. Allan. I asked him whether he knew where Mr. Moore was, and he told me he was up the yard somewhere toward the street; and I said I wished to see him as I wanted to know where we were to get lodgings.
5748. During that evening you were called upon by Mr. Moore to give what evidence yet had?—I first asked whether he had provided for us to sleep, and he said "You have no business up here at all," and I said "That is treating us very uncourteously," and he said "Who brought you here?" and I said "McLean," and he then replied that he had no business to have done so. I said it was very cool after we had come the distance we had, and that we were neither serfs nor beggars, and that we had come from Stawell to Horsham.
5749. Did Mr. Moore order you to return the following morning?—He did. He said, the sooner we were back the better.
5750. And did you go back with me?—Yes.

5751. Were you subsequently summoned to give evidence at Stawell?—Yes.

5752. Are you familiar with the case?—No, I do not remember being present at an interview with Mr. Moore, Mr. Clenes, and myself,—I recollect being along with you in the Commercial Hotel.

5753. Were you present when I stated that I would prepare the brief for the case myself?—I do recollect you stated you were preparing a brief yourself.

5754. But you also heard that I had refused permission to prepare that brief?—Mr. Moore said he would employ other parties to prepare it.

5755. Did Mr. Moore ask you to receive instructions from me, and say that you were to give instructions to Mr. Clenes to instruct the Crown Prosecutor?—Mr. Moore asked you to give me the papers, and asked me to assist Mr. Clenes in drawing up documents for the Crown Prosecutor.

5756. Did you understand Mr. Moore to say to you?—Mr. McLean will give you the information, and he will instruct the Crown Prosecutor?—No; he asked you to give the documents to Mr. Clenes, and the two of us were to draw up the report between us.

5757. Then this letter is not correct?—

Stawell, July 19, 1875.

To the Honorable Francis Langau, Minister of Lands, &c., Melbourne.

HONORABLE SIR,—I, Joseph Reading, M.M.B., Secretary per Pleasant Creek Miners' Accident Society, &c., &c., do, by this document, declare that in the month of August, 1873, 1, in company with Mr. John Mc Dougall of Stawell, did accompany Mr. McLean, Crown Lands Bailiff, from Stawell to Horsham, to testify to the existence of dummyism in the Wimmera district, before what I was led to understand was to be a special Land Board. Upon reaching Horsham I was surprised to learn from Mr. Byron Moore, who received us in a private room connected with the then Horsham Survey Office, that he required all the evidence and papers we could give on the subject; that I personally communicated with Mr. Moore on an unscheduled occasion, and stated his high-handed way of doing business; and I was subsequently informed him that I was neither a paper nor a scurf. After said treatment I most reluctantly stated what I knew to Mr. Byron Moore, his very high and consequential manner, in connection with other little circumstances, caused me to distrust his honest intentions as to the question of dummyism. And to crown the matter, Mr. Moore ordered me and the other witnesses in connection with me, to return to Stawell next morning, which we did with feelings of disgust at the usage we had received at the hands of Mr. Moore, who failed to provide us with either board or lodgings; in fact I had to deep upon the bare boards. I was present when Mr. McLean was denied the right to prepare the brief, and Mr. B. Moore desirous to assist Mr. A. A. B. Clenes, Shire Secretary of Stawell, as instructors of the Crown Prosecutor during the hearing of the charges against each and all of the defendants at the Special Land Board held at Stawell, which I declined to do, believing that Mr. McLean was the proper officer of the Crown to carry out such purposes. Mr. B. Moore occupied a prominent station as Special Land Board at Stawell; the evidence was not given in accordance with the prepared brief made and provided for such inquiry. And further, my innate impression is that—provided Mr. McLean had left the district, as he was directed to do, before the hearing of the several cases—thousands of dummy acres of land in the Wimmera district would never have left the possession of those persons resident in the Wimmera district, whose glory appeared to be subservient for pecuniary gain and abandonment of settlement.

Yours, respectfully,

JOSEPH READING, M.M.B.,
Secretary to Miners' Accident Society, Stawell.

Address—Miners' Accident Society, Stawell.

—Yes, that is correct.

5758. By the Chairman.—Do you put that in as your evidence?—I do. I confirm that.

5759. By Mr. Byron Moore.—This letter refers to two different things, fourteen months distant from each other. It may therefore be misleading. The Horsham affair occurred about the 20th of May, and the brief business occurred somewhere about the end of September.

The witness.—I just wrote that letter in answer to a request made to me.

5760. By the Chairman.—Were you mixed up in both those transactions Mr. Byron Moore refers to?—Yes.

5761. To which does that refer?—It refers to both the one at Horsham and likewise the one at Stawell.

5762. Had you come to the conclusion that it was the desire on the part of Mr. Byron Moore to subvert the enquiry to prevent its being successful?—My decided opinion was, the day I went to Horsham, and has been substantiated also, to some extent he wanted to shield the pastural tenants as against the selectors. Here is another proof. [The witness handed in a letter dated Stawell, November 5th 1873, which was read as follows]:—

By Mr. Byron Moore, Esq.

Stawell, November 5th 1873.

Sir,—Mr. McLean, Crown Lands bailiff, waited upon me to-day relative to the time I was engaged on behalf of land board. I was three days with Mr. Clenes and Allum, preparing documents for witnesses, &c., and nine days at the land board relative to the time I was over the country looking the dummies up after being requested by Mr. Casey. To trace dummies to the squatters; I make no charge either for myself, expenses, or horse. I feel so much disgusted with the past and present inconsistency of both pastoral tenants and selectors trying to evade the land law for selfish greed that, if I had an independent fortune I would devote the whole to clear them from the soil polluted with perjury; nor should I have looked for any compensation for the twelve days I was absent from my employ, only that I have to pay two ways to perform my duties every day I am otherwise engaged, viz., one to look over the mine and one to perform the office duties devolving upon me. Alex. Forster was seven days at the land board. Augustus Grondell, theerman, who stated before the land board that he was going to take his wife and family up to the next day to reside upon the land you thought proper to recommend, in fact could not have done otherwise in face of his evidence and declaration, he is working in the borough, requiring the stores. He requires looking after, for my impression notwithstanding his declaration is that he is a live dummy for Messrs. Nicol and Acrey. There are some strange little games going on at Stawell amongst the dummy identity. It would take a volume to convey to you all that has come under my own notice since the sitting of the special board. And it will take Mr. Casey all his time and minute quick practical wit to keep the land out of their hands when forfeited. The handy dolges that are plotting are worthy of any infernal elevatunorum.

Yours respectfully,

JOSEPH READING, Main street, Stawell.

The only reply I got was this memo, from Mr. Moore.—"You have not sent an account; please submit one as soon as possible to me." I think the department should have acted on that; and in reference to August Grondell's selection, I think it was treating dummyism in a very cavalierly manner. I do not think the man ever saw the land in his life. I could have brought witnesses to prove that he had never seen the land. It was on Nicol and Acrey's run.

5763. Your impression was that he was a dummy, and you wrote this to Mr. Byron Moore to inform him of this and to get justice done?—Yes.
5764. And you consider that you were slighted? — Yes.
5765. By Mr. Allan,—I suppose I did not summon you here to-day? — No.
5766. I think you stated that you have sat with me frequently on the ordinary local land boards? — Yes.
5767. Had we ever any differences as to decisions? — No.
5768. Did you see anything in my conduct that showed a leaning to the squatters or a desire to suppress proper enquiry? — Never. Further, I can say this: in the case of local evidence you would say that I knew the individuals locally better than you could, and you would rather I would examine them. You always gave me the preference in examining them when they were making their applications. You assisted me as far as ever you could, and I do not know why your name has been dragged into this matter.
5769. By The Chairman.—Your evidence is that Mr. Allan was perfectly impartial, and was helped by you by means of the local knowledge you had at your disposal? — Precisely.

The witness withdrew.

Mr. McLean.—May I call attention to this document? [The witness read the same as follows]:—

Railway Hotel, Stawell, 19th July 1878.

Sir,—In response to a request made by Mr. Crowns lands bailiff McLean, of Shiparton, to the Wimmera District Farmers and Selectors' Association, in regard to the notorious cases of dunamyyiism exposed by him during the sittings of the special board of enquiry at Stawell, in September 1872. I have the honor to state that the said association unanimously considered that Mr. McLean was unfairly dealt with by the Lands Department for having honestly and fearlessly carried out a most arduous and praiseworthy duty to the State, and in order to give effect to such opinion we forwarded an urgent request to the Honorable Mr. Casey to retain Mr. McLean in that district, and notwithstanding our having received a reply, — "That his removal was solely owing to departmental arrangements," we immediately passed a resolution, of which the following is a copy: — "Resolved,—That the Honorable the Minister for Lands be requested to review his decision as to the removal of Crowns lands bailiff McLean from his present district, as that officer has shown himself most efficient in his efforts to prevent the practice of alienating land from the local files selector by the agency of dunamyyiism; and it is believed such practice will increase to an alarming extent if a stranger be located in the district as the present janrute, Mr. McLean being possessed of local facts, &c., &c., such as a stranger could not possibly be considered." "Ordered,—That the Parliamentary representatives of the district be requested to urge strongly upon the Minister of Lands the desirability of retaining the services of Mr. McLean in the Wimmera district. Confirmed by E. NOVIA, President. 25th September 1872." I may add that the general opinion of this district is that the evidence disclosed recently by Mr. McLean before the Royal Commission at Echuca is substantially correct.

W. O'CALLAGHAN,
Secretary Wimmera District Farmers and Selectors' Association.
The Honorable Francis Longmore,
Minister for Lands, Melbourne.

If the Commission desires Mr. O'Callaghan's presence he can come. This is a letter that was written to me before I knew you were going to have an enquiry here.

5770. How came he to write that letter? — I wrote to him, as I had been making enquiries to verify what I said at a previous meeting of the Commission.

The witness withdrew.

Samuel Joseph Black examined.

5771. What is your occupation? — Inspector of bailiffs in the Crown lands department.
5772. How long have you filled that post? — I was put in charge of bailiffs in 1874. Nominally I was appointed inspector of bailiffs about ten years ago, but I did not then go out except to receive their reports. I was acting as Crown lands bailiff during the interregnum, and I had to receive the bailiffs' reports, and certify to their accounts; but, in 1874, Mr. Casey told me to take charge of the bailiffs, and place the men in the best localities to perform their duties in.
5773. That was after the great cases in 1873? — Yes. I do not know anything about the Wimmera cases except seeing it in the papers, and from the records in the papers regarding Mr. McLean's removal to St. Arnaud.
5774. Were you inspector of bailiffs? — Yes, I was; but Mr. Hodgkinson at that time took full control of the bailiffs.
5775. Not Mr. Moore? — No, Mr. Moore had nothing to do with them till 1874. As far as I can recollect, the Assistant Secretary of Lands—Mr. Hodgkinson—took entire charge of the bailiffs at that time. I think Mr. Moore was assistant secretary in Geelong in 1873.
5776. Was Mr. Moore in authority at the time of Mr. McLean's first removal? — No, he was not. Mr. McLean was removed from Stawell to St. Arnaud, I understood, from reports in the office, because the shire secretary of the latter place had applied, on behalf of the council, to have a bailiff stationed there. There was a large amount of settlement going on about St. Arnaud. Mr. McLean then got notice from the Assistant Secretary of Lands and Survey to remove.
5777. What position did Mr. Moore hold when the Wimmera enquiry took place? — I think he was district surveyor at Geelong then, but I think he resided in Melbourne.
5778. What had he to do specially with the Wimmera district? — I think Mr. Casey instructed him to take charge. As far as my knowledge goes, he had nothing to do with the Crown lands bailiffs up to 1874.
5779. Then McLean's first removal occurred under the régime of Mr. Hodgkinson? — Yes.
5780. Your evidence then is that the St. Arnaud country was being taken up extensively, and the shire council asked for a bailiff, and that Mr. Hodgkinson accordingly sent Mr. McLean to the place? — Yes, he did. I have got a copy of the letter sent at that time.
5781. Did they send any one to fill his place at Stawell? — Not until after the re-arrangement of the whole of the bailiwicks by myself.
5782. Were you at the head of the bailiff department at the time of the second removal of McLean, when he was removed from St. Arnaud to Shiparton? — I may state that he never did remove permanently to St. Arnaud from Stawell. He did not take up his permanent residence there.
5783. How long did he remain at Stawell? — He got one letter in August 1873. He delayed answering that letter, and another letter was sent in October 1873 urging him to go to St. Arnaud.
5784. When did he go? — He did not go at all to reside there permanently; he went there occasionally.
5785. How long did he continue in this nominal charge of the St. Arnaud district?—Up to April 1875.

5786. That is eighteen months?—Yes.
5787. Then he was removed after that eighteen months from St. Arnaud to Shepparton?—Yes.
5788. Can you assign any reason for that?—Yes; it was in consequence of his continued disregard of his instructions to remove to St. Arnaud.
5789. In fact it was regarded as a piece of inordinacy on his part that he did not remove to St. Arnaud, and his removal to Shepparton was a sort of punishment?—No, it is this way—it is quite necessary that a bailiff shall reside in the district permanently with his family. Every bailiff does. McLean was ordered to go there in 1875. I found from inquiry that he had not done so in 1874, and he was asked again to go; his excuse was that he could not get a house for his family, and I reported that the bailiff must reside in the bailwalk, especially as St. Arnaud was getting to be a very important place. The department wrote him three different letters asking him to remove there, and he always gave the same excuse that he could not get a house. The last letter was in March 1875, requesting him to remove in fourteen days from Stawell to St. Arnaud. There was no answer all the fourteen days were up, and then a letter was sent that as he would not go to St. Arnaud he must go to Shepparton. He immediately removed to Shepparton, arriving there in May 1875.

5790. How long had he been in Stawell before he was removed?—I do not recollect.
5791. How was the work performed that he had been doing in Stawell?—I cannot tell.
5792. Did you consider his removal from Stawell to St. Arnaud as advancement or otherwise?—Mr. Hodgkinson considered that there was not any use for a bailiff at Stawell, as there was one at Horsham. He considered that he was to go to work at Stawell.

5793. Mr. McLean.—After my removal from Stawell another bailiff was stationed there.
5794. The witness.—There was one appointed twelve months after the district having been extended when I rearranged the bailwalks.
5795. Then he was removed from Stawell because there was not sufficient employment for him there?—I presume that was the reason.
5796. Then there was another appointment twelve months afterwards to do the same work?—No; it was a different bailiff altogether. The bailiff who was at Benon was removed there. There were a great many removals at that time.
5797. McLean still resided at Stawell and did his business at St. Arnaud?—His family resided at Stawell.
5798. Did he do his work satisfactorily?—I cannot say; because I had not full charge of the bailiffs then.

5799. Is it usual for a bailiff to have two removals in so short a time—a man who is doing his work?—McLean never removed to Stawell, and in consequence of that he was removed to Shepparton. The bailiff who succeeded him at St. Arnaud did not appear to have any difficulty in getting a house.

5799. We find that McLean discharged his duties satisfactorily, and was removed twice within a short period—is it the usual thing in the department for a bailiff to be removed so soon?—I never had a case before.
5799. Did the department increase the number of bailiffs when you rearranged the bailwalks?—Yes, it did.

5800. By Mr. Moore (through the Chairman).—Were there not several mounted police bailiffs in the St. Arnaud district?—There were. There are about 350 mounted police bailiffs throughout the colony.

5801. By the Commissioner.—But the police acted as bailiffs previous to McLean being removed?—Undoubtedly.

5802. By Mr. McLean (through the Chairman).—You say that I informed you that my being not able to find a house was the chief cause of not removing my family from Stawell?—Yes, that is my present recollection of the thing.

5803. Would this telegram be in keeping with the facts of the case [reading the same as follows]?—To S. J. Black, Esq., Inspector of Bailiffs, Melbourne. My residence is in St. Arnaud owing to my being unable to procure a habitable dwelling, and prostrated illness in family, they still reside near Stawell.

5804. Is that correct?—Yes.
5805. That is in answer to this telegram?—Melbourne, 21st November 1874.

5806. Was I under Mr. Byron Moore at that time? Is that telegram correct?—Yes.

5807. Do you remember this reply going down from me, written from the Temperance Hotel, St. Arnaud.—[Reading the same as follows]:—Stuart’s Temperance Hotel, St. Arnaud, 23rd November 1874.

Sir,—In reply to your message (per telegraph) of 21st inst., I must respectfully beg to state that the cause of delay of my reply to Mr. Black’s memorandum was owing to the said memorandum having been addressed to Stawell instead of to St. Arnaud, and also that I was absent on duty from the latter place for some time before and after its receipt; and also, that my residence is, when not out through the district on inspection and other duties, at the aforesaid hotel, my family being as yet unable to remove from their present residence near to Stawell owing to their state of health and my being unable to rent a suitable residence in or near to St. Arnaud for them.

I have the honor to be, Sir, Your most obedient servant,

By, Byron Moore, Esq., A.M. Surveyor-General, Melbourne.
3806. By the Commission (to Mr. McLean).—You mean you were there yourself, but your family might have been anywhere else?—Yes; and I advertised in the local press where my office was, viz., 817, Stuart, Temperance Hotel.

After sending that letter down to the department I received another in reply, which is as follows—

Office of Lands and Survey, Occupation Branch, Melbourne, 5th March 1875.

Sir,—In reference to your letter of the 5th ultimo, in which you assign reasons for not taking up your residence at St. Arnaud as directed, I have to inform you that I cannot allow such a continued disregard of my instructions, and that unless you are able to procure a suitable dwelling at St. Arnaud by the 1st June, you will be transferred to some district where there will not be a similar difficulty in that respect.

I have, &c.,

J. BYRON MOORE,
Pro-Secretary for Lands.

Mr. James McLean, Crown Lands Bailiff, Stawell,

I stated I was prepared to send doctor's certificates, and having received those, I could give no further reply. I said I could not say more than I had. When I came back, after being away at my duties in the Boort and Swan Hill portions of my district, I found the following letter at my office in St. Arnaud—

73592.

Sir,—Adverting to my letter of the 4th ultimo, in which I stated that, unless you were able to procure a suitable dwelling at St. Arnaud by the 1st inst., you would be transferred to another district, I have to remind you that the time named has passed without your having taken up your residence as directed.

It has therefore been decided to transfer you to Bepperton, to which place you must proceed without further delay, and report yourself to the district surveyor, Beppola, and Inspector Black on arrival.

All official documents connected with your present bailiff are to be handed over to Mr. District Surveyor Thompson.

I have the honor to be, Sir,

Your most obedient servant,

Mr. James McLean, Crown Lands Bailiff, St. Arnaud.


3809. By the Commission (to the witness).—Has it come within your knowledge that his non-residence was injurious to the department?—Not at that time.

3810. Was there any instance where, through his not having a house at St. Arnaud, it would interfere with his work for the department?—Not at that time.

3811. Then his not having a residence at St. Arnaud was not prejudicial to the department?—It would have been, but the work was very slack just then.

3812. At this time, when those peremptory notices were sent to him, it did not come within your knowledge that the non-residence of his family was in any way injurious to the proper performance of his duty?—No.

3813. What has his family to do with it? What does it matter if they live in Kasschatcha or anywhere else?—They are required to take their families with them, and a Crown lands bailiff is not allowed to leave his district. I may state that I saw McLean on two occasions after he had received orders to remove to St. Arnaud. He was, therefore, out of his district.

3814. May be not have been on leave?—No he was not on leave.

3815. Is not that a common occurrence with bailiffs?—Not at all, unless they have leave.

3816. I understood you to say that Mr. McLean was under Mr. Hodgkinson?—He was up to 1874.

3817. But after hearing that letter read, what do you think?—That is in 1874. Mr. Byron Moore was Assistant Surveyor-General then.

3818. By Mr. McLean (through the Chairman).—Who corresponded in 1873?—Mr. Morrah sent the first letter.

3819. You say I was removed from Stawell because the work was somewhat slack?—No; I said that I believed that was what Mr. Hodgkinson thought.

3820. Mr. McLean.—I may point out that I was busy at the time in the midst of those Wimmera cases when I received the letter to remove from Stawell.

3821. By the Commission (to Mr. McLean).—Have you that letter from Mr. Hodgkinson?—It is signed by Mr. Morrah on his behalf. It is as follows—

Office of Lands and Survey, Melbourne, 30th August 1873.

Sir,—It being considered that the services of a salaried bailiff of Crown lands are more urgently required at present, at St. Arnaud than at Stawell, I am directed by the Honorable the Minister of Lands and Agriculture to request you to remove to St. Arnaud as soon as possible.

I have the honor to be, Sir,

Your most obedient servant,

A. MORRAH,
Pro-Assistant Commissioner of Lands and Survey.

Mr. Crown Lands Bailiff Stawell, Stawell,

After receiving that, I not Mr. Black at Stawell, and I said to him I had received notice to remove, and that it was a nice thing in the midst of the work I was doing for the Wimmera cases, I then explained to him my suspicions in the matter. He said nothing except that he supposed I would have to remove by-and-by. The matter was then taken up by the Association at Stawell, to prevent my removal; and nothing was done till the dummy cases were over. Then I removed to St. Arnaud, and when I got there I frequently received instructions to go back into the Stawell district for inspection and valuation purposes, and that was when Mr. Black speaks of having seen me. I had to keep two horses at that time; another bailiff was placed in charge of the Stawell district, and is there still.

3822. You said that the whole of your removals were due to Mr. McLean. It appears now that the original removal was due to Mr. Hodgkinson?—Mr. Black's evidence shows that Mr. Moore was sent to look after that business in the Horsham district. Of course, I cannot say what Mr. Moore did to influence the Minister, but I do not believe that Mr. Hodgkinson himself knew a thing about it—he merely signed the order for my removal as may have been suggested to him—in a formal sense.

3823. What was Mr. Moore then?—I do not know exactly what he was then—he was going about the country. Shortly after that, I spoke to Mr. Hodgkinson about it, and he was astonished at what had been done.
5824. Mr. Black (to the Commission).—Perhaps you would like to see the papers?
5825. By the Commission (to Mr. McLean).—You say that Mr. Hodgkinson expressed himself surprised at what was in his own letter?—Yes; you see Mr. Morrah as chief clerk signed for him; it is not his own letter.
5826. Do you say that he expressed surprise at that letter being sent?—He did, and he would testify that he did if he were here. Documents of this kind are often the mere stereotype official. Mr. Hodgkinson was virtually head of the corresponding department then, and the letters would be signed "pro," just as they are signed "pro Secretary for Lands," when the Secretary may know nothing about what he signs.

Mr. Black.—I think I can satisfy the Commission by showing Mr. Hodgkinson's own memorandum on the papers.

5827. By the Commission (to Mr. Black).—It appears that according to Mr. McLean that Mr. Morrah had made use of the authority of Mr. Hodgkinson without his knowing?—He merely signed the letter in Mr. Hodgkinson's absence.

5828. It seems to us that Mr. McLean prosecuted an important enquiry and performed his duties well, and that he was then fastened on by his superior officers and worried out of the district as the reward?—I do not see it in that way at all.

Mr. Black.—In reference to this, I might mention a little matter that occurred to me in Shepparton after I was there; being heavily handicapped with official work, as Mr. Black must be well aware, and which I managed to keep down, I was put to considerable expense in the way of postage charges to cross the Goulburn River as my district is on both sides of the river. I wrote to Mr. Moore a private letter hoping that he would now show me a little mercy. This is the letter—

[Private.] Shepparton, 9th July 1876.

Dear Sir,—You will, I trust, pardon the liberty I now take in reminding you that since my removal to the Shepparton district I have been put to considerable extra expenses in attending sundry local land boards at Bethungra, Benalla, and Rushworth—such place being from 18 to 20 miles beyond the respective boundaries of my allotted district—as also for postage while crossing the Goulburn River, &c., with the hope that you will have the goodness to recommend that I be allowed an amount to at least cover such.

I have hitherto carefully abstained from troubling you on this matter in order that I might first complete the general settlement inspections throughout the bailiff, which I have now done, also at an additional expense of an extra horse, and my oldest son's assistance, without whom I could not have attended to the various and varied instructions that such a thinly settled and peculiarly situated district as this necessitates, particulars of which you are doubtless fully aware of.

I am, Sir, most respectfully yours.

JAN. McLEAN.

I received it back again, not from Mr. Moore but from Mr. Black, with the following reply:

Mr. McLean.—There are no funds available for additional allowance to Crown lands bailiffs when attending to duties in connection with work in their bailiwicks.

It is not considered necessary that you should go to L L Boards, except on special occasions, when your presence is urgently required.

1977/6.

Memo. (102), [Copy.] Shepparton, 14. 7. 76.

Sir,—In reply to your memo, sent to my private communication to J J Byron, Moore, Esq., I must respectfully beg to state that my attendance at land boards in the places alluded to by me was in compliance with special instructions from the respective district superintendents, whilst my postage expenses were and are unavoidable in the execution of my duties on both sides of the Goulburn, which runs through one of by no means the least settled and otherwise important agricultural bailiwicks in Victoria, which fact you must be aware of, as also of the peculiar nature of the bailiff's duties therein, some details of which I furnished you with in my communication of the 9th November '75, and by recent statement to you of your late visit to Shepparton, when I stated that my financial position would now be very much more encouraging had I been employed as a common book-keeper on any remote squatting station since my appointment as Crown lands bailiff in June '72. Since then I have earnestly striven to honestly and fearlessly perform my duty to the State in the various bailiwicks I have been suddenly or otherwise removed to.

I have the honor to be, Sir,
Your most obedient servant.

JAMES McLEAN.
By the Commission.—You do not consider that a favor?—I do. I think he is favored rather more than any other bailiff.

Do you say that Mr. McLean gets more allowances than any other bailiff?—Yes, he does.

Does not this arise from the peculiar circumstances of his district?—Well, I do not see it is much different from the Echuca district except the crossing of the punt.

Was there any allowance made for expense of removal?—Yes, he was allowed his expenses of removal.

What?—I cannot tell now; he sent in his account for expenses.

Mr. McLean.—Not for the removal of my family; they would not allow that.

Mr. Black.—I may state that I have to be very careful with McLean; he sometimes sends down accounts for expenses that have never been incurred by him.

By the Commission.—Do you mean accounts for expenditure which has never been incurred?

—Yes, I do. There was one sent down for horse-hire, which he had not incurred. I wrote up to him for the vouchers and he stated distinctly that he had not hired the horse at all, although he put it down in the account.

By Mr. McLean (through the Chairman) — Will you be good enough to explain to the Commission under what circumstances the matter occurred?—I will.

Did it not arise from my having to report specially on several selections in other districts besides my own in compliance with the order from Mr. Longmore as to the necessity of the existing regulations relative to borrowing money on leaves?—Yes.

Did I explain to you that I had bought a horse and charged so much for its use, to complete the work, and that was why I could not produce the vouchers from anyone else?—That was after I asked for the vouchers.

I could not give that before?—You put "horse-hire," though you had a horse of your own.

The instructions that we received were, go into each other's districts for the purpose of getting such information as the matter required, post haste. I had been three days absent in the bush at this time. There were no places to hire a horse at Shepparton. My two horses were knocked up, and I purchased a horse specially, and put down "horse-hire," as I knew other bailiffs did, because I had bought this horse?

By the Commission.—Did the department allow that?

Mr. Black.—I do not think so. I may state that no accounts can be passed by me or the Audit Commissioners without the vouchers. I wrote to McLean for the voucher, and I would have passed the account if there had been a voucher. He said he had not hired the horse.

Was it necessary?—No, I think not; he had eight days to go only 110 miles.

Was it extra work?—No, his ordinary duties; I gave him the instructions myself.

It was a special job arising within the sphere of those duties?—He was doing nothing else for the department at the time.

Suppose he had sent a liency account, receipted, would you have paid it, believing he did require the horse for the extra work?—Yes.

That would have been sufficient?—I would not have thought from the journey that it would have taken an extra horse for the work he had to do, but still I would have passed the account. It was only 110 miles altogether.

The point is that, from the way you gave your evidence, you made it appear that Mr. McLean sent in what was a dishonest account?—Certainly.

It now turns out that Mr. McLean, in his zeal to do this special work, bought a horse, which had to be kept during the time, and that he sent in a bill for that because he could not show it was another man supplied the horse. You produced a false impression upon the minds of the Commission by stating that he sent in an account that was not of a bond fide character?—Neither it was.

Mr. McLean now distinctly explains the claim clearly and distinctly. Do you admit that Mr. McLean made that explanation to you?—He did after I asked for the voucher.

Then when you were giving evidence, why did you suppress that fact?—I intended to have told it all, and to have produced the papers.

Are there any other facts?—Not in connection with that matter.

When you made the statement, "I must be very careful with Mr. McLean's accounts," you ought, in fairness to him, to have said that at the same time he explained. You really started the Commission at first when you stated that he had sent in an account that in effect was a fraudulent one, and now you accept Mr. McLean's explanation of the circumstances.

Mr. Black.—Here is the correspondence which shows that Mr. Hodgkinson was aware of Mr. McLean's removal. It appears that there was some charge against Mr. McLean of impertinent behaviour for which he was called upon to apologize.

When was that?—It states here that a Mr. Raven charged Mr. McLean with having come to his office and given him the lie in plain language in the presence of a selector, and also with insulting the selector's brother to believe that Mr. Raven was putting obstacles in the way. In reference to the charge, Mr. Hodgkinson asks Mr. Macpherson the question—"What reply has been received from Mr. McLean relative to order to remove to St. Arnaud?" "No reply has been received."—J. Macpherson. "Recommends that Bailiff McLean be required to explain why he has never acknowledged order to proceed to St. Arnaud and make that place his residence as bailiff. Also that copy of Mr. Raven's complaint be forwarded to him, and a specific reply thereon be called for."—C. H. That is approved by the Minister.

This is all during the reign of Mr. Hodgkinson?—Yes. I refer to that merely to show that Mr. Hodgkinson was aware of Mr. McLean's removal.

Mr. McLean.—In reference to what Mr. Black has just referred to, I wish to hand in this letter:

Sir,—I am directed by the Honorable the Minister of Lands and Agriculture to request you to explain why you have not acknowledged the order to proceed to St. Arnaud, and make that place your residence as bailiff.

I am further directed to forward the accompanying copy of a complaint by the land officer at Stawell, and to call upon you for a specific reply thereon.

I have the honor to be, Sir, Your most obedient servant,

A. MOKRAH,
Pro Assistant Commissioner of Lands and Survey.

Mr. Crown Lands Bailiff McLean, Stawell.
The facts as to the complaint alluded to by the Receiver and Paymaster of Stanwell are as follow:—When at the land office one day two selectors applied for the land from Mr. Raven the land officer; the names of the persons were John McGregor and Margaret McGregor, brother and sister. They asked for a plan of the Carr's Plains run, as they wanted to peg out land near the pre-emption section. Mr. Raven had the plan and said, “That land is purchased and has gone from the State and belongs to the proprietor of the run.” I said, “Let me have a mistake;” and he said, “Do you doubt my word?” I said, “No, but that land has not gone, and these two persons are hand side selectors; they wants the land, and you make a mistake.” He flew into a violent passion and said, “Do you give me the lie?” and I said, “No,” and afterwards he challenged John McGregor to fight him outside. We left the place, and on receipt of this letter, in lieu of my reply to it, I sent out to Callawadda where the McGregor's were living, and asked them to come into Stanwell and make statutory declaration as to what really did take place. I ask for Mr. Black to produce them.

Mr. Black handed in the papers, which Mr. McLean read as follow:—

We, the undersigned, Margaret McGregor and John McGregor, of Callawadda, in the colony of Victoria, do solemnly and sincerely declare that the land officer at Stanwell did, on the 15th day of August 1873, refuse to accept of an application made by one of us for a selection of Crown lands in the parish of Wirchilonga, on the plea that said Crown land was held as a legal reserve by the pastoral license of the Carr's Plains run. That the said land officer, on being urged by us to state his authority concerning the alleged reserve, received the application in a most un courteous manner, and threatened to attach an adverse report to it. That, about an hour subsequent, we met Mr. McLean, Crown lands bailiff, to whom we explained the treatment received from Mr. Raven and requested to be informed as to whether the land applied for was legally held as a reserve, Mr. McLean assured us that it was not so held, and fearing lest the land officer should be in error, Mr. McLean, by request, accompanied us to the land office. That Mr. McLean endeavored to explain to Mr. Raven in a calm and gentlemanly manner that the land was not legally held as a reserve. When Mr. Raven became most violent, and slammed the office window in Mr. McLean's face, accompanying the act by ordering Mr. McLean to never dare approach him again on any business matter unless accompanied by a constable. That the said land officer then rushed out of the office and made use of such violent and insulting language to one of us as to almost cause a breach of the peace.

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of Parliament of Victoria, rendering persons making a false declaration punishable for wilful and corrupt perjury.

John McLean, Jun.,
Margaret McLean.

Declared before me, at Stanwell, in the colony aforesaid, this twentieth day of September, in the year of our Lord One thousand eight hundred and seventy-three. Isaac Delbridge, one of Her Majesty's Justices of the Peace in and for the colony of Victoria.

We, the undersigned Malcolm McGregor and John McGregor, selectors of Callawadda, in the colony of Victoria, do solemnly and sincerely declare—that Mr. Raven, Stanwell Land Officer, did, on the twelfth day of August 1873, at the drinking bar of the Western Surf Hotel, Stanwell, openly and in a most offensively and menacing manner declare—that he had reported against Mr. C. [Crown lands bailiff] McLean, of Stanwell, and that his, Mr. Raven's influence was such as to demand the removal of all such igneous and insolent fellows as McLean from the district.

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of Parliament of Victoria, rendering persons making a false declaration punishable for wilful and corrupt perjury.

Malcolm McLean,

Declared before me, at Stanwell, in the colony aforesaid, this twentieth day of September, in the year of our Lord One thousand eight hundred and seventy-three. Isaac Delbridge, one of Her Majesty's Justices of the Peace in and for the colony of Victoria.

5862. By the Commission (to Mr. McLean).—This is a sort of side issue, but what care of that? I never heard any more about it, and Mr. Black now refers to it.

5863. By the Commission (to Mr. Black).—You stated a charge had been preferred against Mr. McLean—that is the charge you allude to? Yes, impertinent behaviour.

5864. Did you know the whole facts of the case at the time you stated that?—No; not at the time.

5865. Had you read that declaration?—No; but I knew action was taken in the matter, because I think Mr. McLean, before this charge, had been ordered to remove to St. Arnaud.

5866. Why should you introduce this matter of Mr. McLean being accused of impertinent behaviour, when you had not possessed yourself of the facts?—It was merely on this letter of Mr. Hodgkinson's that I had to read, which I referred to here to show that Mr. Hodgkinson had made the memorandum—it happened to be on that.

5867. We cannot still account for the fact that Mr. Hodgkinson expressed surprise at Mr. McLean's having been ordered out of this district and sent to another. It seems odd that that should be the case, and yet his written document shows he was the originator of the paper—I may state that Mr. Hodgkinson at that time would not have consented to have charge of the bailiff but himself.

5868. By Mr. Allan to Mr. McLean (through the Chairman).—You say, in this printed evidence, "I reply, I received a peremptory notice from Mr. Allan that I and my family must proceed at once to Shepparton." Is that not a mistake?—Yes, that is an error. I wish to correct that in my revise. That should be Mr. Morwell.

The witness withdrew.

Mr. McLean requested that the Deaccession run matter should be gone into at once, and read the following letter:—

Mr. McLean, Crown lands bailiff, Shepparton.

Dear Sir,—I am pleased to know that you have been allowed to collect such evidence as may be necessary to convict Mr. Allen and Mr. Allan that your statements to the Royal Commission at Kuruca, concerning the dummy expenses at Stanwell in September and October 1873, are more reliable than they would like to make us suppose they are. A. I am much more acquainted with the Deaccession land frauds, and the way your efforts were thwarted to successfully

Land.
expose such, I can therefore only aid you in that direction. Your reported evidence alluded to the convictions obtained against every station brought forward for occupying the Decameron run, which was entrusted to Mr. Allan's care to summon witnesses on. The question may not perhaps be fairly asked-why were the summons not made—why were the charges against the Decameron's doings as serious as those made against the other culprits. Yet, strange to say, that only one of the cozy chaps (John Farquharson, the softest fod), was summoned, whilst all the others, including Timothy Kallakt, Alexander Carr, James Shitra, James Kishley, William Forrester, Alexander Carmichael, James Wilson, Patrick Daveron, John Buter, William Huxley, senior, William Huxley, junior, and others, every one of whom was found within a hundred yards of Farquharson's temporary dwelling. To this think that, in common fairness to myself and other witnesses, every one of the defendants ought to have been summoned by the same officer from the Arrarat survey office (Mr. McIntosh) when we were subpoenaed, unless their absence from the inquiry was more desirable to screen them from the culprits, as indeed the result has shown for had I not attacked the Minister of Lands, on the 19th September 1874, of the necessity to carry out the recommendation of the Stawell board concerning the reorganizing of the Decameron cases, we most likely would never have heard anything further concerning them. Our reminder, however, led to a quiet enquiry at Elmburst, about two years after your removal from Stawell, under the chairmanship of Mr. E. Morey, the acting district surveyor at Arrarat, with Mr. Inspector Black as prosecutor, amongst my members of the press. The charges being solely for non-compliance with improvements conditions, and nothing in the shape of improvements having been done, and only one or two of the dummies being present, the holdings were simply forfeited and ordered to be reoccupied for selection. Meanwhile the Decameron sheep had grazed the whole for quite three years; and so the land enquiry force ended. You will not be surprised to learn that all the buildings, garden fences, and sheds that John Farquharson once cost him over one hundred pounds were sold by Mrs. Farquharson a few weeks back for thirty shillings, and are removed from the selection, as also that Farquharson has returned to his former occupation, viz., travelling with sheep, whilst his late selection is covered with the Decameron's stock. Having carefully preserved copies of the first I had a prior claim that Farquharson was a dummy; the result was the same as what I have not been heard I had to say. The result afterwards proved that Farquharson was a dummy along with others for the station.

5875. Was this board held at Avoon?—Yes.

5876. What position did Mr. Allan hold?—He was district surveyor at the time, but was not on the first commission. On the second commission held they were called upon to prove they were not dummies.

5877. You say the officials of the department were not anxious or very zealous to find out the dummyism—what proof can you give of that?—I will come to that presently. I sent facts to the department, and led to enquire into their base foole, and the enquiry was simply this—they were called up to the board—Mr. Allan, Mr. John Dixon of Moomunbl, stockkeeper and magistrate.

5878. Any one else?—Mr. Warrington Carr, police magistrate, and I think there was some other gentlemen. I went there to show they were dummies. The simple question was asked them—"Are you a dummy?" and of course they said "No," and that was all.

5879. How many dummies were there?—There were Carmelshiel, Greaves, Klinay, Daveron, Wilson, and others.

5880. To what extent?—Three hundred and twenty acres each.

5881. How many altogether?—A large lump of country; in fact, Elmburst is completely swamped by dummyism.

5882. You think they could have fastened that dummyism upon them at that time if instead of that mock enquiry they had gone into that matter thoroughly?—Not one would have got his land if the district surveyors had done their duty.

5883. You had given information to Mr. Allan, and it would have given him information as to the case?—I had, and he had it before him.

5884. Was that at Avoon?—Yes.

5885. Do you mean to convey to us that you had provided the local board with the requisite information which would have shot down the dummyism to those people?—Decidedly.

5886. And that was not made use of?—It was buried, and I was ordered out of the court.

5887. What was the nature of the information you had?—The fact of the men's position and the overseer going round with them like a flock of geese and saying, "Fog in here, and there," and they did not reside on the land.

5888. They had all the different symptoms of dummyism?—Yes.

5889. What ultimately became of that land?—There is a good deal of it now in the hands of bona fide and because, after the enquiry that was had, the fact is that my letter referred to, in conjunction with other members of the Selectors' Association, went on to these runs where there was a pretence of
improvements, and we made measurements of all the fencing and things, and were prepared to support Mr. Black in everything. The lands that Carmichael, Kinlay, Groove, Shinn, and Huxley, with the exception of 320 acres marked off by Miss Cameron, are in the hands of bona fide selectors.

It is obvious that originally denominated lands have passed into the hands of bona fide people with one exception, and that has arisen from further action or the part of the department?—Yes, through the instrumentality of the Selectors’ Association.

5981. But this original court reported that it was not dumminy?—I presume so. I never saw any of their reports.

5982. From the time that that board was held, how long had those dumminies been in possession of the land?—Three years.

5983. When you complained they were dumminies?—Of course I did from the first.

5984. Is it not often the case that where there are two selectors applying for one piece of land, one points out the other as a dummy—is it not done frequently?—Where is a bona fide man it may be so.

5985. The original dumminies do not hold it now?—No.

5986. It is very natural that you should consider you were unfairly discriminated, but when the two or three claimants for one block of land come before the court they have no means of knowing which is which, and the disappointed claimant is sure to think he has treated unfairly—might not that be the case at this time?—I do not think so.

5987. By Mr. McLean (through the Chairman)?—You are summoned to give evidence in connection with the Decameron cases at the Stawell special land enquiry?—I was.

5988. You gave evidence there in connection with John Farquharson’s selection on the Decameron run?—Yes, I did.

5989. That was adverse to John Farquharson?—Yes.

5990. Were you present when the cases were adjourned for special hearing?—Yes. I was present at the time. Mr. Holmes’ remark was that Farquharson’s case would be taken into consideration with the others.

5991. Did you and your fellow selectors anticipate the re-hearing of the Decameron cases?—Yes.

5992. Did you call the attention of the Minister to the fact that the re-hearing had not taken place twelve months after?—I did, in conjunction with the selectors’ association.

5993. Did the enquiry take place at Elimbah?—Yes.

5994. Who constituted the board of enquiry at Elimbah?—Mr. E. Morris, and a member of the board, John Miller, I believe.

5995. Was any member of Parliament present?—No.

5996. Who conducted the enquiry?—Mr. Black.

5997. Did Mr. Black take up the matter where it was left off at Stawell bearing on the bona fides of those persons?—No.

5998. Were the suspects’ bona fides questioned?—What were the selections forfeited for?—For non-improvement.

5999. Is it your opinion that if the enquiry had been carried out as it commenced at Stawell the Decameron run would have been forfeited, and large tracts of country thrown open for bona fides selection?—I am confident of it.

6000. Has this Decameron run been all selected?—No; there is a good deal of hill country, large reserves, but, independently of those that are called the Decameron dumminies, there were a lot of other dumminies on the station. A Mr. John Little was acting as what is called a “loss cooker.” There was first Peter Jerry right opposite the station freehold, on the road to Elimbah, and John Butler, Robert Little, and James Brummer, James Court, and George Turner, and Thomas Simpson.

6001. Were they all dumminies?—Yes, they were all dumminies. I referred to them when Mr. Black was up there, and he told me the only thing they could do was to take the land from them.

6002. Were they dumminies in the interests of the lessees of the Crown land?—They were.

6003. How much of this land has got into the hands of the squatters?—Not all of it, but there is a large dumminy land taken up since under the management of Mr. Edward Morris—there is Merred, and two daughters of the said Peter Jerry, 320 acres each.

6004. Is there much of the Decameron run in the hands of the original pastoral tenant?—In the hands of the son it is now.

6005. Is there much of it passed into his hands as freehold?—Yes almost all the accessible arable land, excepting a small selection on the Glandiege run; but all the Decameron dummy land has passed in.

6006. When was that?—I cannot say.

6007. Was it through this dummy system?—Yes, it was through it.

6008. What is the amount of freehold he holds now?—I could not give an opinion. I know he holds the lands of T. Langley, and Mr. W. Marley and he bought those at auction; he has got the five blocks of John Clark, and there was James Eason, the boundary rider, took up a lot of land.

6009. Was the date of that Avoca land board, from which you were sent away so unceremoniously?—

Mr. Allan.—It would be early in 1872, I am almost certain—probably about April or May.

6010. Have you made out the Avoca Commission?

6011. What length of time intervened between that date and the time when this dumminy was exploded by further enquiry?—The first explosion was the enquiry at Stawell.

6012. That is a year and a quarter after?—Yes.

6013. How was it that those freehold was allowed to retain the land notwithstanding your denunciation of them in 1872, and next the enquiry in 1873—how was it they were allowed to continue on the land?—That is a department mystery—that is not in my possession.

6014. You state as a fact that though you attended the Commission in 1872, and came before the Board in 1873—notwithstanding that, this land has passed into the hands of the Williams?—Yes.

6015. The dumminy was successful to a large extent?—To a very large extent.
I understand you to say most of these dummy lands passed into the hands of the Williamson's—I will mention the only blocks that have passed into bond fide hands—the block of James Stirling, Peter Davison, Timothy Katochey, Alexander Cameron—that is one of those that cleared out of the district. Then William Gwyves, James Kinlay, Alexander Carmichael,

How many is that altogether?—Seven.

Seven. Then did not pass into the hands of the Williamson's?—No; some of them went away from the district and applied to the department to withdraw their licenses, and the others were held on by Mr. Black until that enquiry was completed.

How many of those were actual dummies and conveyed the land to the Williamson's?

Paugharon is one.

Could you give the number without giving the names?—Seven.

Then there was just half and half—seven bond fides and seven dummies?—Yes.

The witness withdraws.

Samuel Ramsay examined.

By Mr. McLean (through the Chairman).—What are you?—A farmer.

Living where?—At Elmhurst.

Were you summoned on the dummy enquiry cases at Stawell with reference to the Decameron run?—I was.

Were you called upon to give evidence at that enquiry?—I was not.

How long did you remain in Stawell during the enquiry?—Eleven days.

Were you aware of the enquiry being adjourned to be held somewhere else?—Yes.

You are a member also of the Farmers' Association at Elmhurst?—Yes.

You remember calling the attention of the Minister of Lands, about twelve months afterwards, to the fact of the promise of re-enquiry?—I do.

Did you receive a reply to that letter?—Yes; I think I received a formal reply that my letter had been received and would be attended to in due course.

Did you and your fellow selectors think that an enquiry would have followed that one at Stawell?—I did then.

Are you prepared to prove that a large tract of country was held illegally in the Decameron run?—Yes, I am.

How long after the enquiry at Stawell was the enquiry at Elmhurst in response to your applications?—About eighteen months after.

Were any of the defendants questioned as to their bond fides by the prosecuting officer?—I do not exactly understand your question. Was it with regard to the improvements or their connection with a second party?

Were any of the alleged dummies questioned by the prosecuting officer as to whether they were bond fides or not?—No, I think they were not.

What were the leading charges made against the defendants by the prosecuting officer, Mr. Black?—The non-compliance with the conditions, and nothing else.

And what were the recommendations of the board?—That the land be forfeited and thrown open for selection.

Have you reason to believe that some of those lands are even yet held on behalf of the station—the lands dummy at that time?—Yes.

Do you believe that if the enquiry had taken place and been carried out honestly at Elmhurst, the Decameron station would have been shown to have as much dummyism as any other run that has been forfeited?—I think they would have been all forfeited—the runs as well as the selections—if it had been conducted as the board at Stawell was conducted.

Who sat there?—Mr. Morres, the district surveyor, and a member of the mining board, Mr. Miller for Mr. Andrews, I think.

Do you believe that through that action at Elmhurst the State has been defrauded to a considerable extent out of its just rights by the nulla fides not being dealt with completely?—I do, most decidedly.

Do you remember my action in regard to the Decameron cases some time before?—Yes.

Were you present during the enquiry at Stawell?—I was.

Have you reason to believe that if those Stawell gentlemen had conducted the enquiry at Elmhurst the same result would have happened as at Stawell?—I have already said that I believe so.

By the Commission (to Mr. McLean).—You have called this witness to prove that there was not so thorough an examination at Elmhurst as at Stawell, in reference to the Decameron run, and that the result was that the State was defrauded?—Yes.

By Mr. Black (through the Chairman).—Were all the cases forfeited that I had charge of that day?—To the best of my belief, they were, for the non-fulfilment of conditions. I gave you the information; you called upon me. And as far as the thing went, it was right enough; but it was not made to have connection with the Stawell enquiry at all.

By the Commission to the witness).—Do you consider that the Elmhurst enquiry was cut off before its time—that it did not fulfil all that it was intended to fulfil, or was it complete in itself?—So far as it went, it was, but it was not of the same nature as the Stawell enquiry. The Stawell enquiry as to the Decameron run was adjourned, and it was never taken up again. It was supposed to have been held at Elmhurst, but this was a different enquiry altogether. The Stawell enquiry was to connect dummyism with the pastoral tenants of the runs on which the selections were situated. Had it been carried on without postponement, those runs would have been forfeited, and it would have stopped dummyism; or if the case had been heard immediately after.

What was the essential reason for the Elmhurst enquiry?—To quiet things over for the benefit of those concerned; that is what I think.

Why?—The secretaries of the Selectors' Association had asked for the Decameron run enquiry to be carried out like the one at Stawell, and they replied that the matter would be entered into in due course; and I suppose this was the attention promised, this enquiry through Mr. Black.
5960. In what respect was it not so thorough as the one at Stawell?—It never went into any matters connecting with the dummy with the station.

5961. What did it go into?—Simply such matters as the improvements and conditions, whether they were carried out.

5962. Then, in fact, the real enquiry was abandoned and never pursued at all?—Yes; this matter could have been taken up earlier at the time of the Stawell inquiry than after. Then the men were at work on the station. I was in communication with Mr. McLean on the very first day of the Stawell investigation, and he had all the names of all those men, and well knew all their selections, and there would have been no difficulty. It was only thirty-six miles away; and I have no doubt, from the way the men acted after that, they would not have assumed the position they did, because some left the district apparently through fear. They had fenced in and put material on the ground, and it is not usual for a man to leave that.

5963. The impression on your mind and in the district was that the officers of the Lands Department had shielded the station-holder from the forfeiture of his land?—It was; and I think they do at the present time.

5964. Do you mean it was a shrewd inquiry?—I mean it was incomplete. I have a case in point. A selector of the name of John Cameron selected on the Deseer Creek in 1873. His licence was issued in November 1873. All through the currency of this man's licence he was a shepherd in the employ of the Deserco station. He resided in the shepherd's hut, nine miles away from his selection. He has never resided on it at all, nor complied with the cultivation conditions, or any other condition, except in a half-hearted way; for instance, one fence is put inside the boundary of Dr. Williamson's 110 section reserve and not on Cameron's boundary, so that the station can claim the fence if they choose, at the same time the fence is valued to Cameron as a part of his improvements. I have applied for an investigation to be made into the matter. I received no satisfactory reply from the department. After being in possession of this land for three years, it was forfeited, after my application to have it forfeited and thrown open for selection, but it was not thrown open for selection. Six months after that he got a re-licence on the 1st of January last. He had it four years and a half—three years under licence, one year and a half without any licence, and now he has got a re-licence, and the man was all the time of his licence in the pastoral tenant's employ.

5965. That appears prima facie a very bad case. Do you attribute that to, or do you connect it with any action of the local land officer there?—I do; but as far as his public acts were concerned, I cannot connect it, because he, as district surveyor, stated that he had reported this man's bona fide as doubtful to the department; but I do connect it through seeing the friendly way he had with the pastoral tenant. He used to stay for two or three days with the pastoral tenant; and seeing Mr. Moore's friendliness with him, I thought there was something that was not straight. Why should they delay me from the investigation when I showed the state of the case?

5966. Does Cameron live on the land now?—No.

5967. It ought to be forfeited now?—Yes, it ought; he is not carried on the necessary improvements. There is now in the office this application from me to have it forfeited, and all papers connected with it, and a petition signed by forty respectable and influential people, requesting that an inquiry may be made in this matter, and we can get no satisfaction.

5968. What is the date of your application?—About the 16th of October last.

5969. And you have not renewed it since?—No, I have sent the petition down. Now, of course the man has got a re-licence, I am cut out of it altogether.

5970. Has this petition that you speak of been presented?—It was presented through our member, Mr. Dow, to the Minister of Lands.

5971. How long ago is that?—About a week or ten days ago.

5972. Have you got any reply?—No, I have not.

The witness withdrew.

Mr. McLean.—Before the Commission closes, I wish to say that I believe that in whatever Mr. Allan did he was acting simply and purely under Mr. Moore's instructions.

Adjourned to-morrow at twelve o'clock.

WEDNESDAY, 31st JULY 1878.

Present:

W. J. O'Hara, Esq., M.L.A., in the Chair;
J. Andrew, Esq., M.L.A.,
A. L. Tucker, Esq., M.L.A.,
H. R. Williams, Esq., M.L.A.,
T. Cope, Esq., M.L.A.

Mr. McLean, Mr. MacKinnon, M.L.A., and Mr. Allan were called in.

Mr. Allan.—I wish to put one or two questions to Mr. Reading in connection with his previous evidence with regard to the management of certain land boards.

Joseph Reading further examined.

5973. By Mr. Allan (through the Chairman).—You heard, in the evidence of Mr. Grant, yesterday, statements that would lead the Commission to believe that land boards in your part of the country were conducted in a sort of slip-shod, loose way; that applicants were not fairly treated; and the cases not properly heard. I speak in the interests of the local men who used to sit on the boards. Will you tell the Commission the general way in which those boards were conducted with fairness and attention, and care in making inquiries between contending parties?—I can only say that, during all the time that Mr. Allan and I sat together, conducting the Stawell land boards, that we considered it a duty to elicit
Joseph Reading, full information for the public good, and to examine every individual in the widest way. Further, when any local man came before the board Mr. Allan would say, "Mr. Reading, these men are familiar to you; you know the circumstances of the case, and we wish to examine them for the good of all concerned;" and, consequently I must say I put them to a most rigid cross-examination with reference to their selection. At the time referred to it was known applications before the board were dumies. I was in possession of the full facts of the matter obtained by me from the members of the Miners' Accident Society, so that I knew the individuals, and the agreement between them and the pastoral tenant prior to the application, consequently I repeated these facts to Mr. Allan, and he asked me to examine them, which I did in the strictest manner.

5974. By the Commission.—What you state now is to this effect that Mr. Allan always distinguished himself on those local boards by giving every facility possible to local members of the board to utilize the local information in order to arrive at the truth of the statements then made?—He did so on every occasion.

5975. And exhibited both zeal and impartiality?—Yes, I might state that we had no intention to do any injury either to the pastoral tenants or to any other individuals who came before the board; but we considered it our duty to carry out the law in its entirety apart from party considerations.

5976. This experience only relates to boards on which you yourself sat?—I am speaking of my own experience.

5977. The board you criticised was the board of which you were yourself a member?—Yes.

5978. And which you yourself, of course, favorably criticise?—Yes.

5979. Did other boards perform their duties in the same way?—I have sat with other officers who have not done so.

5980. Have you been present at the proceedings of any other land board?—I have been present on a special board, but no local board, except I sat on it myself.

5981. Do you think, generally, local boards carry out business as perfectly as you and Mr. Allan did?—I would not say that, because I think to the contrary.

5982. Will you tell us what you do: suppose three men apply for one piece of land?—I should just postpone the case to the next meeting to collect information as to the individuals that had begged out.

5983. Who would you employ to get that?—I would search every avenue that most of the individuals might have.

5984. Could you go yourself?—I have done it in every case I sat on the board.

5985. What kind of evidence would you get?—Uninterested evidence—which I considered neither favored the pastoral tenant nor the applicant on the other side.

5986. How should you decide which man of the three should have the land?—In some instances it would be impossible to do so; but in several instances when Mr. Allan and I sat on the board there were two or three applications for the same piece of land. On those occasions I knew where individuals were working, and whom they were working for. I would go round and enquire from persons whether they saw a certain party, and where they saw him working on a certain day. In one instance I found in the case of one man that he had never left his claim, and had never been on the piece of ground; and in the case of Grinstead, I found on the day he stated he begged out the land he was working for a man in Stawell.

5987. Do not you give your duty, but was to prevent your being influenced in another way to throw the land to another man's hand?—It may be that way. I only speak of myself.

5988. Would you never consult the Crown lands bailiff?—As far as our locality is concerned I believe I know the topography and every individual in it better than the Crown lands bailiff does, because I have spared no pains to gain that knowledge.

5989. Do you think that other members of local boards take the same pains?—I know a great many take no pains at all.

5990. Are you a member of a board now?—No.

5991. How did you come to leave the local land board?—I left it in consequence of a letter that appeared in a newspaper, addressed to Mr. MacBain, and I was glad to leave.

5992. Were you called upon to resign your position?—I was called upon to resign my position, and Mr. Gillies said that unless I would give a reply to the letter that was sent to Mr. MacBain he would remove me, and he did remove me; and my impression is that the reason I was removed was because I refused to cut off the wine and spirit merchant, who was not on the run, the Glen Willan. Mr. McMillan appeared through Mr. Aitken, on behalf of David Masterton. I then stated that I considered it unfair for Mr. McMillan to put in an appearance for an individual that had wealth in his hands, and had means sufficient to be present at that board.

5993. What was Mr. McMillan?—He is, I believe, the licensee of Glen Willan run.

5994. How long were you on the board?—I was on the board for some six years previous to that.

5995. Were your recommendations always carried out by the department?—No.

5996. Do you know any particular instance where they were not?—Well, my memory is not fresh on the subject. I could refer to papers.

5997. Do you know any case where the local land board refused the land to an applicant and the department afterwards granted it to the man?—I do.

5998. Have you any reason to know how or why?—At the present time I could not say. I could give every information if I had my papers. In this case of Masterton's I was glad to leave the board, because I always took time and trouble to find out every matter; and I never sat to adjudicate on a matter that I was not thoroughly familiar with previously, but when I sat on the board then Mr. Compton, district surveyor, was then on the board, when I stated I thought it was fair to have David Masterton himself before the board said, "If you insist on these things time after time Mr. Byron Moore will remove you from the board." Of course, I never sent the letter to the newspaper to which I refer, and I am not ashamed of it, because I can prove that I had nothing to do with it.

5999. You state that when you were on the local land board Mr. Allan always put the work on your shoulders as you had local knowledge?—Just so.

6000. Then you suppose Mr. Allan was not required at all?—Oh no, he did his duty. He had the plans and official documents that were necessary.

6001. What use was Mr. Allan on the board at all, if he had to gain all his information from you?—Mr. Allan had all the information as to survey fees, and other things that I knew nothing about.
6002. You say that you were removed from the land board by Mr. Gillies on account of the letter that was published in the newspaper. Was that letter written by you?—The letter was written by my son, and published without my knowledge or consent.

6003. Have you got a copy of that letter?—Yes. [A letter that appeared in the "Pleasant Creek News," 5th November 1875, signed by Joseph Reading, addressed to Mr. A. Stewart, was read as follows]:

Sr.—I this day have received a letter from Mr. Aherne, requesting me to make an apology to you for my slander. I have no knowledge of making such statements relative to you as those set forth in Mr. Aherne's document. If I did, I am not only sorry but apostolic for the same. The truth of the matter was, I went up to the Misses' Accident Society's office on Sunday the 17th inst., and, during the time in the office two dogs belonged to my boy, which were lying against each office, were poisoned. I would almost as soon have lost my life as the dogs have lost theirs. I could have sold them several times for £20. On coming from work one day last week, several miners bailed me up against Cawley's corner, and made statements to me that put me in a great position, and, while laboring under an excitement almost amounting to a temporary insanity, I recollect going into T. Y. Smith's shop, but what I said to him on the occasion I cannot recollect. In fact I had forgot all about it, until I received Mr. Aherne's letter. I think Mr. Smith should have laughed at me, when he saw the state I was in; and, with a respect to Mr. Smith's character, mine be represented, if he was to say anything or make any statement while laboring under such excitement as I was at the time I entered his shop, I should never have spoke of it; but still every man is at perfect liberty to use his conversation, and I do not blame him; but I am sure, after the long good feeling that has existed between myself and Mr. Stewart, we must, if he only allows reason to dictate, be fully persuaded that I would do nothing knowingly to injure him.—Yours, &c., Joseph Reading. N.B.—I cannot recollect making use of the word made in Mr. Aherne's letter. If I did, I hereby apologize for the same; and further, if in any way have slandered you, I apologize for such slander.

I went to the Accident Society, as there stated in that letter. They came to ask me to write a programme of sports. During the time I was in doing it the two dogs got poisoned, and the man informed me that no man had passed by but Mr. Stewart, and that he had thrown something out of his buggy to them. Mr. Byron Moore wrote to me.

6004. You admit now that you did write that letter to the paper?—No, I did not write it myself; I told my boy to write it.

6005. You showed it to me yesterday, and told me you had nothing to do with it?—No. I meant I had nothing to do with putting it in the paper. I stated yesterday that I had nothing to do with putting it in the paper. I did not know it was in the paper till the paper was referred to me by Mr. Byron Moore.

6006. From what you have been stating, are we to understand that, for the purpose of pleasing Mr. Stewart, whom you had offended, Mr. Byron Moore dismissed you from your office on the land board?—That is just it.

6007. And your only cause of offence was that you expressed an opinion that Mr. Stewart poisoned your dogs?—Yes.

6008. You said just now that if there are three applicants at the local board, you make personal inquiry yourself, and that determines your decision. Do all the local boards adopt that—Do none employ other people, such as the Crown lands bailiff, to make inquiries?—I could not say.

6009. What was to prevent their making representations favorable to any particular applicant, who might be a relative, a friend, or anything of that sort, who was to judge of the truth or otherwise of these representations, Supposing that one in your position was unjust enough to make them, what check was there on your statement; was there any other inquiry to determine the truth of the thing?—Invariably the statements I made were borne out by the Crown lands bailiff.

6010. When Mr. Allan sat with you, was there no responsible officer authorized by the department to make any inquiry?—Mr. Allan used to generally ask questions after I had asked them what I thought necessary. Suppose I had received information about an individual, I would ask, "Where were you at such a day," and so on.

6011. Did Mr. Allan get all the information from you?—No; but he always, from my local knowledge, allowed me to examine them first. He then examined them after.

6012. How do you connect that letter in the paper with the Lands Department, or what authorized Mr. Byron Moore to make the request in the letter that was sent afterwards?—I stated previously that Mr. Compton informed me that if I continued to harass individuals coming before the board, connected with the squatters, Mr. Moore would remove me from the board. Mr. Compton was the district officer under the Lands office at Stavell. He was different from Mr. Allan, who always went in for a fair and impartial inquiry.

6013. We merely want your testimony as to the exemplary way land boards were conducted by Mr. Allan, and you have stated that they were conducted in a most proper way; that the local men on the board were allowed and encouraged to bring all their knowledge to bear upon the cases?—Yes, that is my statement.

6014. How do you connect the departmental letter, 25th November, with the other in the paper?—[The following letter was read]:—

6015. That letter from you appeared in the local newspaper in which you stated that you did not intend to exhaust the people who thought you did, and upon that appearing the Lands Department wrote to you to ask if you did write it?—Yes.
Joseph Reading.  
3rd July 1854.

6016. And when you did admit you wrote it you were removed from your position on the board.

Mr. MacBean.—What right had the Lands Department to interfere in that way? I should ask you to allow me to hand in this, which will throw light upon the whole matter [handing in a paper].

To B. Moore, Lands Department, Melbourne.

Stowell, 1st December 1852.

I have received your letter and sec. of date, the 30th day of Nov. '52, and thank you for the information contained therein.

By the copy News annexed thereto, I perceive that Mr. McBean has been a party to this proceeding, as the very article addressed to him. Under those circumstances I decline to answer the letter, leaving Mr. McBean to bring before Parliament or any other proper tribunal any questions regarding me, in which I shall be prepared to defend myself.

So that, if necessary, I shall be in a position to take necessary action against Mr. McBean.

Yours respectfully,

JOSEPH READING, Stowell.

6017. Where you president of the shire at the time you were a member of the local board?—I was member of the mining board.

6018. Was it through that that you became member of the land board?—Yes. I was not president of the shire.

6019. You received no remuneration for attending the land board?—No. I will explain further.

6020. Is Compton still in the service?—He is dead.

Mr. MacBean.—I can verify what Mr. Reading asserts in reference to the management of the Stowell local land boards. I have attended when Mr. Allan was chairman, and I can verify the fact, I have never seen anything there involving dishonesty.

Mr. Allan withdrew.

Mr. Reading withdrew.

Mr. McLean.—I beg to request that Mr. McBean’s evidence be read, as given at Echuca.

Mr. MacBean.—I have been asked to attend yesterday and to-day, but I do not know for what purpose. Mr. McLean still wishes to impugn my statements.

The Chairman stated that that remained to be seen; that the Commission did not know what Mr. McLean’s object was in asking for a further inquiry, but he seemed to consider he had some explanation to give to clear his character.

Mr. MacBean.—Does he wish still to bring statements of his own to identify me with those selections? Occupying a public position, as I do, I think it is only right I should know whether he wishes to bring forward those statements again.

6021. By the Commission to Mr. McLean, Is your object to-day to endeavor to connect Mr. MacBean with what we have the dummy selections of Mills and McKenzie?—I may tell you that not having seen the printed report of Mr. MacBean’s evidence, I have only gone by what was in the local papers, and I saw there sufficient to warrant my having these matters gone over in my interest, as he accuses me of wilful falsehood and perjury. According to reports in the newspapers, Mr. MacBean said that if my evidence, given at Echuca, was no truer than what was given by me before, it was not worth having; therefore I demand, as a public officer, to have my statements tested, whether they are correct or not; and I am prepared to prove with reference to Mills and Alexander and others, on Mr. MacBean’s station, that the same circumstances that led to those other forfeitures in the Winmerra district inquiry are there apparent; and I do not see why Mr. James MacBean should escape from the same penalties as were inflicted in those cases. I am prepared by documentary evidence to trace the connection. What the documents prove is for the Commission to determine.

Mr. MacBean (to the Chairman).—As Mr. McLean made a statement on two different occasions identifying me with these charges, once at the Elections and Qualifications Committee, and again at the meeting of the Commission at Echuca, identifying me with those dummy selections of McKenzie and Mills, I wish to know from Mr. McLean whether he deliberately identifies me again, after I have contradicted the statement twice, and said that I knew nothing of them, and that I had no interest in them, and that I never had any interest in them, and never intend to have any.

Mr. McLean.—I think it is unfair that I should simply give a definite reply to Mr. MacBean before the evidence is heard. I think you should have the evidence to see whether the statements implicate Mr. MacBean or not. I made my statements on oath before the Elections and Qualifications Committee, and I repeated them before you at Echuca. Mr. MacBean denied my statements, but Messrs. Nicoll and Ayrey denied more than half a dozen times their connection with dummies on the Lallit run, in the Winmerra district. Mr. Dennis of Carr’s Plains station, in the Winmerra district; Mr. Shannon, in the Winmerra district; Mr. Anderson, of Walhola; Mr. Williamson, of the Derooyon station, all declared, not only verbally, but on oath, that they had no connection with dummies; yet it was proved clearly in the evidence before the local land board that they were dummy-mongers; and they lost their runs, with the exception of the Derooyon run, Mr. Williamson’s. Mr. MacBean is an entire stranger to me.

I have never seen the gentlemen before to-day that I know of.
6022. By the Commission (to Mr. McLean).—Will you proceed with the documentary evidence? Mr. MacBain.—May I ask again whether Mr. McLean wishes to identify me again with those charges?

6023. By the Commission (to Mr. McLean).—Do you still charge Mr. MacBain with being concerned in those damned selections?—I do.

6024. By the Commission (to Mr. McLean).—What is the documentary evidence?—The first document is in connection with David Alexander's selection, in the parish of Undera, on the St. Germains run, held by Mr. James MacBain as licensee. This is the report furnished by me to the Lands Department—


[Copy]

DAVID ALEXANDER, 1844, PARISH OF UNDERA.

This selection is included with the adjoining Goulburn River bents. Alexander was employed on the St. Germains station when he selected, and acted as overseer on said station for quite twelve months after selecting. I am informed that nearly all the improvements, chiefly buildings and fences, were erected by station hands, under the management—Mr. John McKenzie.

The clearing and cultivation are of a temporary nature, and the whole improvements are not worth more than £150.

The late Mrs. Griswold, on the adjoining selection, stated to me that her husband and Alexander selected as dummy or agent for the natural licence.—Mr. James McLean—at the request of the manager, as he desired to secure the land, owing to it being for many years used as a horse paddock for the station, &c., and that owing to Griswold refusing to allow the station stock to graze his selection, he was dismissed from the station, and subsequently driven from his family and the colony by Mr. McKenzie. Griswold has not been heard of since then, over two years ago. Mrs. Griswold died from poverty about three or four weeks back leaving seven helpless children, ranging from the age of two years to thirteen years, quite impoverished.

I do not consider that Alexander is a bond fictitious holder.

J. McLean, R.777.

6025. Who was it told you this man was a dummy?—Mrs. Griswold, on the adjoining block, the wife of one of two that selected in favor of the station near to the pre-emptive right of the St. Germains run. Nearly all the improvements were erected by the station hands, under the instructions of the manager of the station, Mr. John McKenzie. Alexander was called before the local land board, at Shepparton, to show cause against forfeiture, as I had reported that he was not a bond fictitious holder.

6026. How much did they pay?—One hundred and sixty-five, and 160 acres, Alexander and Griswold.

6027. How do you verify this?—By these papers. I asked Mr. Black to let me bring witnesses to Shepparton, and to guarantee their expenses; he said I could, but the expenses must not exceed 30s. per head. Mr. Alexander came by himself, accompanied by John McKenzie, and at the local land board I asked him very pertinent questions relating to his application. He replied to me in a way that led me at once to see that it was no use trying to get straightforward answers, as Mr. McKenzie was coaching him up, and I told Mr. Thompson.

6028. What did Mr. Thompson do?—He allowed him to remain in the case, and called my attention to bring over again on Alexander. Mr. Thompson, who evidently sympathised with some person in the matter, after hearing the evidence of all I could put before him, decided that there was not sufficient evidence before him to warrant the lease being issued to Alexander. That was his statement. And he said, "While the case is not above suspicion, yet I have nothing before me sufficient to prevent the issuing of the lease at present." That afternoon, before he left Shepparton, I handed him a protest against the decision, and this is a copy of it. I wish to show that the protest was never lodged in the local office. Had it gone down Mr. Longmore would have never issued the lease.

6029. If Mr. Black had allowed you sufficient funds to have obtained evidence, would you have substantiated your case?—Most assuredly.

6030. How much was required?—From 30s. to £2; I cannot say exactly what sum the thing would take—the distance to Shepparton being twenty miles, and the time of absence doubtful.

6031. What happened to the protest that you handed in to Mr. Thompson on the evening of the day of the decision, was it forwarded?—It was not; I have just found that out since last Friday. You remember at Elumen you asked the questions about the persons in the Wyuna run. I inspected, I said, Alexander, and I said I believed the lease had not been issued, but I have found from the papers that the lease has been issued, and my protest was not handed in; the land is still held by the Alexander family. This is a copy of the said protest—

Office of Crown Lands Ballarat,

To the Chairman of Local Land Board, Shepparton,

Sir,—I have the honor to most respectfully request that, as Mr. John McKenzie, manager of the Wyuna station, was permitted to forward a copy of the conditions of the lease to David Alexander's lease for your information, I am permitted to forward a copy of the conditions of the lease to David Alexander's lease for your information, I am permitted to forward an extract from the local newspaper bearing on the said matter. I have the honor to be, Sir, Your most obedient servant,

JAMES McLEAN, Balliff of Crown Lands.

6032. You say that was not attached or did not reach the Minister, and that in consequence of that the Minister, in a state of ignorance of the matter, was induced to issue the lease?—Yes, it was induced to issue the lease. I may state that feeling some doubt about the management of the local land board by Mr. Thompson, I subsequently forwarded an extract from the local newspaper bearing on the case to the Lands Department.

6033. We have got this far is Alexander's case, that in consequence of the protest not being handed in has he got the land?—The chief object that I had at the local land board was that Alexander's declaration to the Lands Department applying for the lease was not written by him at all, nor signed before a justice of the peace by him, but by Hugh McKenzie, Mr. John McKenzie's son—such declaration is here. I brought this before the chairman of the board; and Alexander, to get out of the difficulty, said he was blind when the document was written, and that Mr. Hugh McKenzie guided his hand to write.

6034. Will you have one of that?—The declaration is here.

6035. Can you say he did not appear before a justice to make the declaration?—No. I cannot say that, but it is filled out in Hugh McKenzie's writing, and Hugh McKenzie's writing is in the signature.
6036. You draw attention to the fact that Alexander did not write that at all, and Alexander made an excuse about being blind?—Yes; that is so, as will be more clearly understood by referring to the newspaper extract alluded to.

Shepparton Land Board.—Friday 14th September 1877.—(Before T. Nixon, Esq., District Surveyor of Benalla; J. Ogg, Esq., District Surveyor of Yackandandah; W. Webb, Esq., President of the Emily shire; and J. Spencer, Esq., J.P.)

The following list of applications was dealt with as follow...—

Special Case.—In the hearing of evidence in the case of David Alexander, of Ulumbra, who was called upon to prove his land, certain particulars were elicited:—That Alexander and one Alfred Griselli were both in the service of Mr. James MacEwan at boundary riders when they selected; that they both selected a horse and cattle paddock of the St. Germans station; that although there were yards and other improvements on the land at the time no objections were made against the applicants by the manager of the station, Mr. Mackenzie, at the land board; that Alexander and Griselli were in the employ of the station at a considerable time after the granting to them of their land; that Alexander's station wages were 20s. per week, and subsequently, after selecting, 30s. per week and paid himself; that station stock occasionally grazed Alexander's selection gratuitously; that a station carpenter (J. Lynch) erected a slab hut on Alexander's selection and that Mr. Hugh Mackenzie, son to the station manager, filed in Alexander's form of application for a lease of said selection, and guided Alexander's hand to sign the form; that Alexander can write very well himself, but pleaded blindness for the reason for the assistance of Mr. H. Mackenzie; that signature of applicant does not bear the slightest resemblance to the one on lease form; that no remark of any kind was made by certifying magistrate respecting the hand-guiding process; that Griselli left the station about two years ago, owing to a dispute with the manager about a horse; that said horse was given to Griselli by the manager, who subsequently demanded its return by summons so soon.—It was alleged—Griselli determined to keep his selection for the benefit of his family; that Griselli has not since been heard of, and that his wife died a few weeks ago of starvation and a broken heart, leaving seven helpless children totally unprovided for.

The board said they considered the case not above suspicion, but there was not sufficient evidence before them to refuse the application.

6037. Who were the members of the board?—Mr. Thompson and Mr. Thomas Nixon, both surveyors.

6038. Who holds the land now?—I have only just found out that the lease has been issued; I did not know that before. Alexander's family are on the land.

6039. Are they still employed on the station?—I cannot say.

6040. What became of Griselli's land?—It was thrown open for selection. Mrs. Griselli died, and the children were taken care of by different people; they are scattered about the country. The land was thrown open for re-selection, with the view for improvements; and it was taken up by a bond fide settler by the name of Kickett, the brother to Mr. Hugh McKenzie's former partner.

6041. Then your evidence is to this effect: that Alexander's land is still in the family of Alexander, that Griselli's land has been thrown open for re-selection, and has been re-selected by bond fide selectors?—Yes.

6042. Now give us some connecting link between Mr. MacEwan and this case?—The connecting link is in this way: Mr. Alexander was employed on the station when he selected, and for some time after remained at the station, receiving rations and a weekly wage.

6043. It appears nevertheless, that the land is possessed by Alexander, and James MacEwan has nothing to do with it?—I cannot tell that, but other stations were forfeited for the same cause.

6044. Is there a habitable hut?—Yes.

6045. Is there any appearance of farmstead about it?—There is just sufficient to warrant upon that.

6046. Has a dummy look or a genuine look?—I said before, and I now say, it has a dummy look; but since the exposure at the Elections and Qualifications Committee, McKenzie says he does not care anything about it.

6047. Has Alexander resided?—He has resided within the allowed distance, because the St. Germanas station is within two miles of the selection.

6048. Has he complied with the other conditions?—Yes, he has, in a way.

6049. Where is Alexander now?—I do not know.

6050. Is he with his family?—He may be.

6051. He has got his lease?—I understand he has.

6052. How could you prevent the lease issuing to a man who has fulfilled all the conditions of his licence?—But all the circumstances surrounding the man ought to be taken into account when everything goes to prove, according to his own statements, that declaration formally asking for the lease that he never signed, and seeing that it came from Mr. McKenzie.

6053. Might it not happen that neighbors would assist one another? Suppose Alexander could not write—suppose his statement is really correct about his being blind?—Yes, but he has not signed his name.

6054. But the evidence given was that, being more or less blind, his hand was guided along, and that he, virtually, according to law, did sign?—A blind man, if his hand was guided, would write like his usual writing; not according to the party guiding his hand.

6055. When Alexander was asked was that his signature, what did he say?—He said so, that his hand was guided, and he could not say.

6056. What did he expect to get by any shuffling about the lease—he acknowledged that he was responsible for the declaration that he sent?—The evidence is here that he was called upon by the department to explain the difference in the signatures.

6057. Might not all this assistance be given in good faith—the mere fact that he was a laboring man on the station should not cause all his acts to be looked upon with suspicion if all his other acts went to show him to be bond fide?—Yes, but all the facts did not show him to be a bond fide selector.

6058. Did this signature take place before a magistrate?—It must have been done, but the magistrate should have certified that the land had to be guided.

6059. Who was the magistrate?—Mr. Moore, of Emily.

6060. In order to clear up this doubt, I ask, do you think that Alexander had a sort of sample to sign a and, if no such sample, that the note that he recited to this question—to use that slang phrase—to satisfy his conscience?—I think this—it leads me to suppose that this declaration was made by somebody else, and that the application form was filled out and signed by Hugh McKenzie.
6601. And then Alexander made a false statement, and Hugh McKenzie committed perjury? — It leaves me to infer here that it was not Alexander’s signature.

6602. But it leads to two inferences; that Alexander committed perjury in swearing that that was his signature, and in the next place that McKenzie committed perjury in signing Alexander’s name? — No, that is an extreme view. I simply, as the Crown lands bailiff, have to search out all these facts; and when the department called on Alexander to explain as to this writing, he replied that he was blind at the time, had to have his hand guided; but I say that the man who guided his hand could not write according to his own writing, but according to Alexander’s writing, and there is therefore presumptive evidence that there was some little trickery with McKenzie, seeing I had reported adversely to Alexander.

6603. You have mentioned that your protest was suppressed; what office of the department do you think did that, in preventing it coming before the Minister of Lands? — I only judge from its not being attached to the correspondence.

6604. Whose duty was it to receive this protest? — I cannot say; I gave it to Mr. Thompson, the district surveyor, to forward.

6605. Is it his duty to see it sent to the Minister? — Yes.

6606. Is Mr. Thompson in the service now? — Yes, I believe so; I think he is in the Gippsland district; he may be able to satisfactorily explain why it was not attached to the correspondence.

6607. Is the case of Alexander the Crown could not act, for the greater portion of Mr. MacBain’s estate was already freehold land? — Mr. MacBain was the Crown lessee for the remaining portions in the two runs.

6608. How much did he hold when the land was selected? — I do not know how much, but it was a large area.

6609. At the time of the Alexander dispute had Mr. MacBain bought all the land that was freehold, or was there a great portion merely licensed? — There was a large portion licensed and a large portion purchased; the Wyuna estate has some 37,000 acres altogether.

6610. Your complaint is, that the same dubious process was pursued on the Wyuna run as in the Wimmera runs; and that in the case of the latter swift payment followed, and that in the case of the Wyuna run no punishment followed? — That is my impression.

6701. From whom did Gristall get the horse you spoke of? — From Mr. John McKenzie; he made a present of it to Gristall.

6702. Go on to the other cases? — The next case is that of John McKenzie, the manager that was, and I am informed is partly now of the Wyuna station.

6703. Is Under the name of the parish or the station? — It is the parish where the St. Germain’s station is. This is the selection in connection with John McKenzie, who was up to recently the manager of the Wyuna station, and now resides on his selection. This selection was taken up by Mr. John McKenzie, when manager of the Wyuna station, being a very choice block of land, adjoining to Mr. James MacBain’s purchased property, with simply a one-chains road intervening.

6704. Are you going to prove that McKenzie selected this land in the interest of Mr. James MacBain? — Yes; to verify my previous statements, when John McKenzie selected this land, 320 acres, he was then manager of the Wyuna station; and in other parts of the colony at the time strict orders were given to prohibit any person in connection with the station, or the manager, from being allowed to take up land by selection. Mr. John McKenzie, it appears received permission from Mr. James MacBain to take up this block of land, 320 acres. John McKenzie held that, and after a time he put on certain improvements, and made application to have a lease for this land; after he sent the application form sworn to that he had fulfilled the necessary conditions, he subsequently sent down a notice to the department to say that he had not, he found, fulfilled the residence condition. Mr. McKenzie was asked if he had ever selected any land before; his declaration showed on the face of it, on oath, that he never had, that he had not selected any land in the colony before. “I, John McKenzie, of Wyuna, overreach and farmer, do hereby solemnly and sincerely declare on oath that on the 31st day of January 1873, at about noon, I placed contemporaneously on the ground the necessary number of stakes with verticals thereto at the corners of allotments, for which reason I hereby make application under Part II of The Land Act 1869, as more particularly described hereunder; that I have not taken up a preemptive right; that I have not selected under any previous Land Act or Acts the maximum number of acres allowed by this Act; that no selection made by me under any previous Land Act or Acts has been forfeited or cancelled, for the evasion of the provisions of any such Land Act or Acts; and that the area I now desire to obtain would not, if added to the area already selected by me under any previous Land Act or Acts, exceed 320 acres; that I am not under eighteen years of age.” Signed, sworn to, and sent to the Lands Department by John McKenzie, dated 3rd February 1873.

6705. You prove that that is false? — Yes, by the papers I can. He distinctly swears there he had not selected before. He was then called upon, and the particulars here stated for the guidance of the local land board—[handing in the following paper]:

John Mackenzie selected 320 acres, under sec. 19, in the parish of Under, in February 1873, and makes a declaration that he has not selected under any previous Land Act, &c. On the 17th May 1876 he applied for the necessary form to enable him to apply for a lease under sec. 20. The forms were sent to him, and on 26th June 1876 he wrote to the department, stating that he believed he has not sufficiently complied with the residence condition, and therefore asked for sale of his selection by auction at 30s. per acre, with sale for impri, in his favor. This application was remitted to the L. I. board at Echuca for consideration, and on 20/7/76 it was heard.

Mr. Mackenzie there stated that he had selected 97 acres under the Land Act 1865, and after paying three or four rents for the same, had, in 1875, lost his selection, it being too confined. He said he had told Mr. G. (the then Minister of Lands) of this, and had received permission from him to select his full complement of 320 acres under sec. 19. He also produced a note from Hon. J. McCoeper, confirming this, of which, however, I can find no record in the department.

Mr. Crown lands bailiff Tatham stated, before the L. I. B., that Mackenzie had selected other lands besides this 97 acres, but Mackenzie stated he had no recollection of it, and had only got receipts for the one selection. The board therefore made no recommendation, pending further inquiry, no recommendation being made.

On 27th July Mr. Mackenzie wrote to the Surveyor-General, stating that on his return home he found he had also selected another 67 acres under the ‘65 Act.
On searching the books in this office, it is found that Mr. Mackenzie made the following selections under the 1865 Act—

S. J. MacBain, 14/1072
Sold by auction 14/1/65—W. Wilson
S. J. Wilson and Co.

On 6/60—19, sec. 10, Wyma
On 14/66—20th sec. 10, Wyma
On 11/66—21, sec. 10, Wyma

Total

97 1 28
178 2 31
192 0 35

408 1 14

On first selection he paid 71 years' rents. On second selection he paid 6 years' rents. On third selection he paid 1 year's rent.
The only lease that was executed was for the second selection.

All under the Act of 1865. That first selection of 97a. 1r. 29p. is now owned by Mr. MacBain. The next lot was in 14/65, 178a. 2. 31p.

6076. What was the ultimate disposal of that?—Mr. Wilson, Mr. MacBain's partner, purchased it.

On 11/65 (the ultimate disposal of that was Mr. Wilson), 132a. 6r. 35p. Total, 408a. 1r. 14p.

6077. Are we to understand from that that all these 1865 selections passed in part into the hands of Mr. MacBain and Mr. Wilson?—Yes.

6078. And that the whole of them went to Mr. Wilson?—It appears so here.

6079. Did not this man make a declaration that he had not selected land before?—Yes, copied by Mr. Levey, who is now present. The date is 7/8/76.

6080. Who signs that?—Mr. Levey prepares it from careful enquiry in the Lands Department.

6081. At any rate these documents show that the department knew unquestionably that he had previously selected 408 acres under the Land Act of 1865?—Yes.

6082. And that he had made a false application?—Yes.

6083. Why does he not prosecute for that?—No, he has been elevated; he has got a J.P.-ship since the exposure.

6084. When did you bring this before the department?—It was known to the department some time ago.

6085. That document you have been reading is from the Lands Department itself?—Yes, complied by Mr. Levey, who is now present.

6086. Do you know what he selected?—No.

6087. Was he selected by magistrates?—Yes.

6088. What is the date?—The only date I can find here is 7/8/76.

6089. Is there any signature?—Mr. J. A. Levey.

Mr. Levey explained that the record was for the year 1876, and that in his declaration, under the Act of 1865, he stated that he had not selected previously; and they were aware he was not speaking the truth?—There was some difficulty in his matter, because it appears that Mr. McKenzie states that Mr. John Macgregor, formerly a member of Parliament, was present when Mr. Casey told Mr. McKenzie he could select, notwithstanding he had formerly selected.

Mr. Macgregor explained here that he did not hear the permission given.

6091. When did the lease issue to Mr. McKenzie?—The land was sold by auction, and McKenzie purchased it. The date is 7/8/76.

6092. Can you tell us whether it was under the régime of Mr. Longmore or Mr. Gillies?—Mr. Gillies.

6093. Who fixed the $2 per acre upset price?—Mr. Gillies.

6094. And how came he to buy at 30s.?—Mr. Thompson, the district surveyor, at Echma, recommended that, and Mr. Gillies adopted that recommendation; and it was bought by McKenzie.

6095. Do you consider it was worth $2?—Yes.

6096. On what did Mr. Gillies term the estimate of $2?—On the fact of land having been sold for $2 or $2 1s. an acre near there.

6097. What was the amount of the valuation of the land?—About 700 odd pounds.

6098. How long was McKenzie in possession of the land when he applied for it to be put up by auction?—A little over three years.

6099. What were the improvements?—Fencing and building, and so on. Mr. Hugh McKenzie, the son of John, had the adjoining block.

6100. As this land has passed into the lands of McKenzie, is it used for his own purposes or for the purposes of the station?—I have witnessed it being used for the purposes of the station, the station cattle grazing on it and coming through the gate leading into the McKenzie's box and into Millie's block, the gates being there for the purpose apparently.

6101. How is it used now?—I think McKenzie has his family there now from the Wyma station; he has very little stock on it when I was there last.

6102. Has McKenzie got Mr. MacBain's employ?—He informs me he has; he says so.

6103. None of Mr. MacBain's stock are on it now?—I cannot say.

6104. The case so far shows this that McKenzie got the land in violation of the law, that he made a declaration known to be to that effect by the department; that he admitted himself of negligence allowed to certain selectors in getting the land put up to auction; and that he has got the freedhold of that land by that means?—Yes.

6105. So far the transactions between the State and McKenzie show him to be a bad subject, but how do you connect McKenzie's transactions with Mr. MacBain?—I am always aware of the difficulty that arises in such cases after some time has elapsed to get witnesses from the locality. If the enquiry had been gone into at first, when I reported, I could have succeeded more easily than now. When men get their selections they are frequently anxious to sell out to the most likely local buyers. It is more difficult to produce proof. There is, however, a document here which was sent down to the secretary of the Commission by a person who was on the station at the time.

[Copy—Clerkship, G.N.X]

To the Secretary of the Royal Commission, Lands Enquiry.

Sir,—It seems rather strange that a gentleman of the shrewd business habits of the honorable member for the Wimmera should be unaware, as he seems to be by his evidence before the Lands Commission at Echma, of the transactions taking place on his own station, at Wyma. Is it possible that he does not know that Mr. George Mills was drawing rations from the Wyma station up to the last moment that Mr. John McKenzie was superintendant there? I am not to certify that I have frequently seen Mr. Mills's boy, Tommy, at the station for rations, and on asking him what he was come for, he
said for ration. I am not sure that Mr Mills was not also drawing his weekly pay of fifteen shillings per week; but, of course, the station books would clear the matter up at once. Again, it appears that Mr McLean is ignorant of the fact in which everything was done. Mr John McKenzie's selection, or he surely would not have stated that he, when asked by Mr John McKenzie for permission to select, said that the selection might be made, but that no work was to be done by any one in the station. However, it must be aware, or else he must have been grossly misinformed, that the improvements on Mr John McKenzie's selection were done in every case partially, if not wholly, by station labor. If the working men were not actually paid by the station, all the materials were dragged by station teams, and by men sent from the station, and that after the ploughing of Mr John McKenzie's selection the same team was ploughed for Mr George Mills whatever there was ploughed. Now, as to the agreement existing about Mr Mills's ground, I was present, when I was there, between Mr John McKenzie and Mr George Mills and Mr John McKenzie told me personally that Mills was a scoundrel and would not act up to his bargain. The bargain he led me to understand being about Mills's land, for what else could there be, for the land must be the only thing that Mills could have, which was of value to Mr McKenzie, being contiguous to his property. Again, I beg to state, that the whole of the pine timber used in the erection of Mr John McKenzie's house, on his selection, was cut on Mr McKenzie's property, dragged to the mill by station teams, and brought from the mill to the building by the raw team. The timber not being the only thing which came from the station, in fact everything that was useful for the completion of the house. Why was not Mr George Mills called as a witness at the Commission, as his evidence would have cleared that matter up had he been included to do so. Again, why was not Mr Vickers, who has a selection about a mile and a half or two miles below the station, nearer to Echuca, called? I believe he would state that he left at the time he took up his selection he was in doubt which of three selections he would take up. Having taken up the one he at present resides on the other two though never selected, and therefore never forfeited, are in the Wynaum freehold.

With a friendly Minister of Lands there can be no need of denuncia for a man with any amount of wealth at his command, as he can get the land put up for auction and then purchase it in spite of any selector who has little or no means. In conclusion, it must be evident that Mr James McLean must either have been grossly deceived by his boon mentors, or that he must have winked at his doings. I may state that I was employed at the station during the time.

Yours, &c.,
J. HIND.
Shepparton, July 9th 1873.

Awer before me, at Shepparton, on the 18th day of July 1873—Gordon North, J.P.

6106. What was Hind on the station?—A builder; building John McKenzie's house, and otherwise employed on the station.

6107. Then you think from this, Mr. Hind having been employed on the station, he is able to speak as decisively as he does in that letter?—Yes; and he came forward and volunteered that statement; he was a stranger to me. Shortly after the reports of the Echuca enquiry appeared in the papers that mania began, and I was out of the colony in going home one day in November, Mr Hind accused me and said, "I see Mr. MacKinnon denied what was stated by you; if you want any evidence to verify your statements I will be most to give it." He lives at present at Shepparton, I asked him to write what he knew and send it on to the Commission, but to have it first corrected to a before a justice of the peace. He is willing to come and give his evidence on oath, if necessary.

6108. And you put that in as corroborative evidence?—Only that it is a link in the chain of evidence, that is all that I can give, laboring under the difficulty as to obtaining witnesses.

6109. Then as far as documentary evidence goes, that concludes what you have to say with regard to the Wynaum station. Shall I now call the witnesses you wish to? I have simply to call Mr Black, to ask him, in your presence, if I requested permission to summon witnesses to give evidence in those cases.

Samuel J. Black further examined.

6110. By Mr. McLean (through the Commissioner).—Do you remember the reports that I sent to the Lands Department, in connection with sundries selections on the Wynaum and St. Georges runs? No, I do not remember any of the cases.

6111. Do you remember the case of Alexander, I wrote about?—You wrote about a man named Mills, not about Alexander.

6112. Do you remember George Mills?—Yes.

6113. Do you remember my asking permission from you to guarantee the expenses of sundry witnesses in the locality to give such evidence as was necessary?—Yes, you did. I asked first what evidence they were giving reference to the case of George Mills; you wrote down to me, and I asked you—"Let me know the names of the witnesses you desire to have at L. J. board, Echuca, their present place of residence, and what evidence they are likely to give re these cases" 5th September 1867, McLean reports:—"John Glendinning and John Logman, of Eucha, can testify to the fencing of Mills's selection by McKenzie, as also to the employment of station horses and men on said selection, the grazing of station stock, and the supply of Mills and wife with station rations, &c. A severe attack of sickness since my return from Melbourne, and being unable to see McLogan and Glendinning, prevented me from replying ere now. Alexander's case was heard this day at Shepparton." I then stated that you could employ those witnesses to come and give evidence, that you could get them as required.

6114. But not to exceed the cost of 30s, each witness?—Yes.

6115. Why did you limit me to an amount of that kind?—It is only twenty-two miles from Echuca, and the usual departmental allowance for witnesses is 15s. a day.

6116. Why limit it at all for such an important case—is it usual?—It is.

6117. In what other case has it been done?—I have had cases myself.

6118. I say it has never been done before in the department; it is unusual to limit the expenses in a matter of such importance as this case.

6119. By the Commissioner.—It appears that this limitation to 30s. was done in Mills's case as well as in Alexander's case?—I have never heard of the case of Alexander.

6120. By Mr. McLean (through the Chairman).—Do you remember Mr Alexander giving a written document certifying that the fencing on his selection had been removed to Mills's selection, and that you asked me to attach that?—No, I do not.

6121. Do you remember being at the local land board at Shepparton?—Yes.

6122. What cases were heard?—I cannot recollect, unless I look at my diary.

6123. By the Commissioner.—Why did you not bring your diary; did you not know you were to be examined?—No, I did not know upon what was to be examined.

6124. If you were unprepared, how is it you brought some documents with you?—These papers were with reference to Mills's case, about which I was in communication with Mr McLean.
6125. By Mr. McLean (through the Chairman).—Are you not aware that Mille's and Alexander's cases are identical?—No.
6126. Did you never peruse those documents?—[pointing to papers on the table]?—I never remember seeing them before.

6127. By the Commission.—Are Alexander's documents connected with the others?—I do not think there are any memoranda of mine on those documents at all. I have not seen them before, to my knowledge.

6128. You hear Mr. McLean's statement, that it is unusual to fix any limit of that kind to witnesses' expenses; is that the case?—No, not that I am aware of. I had cases at Echunga where the witnesses got 15s. a day.

6129. Do you know whether it is the habit of the department to limit witnesses to a certain sum?—The Assistant Surveyor-General, who has got charge of the paying of witnesses, and all that, told me the allowance was 15s. a day for witnesses.

6130. That is paying for a work that is past, and that is different from what you did in making a limitation before the witnesses were summoned. How is it in this case, that before they were summoned, they were limited to 30s.?—I thought it would not take them more than one day.

6131. How did you proceed in this case to fix the limit?—I never was asked before. I asked the Assistant Surveyor-General, Mr. Moore, in this case, what expense we should allow, and that was his instruction.

6132. But you see that the habit of the department was not to limit to a fixed sum for expenses beforehand, but to pay after for the number of days they acted. Did you get your instructions from Mr. Moore?—Yes. Local land boards seldom sit more than one day, and I was told to make the maximum allowance 30s.

6133. He instructed you to limit the expenses to 30s. in this case; is that so?—Yes; I consulted him before I sent the memorandum to McLean.

6134. Acting on the instructions of Mr. Moore, you limited those witnesses to 30s., that is 15s. each for two days altogether, while it might so happen that the enquiry might run over five or six days; that was in fact, putting an obstruction in the path of justice in advance?—I do not think that.

6135. It had that effect; it prevented the witnesses coming?—Not at all; the witnesses were never summoned.

Mr. McLean.—I beg your pardon; you are speaking an untruth. I went to Mr. Gleidnlining, and he refused to come because of the expenses being so small to pay for coming and remaining till he got back.

6136. By the Commission.—There is the fact of justice being frustrated?—I may state as a fact that I saw Mr. Gleidnlining, and he denied that Mr. McLean had ever offered him money to go to the board.

6137. Do you say Mr. Moore told you to limit to 30s.?—Yes.

6138. In the first part of your evidence you stated that 15s. a day was to be paid?—I am not quite sure, but I thought it would only take two days, just an ordinary case for the local board, which seldom sat more than one day.

6139. Do you assure those local land boards?—I get up the cases; I do not sit on them.

6140. Are your travelling expenses allowed?—Yes; the usual travelling expenses.

6141. What are the "usual"?—Fifteen shillings a day not including the coach and train fare.

6142. Are you always told you must finish in two days?—Certainly not.

6143. That is what you said in effect to Mr. McLean?—I was and am still under the impression that these cases would not last more than one day.

6144. It is unbusiness-like to act on impressions beforehand. Would it not be better to wait and see what turns up; and if the land board extorts two or three days to make the expenditure accordingly; how could you settle in your own mind how long the board would sit. It seems to have been an unwarrantable proceeding, and Mr. McLean now quotes it to us to show that it resulted in the frustration of justice?—The case was not heard at Echunga at all—it was not heard at all, I understand.

6145. In consequence of there being no witnesses?—No, not at all. I understood that the reason was that the Elections and Qualifications Committee required the papers at the time; they were telegraphed for to Echunga.

6146. What had the fact of the Elections and Qualifications Committee sending for those papers to do with the other fact that this local land board was not held. Mr. McLean says it was not held because those witnesses on whom he relied to sustain his case would not come on account of the refusal of their expenses; what connection is there between that and the after proceedings of the Elections and Qualifications Committee—there is no connection—we are only dealing with the local land board?—The matter never came before the local land board.

6147. Were the witnesses summoned before the Elections Committee?—No; the papers were produced.

6148. To Mr. McLean. —Was the local land board ever held?—No.

6149. Why?—When I found I was crippled and prevented in getting the necessary witnesses, I was lax in the matter, and I found the matter was dealt with in the department. I showed the document to Mr. Black, at Shepparton, to show that one of the dunzillas, Alexander, certified that the station fences were removed from his land by station hands, got used to enclose Miller's block. I showed that to Mr. Black and said, "This is direct evidence of collusion." Mr. Black said, "You had better attach that to the correspondence." I did not do so. I have the documents still. I kept it to show to the board, but that case never came on.

Mr. Black.—I may state that Mr. McLean asked for these expenses after the board at Echunga.

6150. By the Commission.—Do you mean to pay for witnesses who never attended?—They were never summoned; he wanted to know whether he would be allowed to give these witnesses a certain sum of money if they were summoned; he asked how much money would be allowed. It was after the Echunga enquiry he asked me to guarantee the expenses. He said it must not exceed £20. I may say that I saw Mr. Gleidnlining and Mr. McLean, and asked them whether Mr. McLean had offered them any sum of money to go to Echunga, and they said no; and I asked if they thought 30s. was enough; they said it was, and they were quite willing to go at any time.
6151. How far would they have to travel?—Twenty miles; they are farmers at Undera.

Mr. McLean.—I assure the Commission I went to McLogan’s hut; he was away and I put a note on his hut offering the sum named by Mr. Black. The cases were adjourned on account of my absence and the absence of the papers in the case; they being before the Elections Committee; and I was waiting the return of the papers to reopen the case. I asked Mr. Morritt’s opinion as to Mr. Black’s restraining me in this way, and he said it was very strange it should be done.

6152. By the Commission (to Mr. Black).—As to the allowances, you see there would be some forty miles travelling, two days’ labor lost and hotel bills; how can you make 30s. pay for that?—All right, Mr. McLean said he was quite willing to go for that.

6153. If he has to travel there and give his evidence one day and return the next, he is away three days from his labor?—I asked McLogan and Glendinning what evidence they could give in this case. I read Mr. McLean’s memo, to them, and they said they could not give the evidence he represented at all, and they had told Mr. McLean so. They both told me that distinctly.

6154. That should have been found out at the local land board. Mr. McLean says—Here are two witnesses, I know they can give certain evidence when they come before the local land board; they could discover the truth of that, not you. The land officer in the district gives certain evidence as to something that should be investigated; it is the usual thing for a person in the department like yourself to go and see what the evidence is?—Yes, it is; I am generally sent by the department to see what evidence these men can give.

6155. What is the object?—To see if there really is a case against the person.

6156. Then if the land board was fixed to be held at Eldena, you go and search out the evidence and the land board is not held, and the case is fixed in the Land office in Melbourne?—It was not fixed.

6157. Did they come to the Lands office to give evidence?—No; I do not know how the case was dealt with.

6158. Is it the custom to take evidence on oath at those local boards?—No.

6159. Why?—We have no power to do so.

The witness withdraw.


The witness.—I really do not know what to say in reply to the statements made by Mr. McLean. I am at a loss to understand his motive in repeating these charges. He mentioned that he never saw me before. I never saw him till this enquiry; but the whole statement is so inconsistent with the facts of the case, so far as I am concerned, that I can only give a distinct denial as to my being connected in any way with those selections.

6160. Have you traced the land up to McKenzie?—Yes.

6161. Do you state here now that you have no connection with McKenzie’s operations for the purpose of getting that land, and that that land is not held by McKenzie on your account?—I can say that I never had any interest, and have none now, and never expect to have any, in the land selected by McKenzie, his son, Mills, Alexander, or Grinstail. I never have, as I stated before, supplied any selector with money, nor did I ever take any of my stock deputising on the land, nor do I intend to have anything to do with the land. As to land selected under the Act of 1869, I have always, since that Act, set my face against and refused to entertain any advances made to me by any person for the purpose of securing land on my run, and I have absolutely refused to buy any land offered to me, and I have never bid at auction for any of those selections; and I have made up my mind not to have anything to do with them in any shape. I will state here what did take place at the time. My manager came to me and asked my permission to select land. I refused him permission to select land; I told him the more fact of his selecting the land would be imputed to me, that he was setting up a dummy for me. He applied a second time; I refused again. He applied a third time, when all the land was going away. He said he had a large family, and it was hard he could not get a home for himself. At this very time one of the Winners was in treaty with me to come to terms to sell my property. That was the third application made by McKenzie. I thought, well it is a very hard case for this man, having lived so many years in the colony, that I should deprive of the means of getting a home on the station here, seeing I am going to sell out of it, and I said—"Now, McKenzie, you are putting me in an awkward position; I know there will be an imputation against me after this," but I said, "I will consent to your selecting as you desire on the sole condition that you do not employ any labor, either your own labor or any other labor on the station, the hands on the station, or the material." I never dreamt of his doing anything of that sort. I said "On the condition you do not employ any labor I pay for or any means to comply with the conditions of the Act, and that you will comply with the conditions of the Act yourself, I will give you my consent." The same thing was done with his son Hugh, and when he built his house I told him to leave my employ, that I did not want to have him carrying on business there and having the selection. As to Miller’s case, I never knew anything about it, except that he was in my employ, and that I told McKenzie he must leave my employ. As to Grinstail and Alexander, it was the same way.

6162. How can you account for your station goods and materials being used? Do you think your men were swindling you? How often were you on your run at that time?—I do not very often go to see my property. I treated a good deal to McKenzie; and so long as I had confidence in him I did not take any particular care.

6163. It has been stated very decidedly that McKenzie employed the station horses, and labor, and rations; could that be done unknown to you?—Well, it could have been done. I would not believe it unless I had positive evidence to the contrary. I never saw it done.

6164. When you lay in stores, as large pastoral gentlemen do, for the use of the station, do you not exact an account of how these stores are expended?—Well, he might sell those rations to men. There are men coming to the store and getting rations. That system of stockkeeping on that run has ceased for a number of years—since the run has been selected.

6165. At any rate McKenzie had stores?—Yes, for all the employes.
James McClean, 
M.B.A. 
13th July, 1866.

6166. And if he sold them to selecting people the price would appear?—Yes; and I believe if you called McKenzie he would produce the books, and you would find entries, and that the men have paid for them.

6167. As a matter of fact, have you now any present or prospective interest in McKenzie's land?—I never had. I have not now, and I do not ever intend to have any.

6168. Do you say the same of Alexander's land?—I say the same of Alexander's land, Mills', and Grintail's.

6169. The more categorical and precise your statement is it is the better for all sides. You state categorically and precisely that in those alleged dummy cases you had not, nor have now, nor intend to have, prospectively, any interest whatever in the lands?—Yes; and knowing the position I occupy, and the responsibility attached to making the statement, and knowing that McKenzie can sue me for defamation of character, as I am a responsible man, and able to pay any reasonable damages—remembering that, I again distinctly say that McKenzie's charges against me, that I have employed those men to Jimmy my land, is absolutely false; and I make that statement, knowing and desiring that the Shearband Writer will take it down.

McKenzie was manager of the station when I got possession first. It appears that there is evidence of transactions that occurred on the station in 1865. I did not secure an interest in the station till after I returned from England, in the year 1865 or 1866, so that I only had a sleeping partner's interest at the time referred to.

6170. McLean has mentioned that you and your partner got 408 acres; you were not in the affair at all then?—No, I was not, and had not the slightest interest in it.

6171. What date was it at which those 408 acres taken up under the Act of 1865 passed into the hands of the then station-holder?—I think any land I got I must have acquired by purchase from the firm.

6172. All these transactions about McKenzie's 408 acres occurred before you were connected with the station all?—Yes.

6173. Having heard McLean's statements as to McKenzie's selecting before, and his making the false declaration, do you not think he had some grounds to suspect something about you?—I do not think any man should do so unless he has good grounds.

6174. I think he has good grounds for suspecting collusion?—I am sorry to hear a Commissioner who has to enquire as to the truth make such a charge against a public man.

6175. You heard about Alexander swearing falsely and manipulating the declaration. I say the Crown lands ballot had good grounds for thinking the man was untrustful. What the Commissioner wants to show is that the external aspect of the whole case warranted McLean in believing there was collusion and dummys?—Well, I say, that so far as McLean is concerned, he has a duty to perform to the State, but a man has no right to give expression to his thoughts unless he has tangible evidence.

6176. There was a man resident on the station, — Hind; what sort of a man is he?—Well, I do not like to say a single word against Hind. He is a son of Professor Hind, Mathematical Professor at Cambridge, and is not in very good circumstances here. He told me he had knocked down the proctor, and had to leave the old country, and he is devoting his attention to iterating the country. I do not say a word against him. I rather commiserate him. I think that is in all cases you ought, and I should prefer it that you should get those men here in person. I am surprised that Mills has not been present to give evidence here or at Echuca. In such a grave charge as this, when these charges are made, I think it would be right to get these men. Of course McLean makes statements. He says he "thinks that so-and-so is the case," and he "was informed that such was the case." Why not get the persons themselves?

6177. The case he brought first was calculated to impugn your conduct, so you are the man who should bring McKenzie and the others?—I have nothing to say about Mills. I wish, however, to make this statement here: McLean made the statement that he saw my stock departing upon the land—that was after the country was fenced—and upon McKenzie's selection, Hugh McKenzie's selection, and Mills's selection. I would like to ask McLean is he prepared to substantiate that, and prove that my stock was on those three selections, and that there were gates between them?

Mr. McLean.—I am prepared to say that the gates were between the three selections.

6178. By the Commission.—Will you state that Mr. MacBain's stock were feeding upon the land?—Yes, I saw them on McKenzie's selection and on Grintail's.

6179. How did you identify them?—By the brand.

Mr. MacBain.—So far as I know, I never knew it before until McLean said it. I did not know that these people were so generous as to allow my sheep to depasture on the land, I never knew of it before.

6180. But you reciprocated the kindness?—Well, at any rate I am glad to hear there is some return.

6181. By the Commission.—As far as I can see in this case, your servants may have acted dishonestly, but I fail to see you connected with it?—I trust, from my position and character that, until I have been convicted of a felony, I shall be believed. My statement is entitled to be respected. I want to say this: After the Commission sat at Echuca, I wrote to McKenzie, because I felt that those charges made against McKenzie and identifying me with those dummies, that I must have been badly used if they were true, and I wrote to him to this effect—"These charges have been made against me as my manager." I put categorical questions to him. I wished to have an answer to those questions. He wrote me back an answer, which answer I remitted to Mr. Longmore. Mr. Longmore took possession of the letter, and he told me he would make inquiry into the matter and have a reply from McLean. Since then I was invited to come here today I went to Mr. Longmore to get the letter, and I cannot get the letter here.

6182. Do you remember what locamo of it at the Lands office?—I cannot get it. I should like to know whether it is here before you.—The Secretary produced the letter. I asked Mr. McKenzie whether he could judge the reasons why Mr. McLean was so vindictive to myself.

6183. We do not think he is vindictive—he is very zealous?—You seem to justify his conduct in imagining things. The more fact of McLean giving utterance to uncorroborated evidence, which people see in the papers, will make them believe that there is something in it.

6184. I think, after your very decisive statement, you need not have fear about that?—I would like to read this letter, though I should be very sorry to impute any misconduct to any one.

Mr. McLean.—I am prepared to answer any questions you put.
Mr MacLean read the following letter from Mr. MacKenzies:


Mr. MacLean, the Crown Lands Ballif, gave me before the Lands Commission at Roonah, in reference to the application of Wyuna, has a letter of directions and I am required to put to you the following matters.

My letter was read in the court. I have no doubt that it is in the hands of the Commission at 2nd, but I got notice to attend a land court at St. John's Wood. Messrs. Knox and Thompson were the sitting members. I was one of the members of the land court and we attempted to prove our claim against the Crown. I told the commissioners of the land that the reports of the Lands Department were untrue and we made a declaration in fact. About two months ago I met him at Melbourne. When the Mills was in the office of getting his lease, and that he would like to see me getting the land, as he knew Mills was due me some money. I told him I did not want the land, I asked him how much was my money, and what should he be told by the law to meet my demand. I could not buy it at first, and I was afraid I could not establish a home for his wife, for the sake of Mrs. Mills. He then said he would get Mills up to St. John's Wood and get him to sign a document that would put us into a right. Accordingly Mills went up to St. John's Wood and signed a document; after that Mr. Macdonald told me that Mills was in for good, as I did not want the land. He told me Mr. MacLean wished to have me to go to Melbourne and see my case in the right, as he knew I was very heavy-handed. I took his advice there and went. I informed him of several of my neighbors to give evidence as he wished them; they refused; told they could not do it.

I cannot understand the sense animosity to me, unless it is for this reason. Some two years ago he sent his son to me to lend him a saddle horse; I did lend a good horse; he lent him for about six weeks; he returned him home lame, and asked for another one. I gave another, and told the bearer, his son, if this mare suited your father, let him send me seven pounds for her; if she did not suit him, let him return her. Some time after I met him at Roonah, and he told me that the mare had cost him well, but was not in position to pay me then. I told him it would do when convenient for him, in June twelve months. I wrote a police note as I was leaving the station, to oblige him if he would send me a cheque for the mare. Some time after it was in August last, he gave me the cheque to my son, and said the cheque should be paid to a widow instead of me. I asked my son what was the man's name for saying so; he knew the mare belonged to the station; he said he did not know.

Surely you could not expect me to go twenty-six miles to give evidence before the Royal Commission, if there was anything wrong on my part, as I have done on Wednesday the 20th ult. I am sorry to say some of them was not anxious to believe the truth when it was told them.

I have the honor to be, Sir, Your obedient servant,


Joh MACKENZIES.

6185. From that letter MacKenzie assumes that McLean is his enemy because he was asked to pay for the mare. — There is it; I cannot say anything about it.

6186. Did you mention to Mr. Longmore that MacKenzie had selected land before, and had made a statutory declaration to the effect that he had not? — No. I did not wish to interfere with the man. Mr. MacKenzie knows that I have contradicted his statements twice, and he ought not to repeat them.

6187. You state that MacKenzie asked your permission to select this land? — Yes.

6188. Were you aware at the time that he had already selected 400 acres? — No.

6189. Did you know he selected any land at all? — I do not think I did at the time. It came to my knowledge afterwards.

6190. When the reduction was made in the price per acre, was it through your influence? — No.

6191. You never interviewed the Minister on any business of land of MacKenzie's? — No. I may mention this, that a surveyor had a selection within a few hundred yards of this selection, and he never complied with the Act at all. He simply put a house and a dam on the land, and fenced it, and he applied for the land to be put up to auction, and he got it put up at twenty-five shilling an acre; so of course it is a matter that has come under my own observation.

6192. Was he in the employ of the State? — No, he was a contract surveyor.

6193. But we have in evidence that that land was worth more than £2? — Well, I doubt very much whether anybody would give £2 an acre for it with the value of the improvements, which are very substantial.

Mr. McLean. — That statement of MacKenzie's in his letter is quite in keeping with his declaration — from beginning to end it is false. The facts are, that my eldest son John bought, or rather paid off on him, a worn-out horse, by Mr. Hugh MacKenzie (son of Mr. John MacKenzie), who informed my son that the horse belonged to Mr. James MacInnes. My son was employed by me at the time to assist me in the neighborhood, shortly after I went there, to try and keep the work down, as I said yesterday. When he brought the horse home, he said the price was £7. It was not worth half the money, but the lad had taken a fancy to the horse and kept it, and some time after that I paid Mr. Hugh MacKenzie, who was a storekeeper and general dealer, for the horse, and received the receipt for my son. I have telegraphed for, as I had heard from Mr. Tattam privately about this matter. He gave me a hint that Mr. MacInnes had written to John MacKenzie about my statements. Mr. Tattam said, "They will try to elate you if they can," and this is the effect evidently.

The following receipt, referred to above, was subsequently handed in:—

Received from Mr. John McLean cheque for 77 (seven pounds) on account of bay mare, branded. Purchased from Mr. James MacInnes, Wyuna.

(Signed) Hugh MacKenzie.

29/6/77.

6194. By Mr. MacLean (through the Chairman).—May I ask Mr. MacLean, if I have a woolshed, objecting wishing to get a truthful statement — if this statement of MacKenzie's letter is correct, viz., that he went to MacKenzie's house at eight o'clock at night, and stopped there till lunch time next day? — Mr. MacLean. — I do not remember that; but I know what MacKenzie alludes as well. I met him, when I was making inquiries about the ammunition in that district, on the verandah of his son's hotel. When John MacKenzie was working and job (alluding to the case against Mills), he said it was a good one, and that he was going to continue it. He said it was a good one, and that he was going to continue it. I assure you, Mr. MacLean, that I advanced this man money that I could not get a hold of at the time, and I took his bill, and renewed it annually, and I have got f. 2, judge against him in the Supreme Court, and have lodged a caveat to secure myself and family.
6155. Did you spend some nights at MacKenzie’s house?—I have at Wyuna; but this time MacKenzie invited me to go there, as he wished to explain his position in regard to the case. I was there that night, and he showed me very great kindness. There was an adjutant selected who also asked me to stay with him.

6156. Then the fact is you did stay one night?—Yes.

6157. And on the invitation of MacKenzie?—Yes.

6158. Did you express a desire that MacKenzie should get Mills’s land?—No.

6159. Did you recommend MacKenzie to come to Melbourne to look after the case he had lodged?—No, I did not.

6200. Did you ever speak to Mr. McDonald, the solicitor, at Shepparton?—I spoke to him to ask him whether he knew this man, Mills. I wished to gather from Mr. McDonald the connecting link between Mills and MacKenzie, and I did so.

6201. You made another statement, that MacKenzie is still in my employment, or has some control over my business?—No, I said I was only led to understand so.

6202. It seems to be a natural defect of yours that when my statement makes a suggestion to you, you think you are bound to believe that there is something in it. I want to know if you still persist in making this statement about me, when I tell you MacKenzie has nothing to do with my station?—If you say so, I am prepared to believe it.

6203. I wish to ascertain what evidence you can show to identify MacKenzie as being employed by me at the present time?—The only inference I can draw in the matter is from the local statements that MacKenzie occasionally instructs the young man who supervised him as manager of the station, and occasionally visits Mr. MacBain’s house, and instructs him as to what is to be done on the station—it is simply from local information and MacKenzie’s unreliable conduct.

Mr. MacBain.—Since MacKenzie has parted from me, he has never received any consideration from me of any kind.

By the Commission (to Mr. MacBain).—This has been established—that you have not been connected with Mills’s proceedings, but it is unfortunate that the evidence which you produce is that of MacKenzie, a man who is proud to have made a false declaration?—I did not produce his evidence; I have simply put in that letter.

Mr. McLennan.—As Mr. MacBain has made certain statements, I believe he speaks conscientiously. He asks how I could have had this set upon him. I can assure him I have no set upon him or any other man in the country; but I was led, from various reports in connection with the Wyuna station, to be very careful as to what is done in that district. One paragraph in a local paper led me to be very careful.

[The witness read the paragraph referred to].

Mr. MacBain.—I think the Chairman is personally aware that there has been no evidence by me.

The Chairman.—If the other Commissioners were of the same opinion. Several stated they were.

Mr. Andrew.—I think this particular portion of the enquiry may be considered at an end, and I wish to express my opinion that Mr. McLennan has shown himself to be a zealous, honest, and efficient servant of the Government in these land enquiries which had such important results, and to say that we consider that he has not been fairly or handsomely or aptly dealt with by the department in being removed as he was from Stawell. I suggest that this Commission submit to the Minister of Lands a recommendation that some compensation be given to Mr. McLennan for the unjust treatment he has been subjected to.

The Chairman asked if the other Commissioners were of the same opinion. Several stated they were.

Mr. McLennan.—I must thank the Commission for the kindness they have manifested towards me, and for the recommendation they propose making to the Minister of Lands: and I only say that I feel a degree of satisfaction at having shown that at least I performed my duty honestly. And I may assure the Commission, and whilst there may not have been sufficient evidence to implicate Mr. MacBain in the Wyuna cases which I am prepared to admit, still the Commission will agree with me that I had colorable grounds for suspecting MacBain.

The Chairman.—We have already stated that.

Adjourned to Monday 12th August.

MONDAY, 12TH AUGUST 1878.

Present:

W. J. O’Hara, Esq., M.L.A., in the Chair;

J. Andrew, Esq., M.L.A.,

J. Cooper, Esq., M.L.A.,

A. L. Tucker, Esq., M.L.A.

Mr. A. C. Allan, Inspector-General of Plans and Surveys, Mr. H. Byron Moore, and Mr. J. J. Walsh were called in.

Mr. J. J. Walsh, barrister-at-law, came forward and made the following statement:—On Saturday I caused to be forwarded to the Commission some documents, accompanied with a letter of my own, and I am anxious to know whether they have been received.

The Chairman.—Yes, they have been received. I may state that Mr. Walsh forwarded to me, on Saturday night, a lengthy document, accompanied with maps and plans, showing that certain lands were selected by certain people and transferred to Mr. A. C. Allan, the then district surveyor of the Western District; and that Mr. Allan, immediately on getting possession of these lands, transferred them to the squatters; and the documents substantiate all the facts, giving the dates and also references in the maps to the land, which is shown colored on the maps, and also the time the lands passed into the hands of Mr. Allan, and the time when he transferred them to Mr. McLennan and other squatters.
The Chairman asked if Mr. Bryan Moore was ready to go on with his case.

Mr. Moore.—I have not received the evidence yet that you promised me, and am consequently not ready to proceed.

The Chairman.—The Commission will let you fix the time. I wish to summon a few witnesses, and it will be necessary to give them notice, but if you could fix the week after I am supplied with the evidence, it will suit me. I am most anxious to go on as early as possible.

The Secretary stated that owing to the Government Printer's hands being full the evidence had not yet been directed, but that the Commission had asked that a request be made to the printer to print, in addition, those special parts of the evidence that referred to Mr. Moore's case.

The following letter referred to by Mr. Walsh was read—

15 Temple Court, Melbourne, 16th August 1878.

Sir,—I desire to being under the notice of the Royal Commission on Land Enquiry, of which you are chairman, the facts set forth at length the plans and documents herewith. These show that the gentleman who is now Assistant Surveyor-General has acted as a dummy on a large scale in behalf of certain squatters in the Western district during the time he was Government Surveyor in that district under the Land Act of 1869, and that these squatters possessed himself of land in an abnormal manner contrary to the tenor and spirit of the Land Acts then and since in force. The extractscontained from the official records of the Titles Office herewith furnished are in themselves almost primary evidence of a traffic in land and chicanery by an officer occupying a high position in the service of the Government whose duty it was to protect and conserve the Land Act, instead of violating it, and setting a bad example to others. I therefore respectfully call upon you, as chairman of the said Royal Commission, to state such enquiries will elucidate this important matter, and show whether or not the public interests are in safe keeping in the hands of this gentleman, Mr. A. C. Allen, who is now at the head of the administration of the Land Act as the assistant of the Surveyor-General.

Your obedient Servant,

J. J. WALSH.

The following documents, referred to in the letter, were then read—


Towards the latter end of 1865, and shortly after the Duffy Land Act of that year came into operation, Mr. A. C. Allen was employed as a surveyor under the Government in the Wimmera district. He was in receipt of a large salary, and allowances, the nature of whose duties gave him every facility for becoming well acquainted with the country, and with the position of allotments having a superior or special value.

Agricultural land, also Wimmera. In November and December 1866, by means of agents or partners, he became possessed of a considerable number of tracts of land, either immediately adjoining Melbourne's home station, part of Wimmera. Some of these agents, notably J. A. Jenkins and others, were employed in Mr. Allen's survey party, although they are described there as acting by munificence according to the records of the Titles Office, as yeoman of Melbourne. This fact can be certified by reference to the vouchers or pay-rolls for monthly wages now deposited in the Audit Office.

A blank assignment of mortgage was given by the solicitors to A. C. Allen at the time the selections were taken up. Any improvements made upon the land were not effected by the solicitors, but by or through A. C. Allen. The majority of the allotments were transferred by A. C. Allen on the 4th April, 1866, and on the day following, viz., 5th of April, 1866, they were again transferred by him for a valuable consideration to Angus and Duncan McEwen, the owners of the squating station. For the particulars of these transactions see schedule attached, which is simply extracted from the Register of the Office of Titles, and gives the name, no. of allotments, date, volume and folio of the register referred to, which can be examined by any one in payment of fees. Also annexed are plans which show the position of the land in red colour.

Agricultural land, also Wimmera. The 17th October 1865 Mr. A. C. Allen selected in his own name 690 acres, 2, 285 perches, of superior land adjoining Metcalfe's pre-emptive purchase, in the parish of Gatoona Gatoona. It does not appear clear how these selections were allowed for short that time all lands within half a mile of a pre-emptive section were considered special allotments, which were exempted from the operation of the Land Act 1864. See stated on plan, which denotes the boundary of the special allotments.

The 25th November 1865, the selections were transferred by A. C. Allen to Alexander McGill, the proprietor of the squating station, on the 25th November 1865; and the subdivisions B were also transferred to Alexander McGill on the 15th November 1865.

For particulars see extracts from Register in the Office of Titles in schedule annexed.

Agricultural land, also Wimmera. On the 16th August 1866 A. C. Allen took up (a purchase) A and B of allotment 36, parish of East Framlingham, containing 1418 acres, 29 perches.

Agricultural land, also Wimmera. Mr. A. C. Allen is at the present time the registered proprietor of three allotments, viz., A, parts of allotment A and B, 23 and 46, on the Hopkins river, parish of Garvo, containing an area of 752 acres, colonised on plan.

These allotments are let on lease, and one of them being in a rental of £300 per year. See schedule annexed.

The allotments which included which A. C. Allen formerly selected by agents and himself that he now holds, 358 acres, or 5 perches, have passed through or into his hands; and the extracts collected from the official records of the Titles Office are in themselves almost primary evidence of a traffic in land and chicanery by an officer occupying a high position in the service of the Government, whose duty it was to protect and conserve the Land Act, instead of violating the same, and setting a bad example to others. The fact of the land being transferred to A. C. Allen on the day following, viz., 5th of April, 1866, the day following being transferred by him to the squater, is almost sufficient proof of something absurd and unlawful; but if any other evidence is required it can be found in the records of the Land Office, in the districts in which the selections were made, for it was generally known at the time they were made that the land was taken up in the interest of Mr. A. C. Allen.

ALEXANDER C. ALLEN, Surveyor.

Land selected for him by agents, land surveyed by himself, land purchased, and land now held by him.

Land selected by agents or squatters, "Land Act 1864."
1862—November 27.—Taken up by the aforesaid Thomas Nishy—
Subdivision B of allotment 44, parish of Winship, county of Normandy, a lease dated 27th November 1862 was transferred to A. C. Allan, 4th April 1866 (vol. 24, fol. 4772). Transferred by A. C. Allan, 5th April 1866, to Angus and Duncan McEachern. ... 118 0 0

1862—December 17.—Taken up by the aforesaid Thomas Nishy aforesaid—
Subdivision A of allotment 45, parish of Winship, county of Normandy
Transferred to A. C. Allan, 4th April 1866 (vol. 24, fol. 4772). Transferred by A. C. Allan, 5th April 1866, to Angus and Duncan McEachern. (vol. 164, fol. 22700).

1862—November 27.—Taken up by the aforesaid Thomas Nishy—
Subdivision B of allotment 45, parish of Winship, county of Normandy, a lease dated 27th November 1862
Transferred to A. C. Allan, 4th April 1866 (vol. 24, fol. 4772). Transferred by A. C. Allan, 5th April 1866, to Angus and Duncan McEachern. ... 122 0 0

1862—November 27.—Taken up by Lily Sutherland, of Hamilton, dressmaker—
Subdivision A of allotments 75, parish of Winship, county of Normandy, near McEachern’s homestead
Transferred to A. C. Allan, 15th January 1863 (vol. 89, fol. 17299). Transferred by A. C. Allan, 1st May 1865, to Angus and Duncan McEachern (vol. 99, fol. 16688).

1862—October 27.—Leased by the aforesaid Lily Sutherland—
Subdivision B of allotment 75, parish of Winship, county of Normandy, near McEachern’s homestead
Transferred to A. C. Allan, 16th January 1865 (vol. 24, fol. 4779). Transferred by A. C. Allan, 1st May 1865, to Angus and Duncan McEachern. ... 135 3 27

1862—November 55.—Taken up by William Abercy, of Hamilton, baker—
Subdivision A of allotment 89, parish of Winship, county of Normandy
Transferred to A. C. Allan, 8th October 1861 (vol. 32, fol. 15470). Transferred by A. C. Allan, 1st May 1865, to Angus and Duncan McEachern (vol. 80, fol. 15882).

1862—November 25.—Leased, for eight years, by the aforesaid William Abercy—
Subdivision B of allotment 89, parish of Winship, county of Normandy
Transferred by A. C. Allan, 1st May 1865, to Angus and Duncan McEachern. ... 93 7 4

1862—December 12.—Taken up by C. H. F. Badnall, described as a yeoman, of Belfast—
Subdivision A of allotment 91, parish of Winship, county of Normandy
Transferred to A. C. Allan, 16th January 1865 (vol. 89, fol. 17291). Transferred, 27th March 1865, to James Mcelire Messer, by A. C. Allan (vol. 102, fol. 20245).

1862—November 25.—Leased by the aforesaid C. H. F. Badnall—
Subdivision B of allotment 91, parish of Winship, county of Normandy
Transferred to A. C. Allan, 16th January 1865 (vol. 24, fol. 4773). Transferred by A. C. Allan, 27th March 1865, to James Mcelire Messer. ... 145 3 23

1862—December 12.—Taken up by C. H. F. Badnall—
Subdivision A of allotment 91, parish of Winship, county of Normandy
Transferred to A. C. Allan, 16th January 1865 (vol. 1739, fol. 91).
Transferred by A. C. Allan, to James Mcelire Messer, on the 27th March 1865 (vol. 102, fol. 20246).

1862—November 25.—Leased by the aforesaid C. H. F. Badnall—
Subdivision B of allotment 91, parish of Winship, county of Normandy
Transferred to A. C. Allan, 16th January 1865 (vol. 24, fol. 4779). Transferred by A. C. Allan, 27th March 1865, to James Mcelire Messer. ... 152 2 12

1862—October 17.—Selected and leased by A. C. Allan, in the parish of Gatum Gatum, county of Dundas, on the 17th October 1862, the following allotments, viz.:—
Selected—Subdivision A of allotment 1, section 7
Leased—Subdivision B of allotment 1, section 7
Selected—Subdivision A of allotment 2, section 4
Leased—Subdivision B of allotment 2, section 4
Selected—Subdivision A of allotment 3, section 4
Leased—Subdivision B of allotment 3, section 4

Total selected by A. C. Allan in the parish of Gatum Gatum...

The above allotments adjoin and are situated near McGill’s pre-emptive purchase.
The selections or subdivisions A were transferred to Alexander McGill, 24th November 1863 (see register, Office of Titles, vol. 49, fol. 9645, 9646, and 9667).
The leases or subdivisions B were transferred to Alexander McGill, 11th November 1864.

1861—July 10.—Taken up (a purchase) by A. C. Allan—
Subdivisions A and B, allotment 36, parish of East Frimlingham, county of Hampden, on the Ipswich river, adjoining the township of Frimlingham...

Land held by A. C. Allan, August 1578.

Section A (pre-emptive right), on the River Hopkins, parish of Garvoe, county of Hampden, leased to Donald Craig, 5th March 1865, for five years: rent £5 0 0 per annum (No. of symbol 886).

Mortgaged, 22nd August 1876, to Edward Bryan Wight and William Henry Hall. (No of symbol 17384.) (Vol. 299, fol. 22791.)

A and B, allotment 46, parish of Garvoe, county of Hampden, leased, 24th July 1876, to William O’Brien (No. of symbol 886).

Mortgaged, 22nd August 1876, to Edward Bryan Wight and William Henry Hall. (No. of symbol 17384.) (Vol. 783, fol. 15611.)

A and B, allotment 52, parish of Garvoe, county of Hampden, leased, 24th July 1876, to William O’Brien (No. of symbol 886).

Mortgaged, 22nd August 1876, to Edward Bryan Wight and William Henry Hall. (No of symbol 17384.) (Vol. 869, fol. 17270.)

Total area taken up by Mr. A. C. Allan...

6204. By the Commission (to Mr. Walsh).—You hand in that as your evidence?—Yes. 6205. And these plans also?—Yes, in order to make plain what is stated in the document. 6206. The charge is that there are 3,300 acres in round numbers taken up by Mr. Allan as a Government surveyor?—Yes. 6207. And upwards of half of that have been transferred by him to the adjoining squatters?—Yes. 6208. That is the sum total of the affair?—Yes.
Alexander C. Allan examined.

2620. By the Chairman.—I got these documents late on Saturday night, and the Commission having arranged to sit to-morrow, Mr. Monteith ordered that a copy of the Commission, and to request that you should be present to hear the whole case as laid down there. I need scarcely inform you that the gravamen of the charge is that you being in such a responsible position at the present time are shown by these documents to have violated your trust as an officer of the Government in availing yourself of the opportunities you would have as a surveyor of the Government to pick out valuable land and get it taken up by your men—mainmen and others under you—letting them hold the land for a time, and obtaining the transfer of such land from them, and then re-transferring it to the squatters. There can be no doubt it is a very serious charge, and I do most earnestly hope you will be able to show it is either unfounded or that there is some mistake, because at present it looks a very black affair. Every opportunity will be given to you to show whether the charges are true or false, and if there are any doubts about the extracts given, we can have Mr. Gibb, the examiner of titles in attendance, to verify the evidence set forth there in order that we may effect the whole truth in the matter. Had I received the document earlier, I would have given notice of it to you, but you can fix your own time for making any explanation that you may think desirable to make. The Commission will not press you at all in the matter of time, but we could not avoid taking notice of such a very detailed and emphatic statement as that is.—I suppose I can have the document, and that is all I require for the present.

2621. We cannot let it out of our possession, and as you are entitled to a copy you can copy it in the office here. Do you deny the statements there?—Very well; this is a matter in which it is necessary to give me time to explain. I believe I can explain the whole thing most satisfactorily.

2622. I suppose you do not deny the facts as stated there?—I do deny the facts as stated there; but I would much rather not go into the matter now, further than that I am able to give a most satisfactory explanation of the whole thing. Further than that, I would rather not state anything now.

2623. The position is this, that you fill a very responsible position at the present time, and, if that statement were true, the Commission would think you ought to hold that position one moment longer. If you do not wish to controvert these facts, which are taken from the Titled Office, whether I think really the Commission ought to take such a step in the meantime?—I am rather glad this matter has been brought up, because some little time ago I gave a general outline of it myself to the Surveyor-General, who has notes of it, but with a very different coloring to what is given in that paper; however, I depend on my own explanation for that.

2624. How was that explanation called for?—I would rather not give an answer to that, as it involves some important persons in the office.

2625. Can you state whether the explanation you made to the Surveyor-General was laid before the Minister of Lands?—I cannot. I advised it being laid before the Minister of Lands.

2626. Do you understand to say that those transactions that are set forth in this document formed the subject of an explanation by yourself to the Surveyor-General a short time ago?—Yes; I volunteered that explanation.

2627. What gave occasion to that?—Did you feel conscious of there being anything wrong?—No.

2628. You know, "He who excuses, &c."—I understand what you mean. The fact in this case was that I was accused.

2629. Was the accusation made before the Surveyor-General?—It was made indirectly before the Surveyor-General. I would, however, not refer to the case now at all—I am sure I can explain it satisfactorily.

2630. How long ago was that explanation?—It must be about eighteen months or more—it was during Mr. Gibb's administration.

2631. Was it a regular official explanation, or simply a conversation you had with the Surveyor-General?—I took his advice as to whether the Minister should be informed.

2632. Did you follow it?—I do not know. I heard no more of it.

2633. Did the Surveyor-General advise that the Minister should not be consulted when you spoke to him about it?—Oh no, the Surveyor-General was to take it into consideration.

2634. What was the result?—I never heard anything more about it, and did not think it necessary to take further action. As you say, "He who excuses accuses." You heard some scathing accusations in the first place?—Yes, which were not true.

2635. How do you state it now?—You heard some scathing accusations about this mane, and you consulted the Surveyor-General about it, and you heard nothing further about it?—No. I spoke to Mr. Moore about it at the time.

2636. By the Chairman.—Did the Minister of Lands of the time being know this whole matter?—Not to my knowledge. I never asked.

2637. In fact you stated this case, which has a very doubtful aspect, to the permanent head of the department, and, as far as you know, he did not communicate it to the Minister?—I do not know whether he did or not. We had no further conversation about it at all, none whatever. It will not take me a long time to explain the matter. It is very simple and bears a very different aspect in reality from what appears there. The facts will bear me out in that, and I am perfectly prepared to prove it.

2638. Will a week be enough for you to prepare your reply?—Yes, ample. It is a very simple affair.

2639. Then the Commission will hear your case on Monday next at twelve o'clock?—Very well.

The witness withdrew.

The Chairman.—Mr. James MacRae, at the last meeting we had here, stated formally as a gentleman and man of honor that there was no foundation in fact for the statements that appeared reading on the mode in which he got possession of his farm. He has also written to one of the members of this Commission, and, as it were, challenging the Commission to examine further into the matter, and to furnish him with the means of proving his statement. On the other hand, written evidence has been handed in to me by an officer of the department showing that the evidence given by Mr. MacRae to the Commission was not founded on fact, and that we were misled by him. Now, at Mr. Monteith's instigation the Commission was re-opened this, though it is very much against my inclination to consent, I have consented to do so in order that the truth may be fully elicited. The Secretary will inform Mr. MacRae that the Commission will hear his statement on the matter at a future day which we will fix.

Adjourned to Monday next at twelve o'clock.
MONDAY, 19TH AUGUST 1878.

Present:
W. J. O'Hea, Esq., M.L.A., in the Chair;
A. L. Tucker, Esq., M.L.A.,
J. Reeve, Esq., M.L.A.,
T. Cope, Esq., M.L.A.,
J. Andrew, Esq., M.L.A.,

Mr. Allan and Mr. Walsh were called in.

The Chairman said that the Commission were now prepared to hear what Mr. Allan had to say with reference to the document previously handed in.

Mr. Allan.—I have a copy and tried to get ready my reply, and about Thursday evening I found I had not time. I wasted most time for the witnesses and evidence, and I now ask for an adjournment to give me sufficient time to get ready.

6230. By the Chairman (to Mr. Allan).—You will bring your own witnesses yourself?

Mr. Allan.—Yes.

6231. The Chairman.—Have they to come from the country?—One of them has.

6232. Then you will be a future date be prepared to go on and have your witnesses present?—Yes.

6233. What length of time would you require. The Commission will agree to whatever time you fix?—I will undertake to be ready in a week.

Richard Gibbs, Registrar of Titles, examined.

6234. By the Chairman.—Are you verify the dates on that document for us. Have you seen a copy of the list put in about Mr. Allan?—Yes.

6235. Those maps and plans are an index—a summary of the whole thing. They give at a bird's-eye glance the date of the taking up of land by certain individuals; the names of those individuals; the date of transfer to Mr. Allan, and the date of his transferring to McEachern and others. If they are read out, one after the other, you will be able to verify them?—I think so.

Mr. Walsh.—Mr. Gibbs is not in possession of the leases—they are at the Crown Lands Office.

The Chairman.—We do not require the leases, the record of the transaction is sufficient.

The Secretary read from notes on the map as follows:—On the undenominated dates, by the undenominated persons—27th December 1862, by James Anderson Jenkins of Belfast, yeoman, allotments 72 A and B, 292a, 3r. 30p.; transferred to A. C. Allan 4th April 1865; transferred by A. C. Allan to Angus and Duncan McEachern 5th April 1865?—The Witnesses.—That is correct.

6236. That statement is borne out by the original documents in your possession?—Yes.

6237. On the 27th December 1862, by Thomas Risby of Belfast, yeoman, allotment 44 A and B, 292a, 3r. 30p.; transferred to A. C. Allan 4th April 1865; transferred by A. C. Allan to Angus and Duncan McEachern 5th April 1865?

6238. 27th December 1862, by Thomas Risby of Belfast, yeoman, allotment 45 A and B, 292a, 3r. 41p.; transferred to A. C. Allan 4th April 1865; transferred by A. C. Allan to Angus and Duncan McEachern 5th April 1865?

6239. 27th November 1862, by Lily Sutherland of Hamilton, deeswater, allotment 75 A and B, 271a, 3r. 14p.; transferred to A. C. Allan 16th January 1865; transferred by A. C. Allan to Angus and Duncan McEachern 1st May 1865?

6240. 25th November 1862, by William Avery of Hamilton, laoker, allotment 89 A, 69a, 3r. 4p.; transferred to A. C. Allan 8th October 1864; transferred by A. C. Allan to Angus and Duncan McEachern 1st May 1865?

6241. The latter date is right; but the transfer from Avery to Allan was the 23rd December 1865—the first date there is wrong.

6242. 25th November 1862, the same name, William Avery of Hamilton, laoker, allotment 89 B, 69a, 3r. 4p.; transferred to A. C. Allan 33rd December 1865; transferred by A. C. Allan to Angus and Duncan McEachern 1st May 1865?

6243. There is another mistake there—the transfer from Avery to Allan should be 15th January 1865—then the transfer from Allan to McEachern's on the 1st May.

6244. 12th December 1862, by C. H. F. Bednell of Belfast, yeoman, allotment 91 A and B, 291a, 3r. 6p.; transferred to A. C. Allan 16th January 1865; transferred by A. C. Allan to James McElroy Messer 27th March 1865?

6245. 12th December 1862, allotment 92 A and B, 292a, 3r. 5p.; transferred to A. C. Allan 16th January 1865; transferred by A. C. Allan to James McElroy Messer 27th March 1865?

6246. Selected by A. C. Allan, on the 17th October 1862, allotment 4, subdivision A, section 7, parish of Gatton Gatun, 92a, 2r. 21p.; transferred to Alexander McGill 24th November 1863?

6247. Selected by A. C. Allan, on the 17th October 1862, allotment 2, subdivision B, section 8, parish of Gatton Gatun, 92a, 2r. 21p.; transferred to Alexander McGill 11th November 1864?

6248. Selected by A. C. Allan, on the 17th October 1862, allotment 3, subdivision A, section 7, parish of Gatton Gatun, 102a, 2r. 19p.; transferred to Alexander McGill 24th November 1863?

6249. Selected by A. C. Allan, on the 17th October 1862, allotment 3, subdivision B, section 5, parish of Gatton Gatun, 115a, 3r. 23p.; transferred to Alexander McGill 11th November 1864?—Right.
6250. "Taken up by A. C. Allan 10th July 1858, parish of East Framlingham, 140a. Or. 20p."—R. Gilb. Gilb.,

I have not that deal.

6251. Mr. Walsh.—I remember that there is under the old system that prevailed in the Titles

Office—Any further information that the office can supply I will get.

6252. By the Commission.—Have you not that?—No.

6253. Mr. Allan.—How I am not sure.

6254. "Taken up by A. C. Allan 10th July 1868, parish of Framlingham, 140a. Or. 20p."—No.

6255. Mr. Allan.—What is the meaning of the term "taken up"?—I suppose the meaning is

that you pegged out the land.

6256. Mr. Allan.—Allow me to look at the plan. I do not exactly understand the term “taken up” here.

I purchased the land at auction. The term “taken up” usually means taken up under the Act.

Mr. Walsh.—The record is intended to show all the land held under the name of Mr. Allan.

Mr. Allan.—I certainly object to that term “taken up.” It always means “taken up under the

Land Act”; now that was purchased at auction.

Mr. Walsh.—I have here a note and a memorandum at the foot—"Allotment 36; transfer of lease

not in the office." It does not come under the Transfer of Land Statute.

6257. By the Commission.—In fact it is in Mr. Allan’s possession at present?

Mr. Allan.—Yes.

6258. "Lands now held by A. C. Allan, in the parish of Garvoo, Augst. 1875. Nelson P.R., on

the Hopkins River, 640a."—Mr. Allan.

That was also purchased at auction—private auction.

Mr. Gibbs.—Yes, that I have; but that appears to have been brought under the operation of

the Transfer of Land Statute by the application. Probably it would have been private land.

Mr. Allan.—That was purchased about 1867.

6259. Does that apply to other allotments?—All that group. They are all confiscated, and those

two you have here—(pointing to the plan)—have been purchased one at two removes from the

Crown by me.

6260. Was the land selected?—Two blocks were selected, but not by me.

6261. That applies to land in the county of Garvoe?—Yes. That 140-acre piece you first spoke

of was bought at Crown lands auctions. The other three have been all bought from private purchasers.

6262. Did you apply for these to be put up for auction?—Yes; I applied for these three other pieces to be put up to auction, but it was refused, and they were bought from persons with the

Crown grant one or two removes from the Crown.

6263. There seems to be two groups mentioned: allotments taken up by others and transferred by

you to the squatters, and another group of allotments now is your possession which you obtained from the

Crown by purchase, or from private individuals?—Yes; it will save me some trouble if you say I need

not give any further explanation as to this—if what I have said is sufficient.

6264. I think as you have begun to get your explanation ready so to those, you had better go on.—

Very well.

6265. The total area held in this group is 795 acres.—That is wrong. I have 534 acres.

6266. Do you say that all those 534 acres have been purchased by you at auction from the Crown

or by private sale from private individuals?—Yes, every acre. There is none of it taken up under the

Land Acts. It is simple purchase.

6267. Would you say this is all the land you have taken possession of altogether?—That is all I

hold—those 900 acres odd.

6268. Was any of that land reserved from sale by the department for any length of time?—No.

I can answer those questions now, but as I am reserving my explanation, I would much rather not answer just now, because I am going to make a very good case out of that Nelson land.

6269. As a matter of fact, you knew well it was reserved at the time you applied for it to be put

up at auction?—I can find out the year.

6270. Had it ever been reserved for any length of time at all?—I do not think it was required. The

same auctioneer I purchased this from as my agent applied for it himself. He said, "Here is a pre-emptive section, and it was a piece that fitted in with the other two, and it would be far better to get the Government to sell the three pieces and make it one block," and I said "Oh, no, I do not want it," but he applied for it, and got it put up, and I purchased it at auction.

6271. Who was originally the holder?—Mooney and Co. I think, and I fancy they sold to Tobin.

It was Tobin I bought from; he sold a piece of this at that auction, and I bought it.

6272. Are we to understand that this pre-emptive section was transferred by Mooney to Tobin?—I

know that Mooney and Co. were the original holders, but whether there were any transfers between Mooney and Tobin I know not.

6273. I want to get at the fact that the original holders of the pre-emptive section were the run

holders, Mooney and Co., and then that the run passed into other hands?—Yes.

6274. And then from one of those other hands Tobin and you purchased?—Yes. And I may as

well state here now that with this 140 acres that I purchased from them I got 1,709 acres of Crown lands,

a run in fact, a little piece of run that I paid the rent for.

6275. Have you got that run now?—No; it was all pegged out after. I was very hard pressed to

take up land by dummis; it was easily done, and I said I would not take an inch; and I knew the

persons who took up here selected to make money out of me, and they could not make a living out of it,

but they stuck there all their time of three years.

6276. We will want a full explanation about the 620 acres transferred to McGill and afterwards

transferred to McEwen?—Yes.

6277. And it is alleged in the document that some of those persons who selected and afterwards

transferred to you, namely Jenkins, Rishie, and Bushbail, are described falsely; that they were not "free men,"

but were chosen and paid by your party?—That will be explained in my explanation.

6278. Are we to understand that all the land in your possession is 900 odd acres?—Yes, except a

piece at St. Kilda. I do not remember anything else that I hold. Is any explanation as to the Nelson land
to be considered final? I should be glad to make it so, as it is private business.
6278. No; we must go into each case minutely—your explanation is not fully satisfactory to me.
We want to know whether the lands were reserved, and under whose reservation they were put up to
auction. You say that your agent did it; why did you not do it yourself?—I did in the case of two blocks.
6279. It is the desire of the Commission to go into each case, and try each case separately, each of
those respects. What has been done to-day is simply preliminary, to help us to arrive at a clear understanding
of the ground we occupy?—Yes. Might I be allowed to make a suggestion that the Lands Department be
asked about the reservation, and how the land came to be sold by auction; it would save me a great deal
of trouble.
6280. How could we get it?—The secretary would give a return. I was not connected with the
Lands Department at the time.
6281. We would prefer your doing it. If the transaction is such that it requires an explanation, we
look to you for the explanation?—I refer mostly to what state the land stood in with regard to reservation,
and I say I do not know, but of course I can find that out if the Commission desire it.
6282. It will be more satisfactory for you to do it yourself; we will look to you for any
explanation?—Very well. Then I am to supply the explanation that you want as to why this land was
put up to auction at all—this land at the Nelson?
6283. Yes. How much land did you purchase at the Government auction at the Nelson?—140
acres.
6284. Is that all?—Yes. I may remark that it is quite customary for people to apply for any lands
to be put up to auction.
6285. We understand that this list of plans contains all the land that you got possession of?—Yes;
but I remember now I have got about five acres down at Brighton.
6286. We do not want that. This is all the country land that passed into your lands?—Yes.
6287. Of that country and a certain proportion has gone to squatters, and another portion you
retain in your own hands?
Mr. Walsh.—Mr. Gibbs holds in his possession now deeds of other lands held by Mr. Allan not
called over at all yet.
6288. Are they included in the statement?—No.
Mr. Gibbs.—I was requested to produce any other deeds, as well as those mentioned.
6289. By the Commission.—What other lands are there?—There is a piece selected by or taken up
under the Land Act by Edward Manson, allotment 46, parish of Garrock.
Mr. Allan.—That is the Framlingham piece.
By the Commission.—Who is Edward Manson?
Mr. Gibbs.—He does not give his occupation.
6290. By the Commission (to Mr. Allan).—This land was taken up by this man, and afterwards
transferred to you?—Yes.
6291. The whole of that block, we understand, was purchased by auction at various times?
No. This large piece was purchased at auction (the 140 acres); this other was purchased privately.
6292. How much was that?—88 acres and 46 acres.
6293. What does that deed say?
Mr. Gibbs.—88 acres 2 roods.
6294. What is the name of the original owner?—Edward Manson. The date of grant is 28th
November 1863.
6295. What is the date of transfer?—On the 12th August 1865, from him to A. C. Allan.
6296. Is that allotment 46 A and B 88 acres?—Allotment 46 simply.
6297. There is allotment 42 A and B, 46 acres 2 roods?—That is in the name of Frederick James
Heckling; he transferred to Mr. Allan on the 21st of July. This land is still in the possession
of Mr. Allan.
6298. What other documents have you there?—Allotment 2, subdivision B, section 7, parish of
Gatton Gatum, in the name of A. C. Allan. That is transferred to McGill, 92 acres 21 perches.
6299. We had that read out before?—That is all that I have there.
6300. That list read out to you is complete then?—Yes.
The Chairman.—So far as the allegations set forth in the memorial of Mr. Walsh are concerned,
all the averments therein are verified by the Registrar of Titles, and Mr. Walsh's case is so far proved, that
is, so far as the allegations he has made of the ownership and mode of ownership of this land are concerned
they are shown to be correct. As Mr. Allan is not prepared to go into the question further to-day, we will
cease in giving him the time he asks for, namely till this day week.
The witness withdrew.

501. Mr. Allan.—I have not seen the plans yet—can I examine them?
The Commission.—Yes, of course, they will be in the hands of the secretary. As to the postponement
asked for, I think that the thing, as far as I can judge, is very simple indeed. The charge made
is this—that you took up land by the agency of dummies in contravention of the spirit of the Land Act;
the answer is either yes or no to that, and I cannot see how the possession of the plans can affect
the question in any way at all.
Mr. Allan.—I am supposed to know all about the charges, and I think it is only fair, seeing the
seriousness of the charge, to give me every chance of clearing myself.
The Commission.—It seems to me that there is a lot of unnecessary delay over the matter.
Mr. Allan.—I can assure you on my word of honor I have done everything I could to get the thing
ready.

602. The Commission.—You remember stating at the last meeting of the Commission that you had
to bring forward only one witness?—Yes, that was a mistake of mine; I found afterwards, in going into
the case, that I should have to call more.
The Commission.—The whole business of the Commission is being delayed by this matter, and it
seems to me that all that is wanted is for you to say whether the land was dummied or not.
Mr. Allan.—If you wish that, I will say that the land was not dummied.

6803. The Commission.—Then your answer to the charge is that the charges are not true?

Mr. Allan.—I said that before, on Monday last, and I repeat the charges are not true.

Mr. Walsh.—Since the Board met last I wrote to the secretary to have certain papers produced both from the Lands Office and from the Audit Commissioners.

The Secretary.—I have written for them, but there has not been time to receive a reply as yet.

The letter referred to by Mr. Walsh was read as follows:—

15 Temple Court, Melbourne, 16th August 1878.

Sirs,

I will ask to have produced the letter which Mr. A. C. Allan says he laid before Mr. Semon, explanatory of the subject-matter to come before the Royal Commission on Monday next. He also good enough to order from the Lands Department all leases in name of A. C. Allan, and the names of the assistant-surveyors and men employed by A. C. Allan in the years 1862-3.

Yours, etc.,

J. J. Walsh.

E. C. Martin, Esq., Secretary to the R. C. Lands Inquiry, Melbourne.

Mr. Walsh.—I would suggest to the Commission that it will be necessary to have the pay-sheets at the time produced, in order to compare the signatures of men in the employment of Mr. Allan with the names on the deeds.

6804. By the Commission (to Mr. Allan):—Are the names of those men correct; if you will admit that, it will save the trouble Mr. Walsh wishes taken?—Certainly; the three men mentioned there were in my employment at that time—James Anderson Jenkins, Thomas Ritchie, C. H. F. Bednall; it is true that those men were employed in my camp. Last time I was here I asked to be allowed to employ a legal representative to represent me. Now I find to-day that I, a layman, am opposed to a skilled barrister; and as it is of matter of great importance to me to clear myself in the eyes of my friends, I still think I should be allowed counsel to advise me.

Mr. Walsh.—I merely appear here as complainant, both in my own interest and the interest of the public.

Mr. Allan.—I consider myself rather over-matched as to any legal points that are passing; for instance, there are deeds of transfer; and there is another point—viz., that it is very questionable whether Mr. Walsh has not made himself legally liable to an action at law for damages for his statements regarding me. I think that the matter is so serious that I ought to have a person to watch those points.

The Chairman stated that the Commission thought it would be better for Mr. Allan, who was well acquainted with all the transactions, to conduct his own case, and that they would take care, if necessary, that he was not over-matched by Mr. Walsh. There were no law points, but simply matters of fact to be dealt with. The principal question was, whether, when the men took up the land, there was a secret understanding between them and Mr. Allan, and between Mr. Allan and the squatters, that the latter were ultimately to get the land.

Mr. Allan.—That is what I deny.

6805. By the Commission.—The averment is that you took blank mortgage forms for those men, and they took up the land apparently for themselves but covertly for you, and that you then at the proper time filled in the mortgage forms and had the land transferred to yourself, and then immediately after to the squatters. The deeds show that that is the privata facta aspect of the case. What you have to show is that there was no arriere-pensée—so secret understanding—between you and the other parties, and if you cannot explain that you must take the responsibility of the position. It is simply an enquiry as to dummying, the symptoms of which are so well established; and you, if proved, will come under the ordinary classification of dummying, which has now been reduced almost to a fine art?—The only reason I wish for an assistant to watch the case for me is because I really believe that some further action will arise out of it.

6806. I felt relieved just now when you stated that you never did employ those men as dummies?—I say most distinctly that I never did dummie that land.

6807. The external aspect of the case is so strongly against you that Mr. Walsh, or any one else cognizant of the facts, was only doing what was an imperative duty in presenting them to the Commission.—Yes, if he had stated the facts as he are, but he has not concerted himself with that; he has added assertions that I acted as a dummy on a large scale on behalf of certain squatters, which shows that the thing is malicious.

The Chairman.—He says the papers themselves show the facts that the land was taken up by people in your employment, that in three years it was transferred to you, and immediately after transferred by you to the squatters, and he says the only inference from that is that the land was dummied by you for the benefit of the squatter. Mr. Walsh states nothing more than that, and, as there were rumors floating about, he will have done you a service in giving you an opportunity of clearing yourself.

Mr. Walsh.—As to the threat of an action, I am perfectly indifferent about that. I never saw Mr. Allan before in my life till the last meeting of the Commission.

Adjourned to Monday next at twelve o'clock.
MONDAY, 26TH AUGUST 1878.

Present:

W. J. O'Hara, Esq., M.L.A., in the Chair;

J. Androw, Esq., M.L.A.,

J. L. Tucker, Esq., M.L.A.,

J. Rees, Esq., M.L.A.,

R. Clark, Esq., M.L.A. (Winnens);

T. Cope, Esq., M.L.A.

Mr. A. C. Allan, Inspector-General of Plans and Surveys, and Mr. Walsh, barrister, were called in.

Mr. Shields, barrister, on behalf of Mr. Allan, wished to renew the application for counsel to appear for him.

The Chairman stated that he would not allow counsel to appear, and that the Commission had already made an order that they would not allow counsel to appear.

The Chairman—Before making your statement, Mr. Allan, in the last day's evidence there was one point wanting, namely, that the assignees from those various original selectors, namely, Abrey, Bodnall, and Risby, and Jenkins, to Mr. Allan should be produced by Mr. Gibbs.

Richard Gibbs, Registrar of Titles, further examined.

6308. We wish to get the assignments which you were unable to supply last day—"On the 27th December 1862, by James Anderson Jenkins of Belfast, yeoman, allotment 72 A and B, 298a. 3r. 24p."—I have that—that is a separate deed.

6309. We want to know does that deed assign that land from James Anderson Jenkins to A. C. Allan; is that the transfer?—Yes.

6310. The 4th of April 1866?—Yes.

Mr. Allan.—I admit that.

6311. The Chairman (to Mr. Allan).—Will you admit all the other assignments from the other people to you—Risby, and the others?—Yes, that is part of my case.

6312. These several selectors—chairmen—who selected land under the Act of 1862, transferred to Mr. Allan, as it is asserted here, Mr. Gibbs, the Registrar-General, produces the actual assignments themselves, and Mr. Allan, to have trouble, says that he will admit all of them?—Mr. Allan.—Except as to the date.

6313. The fact that those men transferred the land?—Mr. Allan.—I admit the fact of the transfer, but not the dates given.

6314. In that case we had better go through them. Is the first one right?—Mr. Gibbs.—Yes, but the date of the transfer may be different from the date of the registration.

You might transfer twelve months before you registered.

6315. Will you read the actual dates of transfer in the first case of James Anderson Jenkins?—The date of transfer is the 14th November 1865. The date you have is the 4th April 1866.

6316. Take the date of the transfer and also the date of registration?—The date of transfer is the 14th November 1865, and the date of registration 4th April 1866.

6317. The next is the 27th December 1862—Risby?—That is subdivision A. There is subdivision B of allotment 72 in a separate deed. Do you wish to have the date separate?—6318. The list is all that we have. Please give Risby's next—27th December 1862, Thomas Risby, Belfast, yeoman, allotment 44 A and B?—Allotment 44, subdivision B. That is 118 acres. They are in different deeds.

6319. What is the date of that?—The date of registration of transfer is 4th April 1866. The date of the transfer itself is 14th November 1865; that is Thomas Risby.

6320. The dates on those are the registration dates; the transfer may have occurred some time before. Mr. Allan.—The registration will not suit us; the dates of the actual transfer are the dates we want.

6321. The Chairman.—The transfer shows the date of course upon which the man transferred the land. The registration, I think, according to the dates, is generally just a day or two before. Mr. Allan deals with the land himself, which he could not deal with unless he had the register.—That is exactly right.

6322. The registration does not show when the transaction actually took place.

6323. If you had not sold the land you would not have registered it at that date?—No.

6324. Why, do you think the date was correct?—So far as registration goes it is correct. If we want to supplement that with more information later on we can do so.—That will do.

6325. By the Commission.—What want is the three dates; the date of that transfer, the date of registration, and the date of sale by Mr. Allan to someone else. We have not the actual transfer from the selector himself—have you got those documents in Risby's case—those dates?—I have got the date of transfer from Risby to Allan and from Allan to McEachern.

6326. Subdivision A, 14th November 1865, subdivision B, 30th December 1865, Thomas Risby, transfer to Allan?—That is correct.

6327. Have you this other one of Risby's, 27th December 1862, allotment 45 A and B?—I have not that one.

6328. You can get it if necessary?—Yes.

6329. That is the second one in the name of Risby?—Yes.

6330. I want to get from you the date of each transfer. First the date of the registration of that transfer, and the date of the transfer by Mr. Allan?—The first is the 14th December 1865, registered on 4th April 1866—that is Jenkins.

6331. When was this transferred by Mr. Allan?—The 5th April 1866 is the registration date.

6332. By Mr. Allan.—What is the actual date of transfer?—The actual date of transfer was 30th December 1865.
3633. By the Commission.—We want the date of actual transfer first to Mr. Allan, the registration of that transfer to Mr. Allan, and then the date of actual transfer by Mr. Allan, and then the date of that transfer—take Jenkins first?—The date of transfer is 14th November 1865.

3634. The date it was registered?—4th April 1866, and the date of transfer by Mr. Allan 30th December 1865, and the date of the registration of that transfer 4th April 1866.

3635. Thomas Risby, subdivision A, allotment 44?—The date of transfer the 14th November 1865, the date of registration 4th April 1866; the transfer from Mr. Allan to McEachern is 30th December 1865, and the registration 4th April 1866. Then subdivision B, the same name, Thomas Risby, the date of transfer 14th November 1865, and registration 4th April 1866; then from Mr. Allan to McEachern 30th December 1865, date of registration 5th April 1866.

3636. The next is Lily Sutherland, Hamilton, dressmaker, allotment 75 A and B?—Allotment 75 A; the date of transfer I cannot give; I have not been able to get the date of transfer from her to Mr. Allan.

3637. Can you get it?—I do not know. I have had a search made for it, but it is not to be found in the office. The date of registration is on the 16th January 1865.

3638. That registration of transfer from Lily Sutherland, Hamilton?—Yes.

3639. The proper transfer is missing?—Yes.

3640. Have you the actual transfer?—That I cannot give. What I have does not show the date of transfer.

3641. Read the registration?—The registration is the transfer dated 16th January 1865 from Lily Sutherland to Mr. A. C. Allan.

3642. The record of the transaction proves the transaction itself—the transfer could not prove it better?

Mr. Allan.—It would prove its own date better.

3643. Mr. Gibb.—The transfer by Mr. Allan to McEachern of that allotment is on the 1st May 1865—registered the 1st of May 1865. I have not the date of the transfer.

3644. I suppose it could be had somewhere?—It should be in the office, but I have not been able to find it.

3645. Have you the second one of Lily Sutherland?—Yes; subdivision B, section 75; the date of transfer from Lily Sutherland to Mr. Allan is 27th April 1864. The date of registration is 16th January 1865, and the date of transfer from Mr. Allan to McEachern is 11th March 1865, and the date of registration is 1st May 1865.

3646. The next case is William Abbey of Hamilton, baker, allotment 59 A?—The date of transfer from Abbey to Allan is 17th November 1863, and the date of registration 23rd December 1863; and the transfer by Abbey to McEachern 11th March 1865, and the date of registration 1st May 1865.

3647. Then William Abbey again—89 B?—The date of transfer, Abbey to Allan, 3rd October 1864; registered on the 16th January 1865. Then Allan transferred to McEachern on the 1st March 1865, and the date of registration is the 1st May 1865.

3648. Next we come to C. H. F. Badnall of Belfast, 91 A and B?—I have 91 B here. The date of the transfer from Badnall to Allan 28th November 1864, and of registration 16th January 1865. The transfer from Allan to Messer 20th March 1865, and the date of registration 27th March 1865.

3649. Have you the second of Badnall?—Ninety-two, subdivision B. The date of the transfer from Badnall to Allan is 28th November 1864, and the registration 16th January 1865; and the transfer by Allan to Messer 20th March 1865, and of further registration 27th March 1866.

3650. You have also Badnall’s two A’s, as well as two B’s?—Yes, 91 A and 92 A; the date of transfer from Badnall to Allan is 28th November 1864, the date of registration 16th January 1865; Allan to Messer 20th March 1865, and the registration on the 27th March.

3651. The next is selected by A. C. Allan himself on the 7th October 1862, allotment 2, subdivision A, section 7, parish of Gatimu Gatimu?—I have two of the section 7, subdivision B.

3652. Are there subdivisions A and B of the same section 7?—I have the subdivision B. That is transfer from Allan to Alexander McGill; the date of the transfer is 5th September 1863, the date of registration 11th November 1863.

3653. Now see if you can get subdivision A of the same?—Crown allotment 2, section 7, subdivision A. That is the transfer Allan to Alexander McGill. The date of transfer is 5th September 1863, and the date of registration 24th November 1863.

3654. The same party, allotment 4, subdivision A?—That is a similar transaction to the last—102 acres 12 perches, transferred by Allan to McGill 5th September 1863; date of registration 24th November 1863.

3655. Allotment 4, subdivision B, section 4—102 acres 12 perches—the same area?—Transferred from Allan to McGill on the 5th September 1863; the date of registration 11th November 1864.

3656. There is another, the same party, allotment 3, subdivision A, section 4, 119 acres?—Yes, the date of transfer is 5th September 1863; the date of registration 21st November 1863.

3657. There is another, one from the same parties, allotment 3, subdivision B, section 4, 119 acres 2 rods 20 perches?—Yes, the date of transfer is 5th September 1863, and the date of registration 11th November 1864.

3658. The other two plans refer to lands that remain in the hands of Mr. Allan, but which he has not transferred to other parties?

3659. The Chairman (to Mr. Allan).—Do you accept the dates that have been gone over just now?—Yes, those are the purchased lands.

3660. There are two groups selected land transferred to you, and then transferred by you to other people, and the other group purchased by you and which you have still in your hands?—Does the Commission wish to make enquiry into that?

3661. That land in the parish of East Framlingham. It is stated that it was taken up by you, but you stated last day that you purchased it by auction?—Yes, and that is in my hands now.

3662. In the area of Garvoe, Nelson P.R., on the Hopkins River, 640 a.; allotment 42 A and B, 66a.; allotment 42 B, 88a.; allotment 6, 270 acres; those were purchased by you from the Crown?—No, from the Crown grantees; and in the ease of the pre-emptive selection I do not know how many removes there would be. I purchased from five individuals.
Are they in your possession now?—Yes.

Was the whole flock health?—Yes, the whole of this.

Is it mentioned how many removes from the Crown the larger quantity of 640 acres is?—I fancy it is about three; I know of three. You will see the name of some person of the name of Harney.

The run originally belonged to Mooney and Harney?—Yes.

And then you bought from this Mr. Tobin?—Yes, Tobin and company; I bought it at auction.

The case stands thus: we have verified the dates at which the land was taken up by Rishy and others and the dates when they transferred them to you and the registration of those transfers, and we have also verified from the official records the date of transfer from you to McEachern and others, and the date of the registration of those transfers?—Yes.

So that the record, so far as it goes, is perfectly correct, as presented by Mr. Walsh?—No, certainly not, and I do not think any of you, if you look into your notes, will find that there is a single case as he has stated it here.

Registration is here?—Yes, but it makes a very great difference. There is not a single case in which I re-transferred a lot the day after I had got it, and it is alleged in the schedule that the majority of the lots were re-transferred on the following day.

The witness withdrew.

Mr. Walsh.—Before Mr. Allan enter on his defence, I would ask the Commission to get him to explain the discrepancy between his words, in reply to a question put on the first day of enquiry, as reported in the Age newspaper, and what he has stated since. It is said, "On the first day he spoke of a document he gave to the Surveyor-General, but on the last day Mr. Allan stated that he did not hand it any written document whatever—that he merely made a verbal statement to the Surveyor-General, and the Surveyor-General took note of what he said." Will Mr. Allan reconcile the discrepancy?

Mr. Allan.—I am not responsible for anything that appears in the Age. The Surveyor-General will be here himself.

Mr. Allan was called on to make his statement, and read as follows:—

Mr. Allan (reading).—I am charged by Mr. Walsh, in his letter to the Board of 10th August, and in the more specific memoranda attached thereto, with acting as a dummy on a large scale in behalf of certain squatters in the Western district; with abusing my position as a Government surveyor in that district, for their benefit; with carrying on a large traffic in lands; and with otherwise acting (it is not stated exactly how) in an abnormal manner, and contrary to the spirit of the Land Acts ther and since in force, whatever that may mean.

To all of these charges I give a positive denial, and I am now in a position to satisfy the Commissioners, not only that the charges are untrue, but that the suggested ground of presumption of their truth does not exist. I desire, before entering upon my explanation of the charges in detail, that the Board should understand what actually was my position in the Government service at the time when I became concerned in the lands referred to in Mr. Walsh's schedules. So far from being the ordinary Government surveyor, upon whom, perhaps, some responsibility with respect to the carrying out of the provisions of the Land Act might be supposed to rest, and whose opportunities of acquiring special knowledge of the land which he himself would be wholly or partially occupied in subdividing are obvious, I was in charge of a party engaged in the vicinity of Hamilton as an officer of the Geodetic Survey—a scientific branch having no connection whatever with the administration of the Lands Department, and recognising only as its head the Government Astronomer, and receiving its instructions from and accountable to him only. The Board probably knows the purpose of such a branch, and the nature of the duties of a geodetic surveyor employed in carrying out a scientific trigonometrical survey of the whole colony, determining meridians and parallels, and similar scientific professional work, and having nothing to do with any subdivisional survey of lands. It is partly, therefore, that my duties did not give me, as Mr. Walsh asserts, 'every facility for becoming well acquainted with the country and with the position of allotments having a superior or special value'; that my position did not lay upon me the duty of protecting and conserving the Land Act, or, indeed, any other duty in connection with that Act. I proceed to fully explain how I became interested in the lands set down as 'lands forfeited in Mr. Walsh's schedule, I may for clearness at once state that the lands divide themselves into three groups. First (following his order), the fourteen allotments first mentioned by him, together with four others which Mr. Walsh has overlooked, but which, as I shall presently show, should have been inserted; second, the Goulburn Gums selection; and, lastly, my purchases. As to the first group thus—While near Hamilton in 1862, with my geodetic camp, I agreed to lend Martin Fitzgerald, the local telegraph clerk, with whom I had become acquainted, a sum of £100. He urged me to lend him this sum, as he badly wanted it, to take up a selection, and make a home for himself and his family, saying at the time that he had tried to borrow it from his friends, but they could not lend it him, and the good lands were all being fast picked up. He had no security, but said he would pay me good interest, and would always have the land. We agreed upon 20 per cent, and I took his promissory note for £400,—handing in the same—mentioning the interest in it, but I got no other security whatever. I remember that I gave him over £300, and he was to have the balance when he found he wanted it. Some time afterwards Fitzgerald came to me for the remainder of the money, and I asked him how he got on with his selection. To my surprise, he informed me that he and some of his friends had gone in for lands together, and, on my charging him with having departed from the arrangement to take up a selection for himself, on the tide of which I had lent him the money, he told me that the lands were then under his own control, and explained to me how the matter stood and what the lands were. I found these allotments were the four specified in Mr. Walsh's schedule as taken up by William Abrey and Lily Sutherland, and also four others taken up by M. Fitzgerald himself and Mrs. A. J. Owen, to which Mr. Walsh's information does not appear to extend—handing in the plant. I looked at Fitzgerald's plan, and found the lands described as of inferior quality. I wish to read that remark on the Wynyard plan. The land is described here as 'land of inferior quality, covered with heath and honey suckle scrub, timbered with stringy bark, gum, and honey suckle.' That is the usual Government plan.

These are the allotments you have just mentioned?—Yes. And thus came to the conclusion that the lands were too poor for the plough, and only fit for grazing, for which latter purpose they were far too small. Finding that the money had all been spent, and it was very doubtful whether I should see it
again, I told Fitzgerald he must transfer the whole to me. This he said he would do, but that he had borrowed other moneys, about £1000, to take someone else, and that he could not transfer to me all the allotments without seeing him paid. I thought it best, on the whole, to clear off this creditor, and take over the whole thing, and I paid the money. The lands seemed to me as they stood to be neither saleable nor advantageously workable, and the only course I could see to make them so was to endeavor to get others to select land adjacent to me, and thus by blocking up together get into a favorable position for the day and year that I spoke to three members of my party—J. A. Jenkins, Thos. Risby, and C. H. Badnall—and told each of them the facts; told them they had the right of selection if they chose, and that if they would select alongside my land we could unite in dealing with it as a whole; we would make it a solidly large block, and when it was sold each would get his share of the profits. I promised them I would see they meantime had what funds were necessary. They then took up the allotments which appear in their names in Mr. Walsh's schedule, and we tried to sell the land, and I often urged Fitzgerald to get a purchaser or lessee, so that I could realize my money. Fitzgerald tried over and over again to sell all our interests in those lands until he was removed from the district. I never saw nor knew either of the McEachern until one day in 1864, when a Mr. Bell, a farmer, who is now dead, and who was desirous of renting the land, went with me to see it, and I then saw one or both of them. I informed McEachern that Bell was likely to become the tenant, and that he would have to keep his sheep off McEachern's, he made a contract with me, and I sold to him. I saw it was a wise thing, and I believe never saw, McWilliam, the tenant owner of the run on which were the allotments of Fitzgerald; and Badnall subsequently sold to Messrs., who succeeded McWilliam as the run-holder. I only saw Messer twice. On one of these occasions I sold him the land. Jenkins, Risby, and Badnall get their share of the profits realized on the land, this profit being small. Afterwards, at Fitzgerald's request, I accounted to him for the money lent on his land, and sent him also the balance, which was small. I had entrusted to my lawyers the perfecting of my titles, and I am advised that the documents will show on the face of them that as a fact the several freehold and leased allotments were from time to time, during the years 1863, 1864, and 1865, transferred to me as security for the money lent. Further, I am advised that it appears from them that in no single case was any transfer signed by me on the day after the land had been transferred to me, and so Mr. Walsh's allegation of a prima facie case of dummymanship derived from the records in the Titles Office is utterly unfounded, for those records are in themselves strong evidence of the other way. I am advised that if Mr. Walsh had honestly and intelligently sought to ascertain the truth as to the actual dates on which the several transfers to me respectively were made, as distinguished from the time when they were registered, he would have found, what is patent on the documents, that in some cases 12 and even 18 months' interval took place between the transfers to and from me respectively. It was two years in one case. (4) "In support of the explanation I have given I have attached the statutory declarations of Fitzgerald and Badnall. I can produce those witnesses, as also McEachern and Messer. Thomas Risby and J. A. Jenkins are dead."
the pre-emptive right, and none such was in fact ever made. I learn, however, on enquiry in the department, that this also is a misstatement; that although provision was made under the preceding Land Acts for exemption from selection of allotments within a certain distance from purchased lands, this was not so under the Duffy Act of 1862, under which I took up these lands.

6385. Were not all the lands within half a mile of every pre-emptive right tabooed from selection under the Duffy Act?—Under the previous Act there was a regulation, under the Nicholson Act, a mile from the pre-emptive right; and under the Brooks Act half a mile; but Mr. Duffy swept those regulations away altogether. "When it suits Mr. Walsh, my selection under the Land Act of 1862 is dealt with by him under the provisions of the Act of 1865, and yet he wishes to view the transaction by the light of the Land Act of 1869. I was desirous of exchanging an allotment with Mr. McGill, which would have the effect of making my block more compact, and I wrote to ask him if he would do so; he refused, and as at this time I found myself embarrassed with the lands which had been thrown on my hands by the action of Fitzgerald, I sold those to McGill. I may here remark that from 1855 to 1859, and prior to my Land Acts, I purchased and farmed about 400 acres near Sandhurst, the greater portion of which was under the plough. My produce was sold in the Sandhurst market. When I was transferred to the Geodetic Survey I had to dispose of this. And now, lastly, with respect to the purchased lands. I bought the pre-emptive right, 610 acres in the parish of Garvoc, known as the 'Nelson' pre-emptive section, the private property of Messrs. Tobin and Co., in 1864, at public auction, as highest bidder, from Samuel McGregor and Co., for £2.6s. per acre, together with the pastoral license, over 1,700 acres. I purchased allotment 56, East Framlingham, at £210s. per acre, at public auction, by my agent, Samuel McGregor and Co., who had applied for it to be put up for sale. Allotments 42a and 46h, parish of Garvoc, were purchased by me from the Crown grantees. I gave, as near as I remember, from £2 to £5 per acre for these allotments." (I may mention that the prices of purchased lands there are all quoted from memory, I thought it was not necessary to get more.)

The Chairman.—It is not necessary.

Mr. Allan.—This last group of purchased lands I still hold, and I fail to see what ground there is for any charge in respect to these, or any motive, other than animus, can operate with my accusers to ex parte and unduly call public attention to the circumstances and dealings after the sale, which I do not see that there is any reason to publish them.) "I have now replied in detail to the several charges. Had I been in the practice of dummying, as is charged, I had special inducement to take up by such means part of the 1,700 acres held by me under pastoral license in connection with the 'Nelson' pre-emptive right, but this I did not do to the extent of a single acre. During the period of the operation of the Land Act of 1865 it was open to me to have selected land at the rate of 260 acres every succeeding year; of this power, however, again I did not avail myself." 6386. You were in the Survey Department at that time?—I was in the Geodetic Survey in 1865. Any one could have selected, in 1865, 640 acres every year.

6387. Did you continue in mind, till the geodetic survey stopped?—Till 1872 I was in the Geodetic Survey. "It must be borne in mind, with respect to taking up land by selection, that the Land Act of 1862 was essentially an Act for the sale of land without competition at a fixed price of 21 per acre, with the option of taking one-half of the allotment on deferred payments. There was no legislative or departmental restrictions upon selection with the exception of the land officer in his own district. Practically you could attend at a land office, pay down so many pounds, and walk away with a grant for any number of acres up to 640 to deal with immediately as you chose. In looking through the register kept for these seven months during which Crown lands were opened for selection under the Land Act of 1862, I find thirty-seven names of officers in the public service, including Lands, Mines, Geological, Police, Treasury, Customs, Education, Post Office, Railway, and Law Departments, including police magistrates, land officers, district surveyors, besides official assignees, Members of Parliament, and Ministers of the Crown. I also find names of standing and integrity in the community who selected simply as an investment, and it was well known never even saw their land. This was publicly known at the time. The public made no remark, there was no objection on the part of the House, or members of the Government, or the heads of the department, and the press was silent on the matter." 6388. You are now speaking of the Act of 1862?—Yes. 6389. But public opinion was so outraged at the results of that Act that Sir Charles Duffy had to suspend its operations?—I say that "it was in consequence of the failure of this Act to induce settlement that its operation was suspended in February 1863." I remember very well the outcry about the squatters; a million and a half acres passed away in less than six months, and that caused as outcry and a change?—Yes, that is what I say: "And the subsequent Act of 1865 contained stringent provisions for compelling settlement. I think I have now fairly shown that the charges of acting as a dummy on a large scale for certain squatters in the Western district is untrue; that the charge of abusing my position as Government surveyor is also untrue; that I am not, nor never was, the head of the technical branch of the department, my duties being purely professional; that none of the lands specified were as a matter of fact transferred to me one day and by me to a squatter on the next; and that those who have on this occasion made use of Mr. Walsh as their mouthpiece could not, without strong animus, have alleged that the records of the Titles office would establish against me a primâ facie case of dummying for squatters, when a fair and ordinarily intelligent inspection of those very records would conclusively prove how utterly baseless is such a charge. I have got two statements to read, and that will finish.---[Mr. Allan read the same as follows:---]

1. Martin Fingerdell, of Carlton, near Melbourne, in the colony of Victoria, do solemnly and sincerely declare that, in the year 1863, I was employed in the service of the Telegraph Department at Hamilton, in the said colony, as line-repairer. During the time so stated I had been a great deal in the bush; and I was told by persons who had taken under the Duffy Act, and secured themselves good holdings, and I became very desirous of doing the same, and of making a home for myself and family (which then consisted of four sons) in the event of my at any time losing my position in the telegraph service. I had not sufficient means, however, to do so, and accordingly I applied to several friends for a loan, without succeeding in obtaining it. I had become acquainted with Mr. Allan from his frequent visits to the telegraph station for the purpose of selecting land, and I did ask him if he would lend me a loan, and therefore I should like to borrow enough to help me take up a block; the money would be quite safe, and I would pay you any interest in return." Mr. Allan said he did not know whether he had any money to spare, but would see how his affairs stood in the bank, and think about it. I had never before received or asked

2. Martin Forbes, of Yarraville, near Melbourne, in the colony of Victoria, do solemnly and sincerely declare that, in the year 1863, I was employed in the service of the Telegraph Department at Hamilton, in the said colony, as line-repairer. I had been a great deal in the bush, and I was told by persons who had taken under the Duffy Act, and secured themselves good holdings, and I became very desirous of doing the same, and of making a home for myself and family (which then consisted of four sons) in the event of my at any time losing my position in the telegraph service. I had not sufficient means, however, to do so, and accordingly I applied to several friends for a loan, without succeeding in obtaining it. I had become acquainted with Mr. Allan from his frequent visits to the telegraph station for the purpose of selecting land, and therefore I should like to borrow enough to help me take up a block; the money would be quite safe, and I would pay you any interest in return." Mr. Allan said he did not know whether he had any money to spare, but would see how his affairs stood in the bank, and think about it. I had never before received or asked
for any money for any purpose from Mr. Allan, or spoken to him about taking up or otherwise acquiring any land. Next time, when he went again, I said to him, I asked him, he had thought about lending me money, not to buy land, but to get me in a better position. Yes, how much do you want? I said I thought I could get a good block if I had £400 or £400. I told him I had no security, and he would have to trust me, but there would always be the land. He agreed to lend me the money, and the interest was to be £20 per cent. I agreed a year before £400 for 200 acres at 3 per cent. interest. He gave me a written statement in terms of the above, and I signed it. He said, when I had paid him the interest, then he would give me the land for which I needed it. I gave no other security, and asked no other document whatever than the note for the land for £400. I first selected with Mr. Allan an allotment of 200 acres, and paid Mr. Allen £400, and after two or three months I found it was poor land, and unsuitable for settling on, and I sold it to Mr. McIntyre for £200 a few days after; and by this transaction I gained for myself the sum of £47 10s.; but Mr. Allan knew nothing of that selection and the sale to Mr. McIntyre, and I had no idea that some good lands in the neighborhood of Munthany and other places were being put up for selection; and, without opposing Mr. Allan as to what I was about to do, or his knowing anything about it, I entered into some negotiations with some of my friends of mine and my wife, William Abbot, Miss Lily Southey, and the owners—to select some of these blocks together, but we were unsuccessful. About the end of October 1865, from the money I had received from my sale to McIntyre, and the balance of Mr. Allan’s loan, I myself took up subdivisions A, B, and C of allotment 89, parish of Winyanung; one of the subdivisions being the purchased and the other the leased half provided for by the Act. And William Abbot took up the two subdivisions of allotment 89, Miss Owen the two of allotment 73, and Miss Southey the two of allotment 75. Mr. Allan knew nothing of these selections being taken up by my friends and myself until he was afterwards informed by me, and no person except myself and the other selectors I have named knew of it in any manner whatsoever directly or indirectly concerned, or interested in the selections named. And these annexes marked A, B is a copy of a notice I served for Mrs. Owen on Mr. McWilliams on the 29th day of October 1865, in respect of her allotment 73.

The witness read the same as follows:

“Hamilton, 28th October 1865. Sir—I hereby give you notice that I have become the purchaser and selector of allotment 73 in the parish of Winyanung, containing 299 acres and 16 perches, on which allotment 4 fence is erected; and I hereby give you notice not to remove any part of the said fence. McLauchlan, Esq. By Mrs. Owen.”

“And on the same day I served on Mr. McWilliams, the adjoining run-holder, a similar one in respect to my own allotment 80, these two being the only allotments on which there were fences. A short time after taking up these allotments I came to Mr. Allan to let him have the balance of the money which he had agreed to lend me, for I had arranged with the other selectors to take a transfer of their allotments, and I wanted to pay them. Then to inform Allan for the first time that others had seen the selection, and was very angry, and said I had no right to do so without his consent. He should have told him what I told him I intended to do, and have got a good holding of valuable land as a home for myself, and asked what the lands were, and why I had not mentioned them to him. He said he had since been all over my control. He said they were exceedingly poor, totally unfit for agriculture, and only fit for grazing, and that the whole was not worth the money he had lent me, so that a small block of land was nearly useless by itself, as it was of that kind that a man might see by his money could be realized and turn it into a large block enough for a profitable holding, and I should have to transfer the whole of the lands to him. I promised to do whatever he wished. I had borrowed £120 from another selector, Mr. A. Christenhusz, to further help out in taking up these selections, and when Mr. Allan told me I should have to transfer the allotments for security for his loan, I then informed him of Christenhusz’s loan to me, and said I could hardly transfer any one of the blocks which I had acquired at Hamilton, and he informed me that three of his friends of his had selected adjoining blocks. He often urged me to get someone to buy or lease the land, so that he could get his money. I for a long time endeavored to do so, but did not succeed in getting a sufficient sum to repay what was due to him. I received a letter from him sometimes saying, when I found difficulty in selling the land, that all the communication of the geodetic survey was so uncertain he had a good mind to settle down on the land himself. The document hereon annexed marked B is a letter I received about this time from Messrs. A. and D. McLauchlan, to refer to the land mentioned on this run.”

The witness read the same as follows:

“The Ciscoo, 18th November 1865. Mr. Fitzgerald. —Dear Sir,—If you would like to make an exchange for the land you have here, we have a public-house at Hotspur doing a very good business that might suit you. It will meet your views let us know ofSigned A. and J. McLauchlan.”

“And the document hereto annexed marked C was also received by me also about this time from Mr. McWilliams, the owner of the station afterwards bought by J. Musser and Co., on which the allotments therein mentioned were selected.”

The witness read the same as follows:

“Crawford, 13th September 1865. Mr. McFiegdon, Hamilton.—By the Spectator receives a notice of ‘improving on Nos. 89, 91, and 93, on the area of Winyanung.’ Pressing you, as you are the selector of this land, I should like to see, if you can find the time to come down, you could do was to alter about arranging the fences, or if you can find the time, and the allotment of the lands which were perhaps come in to others as to selling or leasing, or if you can for the purchaser of the land is of no use commencing improvement, as it would only come into redundance as we, and serve no good purpose to other parties.—(Signed) Wm. McWilliams.”

(That is the owner of the run.)

6391. What is the object of reading that?—To show there is no collision with the squatters.

6392. Does it not appear a strange transaction you, a shrewd scientific man, should lend to a laboring man who came to you, and of whom you had no knowledge before, and who asked you for the loan of £400—? I held a very considerable knowledge of him.

6393. Is it not an unusual thing for a man to lend such a large sum to a man who has no security?

—had confidence in him, and he told me the land would be security.

“I was removed from Hamilton in June 1864 to another station, Hexham. I subsequently transferred to Mr. Messr., at Mr. Allan’s request. Mr. Allan, when I was leaving Hamilton for Hexham, said he would try to sell the land himself, and if there was anything over his money in it, it would be mine. About 1866 I wrote to Mr. Allan asking if he had sold the land, and how much he would, he replied that he had with difficulty said it, and realized a small balance, charging me only £4 per cent. interest, and made a had spec and born put to such bother over it, he sent me therewith about £4. In December 1872 I was living in Carlton, and one night in that month a Mr. Clarke whom I knew came and told me he had been sent to offer me £400 if I would make a declaration for the squatters at Hamilton. I refused to do so, as it would not be true, and asked who wanted the declaration, and what it was wanted for; he said that person in the Land Office wanted it, but he was not in a position to say, it was a person who said he was at Hamilton when I was there. He said, even if I could make such a declaration, I would not to inquire any man. He said he was not to injure me, but there was one or two persons in the office that Mr. Allan had showing his authority over, and it was simply done to quiet him. I said, no, I can’t make any such declaration, I shall see you again; if you sign it you shall have £400 to borrow, I replied it’s of no use, I could not sign it, it wouldn’t be true. On same evening I wrote Mr. Allan that I wished to it, to make him an apology, and I met him by his appointment at Menzies house next day, and told him what had taken place, and of the offer that had been made. Mr. Allan laughed, and said he would be very at the bottom of it, that office in the Receivings had recently made a threat against him, and now he understood it; he said, by all means go and tell them the whole thing, and get the £400. Then said, but he would not sign their declaration before they pay the £400. He said, of course you can’t do that truthfully. He said, however, cannot allow these rumors to go about. I listened to lay the whole facts before the surveyor-general. He has heard no more of this matter until I read these charges.

Martin Fitzgerald.

—Declared at Melbourne, in the colony of Victoria, this twenty-fourth day of August, One thousand eight hundred and seventy-eight, before me—W. H. Twitchet, J.P.”
6594. He took up the piece of land in the meantime and sold the second?—I know nothing of that.

6595. You took the bill for £400 and afterwards he came and took this other land up?—No. I found he had dealt in land without my knowledge, and even so long as we came to get into matters I found he had been speculating in other matters without my knowledge. As to granting my loan, I had confidence in him and he in me.

6596. You say you advanced him a further £10—did you take a promissory note for that?—No.

6597. Having already advanced him £340, and finding he was in debt to another party about £100, you thought it better to take the whole up yourself?—I have said so.

6598. And you advanced the money necessary for that?—Yes.

6599. Did you get any instrument or acknowledgment from Fitzgerald for that?—I do not remember any.

6600. You say you have been a large cultivator yourself near Sandhurst.—Not very large.

6601. Did it pay?—Not very well.

6602. Did you think he was a man who knew nothing about cultivation, would be able to make it pay, and at a place so far from market?—The land is a different quality there from where I was.

6603. You had already had experience as a farmer, and your experience told you that the profits were very small, nevertheless when the man came to borrow £400 from you to become a farmer you advanced it to him, though you knew he could never repay you out of the land?—No, that is not how the case stood. The quality of the land made the difference. There was land at Muntham and round about Hamilton, very fine land, which would have paid him well.

6604. But he got poor land?—I did not know anything about it.

6605. You looked upon it as a mere land speculation?—Certainly not.

6606. Was he a friend of yours?—Yes.

6607. And yet you charged him 20 per cent.?—Yes. There was no security except the security of the land.

6608. That is he was to mortgage the land to you?—Yes.

6609. In fact, it was a way of getting possession of the land yourself?—Yes.

6610. You said, "I will advance this man money. He will buy land, he cannot retrieve himself, and I shall get the land." That was the course of reasoning in your mind, because your knowledge of farming must have shown that out of the fruits of the land he could not pay you?—The land about Muntham was worth from £5 to £5 an acre; that was enough security for me.

6611. Mr. Coke.—The land at Muntham is very valuable land.

6612. How long had you known him?—I may have known him six months or a year. These things occurred sixteen years ago.

6613. Here are you, a man in a different condition of life from Fitzgerald, a professional man, and he a laboring man, whom you met during only five or six months, and that only from time to time when you saw him while you were working in the district; what I consider was only a casual acquaintance of yours, and to this casual acquaintance you advanced £400, knowing, from your experience as a farmer and from your experience as a shrewd scientific man,—the shrewdness lay the other way.

6614. You must have known all that, and therefore it must have been taken up as a speculation, and you knew that speculation would make a profit for you?—Not at all.

6615. And you found money for your client to select?—Yes; I have explained that it was so, that I could sell out.

6616. Do you not think that that was an infringement of the Land Act, as you were a Government employee?—No, it was not. It was looked upon as a right at the time, and those men got their share of the profit.

6617. Here is a declaration which had to be made by parties who took up land in 1862:—I, the undersigned, do hereby state my desire to become the selector of allotment... No., section No., at (or in the parish of)... containing acre, and to purchase the fee of the whole of the said allotment... and to apply for a lease of the other moiety according to law, and I hereby tender the sum of £... in consideration thereof. And I do solemnly and sincerely declare that my domicile is in Victoria, and that I am above the age of twenty-one years, and if the applicant be a female that I am not a married woman (or that I am a married woman, but that I have obtained a divorce for judicial separation binding according to the laws in force in Victoria), and that I apply for such allotment on my own behalf, and for my own use and benefit only, and not as agent or trustee for any other person whatsoever; and that I have not selected any other allotment, and that no other person with my knowledge and consent has selected any other allotment for me, or on my own behalf, or for my use and benefit, within a period of twelve calendar months last past." I admit that, and the men did take the land up for their own use and use.

6618. Did Badnall?—Yes.

6619. When you urged those men to take up the land—your client—on orders that the aggregation of the various allotments round yours should give a special value, and enable you to sell the land to some good purpose, were you not then encouraging those men to...?—To exercise their right.

6620. To violate that provision of the Act?—No, certainly not.

6621. Because they made the statement that they were to make their own home there?—No; they had only the state for "their own use and benefit." I agree.

6622. "And that I apply for such allotment on my own behalf and for my own use and benefit," but he was actually an agent when he bought to transfer to you?—No; it was for his own use and benefit, and he got the profits.

6623. "His own use and benefit" did not mean that he was to speculate in the land?—It was for his own benefit.

6624. The use and benefit of land taken up under the Act of 1862 was not speculation. You encouraged those laboring men in your employ to take up land as a speculation—you did so in order that the presence of their land round yours should make your land valuable and more saleable?—Yes.

6625. And do you say that you urged those men to virtually violate that law?—No; certainly not. I deny that. It was the common practice at that time to take up land.
6425. You certainly supplied the money?—Not in that way.
6426. It was not for their "own use and benefit" when they selected land for the purpose of making your land valuable?—For their own benefit as well.
6427. The primary purpose was, according to your statement, that the presence of those purchased lands next to your own should give added value to yours?—There was at the time no Act against that.
6428. None of the men disowned the Act authorized them to do, was there an Act?—Yes, certainly; and they got the benefit by being paid.
6429. They were paid the agency profit—the profit you gave them for acting as your agents?
6430. Certainly not.
6432. By buying at one price and selling at another, they were agents to buy land to give value to your land?—I do not admit that.
6433. The Chairman.—We know very well you recognize it to your own conscience; but it appears to me, and I put it to the other Commissioners now, whether they are of opinion that in so doing Mr. Allan was not violating the spirit and purpose of the Act of 1869?
6434. Mr. Rees.—I think so.
6435. By the Commission.—Will you read your statement where you had dealings with Badmal?
6436. The lands seemed to us as they stood to be neither saleable nor advantageously workable, and the only course I could take was to endeavor to get others to select land adjacent to me, and thus by blocking up together get into a favorable position for sale. For this purpose I spoke to three members of my party—J. A. Jenkins, Thos. Ridsley, and C. H. Badmal—and I told each of them the facts—told them I had the right of selection if the chose, and that if they would select alongside my land we could unite in dealing with it as a whole; we would make it a tolerably large block, and when it was sold each would get his share of the profits," which they did.
6437. You ultimately sold the whole of the land?—Yes.
6438. Did you treat those men as partners?—Yes; I recognized them as partners. They could transfer to me any time they liked.
6439. You merely used them as dummies. You supplied them with money to do what you could not do yourself?—There were no dummies then.
6440. They took up land to frustrate the objects of the Land Act. The object of the Land Act of 1869 was that they should make homes for themselves, and cultivate. You encouraged them to speculate, in violation of the spirit of the Act?—It was a right everyone was using at that time. I do not know about the spirit of the Act; but there were no provisions in the Act against it; in fact, encouragement was given to take up land in that way.
6441. This second schedule shows that those men in making that declaration stated what was not the fact?—Yes, it was the fact. They took it for their own use and benefit, and it was the usual practice, and was considered perfectly legitimate.
6442. A large block of land would sell far better than a small block?—Of course it would, and they would have the advantage.
6443. Is it not that distorting the words "for my own use and benefit"; surely that means, for my own use and benefit, for myself. Giving a man five pounds would be for his own use and benefit; it was in violation of the spirit of the Act?—I do not think it was.
6444. What year was it Mr. Munro exposed this affair?—1875.
6445. In 1875 he said he considered you acted as a dummy?—Well, if I acted as a dummy, probably Mr. Munro did, for he selected himself.
6446. Mr. Munro took the same view of the case as Mr. Walsh does now, that the land was dummeled?
6447. Yes, he appears to.
6448. Did Mr. Munro make a specific charge against you?—No, Mr. Munro never spoke to me about the selection of land. It was only when Fitzgerald came and told me his tale that I understood what Mr. Munro had meant.
6449. Then you looked upon it as a dummeled affair yourself?—No; that is what you say; I say I understood what he meant by threatening me.
6450. Can you explain why Mr. Munro made this threat against you? Did he make a specific charge against you, or was it a mere threat?—He represented that he could expose some terrible transactions.
6451. Have you any reason to give for Mr. Munro taking this line of action?—Yes. He used to get into trouble in the office. He was frequently reproved for coming to the office drunk, and for not conforming to departmental regulations. He accused the Surveyor-General, Mr. Moore, and myself; but I would much rather refer to this subject afterwards.
6452. How many acres was in the first allotment selected by Fitzgerald when you lost him the £540?
6453. He got the £540 as an advance at first to select.
6454. He came to you asking the loan of money on the plea that he intended to select?—Yes.
6455. And you lent him £540?—Yes.
6456. How many acres did he select at that time?—I do not know.
6457. I would like you would give the acreage—that map would show that.
6458. Fitzgerald promised to transfer this land as security?—Yes.
6459. When Fitzgerald came to you for the second loan, you say he had been going in for lands and thus getting involved, and you took up a debt of some hundred and odd pounds which he had incurred to some creditor?—Yes.

LANDS.

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6455. How long was that after the first loan?—I should think within a month.

6456. When he came for the second loan was the agreement for the first loan transferred to the land to you?—Yes; I have stated that here. This is Bodnall’s declaration—[The witness reads the same as follows:]

“[Charles Henry Yennies Badnall, of Portland, in the colony of Victoria, journalist, do solemnly and sincerely declare: That I, on the 20th day of August, 1865, I, and being represented by 14s. 9d., in accordance with the conditions therein contained, have purchased a certain land in the neighborhood of Hamilton, under Mr. A. C. Allan, the present Inspector-General of Plans and Surveys. The said Geodetic Survey Branch of Government was in any way connected with the ordinary administration of the Lands Department, and the survey was carried on under the direction thereof for the purposes of the Duffy Land Act, or otherwise—the branch in which I was serving being a distinct one, under the sole control of Mr. R. B. Hillery, the Government Astronomer. I remember Mr. Allan speaking to me towards the end of the year 1862, and telling me he had lent a person in Hamilton, whose name I do not recollect, some money which he needed to take up a selection for himself under the Land Act; that this person had since informed him that instead of selecting for himself, as he had represented his intention to be when borrowing the money, he had got others to take up blocks with him; that the land they had taken up was only fit for grazing, not being suited to pay for working, and not sufficiently valuable to be worth any one’s while to purchase. He also said that seeing no chance of the repayment of the borrowed money, his debtor had promised to transfer the whole land to him, Mr. Allan said that I had the right to select, and that if I took up land alongside the selections stated to we could sell or let together as a block, and we should have a substantial block to offer, and if we kept it the whole could be worked to more advantage. I agreed to do so, and James Anderson Jenkins and Thomas Ribey, who are now both dead, also agreed. I accordingly selected allotments 91 and 92 A and B, parish of Winyarcyn, with the understanding that when the lands were sold or let I could retain the profit. I believe the same understanding existed with reference to the selections of James Anderson Jenkins and Thomas Ribey. The land was still unoccupied in April 1864, when Mr. Allan with his camp proceeded to South Australia, and I left the survey party and went to settle as postmaster and storekeeper in Haywood, at a distance of about twenty miles from the town. While there, and during the latter part of that year, I undertook to dispose of the land, and remember offering it on our joint account to Richard Lane, a cattle dealer of Portland, for £400, near Haywood, late in the same year, and subsequently told me of his having at last sold the land to Messrs. McCleary and Co. of Bassia. A. D. and D. McCleary. There was a small profit realized of which I received a share, the amount of which I do not now recollect. I subsequently signed the transfer. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

Declared at Melbourne, in the colony of Victoria, this twenty-fourth day of August, One thousand eight hundred and seventy-eight, before me—W. H. TUCKERTON, J.P.”

6457. Does that constitute your statement?—Yes; that is the statement.

6458. Under the Duffy Act there were certain conditions to be complied with by every selector of land. Did you know of these conditions?—I did know of them, and one of those most important conditions were they complied with by those selectors before the land was transferred?—What were the conditions?

6459. One was the residence, and the others refer to cultivation and fencing, and when they were not complied with there was £5 on the condition?—Yes.

6460. Do you know or can you say whether Ribey, Badnall, and Co., on their respective allotments, complied with the conditions of the Act?—I believe there were some improvements made, but Fitzgerald had the management till he left, the middle of 1864, and I believe he put some huts on. He managed the whole thing till Badnall took it up.

6461. Who applied for the Crown grant of those lands?—I cannot remember. It is too long ago.

There were part lease and part grant.

6465. Did you ever go on the land after it was taken up?—Only once, when I sold it.

6466. Were there any improvements?—I did not see any; but I only went across it.

6467. Did Fitzgerald manage for the whole?—Fitzgerald managed for the whole while he was interested, and Badnall managed for a few months. Badnall managed after Fitzgerald gave up the management until after I came back from South Australia.

6468. Was there any salary?—No; the whole thing was too poor for that.

6469. Section 21 of the Duffy Act says, “Every lease so granted as aforesaid shall be subject to such covenants and conditions and to the payment of such rent or royalty as the Governor in Council thinks fit to impose; and shall contain a condition that if the lessee his executors administrators or assigns fail at any time during the term to use the limited land land sole of the purposes for which it has been demised the lease shall be voidable.” Now these sums having been taken up as half-hold had to pay the money, the other half was leased—do you know whether they complied with the conditions of lease—are you able to say anything about that?—No, not about complying with the conditions of the lease.

6470. What price did you get when you sold the land—when you, Ribey and Co. got rid of your had speculation?—I think £14s. 9d. to 15s., perhaps £14s 9d. for one group, and 22s. 6d. for the other group.

6471. When you only got 14s. 9d., of course that only represented half the payment of the land?—There were some of the rents paid. Two years had elapsed.

6472. Then 14s. 9d. represented in fact two years’ rents?—No; you must take the two together, the leased and purchased land. In those days you paid £1 an acre, and you could take 640 acres and walk in and pay down £649 for it, or you could elect to lease the other half.

6473. Did they elect to lease half?—Yes.

6474. The lease is the lease portion that is represented by that 14s. 9d.—No; it was this way—say you took two acres, the purchased and the leased, there is £1 for one, and two years’ rents for the other, and you add those two together, and halve the result, and you get the average price per acre.
6175. How much would the two years' rents be?—Five shillings, I think; and there would be 20s.
for purchase, that would be £5 12s. 6d., and the difference between that and £3 9d. would just show the profit.

6476. If there were any improvements made on it you must have lost?—Yes.

6477. I thought you said you divided the profit?—There was the 20s. 6d. part of it sold at. I think there was a loss by it.

6478. Did you get the proportion recouped to you by the others?—No; I put it as a slight profit, and gave them each a share.

6479. They were only to be partners in the profits if any?—I paid them what was their share of the profit.

6480. There was a little profit on the whole transaction?—Yes, I believe there was. You must remember that the chief charge is that I dumbed for the squatters.

6481. What appears to be the charge now is this—that you advanced money to a man who was in effect a dummy?—I deny that.

6482. And to other persons, and then that ultimately you found it did not pay, and that you got out of it the way you could, and the result was the land fell into the hands of the squatters?—But I did not dum my for the squatters.

6483. What you did was—you dummed the land to sell to the very best advantage you could, if not in the interest of the squatters, to them or to anybody else?—I deny that. There was no moral obligation whatever in the man.

6484. Bailhalla, for instance, who was put down as a yeoman—it was a grand move to put him down as a yeoman—he was nothing of the kind?—I will call witnesses as to the term "yeoman.

6485. Was this Bailhalla, as a matter of fact, not employed on your survey party?—Yes.

6486. What is he now?—He is a journalist now.

6487. Where?—Portland. I can explain how the term "yeoman" came to be used if you will allow my witness to explain.

6488. We all know what yeoman means?—Let us look at Webster's dictionary for the word.

6489. It was used for a man who would settle on the land for agricultural purposes?—Yeomen are not mentioned in the Act at all.

6490. No; but that is the proper use of it?—We can prove the contrary if you will only hear my witness. I can only prove that it is a designation of lawyers.

6491. We do not want any fine points about the meaning of "yeoman." Have you finished your evidence?—I have not started my evidence yet.

6492. Have you finished reading the documents?—Yes.

6493. What other evidence do you want to give?—I want to produce Meacham and Messer, and Fitzgerald and others.

George W. G. Butler, solicitor, examined.

6494. What occupation in life are you?—A solicitor.

6495. Practising where?—In Melbourne.

6496. What do you know about these transactions?—Nothing at all. I believe I am called to tell you what a yeoman is.

The Chairman.—I must say this is trifling with the Commission, it is an insult to call any man for such a purpose. That will do. It is a very offensive transaction, and shows Mr. Allan in a very offensive light. It is trifling with us; we will not hear you.

(To Mr. Allan.)—We decline to ask this witness anything. You have introduced him here in a most offensive way, and to reduce our proceedings to ridicule.

Mr. Allan.—I deny it.

The fact speaks for itself.

6507. By the Commission (to Mr. Allan.)—What further questions do you wish to ask?

6508. Mr. Allan (to the witness.)—Have you inspected those documents in the Titles office?

The Chairman.—I decline to hear him. That is simply a cover. He has insulted us, and now Mr. Allan wishes to ask a question to cover the insult. The witness has said that he knew nothing of the transactions, and I ask the witness to have the goodness to leave the chair.

Mr. Allan.—If you refuse to hear an explanation about those documents—

The Chairman.—The audacity of a mere attorney coming to tell men of education, men of university education and others, what a yeoman is.

The Witness.—I am a graduate of the Melbourne University, and as highly educated as you. I came to tell as an expert what is the meaning of the word "yeoman." It is a legal word, and I think you do not know that.

The Chairman.—Do not I?

Mr. Clark.—I think you ought to ask Mr. Baller to withdraw from the room. I consider he came in a jealously manner to insult the Commission.

The Witness.—I wish to mention that I am not here out of any disrespect.

The Chairman.—I would advise you to sit down. I do not want you to leave the room.

The witness withdrew.

Duncan Meacham examined.

6509. Are you the gentleman who is referred to here as having had land transferred to him by Mr. Allan?—Yes.

6530. What can you tell us about it now? (To Mr. Allan.)—What is the nature of the evidence you want this witness to give?

Mr. Allan.—I want him to tell whether I acted as his dummy or not.

6531. He cannot give any evidence on that—he cannot tell the internal working of your mind. (To the witness.)—You bought certain lots from Mr. Allan?—Yes.

6532. Previous to the purchase of those lands was there any understanding that he should select and sell to you?—None at all.
D. McRobert, 
20th August, 1878.

6502a. What did you give an acre for the land?—I think about 1s. 9d. or 1s. 10d. per acre.

6503. Was this land selected in the vicinity of your holding?—Yes.

6504. Was it selected in such positions so as almost force you to purchase that land?—No.

6505. Was any of your fencing on the land?—No; not at the time.

6506. When you bought the land from Mr. Allen were there any improvements on it?—There were some huts; one on each allotment.

6507. Any fencing?—No.

6508. Any cultivation?—No; there was no land fit for cultivation.

6509. Did you look upon it as being bank fide selected or not?—I did not think anything about that. I had no communication with him. There was a hut built on each allotment; there was one fence there—[pointing to the plan].

6510. Was the fence that you have written about?—Yes; it was my fence. I put it up.

6511. The only improvements upon those allotments of Badnall's and others were small huts?—Yes.

6512. Those colorable huts—what have since been called "flying" huts?—I have heard them called Duffy huts.

6513. Did you ever see any of the persons who selected the land?—I have seen Fitzgerald. He came and gave me notice not to move the fence.

6514. Did you see any selectors named Flahy and Jenkins?—No.

6515. Did they live there?—I cannot say whether they did or not.

6516. They could not without your knowing it—no be of any length of time?—Not for any length of time.

6517. Then the occupation was a mere colorable occupation, and they resided so short a time you cannot recollect their being there at all?—No; I cannot recollect.

6518. Were they living there two years?—No; they were not.

6519. Twelve months?—No.

6520. Six months?—No.

6521. They were not living there at all. Did you not form any opinion as to the class of people who selected land in your neighborhood?—I could not form any opinion as to those people.

6522. Did you consider them bank fide selectors?—Yes.

6523. And yet you saw them casually?—I understood that they wanted to farm a large block of land there, and that a number joined together and selected that land.

6524. How did you come to buy the land of Mr. Allen?—He called at my place one morning, and I think offered it to me; and there was a man with him who would have rented the place if I had not bought it.

6525. He came to you and said, "Will you buy this land; if you do not buy it here a man will rent it from me" and you naturally not wanting any neighbors renting land said, "It is better to buy it than have a trouble some neighbor near me"—Yes.

6526. (To Mr. Allen).—Is there anything further that you would wish us to ask Mr. McEachern?—No.

The witness withdrew.

James Mickle Messer examined.

J. M. Mower. 
20th August, 1878.

6527. The Commission (to Mr. Allen).—Will you examine the witness—ask him any questions you wish?

6528. By Mr. Allen. What are you?—Nothing. I was a squatter, but I am not now.

6529. What station did you own?—The Crawford station.

6530. When did you purchase it?—In March 1864.

6531. From whom?—From Mr. McWilliam.

6532. Do you remember any selections that were take up?—Mr. McWilliam informed me that there were some taken up by Badnall and Fitzgerald, and I bought the run, but not the selections.

6533. By the Commission. What happened next?—All I know about it is that Mr. Allen came to me some time afterwards and offered those selections to me, which I purchased from him.

6534. By Mr. Allen. Is it true that I employed any dummies for you or for Mr. McWilliam, to your knowledge?—Not to my knowledge. I cannot speak of what Mr. McWilliam did. I can say that Mr. McWilliam did not buy the land, or have anything to do with it. He told me he would not have it.

6535. Was I ever acting in your interest?—No; certainly not.

6536. Then I was not a dummy for you?—No. I was very adverse to buying the land. It was a miserable place altogether.

6537. By the Commission.—Then your evidence is that there was no previous understanding between you and Mr. Allen, or between Mr. Allen and Mr. McWilliam?—Yes.

The witness withdrew.

Martin Fitzgerald examined.

M. Fitzgerald. 
20th August, 1878.

6538. What are you?—Home and estate agent.

6539. Do you reside in Melbourne?—In Carlton.

6540. Just tell us what were the circumstances under which you got this £400 in 1862?—The circumstances I have stated in that declaration.

6541. We want you to give the history of the transaction yourself?—In the year 1862 I was attached to the Telegraph Department in Hamilton.

6542. What was it?—Line-repairer. At that time Mr. Duffy's Act came into operation, and selections were going on. It occurred to me that I should like to make a selection. My position was not permanent, and I did not know the day it might cease. Having a family growing up, I thought if I could secure one or two pieces of the choice land in that district it would be a very good thing for me. I had some growing up. I selected some land. I tried my own relations in that district to get money. I had none myself. I applied to several friends, and was unsuccessful. Then I saw Mr. Allen, and I asked him if he had any spare money to lend; I was anxious to make a selection, and if he had any I would give any reasonable interest, and if I made good selections I should soon repay the money back again.
6543. Was your intention to settle on that land?—Yes, distinctly.

6544. How did you expect to pay from that allotment of land £400 borrowed for the purpose of buying it?—I do not know that I expected to repay out of the proceeds of the land.

6545. How then?—I had friends, and if I had got a good selection I could have got money from them if I had got good land.

6546. You have just said that you had friends, and that you applied to those friends for money, and that they could not give this money?—That was previous to getting the land.

6547. You borrowed from Mr. Allan, and you say you did not expect to pay it out of the land, but that the recent friends would pay on the strength of your having that land?—I did not expect to pay Mr. Allan immediately out of it, but if I had selected a good block of land they would have lent, but they would not lend on the risk. I could have got £500 if I had got good land.

6548. But the land would have been already pledged?—Yes, but I could have shown them that I could have paid Mr. Allan off if they would give me time, and I would then in time pay them.

6549. So that in fact you determined to speculate in Government land with borrowed money, and then go on?—No, I intended to live as economically as I could, and save something out of my salary, and if I had got good land, I could have got money from friends.

6550. Suppose they had lent you the money, you would have simply paid off Mr. Allan, and got new creditors?—But when you have a relation or a brother, he would not be in such a hurry as a stranger, if I had got good land I should have kept it. I was not successful in getting good land.

6551. You said, "Here is land going a-legging—the Government are squandering the land, and I want to have a go at it—give me money, that I can take up the land," you said to your friends. They said, "No," and then you went to a stranger whom you had only known for seven or eight months, and he lent you the money?—That was not the purport of my evidence.

6552. It was. I am speaking of the actual facts?—I borrowed the money, and I could have paid it back by borrowing from a relation who is a rich person in the district. I could have got £500 in an hour.

6553. How was it he did not come to your aid, and that you went back to Mr. Allan and got some more money?—I have already told you that if I had secured a good block of land, my friends would have then advanced the money.

6554. But they did not?—They did not as I secured bad land. I had to give it to Mr. Allan in payment of his money.

6555. That shows the speculative nature of the transaction?—It was no speculation at all—it was my misfortune in selecting bad land.

6556. Would you advance money to a man you only knew six or seven months on his note of hand, that man telling you he had no security to give you?—If I met a person in the street I would not lend him £500.

6557. I say if a man came to you as a business man, and asked for the loan of £400 down on his own personal security to buy land, would you lend him the money?—There are certain circumstances under which I would, and others under which I would not. If I saw the person, and had every confidence in his integrity, and saw he was going to secure something by which he could do something probable to himself, and would be able to repay me, I would lend him the money.

6558. How could you have confidence in a man you only know seven months?—If during that seven months I had confidence in him from what I had heard of him and seen of him I would. I have borrowed money from persons I have known only three months. I can get £500 to-day without security from a man I have only known eighteen months, if I show him I can buy and make a good speculation with the money.

6559. Directly you had finished the transaction would you give him security on what you had bought?—I would be very likely to hand the deeds over as security.

6560. You intended to build on for yourself?—Yes.

6561. Did you intend to cultivate?—I did.

6562. After taking up the first selection how was it you did not begin to improve it?—I took up my first piece first, and I found there were two other pieces between, and I found that if I could get those it would make a continuous block.

6563. How was it during the two years the Act was not complied with?—Because I had taken it up previous to seeing the land, and I informed Mr. Allan where I had selected. Mr. Allan took a map and said—

6554. I tell you to answer the question. You took up this land to make a home and cultivate?—I did.

6565. And the land was in your possession two years, and there was no cultivation?—Because, after having taken it up, I found it was too poor and would not pay.

6566. And then you held it speculatively for sale?—No; I told Mr. Allan about the land, and he said, "You have selected very bad land. It is not fit for agricultural purposes. You have made a sad mistake." I am accounting for my not cultivating.

6567. You did not hold the first selection you took up for two years?—I did not.

6568. How long did you hold it?—Not very long. The day after I selected I found it was chalk ranges, not fit for cultivation, and I sold it immediately.

6569. You did not try to comply with the Act at all?—I sold it at once.

6570. Did you select again?—I did.

6572. Did you do with it?—That is the land I conveyed to Mr. Allan in payment of his loan; that is in the area of Wynyard.

6573. Did you do anything to it?—No; I put nothing on it at all.

6574. The land that as a speculation?—I found it was not suitable land.

6575. You sold it again—here are two selections you sold, and yet you want to make us believe that you took it up to make a home on it?—Yes; and when I found it was not good land I thought I was justified in selling it.

6576. Are you a judge of land?—Yes.

6576. And yet you thought it was good land?—I thought so from its position near the river.

6577. How did you select?—By a map.
678. Could you say whether it was before or after you selected that you got the money from Mr. Allan?—Before. I got some of the money before I selected.

679. And then you saw the land afterwards, and saw it was valueless, and resolved to sell?—Yes.

680. How many acres were there?—About 800 or 900 acres—that was the land selected by myself and one or two friends.

681. By yourself you could not select as much as that?—No; the land I selected was about 192 acres.

682. Then how did you get the land?—I had the money previous to that.

683. Did you select any of the land in Munroson?—No.

684. I want to connect this money with the land. It appears you have been advanced nearly £400 by Mr. Allan, to assist you in working this land?—I borrowed the money to enable me to select.

685. So that in reality, on this 192 acres, you were advanced more than £22 an acre to assist you?—No; I joined a few friends.

686. Never mind about your friends—on the 192 acres you got £400?—No; I borrowed some money, and with that money I selected.

687. By Mr. Allan—Did I know anything of this first transaction?—Not the slightest, any more than any gentleman in this room.

688. By the Commission—You borrowed again from Mr. Allan?—I got a certain sum to repay the person I had borrowed from. I borrowed £110 from a Mr. Christie.

689. Was there an agreement that you should transfer the land to him?—Some time after, when Mr. Allan found the land was so poor, not fit for settling on, he said, "I cannot see how you can pay my money now—my money is in danger," and he said, "The best thing you can do is to try and sell it, or let, or you will have to convey it to me for my money," and I said I would.

690. You agreed with Mr. Allan in consideration of a second loan to transfer this land to him?—Yes.

691. What was the nature of the agreement?—Simply to make over my interest in the land to Mr. Allan if I could not pay the money.

692. Did you not absolutely agree with Mr. Allan to transfer the land to him?—Yes.

693. In consideration of the money you had received?—Yes.

694. You say Mr. Allan knew nothing about these transactions at the start?—He did not.

695. He did not advance the money with the view of joining you in this land speculation?—No.

696. How long after his advancing did you give the security?—It was the first time after I discovered the land was bad and I was only too glad for him to take it. I forget exactly when it was.

697. How long was it after you discovered the land was bad Mr. Allan asked you for the security?—He did not ask me for security. I said I would transfer the land at any time he desired me for his loan.

698. Did you pay 20 per cent. regularly?—No, I did not.

699. That was added to the total liability?—Yes.

700. Were you in the habit of meeting Mr. Allan from time to time and reporting progress?—Yes, occasionally.

701. Did you tell him about those friends assisting you to take up more land?—The first time he said, "How did you take up all this land?" and I said, "I got a few friends to take it up," and he objected to my having done it. He seemed very angry, and said it was not the thing I had agreed to do.

702. By Mr. Allan—What language did I use?—You were very angry at me.

703. Did I swear?—Yes.

704. By the Commission—Who were those friends of yours who would have advanced money if the land had been good land?—My brother-in-law, David Edgar—he might have done so; and I have friends of the name of White at Colacaine.

705. How did those speculations terminate at last—did you make a profit, or did you divide the profits with any one?—No. After trying to lease the land for a time Mr. Allan said the only way to do with it was to make it so bad, would be to make it worth holding by adding more to it.

706. Then Mr. Allan objected to your employment of those dummies, but having gone so far he said, "You had better go a little further and employ some more dummies?—No, he did not say that to me at all—what I say is that he said the only way to make it a worthwhile holding was by making it larger.

707. By what means?—I think he said, "The Geoscite Survey is threatened every year," and he had an idea of settling on it himself.

708. Did he tell you he would get some of his own men to select?—No; I do not think so.

709. There was something said about some one wishing you to make a certain declaration—offering you a sum of money; do you remember that circumstance?—Yes.

710. When did it occur?—The latter end of 1875.

711. Who made you the offer—£20?—Charles Clark, caretaker at the Imperial Insurance Company, Collins street.

712. Did he tell you the object he had in view?—He came to my house at the latter end of 1875. I was not at home, and he came to a friend's house and saw me, and called me out and said, "Fitzgerald, I have some good news for you," I said, "That is right." He said, "Were you not in Hamilton in 1873, in the time of Duffy's land Act?" I said, "Yes," He said, "Do you know a man named Allan?" I said, "Do you mean Mr. Allan, the geodetic surveyor?" He said, "He is in the Lands Office," I said, "Yes; I know him. Mr. A. C. Allan you mean." He said, "Look here—if you will make a declaration that Allan took up land for a squatter you can have £20."

713. Did he not first ask you to make a declaration without money?—No. I said, Clark, if I thought you came to me to ask me to make a declaration of this sort, and you knew it was untrue, I should say what I think of you; and I said, "I will not make such a declaration. I cannot do it." I said, "Why do you want it?" He said, "There are some persons in the Lands office Allan has been showing his authority to, and it is wanted to put a check upon him."

714. Is Clark alive now?—Yes.

715. What was he then?—He was unemployed then. He was what is called an agent, who used to knock about at elections.
6616. Did he mention any name at all?—No; he did not. I asked who it was that wanted it, and he said he was not at liberty to mention it. He said it was a man that was at Hamilton when I was there. He did not mention the name. He said I would see you again. He did see me again and renewed the offer.

6617. What did you sell those two allotments for per acre?—The first two that I selected?

6618. Yes?—I got £200 for the selection.

6619. What did you sell them at per acre?—It came to about £1 an acre all round.

6620. When did you transfer to?—A Mr. McIntyre.

6621. What was he?—A small farmer.

6622. What was the second selection sold at?—I forgot the price of that. I transferred it to Mr. Allan.

6623. Altogether by the two transactions what profit did you clear?—I was a great loser.

6624. Did Mr. Allan remit some sum to you?—Yes; but I lost nevertheless. I had to pay for various things.

6625. But you never improved the land?—No; it was scarcely worth it.

6626. How could you lose money by it then?—There were different things to be done. I had to go to the land at different times, and try to let it. I received a small balance in the end from Mr. Allan, of about £14.

6627. The entire improvement on the land consisted of those small huts where nobody resided?—Oh, no.

6628. What improvement did you make?—I sent a person down there for a little while, to go about the place and see what could be done with it.

6629. That was not improvement. I want to know whether you did any fencing, or cultivation, or put up a habitable dwelling?—No, I did not think the land was worth it; there were a few what were called habitable dwelling—bark huts.

6630. Do you not think that transaction looked like a dummy affair?—No.

6631. As you absolutely employed dummies?—I did not employ dummies—they were friends who went in to assist me; I do not consider that dummying. I know clerks of petty sessions, and officers in the departments, and other gentlemen of standing, who get friends to try and get choice blocks for them.

6632. How did you get your certificate from the Lands Department to enable you to transfer the land?—I do not remember that now—I do not think I got any certificate—I transferred.

6633. Are you not aware that unless the improvements are put on in accordance with the Act, you are liable to a fine of 5s. per acre?—That was the law at the time, but people were not pushed to time—If I had been pushed to time I could not have done it.

6634. The department did not carry out the law then?—I cannot say—I do not think I got the certificate.

6635. You did not comply with the Act, and you did not pay the 5s. fine, and you transferred the land, and made a small profit, and in doing all that you were infringing the law, and so doing contrary to morality?—[No answer.]

6636. You say there were seven bark huts on the land?—Yes.

6637. Who put those up?—There were some persons employed to put them up.

6638. By you?—Yes.

6639. Was there a bark hut on each allotment?—I think it would be on the rented selections, not on the purchased.

6640. We have been told by Mr. Allan that you, for a considerable time, managed those selections?

6641. As manager, can you say that the law was complied with?—There was a hut put on the rented ones—the other half was purchased.

6642. Are you not aware that the purchased land was subject also to the conditions?—I did not consider there were any conditions with reference to purchased land—I understood I could do anything I liked with that.

6643. By Mr. Allan.—Did you give me any security to pay me?—Not the slightest.

6644. Did you ever transfer to me?—No, I did not; I transferred direct to Mr. McWilliam or Mr. Messer.

6645. By the Commission.—Having got the money from Mr. Allan, you began trading in land, and ultimately you settled up with Mr. Allan. What about that 90 per cent.—did you ever pay that at all?—No. At the final settlement with Mr. Allan, he said, "If your selection led turned out a profitable thing, I should have expected my 20 per cent., but as you have been a loser, I will only charge 4 per cent.," and he sent me a balance of £14.

6646. As the transactions did not turn out profitable, he remitted 16 per cent.?—He did.

6647. By Mr. Walsh (through the Commission).—What occupation or trade were you following at the time the offer was made to you Mr. Clark?—The same as I am now.

6648. Were you ever a publican at Clinton or Hotham?—No.

6649. Were you in the Government service at any time?—I told you I was.

6650. Did you leave the Government service?—I did.

6651. Of your own accord?—No.

6652. Were you dismissed then?—What do you mean to insinuate?

6653. The Chairman.—For every offence I can inflict a fine of £20—take care what you are about. Mr. Walsh put the question simply enough—he asked were you dismissed from the public service, and you must answer?—I was.

6654. By Mr. Walsh.—What for?—For nothing. I have been struggling for ten years with the Government about that, and will prove very shortly that I was innocent.

6655. By the Commission.—What were you when you were dismissed?—Postmaster and electric telegraph manager at Mortlake.

6656. What was the charge?—Being absent from my office for a short time.

6657. By Mr. Walsh (through the Commission).—At the time you selected this land, did you not make a statutory declaration of your intention to reside on the land?—I do not know that I did, but it was my intention to reside if I got good land.
Mr. Fitzgerald, 20th August 1872.

6658. You were bound under the Land Act to do so?—If I was I must have done so; it is so many years ago that I cannot remember every transaction. I wish I could remember every word; if I could I would soon convince the Commission.

6659. Did you not know that a breach of the statutory declaration would be tantamount to perjury?—If I made one, but my intention was to settle down—I do not know whether I made the declaration—I do not think it was necessary.

6660. It was?—Then I must have made one, and if I did, it was truthful, because I meant to reside on the land, or my son.

6661. Having made the first mistake of having made a false declaration, would you not be careful about a second?—I did not do it—my intentions were right.

6662. By the Commission. They say there is a certain place paved with good intentions. You made a declaration to go to a certain thing, and did not do it—I did as far as I could carry it out—I did it as truthfully as I could out of 100 did. I was not bound to reside there, there was no formal declaration as to residence.

6663. By Mr. Walsh (through the Commission).—You know Jenkins who selected the land?—No; I do not to my knowledge.

6664. Did you know Jenkins to be in the survey party of Mr. Allan?—No.

6664a. The Commission.—Mr. Allan admitted that Jenkins and Rishby and another man were members of the survey party?—I did not know either of them.

6665. Mr. Allan.—Yes; but I did not admit that these men knew each other.

6666. Mr. Walsh.—There was a question with reference to Jenkins I wish to ask. Jenkins is dead, but his brother is here, and I should like him called.

The witness withdrew.

John Shanks Jenkins examined.

6665. By Mr. Walsh (through the Commission).—Your brother, the licensed Mr. Jenkins, was one of Mr. Allan's survey party?—Yes.

6666. Do you remember the time your brother died?—I do.

6667. What time did he die?—On the 21st December 1865.

6668. Did you ever know that he selected any land?—The times is so long ago I do not recollect. If I ever knew I have forgotten it.

6669. You are not aware whether this land was transferred to Allan in your brother's lifetime or not?—No; I have not the slightest idea.

6670. Do you know how land was taken up at that time down in that part of the country—what was the mode operated?—It would take too long to tell you, I believe.

6671. By the Commission.—Do you know anything about these transactions?—No; not anything.

All the information I have got has been what I have seen in the papers. I did not come here to volunteer evidence, but merely out of curiosity, after seeing the report in the papers.

The witness withdrew.

6672. Mr. Allan.—I wish to ask a few questions of Mr. Walsh. How did he come by this information, and had he any conversation with this person who has been named?

6673. The Chairman.—Mr. Walsh is not bound to answer that.

6674. Mr. Allan (to Mr. Walsh).—I suppose you handed in these plans—your letter says so—do you know who prepared them?

6675. The Chairman.—He is not bound to answer any question.

Mr. Allan.—I wish to show that there has been a conspiracy here.

A. J. Skene, Surveyor-General, examined.

6676. It has been stated here that the subject-matter of this inquiry about Mr. Allan having taken up land, and having parted with it to squatters and so on, formed the topic of conversation between you and Mr. Allan on one occasion, and Mr. Allan tells us that you took notes of the transactions. Can you throw any light on the matter?—I can refer you to my rough note-book, in which I took at the time, from Mr. Allan's dictates, what he wished to be recorded. I cannot fix exactly the date on which this took place, but it must have been between the 29th November 1875 and the 3rd January 1876. Mr. Allan made this statement:—"On the 20th September 1862, Martin Fitzgerald, telegraph messenger, Hamilton, asked Mr. Allan for assistance in money in taking advantage of selection allowed by the Act 1862—he had children growing up whom he wished to make some provision for. Told him that he (Allan) had no wish to be mixed up in such transactions of selection, but would advance, say £200, to enable him to select the maximum area. Receipt produced for £200 to bear interest at 20 per cent. 20th November 1862, Fitzgerald writes for £110 additional. Mr. Allan demurred to this further advance without being previously consulted. Found that the land was indifferent, and that Fitzgerald could not make any profitable use of the extent that he had selected. Mr. Allan then took over the land selected by Fitzgerald and added three selections—Thees, Rishby, James Jenkins, and Charles Badnall—so obtaining an area that could be profitably worked. At that time there was a strong impression abroad that the Geodetic Survey, on which they employed, would be discontinued, and so intended the selection for personal settlement on same. Up to this time he had not seen the land, and did not up to 1864, when went over it with an intending tenant. Written to McEachern (Kangaroo). When saw thought it best at once to get rid of the selections, being all very poor country. Sold 702 acres at 4s. 6d. and 192 at 25s. Mr. Allan wishes a record to be made of the above facts, as he has been informed by Fitzgerald that he (Fitzgerald) has been offered a sum of £20 by a person calling himself agent for some officer or others in the Lands Department, Melbourne, if he would make a declaration touching the above transactions in land. Mr. Allan, in reply, advised at once to make any declaration he thought fit as to the facts, and secure the £20." That is a memorandum that I took down from Mr. Allan's dictation.

6677. Mr. Allan, I presume, made that statement, which enabled you to take down these notes, in consequence of a threat from an officer of the department that he would expose something wrong about Mr. Allan's conduct?—Yes; there was some such threat.
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6676. Did anything further transpire after you made those notes?—Nothing further.
6677. It rested with you, and there was an end of it?—I took down a memorandum in my book,
and nothing further was done.
6678. Was the matter submitted to the Minister?—No.
6679. Did you think it was of sufficient importance to do that?—I did not, thinking it would be
followed up by the gentlemen who were moving Fitzgerald.
6680. Was this statement, by an officer of the Lands Department, made in your presence?—It was
made by Mr. Allan.
6681. No, but I refer to the threat?—Yes, it was; that was made in the presence of Mr. Archer,
the Secretary for Lands, in my room.
6682. Under what circumstances was the threat made by Mr. Munro?—I scarcely recollect the
particular circumstances.
6683. Did you not think the transaction of Mr. Allan rather a questionable one for an officer of the
department?—I did not think so.
6684. By Mr. Allan.—Did it strike you that any infringement or breach of the Act as administered
in 1862 had occurred, from what was told you, there?—It was a very common matter for men to select
land and deal with it and transfer it under the 1862 Act.
6685. By the Commission.—But no conditions of the Act had been carried out in this case?—I have
no knowledge of that whatever.
6686. By Mr. Allan.—Was it common to put improvements on those lands?—I cannot say.
6687. By the Commission.—Is Mr. Allan the superior officer to Mr. Munro?—Yes; as inspector-
general of plans and surveys he is.
6688. When a subordinate officer threatens a superior officer do you not think that was a matter
that should be inquired into?—That was a matter for Mr. Archer to do.
6689. As to your own opinion, do you not think it should have been inquired into, if only for the
discipline of the department?—I think it should, but it would not devolve on me to do so.
6690. But on Mr. Archer?—Yes.
6691. Did Mr. Allan request that this matter should be brought to the notice of the Minister?—
No; I think not. The statement was taken down by me from Mr. Allan’s mouth, and entered on my rough
note-book; it was read over to Mr. Allan after it was written down.
6692. To Mr. Allan.—What was your object in coming to Mr. Skene and making that
statement?—I made that statement to the Surveyor-General, and left him. It should have been
laid before the Minister. I considered it should be, but Mr. Skene had discretionary power in the
matter.
6693. You consulted him as a friend?—No; as the Surveyor-General.
6694. And be received your statement?—Yes; I left it in his hands, and suggested its being laid
before the Minister, and it was left for the consideration of the Surveyor-General.
6695. Your suggestion is not put down in writing?—(Mr. Skene.) There was no suggestion, as far
as I can recollect, that it should be laid before the Minister. There is nothing in my note-book to that
effect.
6696. I understand that Mr. Allan consulted the head of the branch, the Surveyor-General, and the
Surveyor-General took down the statement, and you (Mr. Skene) now state you have no recollection of his
asking for it to be laid before the Minister?—The memorandum speaks for itself—Mr. Allan wishes a
record to be made of the above facts, as he has been informed by Fitzgerald, that he (Fitzgerald) has been
offered a sum of £20 by a person calling himself an agent for some officer or officer in the Lands
Department, Melbourne, if he would make a declaration touching the above recited transaction?—
6697. Mr. Allan merely puts on record before the proper officer his statement of the transaction,
that is all?—Yes.
6698. And that specially states that it was simply to be put on record, and there is no record as to
telling the Minister?—There was no desire to have it laid before the Minister, as far as my recollection
serves me.
6699. It does seem a strange thing that Mr. Archer, the head of the Administrative Branch,
should hear another officer charged with something wrong, and not try and investigate an inquiry into the
matter. What were the conditions under which a selector took up land under the 1862 Act?—He had to erect
a habitable dwelling, or cultivate one acre out of ten, or enclose the selection with a substantial fence.
6700. Was he to make a declaration that he required it for his own use or benefit?—I think so.
6701. Do you not think it was a bad example for a member of the civil service to carry on transactions
of this sort?—Mr. Allan’s explanation was that he thought the Geodetic Survey was drawing to a
close.
6702. Is it reasonable to suppose that a man would lend £400 to a comparative stranger without
security?—It is not what I should be inclined to do myself.
6703. Was there any allusion to the nature of a charge that this man was likely to make.—Mr.
Munro against Mr. Allan?—No, it was a very general threat.
6704. A sort of a quarrel between the two in the office?—They were evidently not on
good terms.
6705. It appeared to me in your statement that Mr. Munro must have made some particular
statement in your presence?—It was merely a general statement as to transactions in land.
6706. By Mr. Allan.—Do you recognise that drawing there?—(pointing to the same)?—I recognise
the writing.
6707. Whose is it?—I think Mr. Munro’s—it bears a very strong resemblance to his.
6708. These are Mr. Walsh’s plans sent in to the Commission?—It is possible he got them from
Mr. Munro.
Mr. Walsh.—Would it not be advisable to examine Mr. Munro as to this charge?

The witness withdrew.
What is your occupation?—Surveyor. I have charge of the metropolitan survey district of Melbourne in the Lands Department.

It has been stated that on one occasion, in the presence of Mr. Allan, and in Mr. Skene's room, and in Mr. Moore's presence, you held out a threat against Mr. Allan that you could tell something about him that would not be to his advantage. Will you tell us what it was?—I will explain the circumstances. I was being charged, in an indirect manner, by Mr. Allan with having made some mistakes in a survey. He had not the malady to charge me himself, and he believed a subordinate to bring the charge against me. He advised and assisted him, and I was also to sit as judge and adjudicate upon it himself. A kind of board was to sit and inquire into the matter, and on the morning when the inquiry was to take place in Mr. Skene's room, I saw Mr. Allan very active in the matter, and I thought it very unadvised, and out of place on his part to take so much interest in prosecuting the matter, and I made a casual remark to Mr. Allan that any one could be charged with something or other—that probably even against himself charges could be brought.

That was the whole transaction?—That was the whole transaction. Did you specify anything particular?—No; I did not; I merely said charges may be brought against anybody. Mr. Byron Moore was present, and he first commenced to catechise me on professional subjects, and I referred the matter to Mr. Skene; I said Mr. Moore was not a practical nor a qualified surveyor. Mr. Allan then stepped forward and made a statement, and I made the remark that he was taking too active a part in it, and that even against him or anybody else a charge might be made.

What did you refer to?—That you could find fault with any survey. It was in that sense. I made the remark.

You principally found fault with Mr. Allan for assisting your subordinate?—Yes; and then he was going to set as judge.

Had you these transactions, now before us, in your mind at the time you said to Mr. Allan—"You yourself might be charged with something"?—Partly I had and other things—not those alone—not those particularly.

Then it was a tact more than a threat, but it seems to have struck Mr. Allan so much, as if it had a bit a sore point, that he shortly after went to the Surveyor-General and made this statement. Did you try to collect evidence with regard to his case?—No, never; although I was living in the particular district where the thing occurred, I never knew till a fortnight ago where he was selected or committed.

Then you know nothing about the transactions between Clarke and Fitzgerald?—Only that I knew them both.

Was it with your authority, or did you know anything about the matter, that he offered this money?—No, I did not.

Did you commission Clarke to go to Fitzgerald to ask him to come forward in this matter and that he would get £20?—No, I did not.

Do you know who did?—No, I do not.

There was a question put to the Surveyor-General with regard to the compilation of these plans, to which he replied that he thought the writing on them was yours. As a matter of fact did you prepare these plans?—I cannot say whether the witness?

Did you know who did prepare them?—No, I might guess.

Do you know of your own knowledge?—No.

Did you give any information which would help the preparing of these plans?—No, I did not.

I have had conversations and been asked questions about them; but till about a fortnight ago I knew no more than the man in the moon where the transactions took place. I lived in the Hamilton district at the time, and knew that Mr. Allan led employed his draftsmen to get there, but where it was I did not know.

You distinctly deny being employed directly or indirectly in the compilation of that plan?

I have had conversations about it. I heard that such a thing was being prepared.

Were you asked for any information at all?—I was. I could not give any at all.

Did you give any at all?—No.

By Mr. Allan (through the Commission).—I ask you to say in this handwriting yours or not—[referring to the writing in red ink on the plans]—There is no writing; it is printing.

By the Chairman.—You state categorically and absolutely that this was not prepared by you?—That is not my writing. I state that distinctly.

By Mr. Allan (through the Commission).—You say positively that writing was not done by you?—I have said that. It is not writing.

By the Commission.—This book, whether done by pen or brush, was not done by you—did you ever handle those plans at all?—I have seen these plans. I acknowledge that.

Did you give them to Mr. Walsh?—I did not.

Or what occasion did you handle them?—On the occasion of the conversation I had with Mr. Walsh.

Before this Commission sat?—Yes.

You admit having seen them before the Commission dealt with them?—Yes.

By Mr. Allan (through the Commission).—Did you get those plans in the usual way from the office?—No; I did not.

Did you go to the accountant's office and get a ticket to purchase the plans?—No.

Did you get a ticket at all?—Yes.

Was it on the 4th of this month?—It was about a fortnight or three weeks ago.

Did you purchase any plans?—I did.

What plans did you get?—They were like those on the table, or duplicates of them.

You purchased them yourself?—Yes.

You say you got your ticket and went in in the usual way and got plans?—I did.

We understand clearly—you go to give a ticket to enable you to purchase the plans, and with that ticket you purchase those plans?—Yes; and anybody might do that.
6745. Did you tamper with the ticket in any way?—I rubbed my name on it, because there was no necessity to put it there. It is not the usual thing to have the name put in. Mr. Chairman, this seems to be a charge against me more than anything else.

6746. By the Commissioner.—Mr. Allan wishes to elicit from you the facts as to the plans?—I will acknowledge that I purchased plans whether these or not; I cannot say, but they were plans of the same allotments.

6747. By Mr. Muir (through the Commissioner).—After you got the ticket, I want to know if you obliterated your name or not?—Yes, I did; and the clerk had no reason to put my name, simply to show that I was purchasing plans.

6748. By the Commissioner (to Mr. Allan).—You want to make it appear that Mr. Muir took a certain course of action, indicated by private motives rather than ideas of public interest?—Yes.

6749. You were first under the impression that you could establish a conspiracy?—I do not despair of that yet.

6750. You want to show that there was a malignant purpose underlying this transaction?—Yes.

6751. Mr. Muir has admitted that he did buy the plan and that he obliterated his name as if he desired to conceal his name?—Yes.

6752. Mr. Muir.—I obliterated it in the presence of two clerks.

6753. Is it the practice to put the name of the purchaser upon the ticket?—(Mr. Allan) Yes.

6754. By Mr. Allan (to the witness).—Is this the ticket?—producing the same.—on which you got the plans?—Yes.—[The ticket was handed to the Chairman.]—It is a thing not usually done, to put the name of the purchaser on the ticket, and at the time I thought it was quite unnecessary for the clerk to put my name down.

6755. Why is it that the names appear on these tickets?—[exhibiting several tickets]?—No doubt these are a few picked out for a certain purpose.

6756. The Chairman.—What further do you want to prove, Mr. Allan?

6757. Mr. Allan.—I wish to produce Mr. Bedford.

6758. The Chairman.—What for?

6759. Mr. Allan.—To prove that the writing is not Mr. Muir's.

6760. Mr. Muir.—It shows your malice in wishing to do that.

6761. The Chairman.—Suppose Mr. Muir did that all that you say, what has it to do with the case?

6762. Mr. Allan.—I think it is connected with the conspiracy and the £200 offer.

6763. The Chairman.—If there is a conspiracy, who are the other conspirators?

6764. Mr. Allan.—I do not want to go into that just now.

6765. The Chairman.—The witness has distinctly denied that the schedule on these plans in red ink was prepared by him.

6766. Mr. Allan.—But I have witnesses who will prove that it is his writing.

6767. The Witness.—I have been called to give evidence about Mr. Allan, and it now seems that there is to be a charge against me, according to Mr. Allan. While I am here I will volunteer the statement that Mr. Allan did take up land there, and did dummy it, and that the land shown on the plans is a mere iota of all his transactions. All the lawyers in Temple Court would not clear him from the charge. Dozens of witnesses can be brought down to prove that Mr. Allan, while drawing a large salary from the Government, was causing the land to be dummyed, while he spent his time hunting Kangaroos.

6768. Did you ever select?—I did.

6769. Mr. Allan.—He has told utter falsehoods. In my written answer to-day I stated what is the fact, that all the land I had is included there.

6770. The Witness.—As to the matter in Mr. Scene's room, it was not anything of my bringing forward. Mr. Allan seemed to be aware that I was acquainted with those damned transactions in land, and it appeared to be one of his wishes to get rid of me. With that end in view he has put a man under me for the purpose of raising a disturbance, so that he may be able to head the department to death out justice to me. He inspired his man to make a charge against me, and he was going to make the charge, and I seeing the position I was in made the general statement that any man might be charged with something.

6771. Mr. Allan.—These statements are not true. It was impossible for Mr. Muir to correctly remember the facts of the interview with Messrs. Skene, Archer, Moore, and myself, as Mr. Muir was at the time intoxicated, which fact will be substantiated by the gentlemen named.

The witness withdrew.

John Bedford examined.

6772. What are you?—I am custodian of plans in the Lands Department.

6773. Do you know anything about these damned lands?—No.

6774. What evidence have you to give?

6775. Mr. Allan.—I want to show that Mr. Muir never got the plans as he stated, and that the writing on the plans is his.

The Commissioner.—That is not a point which we need inquire into.

The witness withdrew.

6776. Mr. Allan stated that he did not desire to call any further witnesses.

The room was cleared.

The Commission deliberated.

Mr. Allan stated that he did not desire to call any further witnesses.

The Commissioner.—This inquiry has come before the Commission as an exception to their ordinary business. We were appointed to inquire into the settlement of the country under the present Land Act, and this matter came up in the course of our proceedings. It was an inquiry we did not seek, but it was a matter of such a character, affecting as it did one of the principal officers of the Lands Department, that the Commission could not refuse to entertain it, on this ground, that if an affair high in position in the department had been shown at any former time to have been in an improper and unjustifiable way
respect to the disposal of the public lands, it was a matter which the Commission could not pass over, but must mark in some way or other. If it be shown that the agents of the Government, in conducting the settlement of the country, act in such a way that their actions afterwards become open to suspicion, then it is the duty of the Commission to take notice of it, and part and parcel of their investigation. It was a matter they did not expect to meet with; but, since it has come across their path, they could not refuse to entertain it. We have enquired into it and examined fully into it, and the conclusion we have come to is the following, which we thought better to arrive at while the evidence is fresh in our memory. Mr. Clark, who was not present at our previous sittings when this subject came up, has been part in our decision. All the rest of the Commissioners are unanimous about it.

The Chairman read a section of the Commission as follows:

"In the course of the inquiry of the Royal Commission on Lands, a charge was advanced by Mr. J. W. Walsh, barrister, against Mr. A. C. Allan, assistant surveyor-general, to the effect that by means of agents and by himself he had taken up lands under the Act of 1862, which were afterwards sold by him to squatters, and that he did this in contravention of the spirit and purpose of the said Land Act—that in effect, to use a phrase that has become generally employed at the present time, Mr. Allan had 'dummied' the land in question. The Commission have taken evidence on the subject, and have investigated it very fully, and they have come to the conclusion, not only on the evidence adduced, but also on the admissions of Mr. Allan himself, that the charge of 'dummying' the land in question has been proved."

Adjourned to Friday next, at noon.

FRIDAY, 30th AUGUST 1878.

Present:

W. J. O'toole, Esq., M.L.A., in the Chair;
A. L. Teeker, Esq., M.L.A.,
T. Copie, Esq., M.L.A.,
J. Ross, Esq., M.L.A.,
J. Andrew, Esq., M.L.A.,
R. Clark, Esq., M.L.A., (Himber),
H. R. Williams, Esq., M.L.A.

Mr. McLean and Mr. Byron Moore were called in.

A letter was read from Mr. Allan, dated 30th August 1878, as follows:

"Melbourne, 30th August 1878.
Sir—At the meeting of the Lands Commission on the 26th instant, Mr. Munro made the following statement. I quote from the Argus report:—"Witness.—The land shown on the plans is only a very small portion of that comprised in Mr. Allan's transactions. Dozens of witnesses could be brought down to prove that Mr. Allan, while drawing a large salary from the Government, was making money in this way. I wish it distinctly understood that I give this statement an unqualified seal, and that my reply dealt with all the country lands (including four allotments) and two farms not given by Mr. Walsh) I have ever held in the colony, directly or indirectly. In the confusion which took place at the time Mr. Munro made this voluntary statement it would appear I overlooked leaving it. It is obviously an easy matter for Mr. Munro to substantiate his statement, if true, by the rent rolls in the Lands office, which contain the names of all selectors under any Land Act whatever, and of the records of the Titles office. Mr. Munro's statement having thus received publicity, I claim it as a matter of common fairness that the Commission should make my denial equally public at the meeting this day. I have the honour to be, sir, your most obedient servant (signed) A. C. ALLAN."

The Chairman.—In order that the proceedings of to-day may stand on their proper basis, and that it may be understood what is proposed to be done, I will in a few words point out the exact position of matters. In the course of an investigation into lands settled on the northern plains a short time ago, Mr. McLean, the Crown lands bailiff, made certain statements which appeared to impugn the character of Mr. Byron Moore while he was a prominent officer in the Lands Department. Mr. Byron Moore subsequently in the press contradicted those statements, and produced an impression that they were groundless. As a consequence of that Mr. McLean came to the Commission and asked an opportunity of showing that his statement was not groundless, but on the contrary were well founded, and that it was of the utmost importance to him, as a subordinate officer of the Lands Department, that he should be shown not to have falsified in slanderous and groundless statements. The Commission, after some hesitation as to whether they should hearken to that view of the case, thought that as a matter of justice they should allow Mr. McLean to make his statement and bring forward his witnesses in support of his views. That has been done, and Mr. Byron Moore, who was present on that occasion, asked time to prepare his defence, and for that purpose to be furnished with the Shorthand Writer's notes. We are now here for the purpose of hearing Mr. Moore in this matter, and I want further to say that the Commission feel that this is more or less of a private controversy between a recent and a present officer of the Lands Department, and the grounds upon which they have undertaken to hear both sides are that the public may learn whether or not there has been a proper sense of duty and loyalty to the obligations of the public service thoroughly observed by officers of the Lands Department, especially on so high a position and generally so trusted as Mr. Moore was. That is the sole public ground on which we have allowed this inquiry to go on before us, and now we are prepared to hear Mr. Moore.

Mr. Byron Moore.—Mr. Allan's name was mentioned with mine, on this charge of favoring pastoral tenants and dummies. Of course I am reproducing both cases.

The Chairman.—I understand that Mr. Allan was charged with little or nothing. I thought that Mr. McLean stated that he had no charge against Mr. Allan.

Mr. Moore.—Yes, but we decline to take a good character from Mr. McLean. At all events, Mr. McLean, in his evidence at Edinburgh, implied both of us. In questions 2645 and 2646 you will find—"You think you suffered through having exposed those frauds?—Yes, and I am prepared to prove it. And you think that Mr. Moore and Mr. Allan did not particularly want you to sheet these cases?—I am prepared to prove it."
The Chairman.—That we are prepared to hear both you and Mr. Allan defend yourselves.

Mr. Allan.—I have no desire to dissociate or separate Mr. Allan from the association. I originally mentioned Mr. Allan and Mr. Moore, but at the last inquiry I said I was under the impression that Mr. Allan was acting under Mr. Moore. I still adhere to my original statement, that it was Messrs. Allan and Moore.

Mr. Moore.—There is so little evidence found, so far as Mr. Allan is concerned, that I did not think it was worth while his being here to-day.

The Chairman.—He can please himself about that.

Mr. Moore.—Then I suppose I can proceed with both cases. With regard to myself, I am unaccustomed to carry on a defense of this kind. I have never been called on to do it before—but I shall say it as courteously as possible. I propose first calling my witnesses, and I do not intend to say anything that I cannot follow up with a document or prove by a witness. I propose first to call my witnesses, and, when they have given the evidence required, then to state my case, and finally to submit my self to any examination by the Commissioners that they may deem fit, and to answer my questions they desire to ask.

The Chairman.—All I would impress upon you is that you will, if possible, compress all the proceedings into to-day.

Mr. Moore.—I think I can, if I am not interrupted; I will take care of that.

Charles T. Stacey examined.

6764. By Mr. Moore (through Mr. Commission).—Do you remember reporting on the selections of Theodore Heinrich, Frederick Mueller, Ferdinand Muller, Robert Liddiardt, Charles Mcmillan, Ralph and Kate Kerr, John Ballestine, and George Johnston, is the parish of Marnu?—I remember some of the names, but I do not remember the circumstance of the report. If you could assist me by giving an idea of the date.

The Chairman.—What were those?

Mr. Moore.—A group of selectors in the parish of Marnu that Mr. McLean inspected shortly before the Winnemurs cases came on.

6765. By Mr. Moore.—They were the same group?—I think so.

6766. Were they well improved, and the selectors bona fide?—Yes.

6767. Do you remember Mr. McLean had reported on those selections a few days before, and stated there were no improvements?—I do not remember that, but if you say it is so I will accept that.

6768. Not at all. I have got another witness, so it is no consequence. Do you remember that you informed me that Mr. McLean's son had made severally of the inspections?—Yes, Mr. McLean told me so.

6769. Do you remember saying that Mr. McLean did not seem to appreciate the gravity of the situation, and that if he was examined on those cases we should break down?—I remember something to that effect went on in Mr. Maclean's presence. I think you thought so.

6770. No, I did not know anything about this till you told me?—I think it was one of the reports that came in.

6771. They were signed by Mr. McLean, and purport to be made by him, and you informed me that he had not made them or seen the selections, but his son had, and you seemed to be rather alarmed about it?—Yes; I remember something of the sort. I remember his son made some inspections.

6772. You looked upon it with some alarm at the time?—Yes.

6773. Do you remember asking me to remove you to town from Echuca on family grounds?—Yes.

6774. Do you remember stating that your salary was not sufficient, and you wanted a substantial increase?—No, I do not.

6775. Did I not get you an increase of £100 per annum?—You did. I had been getting £350 a year, including an allowance of £10, and you brought me to town as a fixed salary of £350, I having no place to keep. Against that to there were the house and increased expenses; but you intended it as a kindness, and I accepted it as such.

Mr. Moore (to the Commission).—The salaries of Crown lands bailiffs were £150 a year, with an allowance of £10 a year, and they had to keep two horses. Mr. Stacey's salary was £150 when he came to town. I got that increased to £500. I had been Crown lands bailiff at Echuca and the Winnemurs. 6776. To the Witness.—I got you two other increases?—You did.

6777. Did I ever speak or act unkindly to you?—No.

6778. Do you remember advising me not to employ Reading to look after the Stawell applications?—I think it is very likely. If you say so, I have no doubt. I thought he too much of a partisan of ours. The witness withdrew.

6779. The Chairman (to Mr. Moore).—What is the purpose of this evidence?—I am coming to that presently.

The Honorable Robert Le Poer Trench examined.

6780. By Mr. Moore.—You remember the special land board at Stawell, in September 1873?—I do.

6781. You were retained by the pastoral tenants against the Crown?—Yes.

6782. You occupied the same quarters with us?—Yes, at the same hotel; we all met together.

6783. I am charged with having endeavored to favor the pastoral tenant of the Decameron run (Mr. Williamson), and generally with having endeavored to slight ammunition. The Stawell inquiry lasted over thirteen days, during which time you had every opportunity of observing my demeanor, both on and off the board. What is your opinion of those changes?—That I cannot recall ever having had such an impression upon my mind for an instant; that, on the contrary, I think I inclined to the very opposite opinion. As counsel for those gentlemen, I never was conscious of being beheld to you or any member of the board for any special indulgence.
6784. By the Commission.—You were counsel against the Crown?—Yes, I was counsel for all the pastoral tenants, so that I certainly would know if there was more favor shown to one of my clients than to any other; and I have just stated that I cannot recall any such thing. I may mention that Mr. Moore some days ago asked me if I would have any objection to come and give evidence on these points, and I said certainly not; and since then I have been taxing my recollection, and I cannot remember that for one instance. I can find such a notion as has been attributed to Mr. Moore; and I do not think such a favor could have been shown without its coming immediately under my notice.

6785. From your intimate knowledge of the cases at the time, as you were conducting them for the squatters, it would not have been possible for such favoritism to have been shown without your knowing it?—Precisely.

6786. And you say that your recollection now is that you had no grounds at that time for supposing that any such favoritism existed?—That is exactly what I wish to convey.

6787. By Mr. Moore.—If I may so put it, did you not think the board were rather hard on you?—I do think the board pressed the inquiry against my clients very severely. In the first place I considered that evidence was admitted which ought not to have been admitted, and without which the board would have been very much at fault in carrying out their inquiry. I do not wish to say that as ensuring the board, but at the time I took exception to the board doing it.

6788. The Chairman.—However, the board—Mr. Holmes, the police magistrate, was chairman, and Mr. Allen, and Mr. Moore, and Mr. M'Arthur. I may state also this, that since Mr. Moore obtained the expression of my willingness to come here and state what I know, I do recall this, that I felt that Mr. Moore's familiarity with the cases, and his activity on the board attracted my attention a good deal, and in fact I may state it at once, that I thought it was not right that a member of the board should be active in what we term the prosecution. It is only due to Mr. Moore, and also to this Commission, that I should state all that I do recollect.

The Chairman.—Before you proceed further on this point, I want to bring under your attention the purport of the statement made at our last sitting that, of all the runs that were implicated in that inquiry, the Decameron run was the only one that escaped the penal visitation of the Lands Department; and that the Decameron run belonged to a gentleman who is now the brother-in-law of Mr. Byran Moore, and it was sought to be impressed upon the minds of the Commission, by witnesses, that that circumstance of the marriage by means of marriage with a lady connected with the Decameron run was an additional advantage in the prosecution.

Mr. Moore.—Excuse me, I do not mean to lay traps for anybody, but you are under a misapprehension with regard to that statement, and it is wasting time to follow it up. Of course you believe it is correct.

The Chairman.—Then we will let it pass.

Mr. Moore.—It was the father of the present Dr. Williamson who held the run then.

The Chairman.—All that we state is that all this was given in evidence at the last meeting.

Mr. Moore.—No, it was this way. Mr. Stacey said, after the lapse of five years after the inquiry, that I was married to a member of the Williamson family. Now, as a matter of fact, the pastoral tenant in 1873 was not Mr. Williamson, and the gentleman who married my wife's sister is Dr. Williamson, who had nothing to do with the run at all.

6789. By the Chairman.—Here is the question:—'Whether you were brought into antagonism with any person in doing your duty or no, your duty is clear now?'—Well, the reason for my entertaining the unpleasant impression is this: Mr. Moore has lately formed an alliance by marriage with a lady connected with the Williamson family. You mean to say that Mr. Moore is connected by marriage with the Williamson family?—Not at that time; he has since contracted the alliance with a lady of that family.

Mr. Moore.—But you put it just now that I was the brother-in-law of the pastoral tenant at the time. That is a mistake.

The Chairman.—The evidence was that you were connected by marriage with the family, and that run was the only one that escaped.

Mr. Moore.—I am anxious to hurry on this inquiry, and I am sure my explanation will satisfy you when we come to it.

The Chairman.—Would it not be well to make your statement first, before calling witnesses; then the Commission would know what you are doing.

Mr. Moore.—I would not suit me. I would rather do this my own way.

6790. By Mr. Moore (to the witness).—Mr. Allen is similarly charged with favoring the pastoral tenants?—I speak of all the board, and can say that every gentleman on the board did his duty very strictly and I must say, considering, with all possible zeal, I can say in positive terms that I could not ever have had any other that I would not be able to recall now. And I can say this certainly that if there was any special favor shown to the Decameron run, if their being dealt more lightly with than the other pastoral tenants had struck me as being without any palpable reason, I am sure that must have struck me as being the time that I should not now forget it. I do not know the reason of any difference, or how the Decameron run was dealt with; but all the runs were dealt with as involved, more or less favorably, with what was styled the dummy run. It was natural that some cases appeared to be, or were said to be, more gross than others, that is all; but it never did occur to me that there was any unmeaning or unreasonable favor shown in the case of the Decameron run.

6791. By the Commission.—Do you remember any exception being made as to the manner in which Mr. Williamson was examined at the inquiry?—No, I do not.

6792. One of the previous witnesses has stated that, whereas the other squatters had been examined by the Crown Prosecutor, Mr. Smyth, Mr. Williamson's case was taken out of the hands of the Crown Prosecutor, and Mr. Moore, a member of the board, took the exceptional course of examining Mr. Williamson, instead of allowing him to be examined by the Crown Prosecutor.—Do you remember that?—No, I do not remember that; but I remember that, with regard to all the other squatters, the board interposed with questions to the time the Crown Prosecutor was examining the witnesses—constantly interrupted—not only putting questions to the person examined directly, but also directing observations to the Crown Prosecutor, so that, being so general, I do not think I should remember anything very special with regard to the Williamson case.
6793. The witness says—"It was the first case that happened, and the only case in which the ordinary course of allowing the Crown Prosecutor to examine was departed from." Do you remember that?—No; that would be a very remarkable thing, and I am sure that no very remarkable thing of that kind occurred. I was there three days before day and every day, and all through each day, without being absent for a moment, and anything so remarkable as that would not possibly have occurred without my being aware of it. You may suppose how alert I was in all my cases as to every question put, seeing that I felt so jealous of the evidence that was being admitted.

6794. Do you remember the matter so clearly as to say that such a thing did not occur on that occasion?—Well, to say it against a person who has already given evidence would be perhaps more than I should do, but I will say this: that I believe I did my duty most carefully, in watching the examination of every witness—I think I am able to say that for myself—and I do not think that I went to sleep for a minute, and I have not the remotest recollection of anything of the kind occurring.

6795. You would not go so far as to contradict a witness?—But that it is not a nice thing to contradict a witness falsely, I should do so.

6796. Do you remember having instructed some of the witnesses, on that occasion, to decline to give evidence?—I did; I told them not to give evidence if they did not choose; and I took an objection that the board had no power to administer an oath, and they did not, but they subscribed a declaration, in a very extraordinary manner, which acted just the same as administering an oath; in fact, the whole proceedings were without legal objection.

6797. As a barrister, you thought it was not carried on in the technical way; but, as a piece of stormy weather, you would admit that it did great deal of good, by rescuing the hands from the confusion of the squatters?—I am not a squatter, nor am I a solicitor; but I wish I was one or the other.

6798. I mean that, though as a lawyer you technically objected to the style of much of the board's proceedings, you can admit that it did good work?—No doubt; my hands saved those squatters for the solicitor would meet with my approbation as a lawyer entirely.

6799. By Mr. McLean.—During that remarkable investigation at Stawell, a very good feeling of friendship existed between Mr. Allan, Mr. Moore, and yourself, I presume?—Yes; very good, and also with the rest of the board.

6800. Just so. You remember Mr. Allan particularly making some very nice caricatures of himself, and handing them to you?—Yes: I had a notion of putting them in my pocket to-day, but I forgot.

6801. And you were specially friendly over the matter?—Do you mean with those two gentlemen more than with the others?

6802. With Mr. Moore and Mr. Allan?—No, certainly not.

6803. You were sufficiently to enjoy the joke of the caricaturing?—Yes, it was not the first time I had been caricatured.

6804. [Mr. Moore produced and handed in the caricatures for the inspection of the Commission.]

6805. [Mr. Trench.—There were photographed at my special request. I think they are admirable—they are gems.

The witnesses withdrew.

James Hemming Webb, Government shorthand writer, examined.

6806. By Mr. Moore.—You have had large experience in reporting Commissions, both at home and here?—I do not think any one has had more.

6807. You were reporting the evidence of the special board at Stawell in 1873?—I was.

6808. You were reporting the evidence of the special board at Stawell in 1873?—I was.

6809. You occupied the same quarters with me?—I did.

6810. By the Commissioner.—What is your position now?—Barrier-street.

6811. I am charged, with having endeavored to favor the pastoral tenant of the Decameron run (Mr. Williamson), and generally with having endeavored to shield dunaminity; you were reporting for thirteen days, during which time you had every opportunity for judging; what is your opinion of these charges?—That they are entirely unfounded.

6812. Mr. Allan is similarly charged; do you believe that of him?—I do not believe it of him any more than of you.

The witnesses withdrew.

W. A. Moore examined.

6813. By Mr. Moore.—You were secretary to the special land board at Stawell in September 1873?—I was.

6814. You occupied the same quarters with me?—I did.

6815. By the Commissioner.—What is your position now?—Barrier-street.

6816. I am charged with having endeavored to favor the pastoral tenant of the Decameron run (Mr. Williamson), and generally with having endeavored to shield dunaminity; you were reporting for thirteen days, during which time you had full opportunities of observing my demeanor, both on and off the board; what is your opinion of those charges?—I am of opinion that they are entirely unfounded; and I am further of opinion that the conduct of these cases led me to form an opinion quite to the contrary.

6817. You had had large experience with judicial proceedings?—Yes, I have.

6818. Mr. Allan is similarly charged; do you believe it of him?—My remarks apply in the same way to him.

6819. By Mr. McLean (through the Commissioner).—May I ask what connection exists between you and Mr. Moore?—None whatever, except that he is a friend of mine.

6820. Mr. Moore to Mr. McLean—Neither has he formed a matrimonial alliance with a member of the Williamson family, sir; it will save you the trouble of asking that question.

6821. What did you know of the Stawell dummy cases originally?—I knew nothing at all when I went there as secretary and heard the evidence elicited by the board.

6822. Did you know anything immediately after the decision of the board at Stawell?—I do not know what you refer to.

6823. Did you know anything further after the conclusion of the Stawell inquiry?—I know this much, that, when appeals were made from the recommendations of the Stawell board, I sat near Mr. Casey, the president of the board, having examined the evidence, to turn to various purrs for him as it was referred to by counsel who were heard on appeal.
6818. Were you present when the Demoner cases were adjourned for further inquiry?—I was at the conclusion of the Swellw inquiry—I know the nomination of the board that the Demoner cases were referred for further inquiry.

6819. Do you remember the reasons why they were referred for further inquiry?—I heard no reason expressed for the decision. I think I can conjecture the reason—I think something occurred at the board as to whether some selectors who were examined had selected on a part of the run that had been proclaimed a common—the Evansley Common. I recollect that coming out in evidence, and a telegram being sent in consequence of that.

6820. Do you believe that that was the reason why?—I can only tell you what I heard.

6821. You know nothing further in the matter in connection with the Demoner run?—If you ask any question I can reply.

6822. Do you know if the Demoner inquiry was reopened again?—I am not aware. I know nothing further, beyond its leaving the land board at Swellw.

The witness withdrew.

W. A. Moore,
Witness.

26th August, 1868.

6823. By the Commissioner.—Are you in the Government service?—I have left the Government service.

6824. By Mr. Moore.—You were a member of the special board at Swellw?—I was.

6825. By the Commissioner.—What was your position?—I was district surveyor at Horsham.

6826. By Mr. Moore.—You occupied the same quarters with me?—I did.

6827. I am charged with having endeavored to favor the pastoral tenant of Demoner, Mr. William-son, and generally with having endeavored to shield dummys. The Swellw inquiries lasted over thirteen days, during which time you had full opportunity of observing my demeanour, both on and off the board. What is your opinion of those charges?—I am of opinion that those charges are false—I am further of opinion that if anything of the sort existed it was impossible that Mr. Holmes, the chairman of the board, and myself, a member, should have failed to perceive it.

6828. Mr. Allan is similarly charged; do you believe that of him?—I believe the statement with regard to him is also false.

6829. Do you remember Mr. McLean's reporting that there were no improvements on the selections of Theodore Heenun, Frederick Muller, Ferdinand Muller, Robert Leesland, Charles McIlman, Ralph and Kate Kerr, John Bellotrist, and John Jackson in the parish of Morna?—I cannot say positively as to all of them; but I do remember his reporting with reference to most of them.

6830. You remember that group?—Yes; that group.

6831. Do you remember Mr. Stacey reporting that they were well improved?—I do.

6832. Do you remember that several inspections, purporting to be made by Mr. McLean, were not in fact made by him?—I remember its being stated by Mr. Stacey at that time that he had discovered that certain inspections said to have been made by Mr. McLean were not made by him, but that they had been made by his son.

6833. Do you remember that Mr. Stacey looked upon this with some alarm?—I do; with very great alarm. I remember at that time that those reports were signed by Mr. McLean. Mr. Stacey informed us that the reports had not been made by Mr. McLean, but that Mr. Stacey had been informed that they had been made by his son. It came out afterwards that the lands had not been inspected at all.

6834. By the Commissioner.—What do you mean by "came out"?—It came out during the same conversation. Mr. Stacey was sent to report on the same improvements, the same blocks of land, and instead of inspecting the lands, it appeared that the persons there were informers, he found that all of the lands were improved and that the people there were bond fide.

6835. Are we to understand this—that originally the impression produced was that Mr. McLean had made the inspections, and subsequently it was discovered that the inspections were supposed to be made by Mr. Stacey, but after that it was found that no inspections had been made, and that, as a fact, improvements had been made?—That was the natural deduction. The improvements were said not to be there by Mr. McLean's son, and Mr. Stacey said they were there.

6836. What length of time elapsed between the two reports of Mr. McLean and Mr. Stacey?—I should say perhaps a month or six weeks.

6837. Not sufficient time to allow the improvements to be made between the time of the two reports?—No.

6838. What was the nature of the improvements?—The usual improvements of men residing all the time—fencing and cultivation.

6839. By Mr. Moore.—Do you remember my suggesting that Mr. Reading should look up the applicants for the forfeited lots after the Swellw inquiry?—I do. You wrote me a letter on the subject. Is that the letter—"Creating the same, as follows?"

Dear Sir,

I want you to instruct Stacey for six or eight weeks for some special work. Could arrangements be made to temporarily supply his place. I think of employing Reading for a few weeks to ascertain who all the people are who will pay the lands recently thrown open. The rate and balance of the selections were published by the Governor to-day. Re-selection is to be open on the 15th. We shall appoint a special board to hear the applications. I send plans to Ararat and Swellw; please prepare a rough set of tables for the public at your office. Let Stacey value all the improvements, and if there is anything that can be cut out for the public let it be done. Could Reading fill Stacey's place? Speak to Stacey about this matter. Let me know if they are attempting to remove improvements.

Yours, in haste,

W. A. Moore,

26th August, 1868.

6840. Why did we not employ Reading to look up those applicants, and also decide not to entice the idea of appointing him Crown lands helper?—With reference to the first part of your question, your direction was carried out. Mr. Moore directed me to speak, as well as I now remember, to Mr. Stacey, who was then the Crown lands helper of the district, with reference to employing Reading. Mr. Stacey informed me that Reading was not a reliable man, that he was a partial man, and that he was unfit for the position—that he would not take an impartial view of matters, and I informed Mr. Moore of that statement just as it was given to me by Mr. Stacey.
6841. By the Commission.—When he said he was a partial man, did he mean that his partiality we did go in favor of the selectors or of the squatters?—He did not exactly say.
6842. What is the meaning of the word "partial" at that time?—My understanding of the word "partial" was that Mr. Stacey thought that Mr. Reading held very strong views on religious and other matters which would seriously influence his action as a bailiff.
6843. What would religious views have to do with it?—I do not know, but Mr. Stacey impressed this upon me—that he was not a reliable man, and that he held certain views that would make him give biased opinions with reference to certain applicants.
6844. Do you mean his political views?—Partly political and partly sectarian. Mr. Stacey has a vague way of putting things, and it is not easy to follow him sometimes. He speaks with a great deal of action and mysteriousness, so that you have to make the best you can of his utterances.
6845. Mr. Stacey had to report to you?—Yes.
6846. And you reported to Mr. Moore?—Yes.
6847. Did you not make yourself thoroughly satisfied as to Mr. Stacey’s reports?—I did. Mr. Moore wrote to me and asked what I thought of the matter, and also instructed me to consult Mr. Stacey on the subject. I did so, and I wrote his views as I have stated. The gist of it all was that Reading was not a reliable man, and should not be trusted with the work.
6848. Had you a knowledge of Reading?—I had a slight personal knowledge.
6849. What was your opinion of him?—I did not know the man enough to say yea or nay. I was guided on that occasion by Mr. Stacey’s opinion.
6850. You made local inquiries to find out what manner of man Reading was?—I did.
6851. And you came to the conclusion that he was unreliable?—I did, and I reported it just as I was told to do.
6852. By Mr. Moore.—Do you remember Mr. Stacey telling you a story about Mr. J. G. Francis?—I remember him telling me many stories of different people, I thought with a view of showing his own importance. I have an indistinct remembrance of a story of his about Mr. Francis having been a nurse about the house, and I think there was something else about Mr. Francis going out somewhere—I think it was Table Bay, or some large sheet of water somewhere in South Africa—with his wife and twelve children, and the boat being upset and all the children being drowned. That was the story. It was in this style:—The other day I met Francis in town and he shook hands with me very warmly,
6853. By the Commission.—But did you listen to his story about Mr. Reading?—I was instructed to ask his opinion with reference to Reading and I fairly reported what he said.
6854. You did not also report that you did not believe all that Mr. Stacey stated?—Well, I would not say so in so many words, but I found him a very valuable officer in many ways, except when he got telling tall stories—otherwise I found him a reliable man who did his work well, if he did not get patted on his back too much by persons above him; but if you elevated him out of his position, then his value was at an end.
6855. Then you believed his report as to the other man—as to his religious opinions?—Political and religious as well. I know Reading takes a deep interest in political and religious matters, and very likely he referred to that.
6856. By Mr. McLean (through the Commission).—You were district surveyor at Horsham?—I was in May 1873.
6857. You remember meeting Mr. Moore, myself, and others?—Mr. Moore.—This is evidence that I am coming to. I object to Mr. McLean cross-examining on that point.
6858. The Chairman.—Mr. McLean has given some evidence on your behalf. Mr. McLean claims the right of cross-examination, and we give him the right.
6859. Mr. Moore.—He is commencing a new story.
6860. The Chairman.—Let us hear Mr. McLean.
6861. Mr. McLean.—As Mr. McLean has imputed sordid motives to me as to reporting selections in his neighborhood, I think I ought to ask Mr. McLean about his position in 1873.—(To Mr. Madden.—) You were acting district surveyor in May 1873 at Horsham?—I was in charge of the Horsham district.
6862. Under Mr. Byron Moore?—Well, I think Mr. Moore was as Geo long then—I was under the department.
6863. Were you under his instructions during that inquiry?—I was a member of the board. I must protest against your twisting things your way; if you put your question fairly I will answer.
6864. By the Chairman.—When you were acting on that board in Stawell, were you an officer subordinate in rank to Mr. Moore, and therefore under Mr. Moore’s orders?—I was a member of the civil service in charge of that district, and junior to Mr. Moore; but on that board I was perfectly independent—just as independent as any of the gentlemen round the table are of you.
6865. Mr. Moore.—Mr. Madden and I had equal rank as far as our being district surveyors was concerned, but I was junior to him at that time; I was not then assistant surveyor-general.
6866. By the Commission (to Mr. Moore).—Was Mr. Madden bound or not bound to carry out any instructions of yours at that time?—I think he was not under my command at that time.
6867. In that letter referred to, you gave certain instructions which he said himself he ought to carry out?—(The Witness.)—We were both under Mr. Casey at the time.
6868. (To the Witness.)—But were you not under orders to Mr. Moore at the time as shown by that letter?—WELL, I was in the understanding that I was not under him as district surveyor but in looking up those dummy cases I communicated with any officer I liked. I was not assistant surveyor-general till 1874.
6869. At all events that letter temporarily shows that you were in command at the time?—Practically you may put it so.
6870. Mr. Madden.—Every junior officer has to obey his superior officers.
6871. By Mr. McLean (through the Commission).—You made allusion to some reports I sent in?—I make to allusion to anything, I merely answer questions.
6867. It was in reply to questions put by Mr. Moore about some inspections I was supposed to have made, and which turned out to be hallucinations. Do you think as district surveyor that you had the right to have called upon me to explain the discrepancy of the report, and not have been given a strange person about it—I do not see how this affects the question at all.

6868. By the Commission.—You stated that Mr. McLean made what was in effect a false report; then Mr. McLean asks why did not you think it your duty to make some report upon that misconduct of Mr. McLean’s?—At that time he did not make this report under my instruction, we had anything to do with it. I may state further that my impression is now that he was specially commissioned from headquarters to make those special reports, and it was very necessary at that time that the thing should be kept secret pending the completion of the cases. It would have been wise to bring forward a case that was not complete.

6869. But having sent in a false report, was it not desirable to call upon him to explain?—I did not consider him then to be sufficiently under my direction for me to take any cognizance of it at all—he was not acting under me at that time.

Mr. Moore.—He was the bailiff of Mr. Madden’s district, therefore Mr. Madden could take no cognizance of that at all. I asked Mr. Stacey how Mr. McLean could have made such mistakes, and he gave me one of his usual shreecs, which meant a good deal or nothing, and we were pushed and hurried at the time, and had no time to call upon officers for explanations. That is how it passed over.

6870. By the Commission (to Mr. Moore).—This matter was reported to an officer of the department, that Mr. McLean pretended to make a survey and examination of those alignments, and, as a matter of fact, it had not been done at all—was not that reported at headquarters?—It was, and I dare say the report could be found.

6871. Are you aware whether Mr. McLean was ever called upon to explain this discrepancy as to his report and Mr. Stacey’s account of the transaction?—I cannot say that he was ever formally called upon to answer such a charge.

6872. Though it seems to be one of the most serious charges that could be made against any officer—sending in a report that was a lie upon the face of it?—Quite so.

6873. (To Mr. Madden.)—Is it not strange that nothing should ever come of it in the department, and that you yourself, the district surveyor, and other officers, should come to know of it and nothing should come of it?—Pardon me, I think it is not so far to put it in that way, considering my explanation that I had really no control over Mr. McLean at the time.

6874. I am not blaming you—I am only commenting on the extraordinary fact that this officer is said to have made a report that was a lie on the face of it, affecting several innocent people, and that this was known to several officers of the department whose special function it was to deal with such questions. (Mr. Moore.)—I will explain that presently. Mr. McLean was off his head at the time, and we did not wish to press that upon him. I will tell you why presently.

6875. (To the Witness.)—Was this neglect of duty of Mr. McLean ever notified to him to account for it?—That is what has just been spoken of.

6876. I want to know if it was ever notified to him by the department, or you as the district surveyor?—I think it is unfair that I should be brought into this affair at all. I have already said I had no power in the matter.

6877. I ask you if any notification was made to Mr. McLean by the department or yourself, as the district surveyor, to call upon him to show cause for his neglect of duty?—I am not aware that any such action was taken, or that any formal calling upon him to explain took place, because I think it was deemed at the time to be injudicious, as any such inquiry would have been made public and would have shown the hand of the department. It was necessary that all matters should be kept secret till the cases were complete, and if any such action had been taken the pastoral licensees and others interested would have become aware that action was being taken against them, and it would have put them on their guard. You cannot imagine what caution was necessary in those cases, so many difficulties cropped up.

6878. Was it not possible for these persons to have placed the inaccuracies on the land between the time of the two reports?—Perfectly impossible.

6879. What were the improvements?—Fencing the blocks, houses, and the usual improvements. Mr. McLean’s report was so soon received than Mr. Stacey made his inspection and reported.

6880. You stated that six weeks elapsed—I merely said it might be a month or six weeks.

6881. It was desirable to keep the thing secret before the board being held, for reasons which you have stated, but as Mr. McLean appears to be in the service still, why has he never been called upon to explain his neglect of duty since then?—I am not aware as to that. It would have been no part of my duty to take action in the matter. I want to impress that upon the Commission particularly.

The witness withdrew.

John Vigor Burlet, J.P., examined.

J. V. Burlett, J.P.
30th August 1867.

6882. By Mr. Moore.—In or about 1866 did you write a letter to me, stating that you knew I had great influence with Mr. Grant, and that if I got certain land in the parish of Yeo sold by auction instead of being thrown open for selection £200 would be paid to my account in the bank, and I need not know where it came from?—No.

6883. None at all?—No.

6884. Anything like it?—Not the latter part.

6885. Have you any recollection of writing a letter, stating that a certain gentleman wished to purchase a certain amount of land, I think 200 or 300 acres, and that he would give far more for the land than the usual £1 per acre, because it was what he termed special land. I think it was about half a mile round his previous holding—round his purchased land—and under one Act of Parliament, was there was special regulations as to lands, half a mile wide being allowed round previous purchased land, and I believe the holder of the original purchase had the right to have this land put up for sale by auction. If this land was thrown open for selection it would realize £1 per acre, and this gentleman said he would give a long way more for this land, and he considered he was entitled to its being put up to auction.
6886. That has nothing to do with my question—I am talking of your offer to me?—I have no recollection of it.

6887. What was the nature of my reply?—You misconstrued the meaning of my letter, and when I explained you were satisfied.

6888. I was not.

6889. By the Commission.—Can you produce the letter?—No.

6890. By Mr. Moore.—Do you remember your coming up to Melbourne to my office, and crying and begging me not to take action because of your family—not to expose you, as it would ruin your prospects?—No: I do not. You are implying a thing that is quite untrue; but I shall have an opportunity of explaining.

6891. Do you remember telling me you had ridden up through the forest and got tired, and that you had written this letter unthinkingly—that you now saw how enormous your crime was, and that if I would forgive you, you would take care not to offend again; you begged and prayed with tears in your eyes for me to forgive you?—(No answer.)

6892. By the Commission (to Mr. Moore).—What was the offer made in the letter?—£200 to be paid to me in the bank, and that I need not know where it was to come from.

6893. What were you to do?—I was to get certain land sold by auction instead of its being thrown open for sale in 1886.

6894. How is it that you have not that letter with you?—I treated him generously at the time, and handed his letter back to him.

6895. What reason now have you for re-opening that, even supposing it to be perfectly true, seeing that you condemned it then?—I want to show the value of Mr. Bartlett's evidence generally, as Mr. Bartlett slandered me down at Colac.

Mr. Bartlett.—I did not; I cannot understand this at all.

6896. By the Commission (to Mr. Bartlett).—Have you heard the statement of Mr. Moore?—Do you deny it?—I do deny it. There is a little truth in it, that I stated something about the special land that a Mr. Sommerville had, and that he did not mind what he paid for it to have it put up to auction, which was a concession that the Act contemplated, and Mr. Moore was simply asked to see this carried out.

6897. Do you distinctly and positively deny that you did not offer to Mr. Moore £200, to be paid into his account if he ever did exercise this “job,” as I may call it; and that no person would know from what quarter it came?—I deny it in toto.

6898. Do you deny crying in his room?—I deny Mr. Moore's statement. When I attended at Mr. Moore's office I had business there and I spoke to Mr. Moore about his misapprehension with regard to my letter, and expressed my extreme surprise at his placing the construction that he did upon it, and said that Mr. Moore would have known me better than to have done so. That was the substance of my statements to Mr. Moore. He states that he asked an account of my wife and family.

Mr. Moore.—No, I did not say on account of your wife; I said on account of your family.

The Witness.—He stated also that I slandered him at Colac. If I am examined about the evidence I gave.

Mr. Moore.—You are not here to make a speech. Mr. Bartlett made a certain statement at Colac which drew forth this remark from the Chairman—"Then it seemed to you that it was a case of favoritism." I took that from the newspaper?—I will not answer anything except from the official report of the evidence.

Mr. Moore.—Mr. Tucker then said, "Not favoritism, but a gross case of fraud."

The Chairman.—The remark, if made, did not apply to you personally, but to the department generally.

6899. What newspaper is it did you get it from?—The Daily Telegraph report extracted from a Colac paper.

The Chairman.—A newspaper report in a matter of this kind is unreliable, as it is a mere outline of what takes place. Instead of referring to a newspaper report you had better refer to the Shorthand Writer's report, which you have got in your hand.

Mr. Moore.—I did not read up this evidence, because I did not intend to reply to Mr. Bartlett. I intended to treat with the contempt he deserves.

The Chairman.—We ask you to refer to the Shorthand Writer's notes?—Very well, I will not examine Mr. Bartlett any further.

Mr. Moore.—I do not think I have been treated fairly by Mr. Moore—far from it. I have sufficient letters here, even from Mr. Moore, to prove that he has all along pretended to be a friend of mine; but in reality that he has acted against me in his department.

Mr. Moore.—That is another charge, and I will not let that lie here.

The Chairman.—This retribution cannot go on. Have you any more questions to ask Mr. Bartlett, Mr. Moore?—No, I have done with him. I did not expect him to turn out better than that.

Mr. Bartlett (to the Commission).—I ask you to refer to the evidence at Colac. I have not been treated fairly. The report of the Shorthand Writer will show that I had no desire to mention Mr. Moore's name.

The witness withdrew.

James A. Lover examined.

Mr. Moore asked that the witness might be sworn.

6900. The Chairman.—Why?

Mr. Moore.—I do not want this witness to slip out of my fingers.

6901. The Chairman.—Is this intended as any reflection on the witness?—If the witness objects to be sworn I do not press it. I request that the Chairman will swear this witness.

6902. The Chairman.—The application that you make to swear the witness is one of an extreme character in an inquiry of this kind. We have never yet been asked in all our other meetings to swear a witness. I believe it is in our power; but at the same time I do hesitate very much, and for this simple reason—that to swear one witness out of a great number is by anticipation to throw discredit upon himself?—If the witness does not object, why not swear him? If he objects I will not press it.
The Chairman.—The natural inference from your request is that this witness is not reliable?

6904. The Chairman.—Why did you not ask the other witnesses to swear?—I do not ask men to
criminate themselves.

6905. The Chairman.—Do you think the evidence of this witness is likely to criminate him?—I said
that specially with reference to the last witness. I did not want him to criminate himself.

6906. The Chairman.—Will you assign a reason to the Commission when you ask us to take this
exceptional course of swearing this witness?—If the Commission make such an objection to it I will give
it up.

The Chairman.—No, this is the point. You make an exceptional request to swear a witness. We
have sworn none of the witnesses on this Commission. What we ask is the grounds for the application you
make, and if the grounds are of a sound character we will comply.

Mr. Moore.—It is not of much consequence.

The Chairman.—Then you ought not to have made the request.

6907. Mr. Moore (to the Witness).—Is that your declaration?—[handing in a paper]?—Yes.

6908. By the Commission (to Mr. Moore).—Was Mr. Bartlett allowed to be a contract surveyor
after that?—He was. He expressed great contrition at the time and said it would be a warning through life
to him if I would let him off. I did so. He was a young man, and I suppose that young men may make
mistakes.

6909. You at the same time seem to have condoned it. He made an offer, and you condoned it, and
he afterwards acts in the service of the State as a contract surveyor. I scarcely think it is according to
rules of justice and equity to re-open the case as you have done to-day?—If he had not slandered me at
Colec I would not have done it.

6910. In connection with the interests of the public you had condoned him; but when it touches
your own interest, though so long after, you bring it forward again; that does not look well—I dare say it
is uncomfortable for Mr. Bartlett.

6911. And it throws discredit upon yourself?—I do not think so.

6912. You had no right to condone that offence?—Very likely.

6913. Here is a man, one of your contract surveyors, and you a high officer of the department. He
must have been a man unfit for his position in making such an offer, and you ignored that; but when your
own interests suit you bring it forward again?—I may be very uncomfortable for Mr. Bartlett.

6914. It is uncomfortable for you?—I do not see it. He said he was very sorry.

6915. After condoning his committing such a fouler act, why do you bring the matter up simply to
make your defence in a private matter?—This is a private matter.

6916. Why did you not act as strictly for the interest of the department?—For the reasons I have
given just now, that he was very sorry, and I said it would be a warning to him, but it appears it has not been.
I will read from the official report, question 4962—It is not a public hearing?—Not always. I have known
twenty-five applications to be received at the Land office for an allotment, and a memo, has been made on
one of these that only one should come before the local land office; and I do not know what the other
twenty-four have done that their applications should not come before the board. Who gives the order—does
that order come from the Lands Department?—Yes. From the Minister?—No, from a responsible officer
at the local office. Who is the responsible officer in the case you have referred to?—Mr. Byren Moore.
Do you know of any instances where Mr. Byren Moore, at that time the responsible head of the department,
ordered that only one out of twenty-five should come before the board?—I heard it mentioned by the
district surveyor at the time—by Mr. Taylor. He said, ‘There are so many applications for this, but there
is a memo, made by Mr. Moore that only one is to be dealt with—I do not know what for.’ That must be
a glaring act of injustice to the other twenty-four?—I do not know. There might be some departmental
reason. Do you not think it was an act of injustice that the board should not hear all?—I think so.

6917. You see that is the exact report; the newspaper report was in error? I think that is quite
sufficient for my purpose. There is one other part I wish to quote, question 5692—As to the town
common, have you heard any complaints from those tenants as to the exorbitant price they pay?—They are
always complaining. Mr. O’Hea introduced a deputation to the Minister of Lands, with a petition signed
by about 100 people, asking that the rent should be reduced. They said it was a most exorbitant price.
This settlement was first allowed, a long time ago, at the suggestion of Mr. Byren Moore. He said, if the
people will take the town land, it would be a good thing for the State to get a rental, and the rent should
be made so high that it would not pay to dally with it.” Now, to show that I did not want the high rent, I
may mention that I was the person that got the rent reduced for them in that particular instance. Here is my
original document memorandum, 1897/1;—”With regard to small reserves around Colec, I would recommend that
they be allowed to go in three-acre portions under rural store licenses, reducing the fee to $5 per annum and
allowing purchase as soon bonâ fide occupation takes place. The area we have in this district is very
limited and valuable, and being thus alienated would prove a boon to rogues, criers, and others, who wish to secure small holdings. (Signed) H. Byron Moore, 24/7/71. Approved—J. M. G., 18/8/71." The fee was then reduced to £5 and I am happy to say there is a settlement of people there that would never have taken place but for us.

Mr. Bartlett.—Mr. Moore first accused me of slandering him at Colac, but only now has he referred to the evidence which he should have done in the first instance. You will see that I have not slandered him in any case whatever; that I merely replied to questions asked which referred to these 25 applications. I know no more about it than any one present at the land board—any of the people; and I believe what I stated was repeated at the time of the land board. I cannot say for certain. I know that the chairman of the land board at that time said he could give no reason why the 24 applications were to be held back. There was no information whatever given, and the board, I believe, referred back the whole case to the department, postponed it to the next sitting to get information, the board considering that the department was interfering with its duty. That was the one case only that stopped up at the Colac Board, and I only answered questions that were put to me there.

The Chairman.—I may state my recollections, for Mr. Moore's satisfaction, that there was no evidence that came before us that reflected upon him at all; and this is that he speaks of must have occurred from the mistakes in the newspapers.

Mr. Moore.—But I have read also the official report, where it is made to appear that I would only hear one out of 25 applications, and also that I wanted a high price for those allotments, and I have shown that that was not the case.

By the Commissioner.—No doubt there was an impression that Mr. Moore was implicated along with other officers.

Mr. Bartlett.—If he had properly inquired into the matter Mr. Moore would have seen that I recommended that Mr. Hamlet Taylor should be called to give further evidence in the matter with regard to his high price of land, and Mr. Moore says I accused him of putting on the high price. I can explain that.

The witness withdrew.

A. J. Smeer, Surveyor-General, examined.

6918. By Mr. Byron Moore.—Do you remember in the early part of 1866 Mr. Levey informing you that Mr. Bartlett had offered a bribe to me as to certain land to be set up?—I remember the circumstances of the offer of the bribe, but I cannot remember the occasion for offering it.

6919. By the Chairman.—Do you recollect the name in connection with it?—Mr. Levey came into my room in a state of great excitement, mentioning that Mr. Byron Moore had received an offer of a bribe.

6920. Can you give the name of the bribor?—Mr. Bartlett.

6921. By Mr. Moore.—Did you see the letter?—I did not see the letter.

6922. Did you ask to see it?—No.

6923. Did Mr. Levey inform you of the manner I had dealt with Bartlett?—He did afterwards.

6924. Did you approve of that course?—I thought it was a very considerable course for you to take under the circumstances to Mr. Bartlett, as being a young and perhaps inexperienced man.

6925. You are permanent head of the Lands Department?—Yes.

6926. I believe I have been under your supervision from November 1853 to January 1878, over 24 years. I was under you in the office all the time?—That is the case.

6927. I am charged with having endeavored to favor the pastoral tenant of Decewarron, Mr. Williamon, and generally with having endeavored to shield dummyism. What is your opinion of those charges?—I think this charge is totally baseless.

The witness withdrew.

6928. The Chairman (to Mr. Moore).—Have you any other witnesses?

Mr. Moore.—No, those are all I want to call.

6929. The Chairman.—Have you any statement to make?

Mr. Moore.—No.

6930. The Chairman.—"Ring" implies conspiracy?—Then I have just hit the thing.

6931. Net with Mr. Bartlett?—I do not include him in the thing. He is merely as officious. First with regard to Mr. Scouler's evidence and the value of the evidence given by him—I want to refer to the Rudley Election Inquiry questions 2091, 2062, 2069, which are as follows:—"But Mr. Byron Moore would know about the professional work?—I should imagine so. And he knew of the delays that occurred from the want of re-surveys?—Yes, I should think so. That being the case, Mr. Moore occupying the higher position in which he would cover Mr. Harding's ground and the outside surveyor's ground, knowing all the circumstances, he would be better able to judge of what should be done first or last than Mr. McPherson was?—You put me in an awkward position by asking it, and perhaps you imperil my means of living by answering that; I can only answer that by saying he himself, in keeping with Mr. Archer, acted in conducting the witnesses as to the evidence they were to give—that is, in discussing the matter with them." Now, if you turn to questions 2390 (the same Committee) to 2397, and 2402 and 2463, this is Mr. McPherson's evidence:—"That is not the question. If the answer you gave to Mr. McPherson was correct, namely, that Mr. Archer was seeking for evidence to justify the action taken by the department at a given juncture and not to influence the evidence you were to give before this Committee, how does that consist with the statement of Mr. Stacey that Mr. Archer had been coaching you?—I never used that term. Or tampering either?—No, nor tampering either. Nor anything conveying that idea?—No. If Mr. Archer was seeking information from you or any other officer of the department to inform himself of what had been gone, that is one thing; if he was endeavoring to influence the evidence you were to give before this Committee, that is another and a very different thing. Now I want to know which it was?—I can
only tell the impression on my mind when I left Mr. Archer’s presence—I have already said it was an un-expected sight to me. Because, to the best of my belief, he appeared to me to be presenting a theory in connection with this matter for my acceptance which I could not accept. And if you would state the situation in which I had the Committee in evidence—I cannot go so far as that; I know that my instincts are correctly, and I left his presence with an unpleasant feeling. Did you say, for example, to Mr. Stacey or anybody else that Mr. Archer had been coaching me? Did you say so?—Yes, you say you did not say so?—Certainly. Was it coaching?—I do not consider it was coaching. Was there anything else that passed between you and Mr. Archer that you considered coaching?—No.

6592. You understand that McPherson and Stacey were bosom Friends and worked at the same table; yet McPherson could not have said what Mr. Stacey said. At page 91 you will find the following letter from Mr. Stacey to Mr. Levey—Melbourne, 31st August 1877—Mr. Levey—Sir—I was surprised to hear you yesterday, whilst within the shelter of Parliament House, offer me the indignity of hinting at betraying secrets. Mr. MacPherson exclaimed to me the Committee on the charge of betraying secrets, and although his statement to that effect does not appear in the newspaper reports, I insist upon your accepting this intimation, and desire that you will not repeat your offer. Should you do so, I will report the matter to the honorable the Chairman of Committees as a part of the terrorism of the department, and claim his protection.—Yours obediently, G. T. STACEY.” Within an hour after Mr. Levey comes down with the letter—Melbourne, 31st August 1877—Mr. C. T. Stacey. As there is not one iota of truth in his statement, that I hinted at his betraying secrets, or in any way referred to him in the only conversation we had in common, at Parliament Houses yesterday, I think it advisable at once to hand it over to the Commit-tee. Mr. Morrah and several other gentlemen were present during the conversation above referred to. I have the honor to be, Sir, your most obedient servant, J. A. LEVY. Hon. Peter Lalor, M.P., Chairman, Elections and Qualifications Committee.” Now you see he charges Mr. Levey with saying something which Mr. Levey at once contradicts. Questions 2920 to 2921—“Do you know Mr. Frederick Harding?—I know him, as working close to him in the office. Do you know in the work which he did to the Rodden?—He used to be given to the Rodden. What was it?—You heard him complain that his work was so. You heard him complain that his work was given to the Rodden work?—I understood so; he used to complain of it. Did he complain of it with reference to his own work?—Yes, as saying what a shame it was that the other work should be kept back. Supposing Mr. Harding should have said that he never knew of any precedence being given at all, would that, according to your own knowledge, be correct?—No, quite the reverse. Perhaps I ought to say that Mr. Harding was speaking to me about that last night; it is the common talk of the office. What did he say to you last night about it?—He declared that he never did say that he never received the work. What instructions?—To give precedence, that he used to complain to me daily while that work was in progression, of having to give precedence to the Rodden work. Mr. Harding was speaking to me this morning again, and it was very much about.” Next we come to page 84. Now Mr. Harding writes, and says—Department of Lands and Survey, Melbourne, 29th June 1877.—Sir,—As the evidence which I had the honor to give before your Honorable Committee has been called in question by the evidence given by Mr. Stacey, I beg by your kind permission to be allowed to offer a few words of explanation. I was absent on sick leave from the 2nd February to the 14th March 1877, and while I left about 1,500 applications for leases, etc., had accumulated on my hands, and during the three weeks previous to my return to office the applications connected with the Echuca and Rodden electoral districts had been drawn out of the bundles of applications on my desk, and worked off hand, as far as my division of the work was concerned, and as Mr. Stacey was also absent from the 12th to the 26th March, we had not seen or spoken to each other for 52 days.” Mr. Harding’s leave had not expired by two days when Mr. Stacey went on leave, so that they could not have seen each other for 52 days, and it was during that period that Mr. Stacey said Mr. Harding was daily in conversation with him. That is Mr. Stacey’s friend, remember. “I am arrive only at this conclusion, that Mr. Stacey was in error when he stated that I was in the habit of making daily complaints of the unfairness, in precedence being given to the work of other officers, in giving precedence to the Rodden, and grants in my branch with the exception of those 14 or so applications which Mr. Windse had handed to me to examine, the morning of my arrival, and from which I made the memo, or list headed ‘Electoral Rodden.’ Therefore, I was in ignorance of what had been going on in the department, having had no communi-cation with any of my brother officers. At the same time, I am of opinion that Mr. Stacey is a thoroughly honorable and conscientious man, and would not state anything which he did not believe to be true.” I say practically the same of Mr. Stacey, but at the same time he does say things that are not true. Now come to page 21. This is my evidence to the Commission—the Rodden Elections Committee. I say, “There was one other point to which I wish to refer, if I am not keeping the Committee too long, as this is a matter of credibility. Mr. Stacey, says, ‘Early in 1874 I rode right through the Echuca district, there being no fences or anything.’ Now, in contradiction to that, — Mr. Dunn.—That is not what Mr. Stacey did say, he said substantially there was none. The Chairman.—We were all struck by this evidence. He did not say literally there was none, but substantially he could ride through the country.” I then say, “You may reollect the Wimmera cases, where there were a number of dummy selections cancelled. That was a long job, and we closed it, I think, on the 18th December 1873, and those forfeitures were got rid of. I started on the morning of the 19th up to Echuca, to make another raid in that district similar to the one in the Wimmera, and I travelled continuously till the 28th of December, inspecting the Echuca survey district, and I wrote a confidential report to the Minister, dated 30th December 1873. It was headed over to Mr. Stacey as the groundwork of an inspection which he made. This is in relation to his statement that there were no fences, and I am of opinion that Mr. Stacey is a thoroughly honest and conscientious man, and would not state anything which he did not believe to be true.”
The cultivation is not so large in the southern portion of this area, as the land is poorer and more heavily timbered. Eastward of this is a strip of country ten miles wide in which there is little selection. At the north portion, on the irrigation, is the Wyndham, a large irrigated estate of about 10,000 acres, and on the south Mr. Winter's certificate block of 24,000 acres (the Stanhope property). In this the whole of the timber has been rung and the land is one mass of thistles. The country between this and the Goulburn at Shep- part (in Moorooroo and Talabula) is taken up by bona fide selectors, embracing an area of say 125,000 acres. The whole of this is thickly timbered with box. The selectors have large and heavy crops. The farms look untidy at present, as most of the large trees are standing in the crops, but the amount of work done in this neighborhood is wonderful. Many of the recent selectors have built huts, sunk large tanks, rung timber and followed ten to twenty acres, and have left harvesting, or to make final arrangements for migrating in time for next season's sowing; the principle of following some months before sowing is now becoming very general, and enables the farmers to get their crops in early, which is most necessary in this district. The crops in the forest are much heavier than those on the plains. I then further say:—'To show the progress of this recent wilderness, half-a-dozen homes of accommodation and stores are opened, and one selector, a printer, has taken his whole stock-in-trade to his selection and means to carry on his printing business there.' I then say:—'West of the Campaspe, in Warrabbela, and between the Swan Hill road and the Gumbower Creek the settlement is very good, and some fine crops have been reaped in the plains.' Further on, I say:—'On the Mount Hope Creek, from the Kow Swamp to the Terriek the settlement is very satisfactory, and the crops look well. Most of the selectors are Geelong, Cobden, and Western district people of whom I know the greater part. Further west, at Bullock Creek around Mount Pyramid, are more selections by Western district people, all of whom are well occupying their land. At the further south-west portion of the district, on the Lodon and Serpentine Creek is another group of selections, all of which are well occupied.' I conclude by saying:—'This progress report will give you a general idea of the state of things in the Echuca district, and as soon as possible I will hand you a plan and schedule giving the full detail of over 2,000 selections.' That is what Mr. Stacey calls practically an unsettled district. I merely mention this to show that he makes extravagant statements, and that he gets into a little epigram, and says what is not true." Now in July 1875, the Age special reporter published a series of articles stating that there was not much settlement in this same district, and Mr. Stacey then goes in for there being settlement there, and he volunteers the following memorandum to me:—'21st July 1875.—Sir,—May I ask you, in justice to the department and to me, to remember, when you read the Age reporter's statement that portion of the Terriek, that you are referring to as a settlement in May, it was not a settlement; and when the ordinary travellers would not see the evidences of settlement I mentioned, inasmuch as selectors chose clumps of timber for their homesteads. The Age reporter seems to have looked only from the eminences for habitations—no wonder he looked to so large an extent in vain.—C. T. Stacey.' You see he volunteers that statement, and virtually conveys that the Age special reporter is saying there is no settlement in that district, and shows how he has made a mistake. But before the Royal Electricity Committee he says there is no settlement. You see, therefore, that in 1874 he himself said there was no settlement, in 1875 he was very indifferent with the Age reporter for saying there was no settlement, and in 1877 he tells the Electricity Committee that there was no settlement.

6933. Is the purport of all this to show the unreliability of Mr. Stacey?—Yes. He is a kind of evidence evocat—"you never know which end he will turn up. In answer to 1863, he says:—'You put me in an awkward position by asking it, and perhaps you implore my meaning of living by answering that. I can only answer that by saying he himself (Byron Moore) in keeping with Mr. Archer, acted in coaching the witnesses as to this evidence they were to give; that is, in discussing the matter with them." I will remind you that at this inquiry we were all put upon our oaths. What I have just read is Mr. Stacey's statement upon oath, and it is very clear and distinct. On page 15 of the introduction you will find a letter to the Honorable Peter Lover, written by Mr. Stacey the day after he gave this evidence about "coaching the witnesses." "Crown Lands Office, Melbourne, 11th September 1877. Sir,—Should you desire confirmation of my evidence re settlement in the Echuca district, I have the honor to state that I have obtained permission from the Honorable the President, Board of Land and Works, to lay before your Hon. Committee my evidence upon the subject, together with the plans further to give you, in making the inspection of that district. I shall be glad to attend to explain the otherwise unintelligible plans." Then he winds up his letter by saying:—"I am also desirous of saying that I never charged Mr. Moore with coaching witnesses. Thus you never know where you have this man Stacey. Now I am going to refer to Mr. McLean. In his evidence before this Commission the other day is to be found the following:—Can you trace that expression of displeasure to any cause?—He might have been overzealous. I have been a Crown lands bailiff, and I know the more zealous a man is in the performance of such duties the worse he is thought of by some people. By whom?—By those who are interested. By some of the heads of the department?—No, I do not say anything of the sort. When you said he was overzealous, I cannot see how a man can be over-zealous in protecting the public estate?—Well, my experience has made it very clear to me. I have been accused of that myself. Do you not see that opens up a vista of a very unpleasant character? You say that the over-zealousness of this man might have caused dissatisfaction in some quarters. The natural inference that you wish us to draw is that it was amongst the squatters, but not in the Lands Department?—Yes, but it lies.—Your evidence is that the extreme zeal in mealrhtht lunacy has produced a certain feeling of dissatisfaction in the Lands Department, and he is the sufferer?—Yes, but permit me to add that there may be something in McLean's manner or demeanour in transacting business that may have had some influence. Have you experienced any such unpleasant demeanour?—No." (He keeps slipping off the point; you can never fix him.) The evidence goes on:—'Then what is the use of making the supposition; that would not be so sufficient to explain the Goulburn, is the statement of this man. Do you mean being overzealous is it likely to touch some in which some superior officer has an interest than a man who performs his duty in a slavishly manner?—That is the inference to be drawn. I must confide myself to what I have said—I say that an officer dealing with such matters, if very zealous, is apt to bring himself into trouble. I cannot understand that. It is very easily understood. Let me refer to a case that caused some stir recently at the Department of Stacey. Do you not think that the officers who displayed the greatest zeal on that occasion were considered the most objectionable parties?—Yes, by the Stevensons, but not on the part of the Government?—I cannot answer for that. You do not seem to mean that the Lands Department managed much the same way as that inquiry was
conducted?—I do not wish to cast any reflection on the Lands Department, because that is a very comprehensive term. But your impression was that the over-zeal of Mr. McLean was offensive to officers above him in the office, and that he was hardly dealt with in consequence of his zeal in that case?—I did think so, and I have the impression still. If such an impression existed, and it was very much calculated to defeat the ends the department had in view to expose dummyism?—I do not think that necessarily follows. If the bailiff has a proper spirit in him he more or less he will carry out his duty. His this harsh treatment of Mr. McLean for over-zealously doing his duty becomes generally known amongst the bailiffs in the office and he does not more the bailiff in the service is well aware of it. Then you would infer from that it is an example to them not to thwart their higher officers by over-zeal?—But there is another aspect of it?—(slipping off again)—"that McLean may have given offence by his manner. And I ask have you ever seen anything of that sort in his manner?—I have not. Then you have no ground for saying that?—I have this—that at the time of McLean's removal I had heard a good deal about McLean, and the dissatisfaction that he caused, and I used to stand up for him at that time. That is why I say it. Will you give an idea in what form he gave dissatisfaction?—what was the ground of dissatisfation?—I never could get at that. Did McLean ever complain to you?—Yes, he has complained to me—no officially. I do not know whether you can call that evidence. He has all the meanness of the slanderer, but his little heart failed him when the Commission tried to bring him to the point. The Commission certainly did their best to elicit the truth and drag something out of him. He had all the desire to be venomous, but had not the courage to bite. You must know the idiosyncrasies of these men to understand them. Mr. Stacey is nothing without agrace, as Mr. Stacey is nothing without a mystery. When I took Mr. McPherson over to my branch in 1874 I obtained for him an increase of salary to £100 per annum. I asked for £100 increase, but only got £75. He was then superintendent of bailiffs.

1895. Why were you disposed to get an increase of salary for him?—I was commencing a new arrangement for the Occupation Bureau in 1874, and I wanted the men who were pressed with work to have good salaries. Mr. McPherson is a hard worker, and he deserved a higher salary.

1895. He deserved something then, though he had a grievance?—Yes; but I had not as much experience of him then. I believe that removed his grievance, and he became unhappy. However, he freshened afterwards.

Then your theory is that he needed a grievance to make him happy?—Yes, he freshened up when he found that some officers travelled and were getting allowance for travelling, and he was not getting the 15s. allowance. He said that he should like to travel, because there was nothing to be made out of the 15s. allowance. I told him that my experience was the reverse, that the allowance never covered the expenses, but still if he fancied country work, I said, he could travel, and start the next day if he liked. Then he said it was winter-time, and he could not afford a winter travelling outfit at that time. I was sorry for that, because he still had his grievance, and so intolable did this grievance become that I recollected, in July 1877, he called upon me and I again offered to allow him to travel alternate months, or quarters, or half years, so anxious was I to meet his wishes, and I asked him to let me know in writing when he would be ready to start. Now, it appears that he was selected as one of the classifiers, and there he shows us the way to manage a travelling allowance. We find this man, who says it is not wise to be over-zealous, certainly very consistent in this matter, for he goes and puts up at the "bated" squattee's. This lion of propriety lies down with the lair, for he is a very virtuous gentleman, and he pockets the three guineas a day which the Government wisely allow to prevent him going to the squatters.

1897. You are bringing in new matter?—No; I am impugning the reliability of these people who have testified against me.

1898. Do not you see you are introducing new matter by charging this man McPherson in his new sphere of action. We have no proof?—I can give proof if you want it. I do not mean to say for one moment that faring sumptuously every day, and being provided with station horses, in any way ameliorated his opinions when classifying, but the Land Tax Commissioners deemed it necessary to re-classify some of his work, and it singularly enough came into a class higher.

1899. Are you not aware that in travelling through some country districts there is no accommodation, unless you call at the squatters'?—Yes, but I know that is not so in this district—there is an hotel at every point.

1902. Is not that the general practice with contract surveyors and others?—I do not know that, but I know that I never put up except at an hotel when travelling for the Government. This classifying is a peculiar thing. We never got three guineas a day. Now, with regard to Mr. McLean, his unreliability, I think, was from a want of knowledge of the value of evidence, combined with a large amount of vanity. As a sample of his unreliability, he was missing just before the Stawell inquiry. When asked for an explanation by Mr. Smyth, he stated that he had been engaged at home nursing a sick family. Now, Mr. Allan had driven down to Mr. McLean's house a few minutes before that to try and find him. We were all after him; he was not there, his family did not know where he was, and he informed me within twenty minutes of that circumstance that he had been engaged serving summonses. The fact was he was simply just before this inquiry at the most critical time, because he thought that Mr. Stacey had been put over him, whereas the fact was we intended Mr. Stacey to prosecute, but assisted by Mr. McLean, and the whole secret of this sinking, just before the Commission, may be found in Mr. Stacey's evidence before this Commission, where he says, "I think he (Mr. McLean) used the expression that he was being made to play second fiddle," Mr. McLean reported on a number of selections in the parish of Marnia, and stated that there were no improvements when, as a matter of fact, they were well improved. Those cases had been selected for hearing. Now, I produce the original schedule and papers—"Standing in the same." We were going at those people, but it was discovered by Mr. Stacey that there were no improvements. I heard, on the 10th of September 1872, I wrote to Mr. Madden and said "Hinbner, Leibhaber, &c., on no run should be called owing to Mr. McLean's report on them; I am seeing on wrong information." That was in a letter of mine, 13th September 1873, I quote this letter as showing that this was the fact. He gives his evidence the other day at Echuca, and when I went down with another which was coming down with it, he was going to reply to it, he只是一个 witness, not knowing that I was going to reply to it. The official report which I hold in my hand says, "Mr. McLean stated that, as some errors had crept into the evidence which he gave at Echuca, he had prepared a short statement giving the correct details in full."
This is the second edition. In another place he says, "The name of Mr. Moore should be substituted in that part of my evidence for that of Mr. Allen." Surely, when people are making serious charges they might take the trouble to be exact. I have touched on the unreliability of the witnesses; I now propose to sum up the charges. Mr. McLean's evidence may be summed up as follows:

1. That he was instructed to take his cases and witnesses before the local land board at Horsham, 21/5/73; that I would not hear them, but sent his witnesses home.
2. That I removed him from Stawell to St. Arnaud to his disadvantage.
3. That he had suffered because he had exposed the Winneora frauds.
4. That as evidence of wishing to help him and the success of the cases, summonses were not issued till the last moment.
5. That Mr. Allan tried to thwart his efforts with regard to the Degenereau run.
6. That briefs were prepared by Mr. Allan which were useless.

Now, in reply to the first of those charges, Mr. McLean was never instructed to take his cases or witnesses before the Horsham board, 21/5/73. On 12th May 1873, I started by instructions from Mr. Casey on a flying trip through the St. Arnaud and Horsham districts to ascertain whether much land was being dumbed; the result of that trip (occupying 11 days) was the two reports and appendices now handed in, where will be found a detailed account of several serious dummy transactions; these reports formed the basis of the Stawell special inquiries. The following telegram was sent by me to C. L. B. McLean from St. Arnaud:—St. Arnaud. 14th May 1873 (Urgent). Telegram for Crown lands bailiff, Stawell. inspect and report as to residence and improvements on sixteenth selections north of parishes of Marma and Wirrabirra (west portion); send report as soon as possible to me at Horsham; shall reach there Saturday and stay till Wednesday. —H. Byron Moore. —I then travelled in a bee line from St. Arnaud to Horsham, with a baggy and pair, because I would not go near the main roads, wishing to make my inquiries quietly and attract no attention. On the 20th I drove from Horsham to the parishes of Toan and Lowan, and then to Ararat, and thence to Stawell, and so back to Horsham by road of close on 90 miles. When I returned I heard Crown lands bailiff McLean had driven up from Stawell with two special vehicles, and had brought the receiver and paymaster, Mr. Reading, and about a dozen others. I must say I was cross for the whole of my business was blown by its infatigable aceticity. You undertook to instruct him to bring his witnesses up, but the fact was he was told to make a report. My telegram simply asked him for a report. It was his self-willed behaviour and vanity that always causes trouble. He thought he knew better than anybody else how to conduct the case. It was impossible to hear his cases at the next day's board; in the first place, it was a very heavy board; but in the next it had been legal to give ten days' notice, but added to that, we were not ready, we were merely on the threshold of our inquiries. As evidence of the heavy day's work on the 21st, I quote from the Pleasant Creek Chronicle of the 27th May 1873, where it says—The first Bell's case was called on about five o'clock; the last was finished at night. Mr. Moore then adjourned to the district's surveyor's office, and after hastily weighing the evidence, announced the several decisions a little after one o'clock in the morning. A long day's work truly, from 10 a.m. to after 1 a.m., without intermission. That is the time that board sat. Wishing to make the best of a bad job, I engaged an empty room and examined McLean's witnesses till midnight. That was the night before this very long day's work. I then requested them to return as quietly as possible, and saw them off about five o'clock in the morning. As an example of McLean's defective memory, I may point out that he says, "We left Stawell on a winter's morning and drove all the way through the wet." Now the weather in that district at that particular time was lovely, like summer. Mr. Allan and I remarked the heat and brightness of the sky, and we drove that day from Horsham past Mount Arapiles, to the parishes of Lowan and Toan, and back again to Horsham that same day. Any one who knows the nature of the Horsham country in wet weather, there being then no main roads, would know that it would have been simply impossible to drive 60 miles in the day, as we did, with one pair of horses, if the weather had been wet. But it is on a par with that statement, he has not the least idea of the evident, and a very defective, paper which is only in passing; but in case I might be at all wrong in regard to this statement, and to confirm my own recollections, I have applied to the Government astronomer, and he says, "On the 20th May 1873, no rain fell either at Ararat or Stawell." Here is the evidence that I took that night at Horsham; you will see the care with which I have copied it in the same. I made each entry—[H. B. M.]—only on the threshold of the inquiry. It was May, and we were not ready till September. Mr. McLean wanted the inquiry to take place right off. If it had we should have lost every case. It was only by our care and caution that we succeeded. In fact the parties involved thought we had forgotten all about the matter, and they went on Sussexing. Mr. McLean's next charge is that I removed him from Stawell to St. Arnaud to his disadvantage. Mr. McLean was not removed by me, neither was I aware of any intention to remove him, nor did I know he had been ordered to remove till he informed me of it at Stawell. The circumstance which led to Mr. McLean's removal was a letter from the Secretary of the St. Arnaud Store, dated 8th August 1873, asking that as settlement was rapidly taking place a salaried bailiff should be placed in that district. The result was the two letters I now read. 30th August 1873. Sirs,—Advertising to your letter of the 9th instant, I am directed by the Hon. the Minister of Lands and Agriculture to inform you that arrangements will soon be made for the transfer of a bailiff of Crown Lands to St. Arnaud.—Clement Hodgkinson, Secretary, St. Arnaud. —30th August 1873. Sirs,—It being considered that the services of a salaried bailiff of Crown lands are more urgently required at present at St. Arnaud than at Stawell, I am directed by the Hon. the Minister of Lands and Agriculture to inform you, as soon as possible, to report to St. Arnaud as soon as possible.—Clement Hodgkinson, Secretary, St. Arnaud. C.L. Bailiff, Stawell. C.L. McLean, C.L. Bailiff, Stawell. I had nothing whatever to do with it. I did not know he was going to be removed, and I had no hand in it. In any more than this Commission. Mr. Hodgkinson had sole control of the bailiffs at that time, and it was not until 30th March 1874 (eight months afterwards) that the bailiffs were put under the Surveyor-General. Here is Mr. Casey's letter to Mr. McLean, C.L. Bailiff, Stawell, 30th March 1874. Here is Mr. Casey's letter to Mr. McLean, C.L. Bailiff, Stawell, 30th March 1874 (no date). The new administration, which will commence operations on the 30th March, under the Assistant Surveyor-General, will deal with all applications under Part II., of the Land Act 1869, from their inception till the licence is entitled to a new lease or Crown grant. Applications for the sale of land will be reported on and take care to prevent the alienation of lands specially suited for settlement or for the requirements of the public. All leases and licences under Part III., with the exception of timber licences (which will be handed over to
Stacey, from Camperdown to Horsham, 1873. | Tarleton, from Daylesford to Seymour, 1876.
Cathie, from Bunyong to Woodend, 1874. | Hornbrook, from Harrow to Horsham, 1876.
Bogne, from Trentham to Castlemaine. | Heathcote, from Warrnambool to Kerang, 1876.
McCann, from Wiltshire to Stawell, 1874. | Kennedy, from Dandenong to Gumboor, 1876.
Kennedy, from Sanatorium to Dandong, 1874. | Ren, from Alexandra to East Charlton, 1877.
Rothley, from Mount Cole to St. Arnaud, 1875. | Parker, from Castlemaine to Warrnambool, 1877.
McPhail, from Humly to Dunolly, 1875. | Ren, from East Charlton to Buln Buln, 1878.
Cathie, from Woodend to Castlemaine, 1875. | McPhail, from Dunolly to Castlemaine, 1878.
Bogne, from Castlemaine to Harrow, 1875. | Furphy, from Glenrowan to Benambra, 1878.
McGregor, from Colac to Ballarat, 1875. | Bannerman, from Castlemaine to Dunolly, 1878.
Some have been removed twice, and yet Mr. McLean comes and tells you that no other bailiff has been removed as he had.

6942. Is Mr. McLean enumerated there as being removed?—No; that is prior to my taking charge. Perhaps Mr. McLean knew no better in making that statement; but you see what is on that list. In fact, Mr. Casey had a circumscribed address to Crown lands bailiff, informing them that they were not to look upon themselves as stationary officers, but were to be prepared for removal from time to time as the department directed or as settlement required.

6943. That was very proper?—Yes. It was through my intervention that he was allowed to stay in Stawell as long as he did, for I asked Mr. Hodgkinson to allow him to remain until the Stawell cases were finally settled. I insisted on his removal afterwards, because he had got into a ring of spirits, and neglected his duty—in fact, for a time, he was quite off his head.

6944. What was the date of that?—While I was up at Stawell—after the inquiries. I was living there for three weeks, and I saw a good deal of it.

6945. Did you think his idiosyncrasies in the spirit line would interfere with his carrying out the Lands business?—I did think so, decidedly, because I had seen men of culture, large experience, and integrity sure to be those influences, and become utterly callous to all those feeblest that constitute honourable conduct.

6946. In consequence of their spirit?—I have, indeed. I do not say it is the same with all of them, but I have seen instances. I was not surprised at his succeeding, but was anxious to remove him from the influence as soon as possible. I insisted on his leaving Stawell for his own good. It was with this view I sent him to SHeparton. On his way through Melbourne he called at my office, apologised to me for his insubordination, said he had been under a strange misapprehension regarding me (the spirits had told him something, I suppose) but he had found out he was wrong, that he would go to Shepparton cheerfully, that on the whole he was rather glad to clear out from Stawell, and that he would try to make amends for his past conduct and would go to work with a will in such a manner that I should never again have any cause of complaint.

6947. Have you any documents to show that?—No; I did not take it down at the time. I received it in the spirit it was spoken, and said I trusted he would be prosperous in his new district. I also allowed him £22 10s. for removing himself and family from Stawell to Shepparton.

6948. That was not more than was just, was it?—There was a discretion allowed in the matter, and that was the full amount, but he wanted to make out the other day that he was prosecuted.

6949. Was not Mr. McLean the party who carried through this large expense of demurrage?—Certainly not. I started it first, and held the thing in hand, and if there is any party that deserves great credit for it, it is Mr. Stacey. He did his work well.

6950. Was not his evidence of great value, and his local knowledge the base of action?—No; you will find that in my report.

6951. Was not Mr. McLean bailiff of that district?—Yes; and he did his work as any other bailiff would, if he had been allowed to have six weeks, he would have surmounted this inquiry.

6952. Does not the department rely generally on the bailiff for exposure of demurrage?—We did not on that occasion. The very fate of the Ministry depended on that inquiry. It was most important.

6953. Who worked up the evidence of the Winnimora district?—Mr. Stacey and Mr. McLean.

6954. Then their evidence caused the head to decide as they did?—I do not wish to take away from him any credit he should have, but as to saying he did the whole of it is an utter absurdity.

6955. Which deserves the more credit?—Mr. Stacey, most decidedly. We intended Mr. Stacey to conduct the prosecutions originally, but I am certain we would never have depended on Mr. McLean, simply because he jumped at conclusions, and he would have marred the thing. It was not that we doubted his honesty. We thought Mr. Stacey was able to do it and Mr. McLean not that he was the more discreet of the two, though he was capable. The 1st man of the two, and might weight in the scale, and he would have given greater weight, as not having extra allowances, a fixed sum is allowed by Parliament for so many bailiffs at
£260 per annum each, £110 of this being for travelling allowances, £350 for salary. We are tied down to that amount. Nearly every bailiff has, according to his own account, an exceptional district and wants extra allowances, and if we had given to one we must have given it to all, and there were no funds available.

When, however, he pointed out the postage fees I at once had these paid, because I thought he had made out a good case.

5956. How did you get the money?—They were paid out of incidental expenses. His third charge is so absurd that it merits no reply; not only myself, but also all offices I came in contact with were, on my version of duty, in an even lower position, to the same extent till I took the matter in hand myself. The removal of bailiffs was the practice of the department, and he was no worse suffered than any other bailiff who was removed; in fact not to such an extent, as I believe he has more liberal allowance than the others. He next says, as evidence of wishing to thwart him and ruin the success of the cases, summons were not issued till the last moment. That was purposely held back, as it was deemed advisable to serve them only just before the inquiry, and to serve them as nearly as possible simultaneously.

5957. For what purpose?—It was done on the advice of the Crown Prosecutor (Mr. Smyth). Of course, he found his facts from Mr. McLean. This course was decided on in consultation with Mr. Wilberforce Stephen and Mr. C.A. Smyth. In a similar case where we did not adopt this method, three of our principal witnesses were put across the Murray into New South Wales by the postal service, and we were unable to serve them. Instructions were issued that no expense was to be spared, and the officers of the police were also ordered by the Chief Stipendiary. In his evidence the other day, Mr. Smyth verifies this. He says, “I may say with respect to that about the calling of witnesses that there was this arrangement made before we left town, that the witnesses should not be summoned until they were actually necessary, for this reason—it was supposed that if they were summoned in advance they might get away, and the object was to get them to the bond, and for that reason they did not give me too much notice. Mr. McLean says that when he tried to thwart his clients, he faced the Department with regard to the same answer, because the witnesses required were not summoned. Now, we summoned every witness that was required. Then he says that briefs were prepared by Mr. Allan which were useless. Now, Mr. Allan never prepared any briefs at all. The briefs were prepared in town by Mr. Smyth; I believe they were prepared by Mr. Stacey in the room before he started, and he finished them after he got up there. Mr. Stacey at first thought the brief would be for himself, as he was originally intended to prosecute, but the cases grew to such importance that Mr. Smyth was sent by Mr. Casey. What Mr. Allan did prepare were the schedules similar to that I showed you just now. All district superintendents prepare the schedules for cases to be heard at local land boards in their districts. You will see it just set forth the name, area, date, and so on—referred to a paper headed to—but with his usual want of precision in expressing himself, Mr. McLean has confused these with briefs. Then he says these were useless, simply because the cases were not heard in the order in which they were scheduled chronologically as nearly as possible, and were Smyth took them and altered them as he thought fit. Mr. McLean says they were useless, because we did not stick to chronological order when we were hearing very difficult cases. In cross-examining Mr. Smyth on the 30th July, he said—‘There is a categorical statement there—referred to the printed evidence—that you found this brief, which was a brief prepared by the Lands Department, and not by following his verbal instructions, and calling his witnesses, you saved the thing from being a failure?—I have no recollection of his asking anything of that kind. What do you say as to finding the brief that was handed to you from the Lands Department entirely useless?—Oh, it was useless at all, by any means; but, of course, it was supplemented by the local knowledge of Mr. McLean and Mr. Stacey, and by instructions I gave them, from time to time, as to what I required to be done; and the suggestions from both of them while the case was going on were of no doubtful value. There was no impression on your mind, at the time that the instructions you got in the form of a brief from the Lands Department of any no value, but, on the contrary, you found that there was a very good basis to proceed on?—I cannot charge my memory with anything like the statement that it was useless in any way. Of course it was the basis of my instructions and it had to be supplemented on the spot by the calling of witnesses, necessitated by the exigencies of cases as they went on. Things went on, in fact, in theibling the instructions from the department here, and when you got there you supposed you had availed yourself of all the local knowledge you could get.—Yes, that is precisely the state of the case. Then it does not apply to you that there are any grounds for saying that the instructions you got in the form of a brief from the Lands Department were of little or no value at all?—I cannot say they were of little or no value at all. Exactly the same thing happened in the cases I took in hand afterwards at Codrington. There, I went into the case very fully before I went up there, but, even then, we had to get the case supplemented as we went along.’ That is Mr. Smyth’s evidence, but Mr. McLean seems to think it was all arranged on purpose to bring about a failure. Mr. Stacey in his evidence was asked—Did you know at the time that Mr. Moore drew the brief himself?—No, I drew the brief. From what did you get the instructions?—From my own reports and McLean’s reports. Was it from the brief you drew that the Crown Prosecutor examined?—Yes. Did you submit it first of all to Mr. Moore and Mr. Allan?—I think not. I have been very much surprised to hear from McLean, the last few days, that he drew the brief. I thought I did it. These are threads, remember. Then with regard to Mr. McLean saying that he had to give evidence through two neutral individuals, the Commission asked Mr. Smyth—‘Is another place he says that Mr. Allan would require me to give my evidence before the board, not directly, but through two neutral individuals. Do you think, if that is true, and it has been used upon you, you would have been successful?—I do not exactly know what he means: will you read it again.’ (I do not think anybody knows what he means.) ‘He says he would require me to give my evidence before the board, not directly, but through two neutral individuals instructing the Crown prosecutor?—I scarcely understand the substance of that.’ ‘Mr. McLean—Is not that what I said? ’ ‘It seems I have substituted in that part of my evidence for that of Mr. Allan. Mr. Moore informed me, whilst the brief was in course of preparation, he said, “McLean, when the cases are heard you will give your information to Mr. Reading, and he will instruct Mr. Smyth, the chief reporter, Snowell, and he will instruct Mr. Smyth.” ’ The Commission—Suppose that rumbleabout method had been adopted, would you have been so successful, and have been able to terminate the inquiry so quickly?—I do not know, so long as the
Would you not prefer getting it directly from McLean?—Undoubtedly I should prefer getting it from an officer of the department. Suppose McLean had been kept out of the inquiry altogether and had been forced, as he states Mr. Moore wished him to be, to give his evidence through two or three other individuals?—I think there must have been some mistake or some misunderstanding.

"In any event, his evidence may be summarized as follows:—First, that the Decameron run case was exceptionally dealt with; the case being taken out of the hands of the Crown Prosecutor by the board, who examined the witnesses. That he was struck with the straightforwardness of Mr. Williamson's evidence, until Mr. Smyth put a question or two, when he entirely altered the aspect of affairs. That questions were put through the chairman by the producing an unjustly favorable aspect of the Williamson case. The second charge is that it was only natural that I should ask questions, as I knew all the circumstances of the case. Third, that I had formed a matrimonial alliance with one of the Williamson family. Now, to assist the Commission in following me, I would like to take a copy of this report (Report of the Land Act 1869 in 1873)—handing in copies. As to the first charge, I will read Mr. Stacey's evidence in the present inquiry on this point:—"After all, then, we can only get impression and memories of this thing; it is too long ago. Was there any impression on your mind at the time that there was a disposition to baffle McLean's efforts?—At the time the case came on I am sorry to say that that was the impression of my mind. What produced that impression?—I had no reason to entertain such an impression until a gentleman named Williamson was called, the owner of the Decameron run. There was an exception made in his case; whereas the other squatters had been examined by the Crown Prosecutor, Mr. Smyth. Williamson's case was taken out of the hands of the Crown Prosecutor, and Mr. Moore and the members of the board took the exceptional course of examining Mr. Williamson, instead of allowing him to be examined by the Crown Prosecutor as was the case with all the other squatters. That produced suspicion in your mind—those doing that?—Yes. Who were the board?—They consisted of Mr. Moore, Mr. Macpherson, Mr. Macpherson, Mr. Moore. Allen. All three of us took the examination out of the hands of the Crown Prosecutor in the case of Mr. Williamson?—Yes; it was an exceptional case. It was the first case, that happened, and the only case in which the ordinary course of allowing the Crown Prosecutor to examine was departed from. Was any reason given for making that change?—No, not that I am aware of. What was the result in the case?—I was at first very much struck with the straightforwardness, the air of truth of Mr. Williamson's evidence. Everything seemed very fair and straightforward until Mr. Smyth, the Crown Prosecutor, put a question or two, and entirely altered the aspect of affairs. Then, in another part of his evidence—"You mention that the unusual course of taking of the bench themselves examining, instead of the Crown Prosecutor, and that the result of that exception was to bring it out in a very favorable light to Mr. Williamson?—Yes. Which was completely changed when the Crown Prosecutor began his questions. Your impression then was that those questions were put for the purpose of producing a prejudicially favorable aspect of the case?—Yes, and it did succeed in creating that?—Yes. And had the examination been closed as it was being conducted by the bench, that favorable opinion, would have continued?—Decidedly, if the Crown Prosecutor had not put the questions. Then you have no hesitation in saying the bench was trying to swell Mr. Williamson by the questions they put?—I do not know about the bench. (You see it is only me he wants to catch.) The parties that were leading the examination?—What wish to convey is that the course pursued would have had the effect of bringing that gentleman, Mr. Williamson, through the inquiry harmless, if it had not been for the conduct of the Crown Prosecutor in putting two or three questions in cross-examination. Practically you saw then, without the additional light you subsequently got, that there was an attempt to bring out an unfairly favorable view of the case?—Yes. Which unfairly favorable view of the case was altered when the Crown Prosecutor asked questions?—Yes. There were four members of the board?—Yes. This is very easy to deal with, not like Mr. Macpherson, who slanted off—this is all specific—there is no mistaking what Mr. Stacey says, and it was true it would be very nice, but unfortunately the case was not examined. The Decameron run case was not examined in the hands of Mr. Smyth. I want you to refer to the shorthand report at the Williamson cases in the Land Act Report I have handed in, pages 208 to 215. You will see that there we lead off—"Are you willing voluntarily to give your evidence in the form of a statutory declaration, knowing that any false statement you may make will render you liable to the penalties provided in the laws and proceedings then Mr. Smyth goes on. Now it will be seen that out of 77 questions in the first instance it is Mr. William's examination 70 were asked by Mr. Smyth, the Crown Prosecutor, and 7 by the board, and when Mr. Williamson was recalled 30 questions were asked, 27 by Mr. Smyth and 3 by the board—surely that does not look like taking the case out of the hands of the Crown Prosecutor is a most unfortunate shock this. Now, in the whole case, out of 616 questions put to all the witnesses, only 60 were put by the board—6 out of those were caused by a fight between Mr. Trench and the board, described in the local paper as "After considerable altercation between Mr. Smyth, Mr. Trench, and Mr. Holmes, the witness continued," that did not look like favoring. Fifteen of the questions were formal, and the bulk of the remainder were put by the board at the request of Mr. Smyth, who was unwell for a few minutes—he left the room and requested the board to go or examining a witness who was an unimportant one. 6958. Does this represent the whole of the Williamson examination?—Yes, pages 208 and 212. 6959. Then there is not a faintest doubt nearly all the questions were put by the Crown Prosecutor?—No any. 6961. I want to remind you that it is desirable that you should show that the Decameron run did not escape from the punishment inflicted on the other runs?—It did escape, and I will explain that.

6961. We want to know why?—I am coming to that presently. The more I go into this case the more I become impressed that all these theories of Mr. Stacey's have been recently built by these people, and that they thought of none of the theories at that time. As to the second charge, I have to say that it was only really that I should ask questions, as I knew all the circumstances of the case. Mr. Moore put the principal questions?—I cannot say that, or what the questions were. Do you know which member of
the board undertook the chief examination of Mr. Williamson:—I think the chairman, Mr. Holmes, put the questions; but Mr. Moore, as was quite natural, he knowing all the circumstances of the case, prompted. I believe he did prompt, but I believe Mr. Holmes was the mouthpiece." (So that Mr. Holmes was my dummy—our dummy at the meeting. Mr. Holmes would know how likely he was to be any one's dummy in the system that all questions were put through the chairman?)—Yes, I think so. Do you think that Mr. Moore prompted the chairman to put the questions to lead to a favorable result?—Yes, no doubt; it was quite natural; he knew all the circumstances. Do you think it was in consequence of that—through putting the questions through the chairman from Mr. Moore—that the favorable aspect of the case was established?—Yes, I think so. I suppose it would be only on Mr. Moore's knowledge of the circumstances that they could produce the favorable impression?—Yes, he knew all. As a matter of fact I knew very little of the Decameron case. It was the case I was least acquainted with of all: but during the hearing it transpired that the selections were on a common and not on the run, Mr. Smythasked me or Mr. Allan whether it was a fact, as, if so, it would be useless proceeding; and I sent a telegram straight away. You will see the question crops up on page 209—it comes in evidence that this selection was on the common. We had then been sitting about an hour. This telegram is dated 18 minutes past 11 in the morning.—To J. A. Levey, Esq., Crown Lands Office, Send to-night if possible rough plan of half inch of Decameron run, showing commons and date of their proclamation.—H. Byron Moore, 2nd October 1873." Now the plan sent showed that the selections were on a common and not on the run, and that ought to have been known and pointed out by Mr. McLean at the time. Then we should never have gone on the wild-goose chase we did. Mr. Smyth refused to go on the next day, which is apparent from the report in the local paper—that 'in the same':—"The board agreed to consider the objections made in this case, and allowed Mr. Smyth to withdraw his remarks until the next day, when to the inquiry was adjourned." Now, as a matter of fact, Mr. Smyth, finding that he had a bad case, did not refer to it again; and, as a means of covering the fissure, we recommended that further inquiry should be made. Mr. McLean cheered it in his examination of Munro Cameron (9,901):—"You knew this selection of Mr. Farquharson's?—It is not on Decameron—it is on Eversley common?—That was when first Mr. Smyth smeared danger and he at once asked whether it was so. I did not know, so I sent that telegram to ascertain and got the plan that night. Mr. Smyth was only gaining time. When he got the plan he found the selections were on the run and he would not touch it any more.

6963. All the selections were on the common?—Yes.

6964. All the selections on the Decameron run turned out to be on the common?—Yes; and you could not connect the pastoral tenant with the selections; if the pastoral tenant "dummied on his run"—that was the wording of the Act.

6965. Did the selectors get the ground?—They did not—we went at the selectors, though we could not pin the run-holder though we tried all we could.

6966. Was there any reason to believe that any of those common selections were taken by men acting on behalf of the Decameron run-holders. They looked shy, but we could not pin the run-holder though we could pin the selectors.

6967. Did you ever arrive at a definite conclusion on that?—I am coming to that. The next charge is that I have formed a matrimonial alliance with one of the Williamson family.

6968. There is no need to go into it?—You will see there is a great reason. Mr. Stacey, in his evidence before you, says:—"What was the result in the case of the Decameron run?—There was no possibility, I believe, of that particular case. Your suspicions became aroused by the conduct of the board in that particular case?—Well, I cannot say that I had any suspicion then. Now that I know all the circumstances I see the thing differently, but it struck me as being exceptional. I cannot say I had any suspicion then. Did you endeavor to account to yourself for this extraordinary exception?—I did; it did occur to me. What did occur to you?—That this was exceptional, and I could not understand it, and I asked McLean for an explanation, but he seemed to hold me at arm's length. We were strangers then, and I asked him:—You will know well enough something in a telling way when you are accused or something to that effect. You remember what I told you before—that I was being harrassed, or something such as that. With the light of the five years that have passed since that, what is your explanation of the extraordinary proceeding now?—Well, I ran very much pains to entertain the impression that I was praised or not praised, you will require to give an explanation to the Commission?—Well, you see, Mr. Moore has shown me kindness before in the department, and I have no cause to bear ill-will against him; but I have been made to seem antagonistic to Mr. Moore in the Elections and Qualifications inquiry, and now this affair brings me again into antagonism with Mr. Moore. Mr. Moore—I shall be happy for Mr. Stacey to state anything he wishes to state; I shall not think it ill-feeling. By the Chairman (to Mr. Stacey).—Whether you were brought into antagonism with any person in doing your duty or no, your duty is clear now?—Well, the reason for my entertaining the unpleasant impression is that Mr. Moore has lately formed an alliance by marriage with a lady connected with the Williamson family. You mean to say that Mr. Moore is married to the Williamson family?—Not at the time. He has since contracted the alliance with a lady of that family. Could that fact, four or five years after, affect the event at the time of the occurrence?—I am only giving my own impression." It is with reluctance I enter upon matters which are purely of a private nature, but the duty of the conduct of Mr. Stacey renders it necessary. As a matter of fact my wife is not a member of the Williamson family, Dr. Williamson (the son) and I having married two sisters; but I wish the Commission to carefully follow me now with regard to dates. In 1873, when the Stawell inquiry took place, old Mr. Williamson was pastoral tenant of Decameron. I was practically a stranger to him, as I had only met him once in 1866, and had never spoken to him before or since. I had never been to the station. In June 1875 the selections on the run were finally dealt with; the Government had done with old Mr. Williamson. In November 1875 Mr. Williamson died, months after the Government had dealt with all his selections, and the run was left to the son, Dr. Williamson, whom I first met in December 1874, months after the whole thing was cleared up. He first met his wife and my wife in 1874, and the families were total strangers to each other till then. Dr. Williamson having been some years in Europe, then in Queensland and New South Wales, and he did not come to Victoria till his father died. Remember the Stawell inquiry took place in 1878. Therefore it will be seen that my wife is not a member of the Williamson family, and that her family and the Williamson's family were unaware of each other's existence till 1875, the Winemers
inquiry taking place in 1873. The only parallel case I know is that of the Irishman who had been held up for six weeks with a cold he caught a fortnight ago. The worst feature of this part of Mr. Stacey's evidence is that he is as well acquainted with these facts as I am, and yet he gives it out in this mysterious manner.

6969. The Chairman. — There was not any undue impression created on the minds of the Commissioners, for I remember I said, "Could that fact four or five years after affect the event at the time of the occurrence?" — It was very kind of you to do that.

6970. No, it was not kind, it was simply a matter of justice and common sense? — Yes; but that does not remove all the half-tongue printed evidence about that. As Mr. Allan was charged also, I wish to say that he did not know Mr. Williamson even by sight till he appeared before that inquiry at Stawell. We neither of us knew him. The whole thing had been tramped up. Mr. Stacey says that the case was taken out of the hands of the Crown Prosecutor and exceptionally dealt with; and I say that is absolutely untrue, and I have proved it, showing also that the circumstances of five years afterwards that confirmed his suspicions had no more to do with the case than the man in the moon. Now I come to Mr. Reading. His first charge is that I treated him with discourtesy. The second is that I wished to shield pastoral tenants and dummies, as evidence of a letter he sent re the selection of one Augusta Grandell was returned by me instead of being registered as the department against Grandell, and that I had not taken action with regard to his letter. Third, that he was removed by me from the local land board because he harassed persons connected with squatters, and to prevent him from examining one Masterton. Now, the first charge is that I treated him with discourtesy. I can readily understand that charge. Mr. Reading came up with great importance from Stawell with Crown lands bully McLean's witnesses, and no doubt though they were going to make a little stir and be famous. I have explained to the Commission Mr. McLean's injudicious action in this matter and the annoyance it caused me, his bringing up these men to blow what we were keeping secret, which I was not backward in expressing, and I am quite ready to sympathise with Mr. Reading and to repeat again in his charge. In any case, the matter is quite believe that Mr. Reading thought I treated him with discourtesy, and he was one of those busybodies who would be disappointed at being made nothing of. As to the next charge, this is Mr. Reading's evidence upon it before this Commission:—"Had you come to the conclusion that it was the desire of the past about the inquiry to prevent the success of the inquiry for the land by the day I went to Horsham, and has subsequently also, that to some extent he wanted to shield the pastoral tenants against the selectors. Here is another proof.—[The witness handed to a letter dated Stawell, 6th November 1873, which was read as follows]—Stawell, 5th November 1873. To Byron Moore, Esq.—Mr. McLean, Crown lands bully, waited upon me to-day relative to the time I was engaged on behalf of land board. I was three days with Mr. Clemens and Allan, preparing documents for witnesses, &c., and nine days at the land board relative to the time I was up the country looking the dummies up after being requested by Mr. Casey. To trace dummies to the squatters; I make no charge either for myself, expenses, or horses. I feel so much disgusted with the past and present inconsistency of both pastoral tenants and selectors trying to evade the land law for selfish greed that, if I had an independent fortune, I would devote the whole to clear them from the soil polluted with perjury; nor should I have looked for any compensation for the two weeks I was absent from my employ, only that I have to pay two men to perform my duties every day I am otherwise engaged, viz., one to look over the mine and one to perform the office duties devolving upon me. Alex. Fraser was seven days at the land board. Augustus Grandell, the German who stated before the land board that he was going to take his wife and family up next day to reside upon the land you thought proper to recommend, in fact could not have done otherwise in face of his evidence and declaration, he is working in the borough, repairing the streets. He requires looking after, for my impression, notwithstanding his declaration, leads me to believe that he is a live dummy for Messrs. Nicol and Ayre. There are some strange little games going on at Stawell amongst the dummy identity. It would take a volume to convey to you all that has come under my own notice since then. I make Mr. Casey a special heft. And in his time and in his capacity. I wish to keep the land out of their hands when forfeited. The hearty dudgeons they are plotting are worthy of any arbiter elegans. — Yours respectfully, Joseph Reading, Main street, Stawell." The reply I got was this memo a few Mr. Moore:—You have not sent an account; please submit one as soon as possible to be made up. In 1874, the department should have Augustus Grandell's selection, I think it was treated dummiey in a very cavalier manner. I do not think the man ever saw the land in his life. I could have brought witnesses to prove that he had never seen the land. It was on Nicol and Ayre's land. Your impression was that he was a dummy, and you wrote this to Mr. Byron Moore to inform him of this and to get justice done?—Yes. And you consider you were slightest?—Yes." With regard to the first part of this, I shall fully disprove it before I sit down. With regard to Grandell's selection the facts are as follows. His was the only license on Nicol and Ayre's run recommended (See page 222, Land Act Report 1874). We were in doubt and gave him the benefit of that doubt, but note the recommendation—Augustus Grandell, recommended, but that the land should be inspected in eight months after the issue of the occupation order, and from time to time in order that it may be seen if he has complied with the conditions of his license." It is the only one we did recommend—[Handing in the papers in the case]. On the 23rd April 1874, we find Mr. W. O'Callaghan writing on behalf of Grandell, urging his case. The Hon. the Commissioner of Crown Lands and Survey, Melbourne. Sir: I am instructed by Mr. Auguste Grandell to apply for his license to occupy allot. 320 acres, parish of Lalit, and a refund of rent, £17, paid in advance by him. You will remember that previous to the Land Commission held at Stawell, some doubt was raised by the bonâ fide, but after a careful scrutiny by the Commission, Grandell was acquitted of any interest or attempt at evasion. He therefore trusts, in the event of your declining to allow his license for this particular allotment, you will order his money to be paid back, that he may be in a position to select elsewhere.—I have the honor to be, Sir, your obedient servant, W. O'Callaghan pro Auguste Grandell, Laundry Hotel, Stawell, 26th April.'" In which I will speak me fully presently. On 30th September 1874, Mr. Reading writes to the Minister of Lands stating as follows:—Stawell, 30th September 1874. To the Honorable J. J. Casey, Minister of Lands, &c., Melbourne. Dear Sir,—You will please excuse my troubling you again, feeling assured that your intention is to carry out the Land Act justly. It injures my sensibility to see your best wishes frustrated. Auguste Grandell, who so positively swore on declaration at the special land board held at Stawell that he was a bonâ fide, not
dummy for Nicol and Ayrey, and that he intended to settle upon the land during the following week, has failed so to act, up to the present date. No improvements have been made on the land. The selection reserved under Co. 5 of the station police is the larger section; but the smaller will, in all probability, be sold. The lands benefit certainly have communicated the enclosed information to the department. It is a great wrong to see so fine a piece of agricultural land held from local sale by so prominent a name as Grasdell. Hoping you will excuse me troubling you, I have the honor to be, yours faithfully, Joseph Reading, This was written on the 18th October, 1873, for Mr. McLeod.

The following note is written on the papers by me—"The recommendation of the special local land board, Stawell, 25/9/73, was that the allotment should be inspected eight months after notice to occupy, and from time to time afterwards. This period has not yet elapsed, but when the inspection be made, should it appear that the conditions attached to the notice have not been complied with, steps will at once be taken to revoke the grant. This is as of 3rd November. 3rd November, 1873. The letter was sent on the 13th November. The land was inspected; and, at the expiration of eight months, I ordered the case to be brought before a local land board. This was done at the first board after my order, 26th February 1875. Grasdell's license was cancelled, and the land thrown open for selection. If the dummy had been allowed to remain, or the land had fallen into the hands of the pastural tenant, I could understand the charge, but I cannot, for the life of me, at the moment, I returned the letter, with a minute on the corner, as the quickest way of dealing with it. I dealt with it entirely in his interest. He wanted to be paid something, and I told him to send in his account and we would pay—it was useless wasting time in registering such a document. I did not rendre the facts the letter would have been retained, but we were instructed to the contrary. I returned the letter, and the case of Grasdell's was under strict surveillance. We were asked to these communications from village busybodies, who like writing them. They were about as important and useful to the department as if they had written to inform you that to-morrow would be Saturday. I had no mail in my office, and it had been dealt with as I have said, and that was a charge against me. Now, we come to his evidence—"Do you know any case where the local land board refused the land to an applicant and the department afterwards granted it to the man?"—"I do. Have you any reason to know how or why?—At the present time I could not say. I could give every information if I had my papers. In this case of Masterston I was glad to leave the board, because I always took time and trouble to find out every matter; and I never went to adjudge on a matter that I was not thoroughly familiar with previous, but when I sat on the board then Mr. Compton, district surveyor, who was then on the board, when I stated I thought it was fair to have David Masterton himself before the board, and, if you insist on these things after time Mr. Byrom Moore will remove you from the board. Of course, I never sent the letter to the newspaper as to which I refer, and I am not ashamed of it, because I can prove that I had nothing to do with it. You say that you were removed from the local board by Mr. Grasdes on account of the letter that was published in the newspaper. Was that letter written by you?—The letter was written by my son. You admit now that you did write that letter to the paper?—No. I did not write it myself. I told my son to write it. You show it to me yesterday, and told me you had nothing to do with it?—Yes. I meant that I had nothing to do with putting it in the paper. You see by is off again; you see what fine distinctions this honorable Mr. Reading draws. I stated yesterday that I had nothing to do with putting it in the paper. I did not change it in any way. I am a very plain paper to me Mr. Byrom Moore. For the position of Mr. Stuart, whom you had offended, Mr. Byrom Moore dismissed you from your office on the land boards?—That is just it. Now, I do not know Mr. Stuart from Adam. I do not know who he is. "How do you connect that letter in the Lands Department with Mr. Stuart? What suits require the letter that was sent afterwards?—I stated previously that Mr. Compton informed me that I could not have any letters on the matter, all the officials before the board connected with the squatters, Mr. Moore would withdraw me from the board. Mr. Compton was the district officer under the Lands office at Stawell, Mr. Compton is dead; and he goes out of his way to say, "He was different from Mr. Allan, who always went in for a fair and impartial inquiry." It is well to get a character from some people. That letter from you appeared in the local newspaper in which you stated that you did not intend to emigrate the people who thought you did, and upon that appearing the Lands Department wrote to you to ask if you did write?—Yes. And when you did admit you were removed from your position on the board. What right had the Lands Department to interfere in that way?—I should ask you to allow me to hand it this, which will throw light upon the whole matter—"(handing a paper)?—There has been a letter of Mr. Masterton's who intervened in that case, Mr. Moore would remove me from the board board list. I was informed Mr. Compton that it mattered not to me whether or not I was removed from the local board or out of the colony, I was there to do a duty—to carry out the regulations of the Land Act in their entirety, and that I would always do so as long as I was a member of the board. About a week after, this document came, and I was removed from the board prior to hearing the Masterton case, and it was forwarded by the board, and it was handed to a man named Hall. I believe I was removed from the board for the reason that the Masterton case would be adjourned for a year; and the whole of the letters that I have been in touch with since have been taken up by a man of the name of Hall, a selector. Hall himself stated that he was prepared to come and prove that Mr. Masterton did not know the land, and he was prepared to swear to the individual that did mark it out, and that all the things that had been taken from the land had been taken up to Milliman's place. It was a specious and clever selection, and it malacolos in the effect; and it was after that I took the action. In Compton still in the service?—He is dead. That evidence would never have given rise, Compton had been alive. Now, with regard to Mr. Reading's removal from the local land board, I had
nothing whatever to do with it. It was done by the Minister without consulting me, without even mentioning it to me. I had orders to write certain formal letters after it was done the Secretary referred the papers to me and said—"Mr. Gillels would like to know if there is any one else on the mining board preferable." My mute is certainly not antagonistic. I say—"He is the local member of the mining board, and it is usual to appoint other than the local member." The whole of the minutes on these papers are in the Minister's own handwriting. I would like the Commissioner to note that—it is not like an officer writing formally for him—it is his own personal action; I had no hand whatever in removing Mr. Reading from the local land board. With regard to the statements made to have been made by Mr. Compton, I disbelieve them entirely. There could have been no reason for his making such damaging statements regarding me—he would not make the remarks Mr. Reading attributes to him. Mr. Compton was a gentleman, a personal friend of mine, and a man of discretion and honor. I think it is a mean thing to slander the dead.

As to the misapprehension about the question where the Chairman says—"And when you did admit you were removed from your position on the board?" Now he was removed because we could get no answer to the inquiry, he simply gibbered; and it now turns out that as his son wrote the letter for him he thinks he is justified in denying that he did it. On the 26th November 1875, I wrote this letter to him—"I am directed by the Honourable the Minister of Lands and Agriculture to request you will have the goodness to sign a letter, which appeared in the Pleasant Creek News of the 6th instant, and purporting to be signed by you, is authentic." On the 29th November 1875, he writes in reply from Stavell—"Adverting to your letter dated 6th instant, representing the desire of the Honourable the Minister of Lands and Agriculture that I would have the goodness to sign a letter, which appeared in the Pleasant Creek News of the 6th instant, and purporting to be signed by me, is authentic. I never read or take the Pleasant Creek News, and therefore do not know what letter the Honourable the Minister of Lands and Agriculture refers to, but I can assure him that for some time past I have not written a single line to or for publication in the Pleasant Creek News, or is it likely I shall do during the time it is managed by its present editor." I wish you to bear in mind that this is the man who admits that his son wrote the letter—transcribed it—that is what it comes to.

6971. That letter you have just now read refers to the very same transactions? Yes, and at Mr. Gillie's request not a straightforward answer, he said, "We will not reply to his letter—leave his name off the board." As to Masterton's case, I am as less to understand what it amounts to, just the same as Grantell's case.

6972. It is not necessary to go into that?—It has been fully gone into against me, and it is on record. It would not be sufficient for me for the Commission to say, "We are satisfied." I am very sorry to keep you, but I have made as concise as possible; but it is on record against me. As to this case of Masterton's, it was heard as the local land board, 4th July 1875, and I find that the local land board made no recommendation, but simply submitted the evidence. Feeling confident the case was a bad one, I referred it back for a distinct recommendation and opinion as to bona fides. Mr. Wyant, P.M., was then chairman of the board. The application before the board was, I may mention, for permission to transfer from Masterton. This was refused. Having got this far, I then sent the case to have Masterton called upon to show cause why his license should not be forfeited. I was pressed in many ways to withdraw this, and when nothing else could be done, a postponement was obtained on the plea of illness. I, however, stuck to the matter, and on the 9th March 1876 forfeiture was recommended. But they would not leave me alone. Appeals were made to the Minister, and every effort was used to upset this recommendation, but I beat them at last; the license was revoked in the Gazette of 18th August 1876, and the improvements forfeited to the Crown. How Mr. Reading's absence from the board affected this case I cannot say, unless he objected to the revocation of the license.

Adjourned to Tuesday next at eleven o'clock.

TUESDAY, 3RD SEPTEMBER, 1878.

Present:

W. J. O'Hall, Est., M.L.A., in the Chair.
A. L. Tucker, Esq., M.L.A.,
J. Rose, Esq., M.L.A.,
R. Clark, Esq., M.L.A.,

H. R. Williams, Esq., M.L.A.,
C. Coop, Esq., M.L.A.,

Mr. Moore and Mr. Mclean were called in.

The Chairman.—At our sitting Mr. Byron Moore and I advanced a very considerable way in his statement in reference to the charges against him, and we adjourned for the purpose of hearing him conclude to-day, and of hearing any other gentlemen who wish to reply. We desire to give the fullest opportunity to all parties, but I would press upon them that dispatch is a matter of consequence.

Mr. Byron Moore.—I am equally anxious to get through. I understand that Moore, Stacey and McPerson and other people wish to have their say. Would it not be convenient to let them go on at once, so that I can reply to the whole?

The Chairman.—No. The order of proceeding will be that you will finish your reply to the previous charges, and you had better go on now.

Mr. Byron Moore.—Then I understand they will have an opportunity of rebutting anything I may say in defending myself. I bring no charges, neither would I prosecute before this Commission; therefore when I have finished I do not care what they say. I shall reply no further, but I trust that no fresh charges will be let in in their reply to what I have said.

The Chairman.—This case must terminate now. No fresh charges shall be allowed in.

Mr. Byron Moore.—One other matter I wish to mention—that I have been threatened since last Friday.

The Chairman.—By whom?
Mr. Moore.—It is not convenient to say at this stage of the proceedings, but I should like to know whether the Commission will protect me?

The Chairman.—Only in the absence of physical violence?

Mr. Moore.—It approached it very closely. To continue my statement:—I left off at Mr. Reading's evidence. I stated as he said with regard to Grundy and the others, and I proved it by official documents which I handed in. The next person I am to introduce is James Grant. You saw to page 19 of the evidence that was given before this Commission. You say the officials of the department were anxious or very zealous to find out the dummyism—what proof can you give of that? I will come to that presently. I went to facts to the department, which led to inquiries into their bona fides, and the inquiry was simply this—they were called up to the board—Mr. Allan, Mr. John Dixon of Moonahel, storekeeper and magistrate. Any one else? Mr. Warburton Carr, police magistrate, and I think there was some other gentleman. I went there to show they were dummies. The simple question was asked them—Are you a dummy? and of course they said 'No,' and that was all the ceremony. How many dummies were there? There were two—Carmichael, Greaves, Kinslay, Davoren, Wilson, and others. To what extent? Three hundred and twenty acres each. How many altogether? A large lump of country; in fact, Elmhurst is completely swamped by dummyism. You think they could have falsified that dummyism upon them at that time if instead of that mock inquiry they had gone into that matter thoroughly?—Not one would have got his head if the district surveyors had done their duty. You had given information to Mr. Allan, and it would have given him information as to the case?—I had, and he had it before him. Was that at Avoca?—Yes. Do you mean to convey to us that you had provided the local board with the requisite information which would have saved those dummies as to those people?—Certainly. And that was not made use of?—It was buried, and I was ordered out of the court. Now there is really nothing in Grant's evidence whatever. It is simply this. He complains that selectors who were found innocent at the Avoca board in 1873 were found guilty at Stawell in 1878. It is practically a charge against Mr. Allan, but is nothing more than stating that a boy he thought was a good boy last week had turned out a bad boy this week, and tried to keep him out of that course. We cannot prove that till we had evidence against him sufficient to convict. You may be tolerably sure of dummyism, but not be able to get evidence to convict. No prudent officer submits his Minister to a defeat. I know cases now where I am morally sure of a want of bona fides, but there is no sufficient evidence to convict. Three successive Ministers have failed to convict the dummies, and yet every effort has been quietly made to do so. Mr. Ransome then gives his evidence that the inquiry was not conducted properly. Mr. Ransome's is a very sensible evidence so far as it goes, and so far as he knew. He only spoke according to his lights. By the Commission (to the witness).—Do you consider that the Elmhurst inquiry was cut off before time?—That it was not properly conducted, that it was not fulfilled to full extent; or was it complete?—No. So far as it went, it was not, but it was not of the same nature as the Stawell inquiry. The Stawell inquiry as to the Dacamaran run was adjourned, and it was never taken up again. It was supposed to have been heard at Elmhurst, but this was a different inquiry altogether. The Stawell inquiry was to connect dummyism with the pastoral tenants of the runs on which the selections were situated. Had it been carried on without postponement, those runs would have been forfeited. (He did not know anything about that common).—And it would have stopped dummyism; or if the case had been heard immediately after. That is an intelligible piece of evidence, but he did not know the circumstances. The case was conducted in accordance with the directions from departmental heads in the evidence that we had at the Stawell special inquiry, and from Mr. McLear's reports and other reports that we got subsequently. We then laid them before Mr. Smith, the Crown Prosecutor, and Mr. Willberforce Stephen, the then Attorney-General, and we came to the conclusion that we could not go against the run-holder (Mr. Williamson), and we must lose the case if we proceeded. This was the advice of Mr. C. A. Smyth, the Crown Prosecutor, and Mr. Stephen, Attorney-General, and it was owing to the selections being on the common. This legal point was not overruled by Ransome and many others, and we preferred the judgment of the Crown Prosecutor to his.

The Chairman.—Were there any selections upon that portion of the Dacamaran run that was not the common?

Mr. Moore.—None that I am aware of. Now that were before the board. We, therefore, went to those selectors at Elmhurst. We revoked the selections, and we forfeited their improvements to the Crown. I have wish to correct a little misapprehension. The Chairman was laboring under the impression that the Cameron was the only run. That is not the case. There was another also, namely, the Green Hills run, where we could not connect the run-holder with the selections, and the selections were forfeited, but the run was not. With regard to the general charge, I will read the opinions of six Ministers of Lands, under whom I have served. I did intend calling those gentlemen as witnesses, but I thought it a pity to waste their time and yours, and, therefore, I addressed this question to each of them:—A general charge has been brought against me of having favored pastoral tenants and protected dummyism; also that I was not sincere and earnest in preventing and punishing evasion of the Land Act. Will you kindly state your opinion as to this charge?—Mr. Longmore says it is reply:—Mr. Moore always appeared most earnest in his endeavors to have all the conditions of the Land Act carried out in their integrity during the time I have held office. Mr. Grant says:—'My opinion is founded on my knowledge of you while in the Lands Office for some years that the charges are groundless.' Mr. J. A. MacPherson says:—In my opinion those charges are utterly groundless. Mr. Byron Moore's acts as an officer in the Lands Department during my administration thereof led me to the conclusion that he felt bound to deal rigidly with pastoral tenants, to prevent dummyism, to get rid of dummies, to carry out faithfully and zealously the land laws, and to the discharge of his duties devoted much time beyond office hours. I have received the slightest knowledge as to what cases such as you refer to above can have reference. What I can say is that I have no knowledge of your ever having either favored squatters or protected dummies. On the contrary, I can say that while I was in office you invariably kept great correctness and zeal in carrying out the Land Act in its true spirit and intent, which I took to be the very object for which I was engaged, and in cases of cases where I knew of you set your face like flint against everything having the appearance of dummyism or an evasion of the Land Act, by whomsoever committed. I never knew an officer in the public service who gave me more the idea of singleness of purpose and honesty of intention in the discharge of his duty than you did. This
testimony it is only any duty to bear, for it is in every sense true,” Mr. McLean says. "In reply to your memo, that a general charge has been brought against you at the Lands Board Commission of having favored pastoral tenants and protected dummies, and also that you had not been sincere and earnest in preventing and punishing evasions of the Land Acts, I am confidently state that while I was Minister of Lands you were most assiduous in the performance of your duties, and did all you could to improve settlement upon the lands and prevent dummies. I believe that you did not favor the pastoral tenants, but to the best of your ability tried to honestly and equitably carry out the provisions of the Land Acts.” Mr. Casey says:—"In reply to your favor, I have much pleasure in stating what I know of your conduct in the Lands Department while I was the Minister. At my request you inspected the settlement under the 19th section of the Land Act 1869, and furnished reports, upon which inquiries were held at Stawell, Berenj, and Cohuna. The result of these inquiries was that several pastoral runs, together with all the improvements therein, were forfeited to the Crown, and many thousands of acres of dummy land were restored to the public. Without your assistance I do not think that these inquiries could have been held. The officer inspecting must have a hearty desire to see the law respected and enforced, and a firm determination not to overlook any cases brought under his notice. In my opinion you possessed these qualifications, and hence your success. You possess the rare quality of discerning and separating valuable evidence from mere idle gossip.” Those are the opinions of every Minister under whom I have served.

6953. The Chairman.—Those are very satisfactory!—Mr. Moore.—I thought so. You also heard what Mr. Scane, the Surveyor-General, the permanent head of the department said, under whose immediate orders I have been for nearly a quarter of a century, over 24 years. Do you think Mr. McLean or he is the better judge? Seven Ministers of the Crown and the permanent head of the department testify against these slanderers. Which are you to believe? They cannot both be right, and if you find the testimony of the latter true, then these eight gentlemen who have given us a clean bill of moral health from November 1865, up to Black Wednesday, 5th January 1878, must be wrong. Now as to the special charge of favoring the Crown, and spurring, and particularize on the Crown, against which nobody impugns the ability or integrity of that gentleman? Mr. McLean had the audacity to try and show that because Mr. Trench was friendly with Mr. Allan and myself, he behaved corruptly and actually sold his own clients, the pastoral tenants.

6974. The Chairman.—What was he?—Mr. Moore.—He was associate to one of the judges here, and therefore has had long hands of the experience of the proceedings of courts of law, and there Mr. McLean thought he could make a point by showing Mr. Moore was connected with me, though he is no connection of mine at all. Mr. Moore was a gentleman I never saw till a few months before the Stawell inquiry. You heard Mr. Maslen. I think his honour and integrity are unimpeachable; and you heard what the Crown Prosecutor, Mr. Smyth, said. I was going to call him as a witness, but I thought it was not worth while wasting his time and yours. Speaking of us he says:—"Their conduct was as unimpeachable as the conduct of any judge of the Supreme Court could have been.” That is in the evidence given before you. "By the Commission." Then you say that the conduct of Messrs. Moore and Allan, who were sitting in judgment on the case, was equally unimpeachable as the conduct of Mr. McLean, the prosecutor?—Decidedly; in fact I would go further, and say that their conduct and that of those sitting on the heard was as thoroughly unimpeachable as the conduct of any judge of the Supreme Court could have been.” Now I think Mr. Smyth is a man who knows what he is talking about. With regard to Mr. McLean, he said the charge was "utterly unfounded," Mr. Webb said "totally unfounded," and Mr. Maiden said "they were false," now is it possible that all those witnesses can have testified to what was untrue? And as to Mr. Maslen, Macpherson, he failed to charge me with anything. He has only sneaked in the background and gently shoved brain. That is the only expression I can use as to him. Reading is a busively of violent prejudices, and I am not at all surprised that he has formed an unfavorable opinion about me, ignorant as he knows nothing of me, and he was annoyed on his first meeting me at Stawell. There is no doubt in my mind that the whole of this charge has been connected recently, and connected by persons with very defective memories. Fancy Mr. Stacey being at fault as a matter of memory with regard to the special board at Stawell having adjourned for three or four days. "How long was that after—A day or so. The thing was postponed; the hearing was postponed from one place to another, and in the meantime I was engaged in making the briefs, and when McLean turned up I found Mr. Moore’s remarks had left some unpleasant impression on my own mind, and I felt a little sore with McLean and asked him where he had been, or something of that kind. In your brief did you show the evidence in the William case?—Yes; as clearly as I could. I should say there had been a case prepared from my own reports to the Lands Department, but I think Mr. McLean told me or Mr. Smyth told me that would not do. We must prepare the cases in the form of a brief, showing who the witnesses were and what they could prove, and I set to work, and the hearing of the cases was resumed, and in the interval I was engaged in drawing out those briefs as I thought of the whole of the cases.” Now the interval of adjournment was the time that it occupied to walk from the Court House at Stawell to the Taw-hall or Shire-hall, I forget which, because it was a larger building than the Court House, and you can see that by the official report. He says an adjournment of some days, when he prepared the briefs, and any larger briefs would naturally raise the idea that they become realities in their minds; that is very evident the case. With regard to my earnings in the matter, it is but a mild word for it, for there was downright enthusiasm in the way I worked. These charges of evidence—exhibiting the same to the Commission—were prepared by myself to help the Crown Procurator to fully grasp the case with which I was opposed, that heavy bar winces, and against us. While these humble conclusions of digest of evidence were personally prepared by myself, and any one accustomed to work of this kind is aware of the labor it entails; ten minutes’ studying of such chart would put you into possession of the case, instead of wading through the whole of the papers.

6955. It is an original idea, and one of great ingenuity; was this suggested to you or did it originate with yourself?—It originated with myself. I had always a love for charts. I can show a chart of the
Occupation Branch in the same way. I made a chart of every Land Act directly it came out; one that I could put in my pocket. Here are these hundreds of pages of digests of evidence got up by myself, to put the matter into the hands of Ministers, showing as you see, "How the pastoral tenant is connected," and so on; and I handed these questions to them, and you see, "Watsonhall, the overseer," "What did he do?" and so on. You can judge of the labor of condensing 200 pages of evidence in that way. Here was the original copy of the evidence marked for Mr. Casey, with a spot of color on the questions with the leading lines of evidence marked in pencil; he could see that in a minute. We bowed the bar over like nine-pins with that. That does not look as if I was not in earnest. That is all the work of my hands and head personally. In the details of it I had a very able and loyal assistant in Mr. Morkham. If we were not in earnest it is very strange that, with the strongest bar ever retained in Victoria—Mr. Ireland, Q.C., Mr. Heen, Mr. Holroyd, Mr. Trench, Mr. Beckett, Mr. Purves, Mr. Williamson, and Mr. Purcell, instructed by Messrs. Woolcott and Turner, Messrs. Taylor and Becketta, Messrs. Natt and Blake, and Messrs. Bennett and Attenborough, against the Crown—that we should come off victorious. All the ingenuity and legal ability that money could procure was arrayed against us to defeat us, and yet there was not a vulnerable point in our armour. They never get at us. No appeal to the Supreme Court was made, and our triumph was perfect and conclusive. That did not affect us if we were not in earnest. So exhausting were the cases that the Crown Prosecutor had a serious illness after, and on the day after the gazettal of the Wimmera forfeitures Mr. Casey was obliged to take rest, and went to Sydney for a month. Now for my want of earnestness.

6976. I think you ought to be glad of the opportunity you now have of showing what great labor you bestowed on this work. It was certainly unknown to the public—I am not at all sorry. On that very same day, 19th December 1873, I proceeded to Echuca to commence another raid on the Echenu district dummies. I travelled continuously till the 28th, including Christmas Day, riding and driving over 500 miles, and inspecting over 2,000 selections. The result was the unearthing of a large amount of demurrage, which culminated in the famous Echuca Inquiry before Judge Birdon. It had been contended at Stawell that the fraud on the Act must be within the period of the license, and I saw if I could not take some steps before the 31st December—the pastoral licenses being annual licenses—it might endanger the success of the raid. The licenses ended with the year, and if we accepted the rent or issued a new license on the 1st January, when we were cognizant of fraud, this would act as a waiver. On page 65 of the Wimmera Report you will find the following:—'The proper reading of the condition is, I submit, this: 'At any time during the year for which the license has been issued.' Then all that follows is confined to that. If it is exactly as if the words were 'at any time,' is entirely different to the 75th section,' while such license is in force any person shall employ or shall make—Mr. Smyth—Or be privy. Mr. Trench—Or be privy at any time while the license is in force.' Then if you are to shut out any evidence anterior to the license, how are you to connect that evidence with anything that follows? Your worship's mode of putting it is this—and I am free to admit it so presented itself to my mind for a time—but here is the answer to it. If you are bound to shut out all that occurred prior to the license, you must not afterwards connect it with any act of the licensee to create an offense. A trespass may be a continuing trespass from day to day, and, as you see, may be an act done under a former license, and renewed under an existing license; and renewed it must be, in order that he shall be privy to the fraud. He must do some act under the second to confirm that done under the first. If he does any act under the second to confirm anything he did under the first license, that would be a substantive act within the terms of the license; and I submit that there can be no privity within the meaning of that condition, unless it is preceded by a substantive act and offense, a substantive act which is, in itself, an offense against the Act. He must commit some act; and it is impossible, I say, that he can be privy to fraud done under the Act unless he himself has done something during the time when the offense can be created; that is, during the currency of his license. Then I say he cannot be guilty of that act, because, in the first place, there has been no attempt to prove it; and even if there had been, he could not have been guilty of any subsequent act that would create a privacy even with that offense created under the first license. To press it a little further, the privity to the fraud referred to in that section is a privity to something done during the currency of the license; and that brings me back to the reading which I submit is the correct one, that all things of done would be an offense against the Act are only controllable by the Governor by these words, 'At any time during the year for which the license has been issued.' If not, what are the words put there for? If it meant, 'If he is privy to any act of fraud,' why not say it at once? It seems to me to make it so very clear that that is the proper reading, when we come to the 75th section, which gives the Governor power to inflict the penalty of forfeiture. That limits those precedent words and says, 'If at any time while any such license is in force it shall be shown to the satisfaction of the Governor that any condition of such license has been violated;' showing that the Governor has to consider and base his forfeiture upon something done under the existing license. The words are, 'If any condition of such license has been violated;' then by notification you are told that you have broken the third condition of your license, so that if you shut out anything done under the previous license you cannot, for the sake of forfeiting a selection, or for the purpose of bringing the man within the penalties of the Act, you never can introduce or supplement the present year with the acts done in a previous year.' Now that was a very exhaustive and able opinion, and I found that the year was running out, and that there was extensive dummaryism in the Echenu district, and if I could not do something before the 31st January I was always possible that all those pastoral tenants would get off.
over this matter. But no; within nine days (after three months of the most exhausting labor) I had
collected single-handed sufficient evidence to carry to a successful issue another large batch of prosecutions.
As another instance of my want of carelessness I hand in two returns of the forfeitures of dummy
and other selectors during four years of my régime and four years prior to my taking charge of the Occupation
Branch. From 1870 to 1873, 563 selections were forfeited, with an area of 79,684 acres; from 1874 to
1877, 5,501 selections were forfeited, with an area of 926,973 acres. Of course, I had expected them to
work upon, but the difference between the two is very considerable.—[The following returns were handed
in by the witnesses]—

MEMORANDUM showing the number and extent of licenses under section 19, Land Act 1869, revoked.

<table>
<thead>
<tr>
<th>Years</th>
<th>Number</th>
<th>Extent</th>
<th>Amount of rent forfeited</th>
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<tbody>
<tr>
<td>1870</td>
<td>1</td>
<td>A. 33</td>
<td>£ 4. 6.</td>
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<tr>
<td>1871</td>
<td>55</td>
<td>B. 5744</td>
<td>2 9</td>
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<tr>
<td>1873</td>
<td>179</td>
<td>C. 21,554</td>
<td>2 29</td>
</tr>
<tr>
<td>1873</td>
<td>538</td>
<td>D. 25,349</td>
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<tr>
<td>593</td>
<td></td>
<td></td>
<td>79,684 0 0</td>
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Four years prior to my régime.

MEMORANDUM showing the number and extent of licenses under section 19, Land Act 1869, revoked.

<table>
<thead>
<tr>
<th>Years</th>
<th>Number</th>
<th>Extent</th>
<th>Amount of rent forfeited</th>
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<tr>
<td>1874</td>
<td>1510</td>
<td>A. 5749</td>
<td>7 0</td>
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<tr>
<td>1874</td>
<td>1,236</td>
<td>B. 204,442</td>
<td>0 0</td>
</tr>
<tr>
<td>1876</td>
<td>1,973</td>
<td>C. 315,512</td>
<td>0 0</td>
</tr>
<tr>
<td>1877</td>
<td>1,666</td>
<td>D. 276,630</td>
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<td>5,504</td>
<td></td>
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<td>926,973 0 0</td>
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Four years after I took the matter in hand.

Now you heard what Mr. Madden said with regard to my proposition to employ Mr. Reading. Mr. Madden
told you what Stacey told him—that he did not think Reading was to be trusted, or that he was a fit and
proper person for such a service. Neither Mr. Madden nor I doubted Reading, but Mr. Stacey doubted
him; and I want to show how those people doubted each other at the time. We have had only one
consistent line of conduct from the beginning to the end; but it is different with these people, who are
handed together now, but they distrusted each other then. We find, when convenient, McLean and
O'Callaghan were bosom friends; but listen to his opinion of O'Callaghan on the 29th July 1873.

Mr. McLean objected to this evidence being handed in, as irrelevant.

Mr. Moore objected to being interrupted.

6978. Mr. Moore (to Mr. McLean).—Is that your writing?—I believe it is.

Mr. Moore.—On the 26th July, I addressed this memorandum to Mr. McLean.—"Mr. McLean.—A
great many letters re dummy selections are dated from the Cricket Club Hotel, Stallaw. Have the
proprietors any connection with Frazer and Gorman or any of that sort. Please let me know. —H. Byron
Moore. 297,773." McLean says—"A letter is now being made by a Mr. O'Callaghan, formerly a grocer
in Stallaw, as also a defeated candidate at the last general election, and recently for an appointment as
inspector of settlement in the Wimmera district, &c., to establish a local land agency office in Stallaw; and
the place chosen is the hotel in question. He has lately joined a 'peculiar' association in Stallaw, whose
alleged object is to prevent dummyism amongst settlers, but it would appear, not amongst selectors, seeing
that several of the leading members of said association—Messrs. Robbie, Allingham, Hutchings, and Co.—
are so deeply interested in dummyism. I cannot say as to whether O'Callaghan is in league with Messrs.
Frazer and Gorman or not; I rather think he is not, yet I would suggest that all applications from the
'Cricket Club Hotel' be received with a degree of caution.—J. McLean. 297,773." 6979. Who kept that
Cricket Club Hotel?—I believe O'Callaghan.

Mr. McLean.—I cannot say.

Mr. Moore.—At all events that is McLean's opinion of O'Callaghan in 1873; and this is the gentleman
he now applies to for a character, and this is the man who wrote to the Minister on behalf of the dummy
Grindell, urging his case when he well knew he was a dummy. Grindell was the man Reading said was a
man that should be looked after, and I trust it will be borne in mind that he is also the O'Callaghan who wished
the Minister to retain McLean at Stallaw, and was afraid dummyism would increase if McLean was taken
away, and he goes in for being his sponsor for the slanders against me at Echuca the other day. You have
heard Mr. Stacey's opinion of McLean in 1873—that certain selections, inspections of which were supposed
to have been made by McLean, were not made by McLean but by his son, although they were signed by
McLean; and Mr. Stacey, in his evidence before this Commission, told you that he viewed that fact with
great alarm. You saw that schedule of the parish of Marra, with the papers all ready to call on the
parties to show cause, till we found that McLean had made a mistake, and that the parties were bona fide,
and there were large improvements on the land. You see how they viewed each other in 1873, but now
they are banded together to rob me of my reputation. I look upon this inquiry as a sequel to the Rodney
affair, when the first cowardly blow was struck at me by these people. The tactics were different then,
Mr. Stacey did not then like to tell the truth (and mark this was all done with great dramatic effect)
because my word was life or death. I was more powerful than Mr. Stone and more powerful than Mr.
Archer. He described me, in fact, as a kind of melodramatic eastern monarch, the Committee promised
to protect him, and then came out the answer. He forgot to mention that if I was so powerful at that time my influence had been all used in his interest. He told you on Friday I had done many things for him. He said it was only an old tale. (I think the oath it caught) Mr. Allan would listen to the tale. For I was too tenacious.) These were Mr. Stacey's tactics at the Rodney inquiry. You understand that I was so powerful that he did not dare to tell the truth. When I was no longer in official authority and he can no fear of me, he pretends reluctance to tell the truth because I have been kind to him, and when I said to him "Go on," he comes out with another slander which he knew is a slander before he utters it. That was with reference to the matrimonial affairs. I will just read you Stacey's history while under my charge. In 1873 Mr. Stacey was engaged as Crown lands bailiff at £500 per annum and £170 allowances for two horses. As he wished to be stationed at head-quarters, I recommended that he should be brought to town, and subsequently that his salary should be at the rate of £200 per annum. This he was paid from July 1874. In 1876 I recommended that his salary should be increased to £250, but owing to these not being sufficient money my recommendations were cut down by two-fifths, and his salary was fixed at £265 from 1st July 1876. In 1877 I recommended that he should be paid at the rate of £200 per annum, but in consequence of our estimates being cut down by the Cabinet, Mr. Loomis more reduced our recommendations by half, and Mr. Stacey's salary was fixed at £282 10s. from 1st July 1877. You know this pretended reluctance game is rather played out with Mr. Stacey. I happen to know him. Before I part with him I shall give a few examples of his lies for mysteries and wild stories, so that you can know the kind of reliable man you have to deal with. When I was at Harrow in 1873— the early part, I think—we were travelling together on some business, when Mr. Stacey said, "Do you know the Hon. J. G. Francis?" I said, "Yes." He said, "A peculiar man, I mean he has not the dramatic power to give the full force of to the shrug of the shoulder, the shrug of the voice, the swaying of the body, as you do; Mr. Stacey went on, "When I was in Port Natal Mr. Francis was there, but he did not go by that same path. His name was not Francis clean; he went out in a pin or something of the sort, in a boat with his wife and thirteen of his children. A little squall came on, and he came back alone. He said the boat was upset. They were all drowned," Mr. Stacey continued with him shrug of my voice, "He said so. I met him in Melbourne who happened he did not know, and the colony, and I knew him as the Hon. Mr. Francis. As I happened to know that Mr. Francis had twenty children in the colonies, I thought upon it, and it came to a nice little family of thirty-four. Before I came here today I asked Mr. Francis if he had any objection to my telling this, and he said, "Not a bit, my dear fellow." And further, he would, if I desired, come to see me in Africa in his life, so that you know, that he went to Tasmania at thirteen years of age, and had been there and in Victoria ever since. Then Mr. Stacey had a wonderful Ceylon story, that he was managing a coffee plantation for some prince or duke, I think, at any rate something less than a king, and there was something wrong about the estate, whether he roared the coffee, and the like of Commons and so forth. I asked him what he told me he had spent £7,000 of his private fortune in the legal bills to Burkett, and this is how the Government have rewarded me, with a Crown lands bailiffship." This was very little. Broom Church was a perfect pigmy to Stacey. The Francis story was told to Mr. Maddern, but with variation. When it was told to him Stacey cut Mr. Francis shook hands with him and knew him, and said, "How are you, old fellow?" With regard to McLean, he was always unreliable, from want of prevarications in all his statements. There are some men who have not the gift of prevarications. As an example of this, in Eccles, he told the Commission that his efforts (he did it all) resulted in a profit to the State from £30,000 to £40,000; you will find that in his evidence. Of course the credit did not belong to him at all; he did his share; I do not want to deprive him of any participation he had in this. To show you I do not want to do so, although he annoyed me very much in taking these witnesses to Stawell and blowing upon my case, I did not mention it in my report to Mr. Casey. He tells you that his efforts resulted in a profit to the State from £30,000 to £40,000, but on page 17 of the 1873 report you will see that the Minister informs him by Expenditure that the amount made in connection with those Stawell inquiries was £5,283 (that is Mr. McLean's £50,000 or £40,000), less about £2,000 expense. As, like the witness Grant, concludes that whenever there is not evidence enough to convict nobody the judge is guilty of favouring in letting people get away with the crime, there is another view, the view that it might be necessary upon my having this subject. It was tried to be shown that I had not acted properly in passing over McLean's mistake, in reporting on those selections in the parish of Merino. Mr. Maddern spoke from memory, and I do, when we said that we were very busy at the time and that we wanted to keep the whole thing neat and not have any investigations or matters of that kind, bring up a ship of the guards, or the like, and when the midis of the storm you cannot see above passing the ruinist. There was a charge against McLean, by Mr. Raven and Mr. Hodgkinson said, "Mr. MacPherson—What reply has been received from Mr. McLean relative to order to remove to St Arnaud—C. H., 6973." These papers—(banning is the word)—contain all the antithetical reports with regard to sending McLean to St. Arnaud. Mr. Hodgkinson will give me for my opinion on this charge; I say, I think Mr. McLean should have replied to the matter himself instead of only handling in the documents of others. I can express no opinion upon the merits of this case, as I do not feel justified from the nature of your minute to inquire into the matter. As far as my own experience goes I find Mr. McLean unreliable, but have refrained from asking him for an explanation until the very important cases now before the special board are concluded.—H. Byrne Moore. Stawell, 29/9/73." That bears out what we said from memory.

6980. Did you afterwards follow up the matter?—No; when I found afterwards the sort of people he was amongst, I thought the kinder thing was to take him away from that part of the country, and send him to Shepparton. With regard to the charge against Mr. Allan, if I go through it, you will see it has utterly broken down. The first thing in the evidence at Eccles, page 79, Mr. McLean says:—In reply I received a peremptory notice from Mr. Allan that I and my family must proceed at once to Shepparton. Besides the corrected edition of his evidence that he brought before you, I put it in. Not Mr. Allan read Mr. McLean," so we can take it on Mr. Allan. McLean was asked, "You think that Mr. Moor and Mr. Allan did not particularly want you to shoot these cases? I am prepared to prove it." I think that is nearly all the charge against Mr. Allan. But I saw into the evidence it gives before this Commission is being wrong. The charge is that Mr. Allan gave no reluctance on the part of Mr. Allan or myself, as members of the board, to bring those people to justice; or you observe any reluctance on the part of officers at headquarters assist you in every
way to prepare your case?—Certainly there was nothing of the kind. There was no laxity on the part of any member of the board; or, as far as I could see (and I had a great deal of trouble with the case), on the part of any gentlemen in the Landa Department at head-quarters or elsewhere. Every facility was given by everybody to conduct the cases. Then look a little further on—that is where Mr. McLean says that there is a flaw in that part of their case. It is not the case that Mr. Allan is out of that, as I position. He wasshked.—Then your impression is that Mr. Allan could not have been an active agent in the presenting this very favorable aspect of the December run?—"Certainly" is not the answer. In another place, Mr. Allan says to Mr. Reading,—Is that in the printed evidence? I replied, I received a peremptory notice from Mr. Allan that I and my family must proceed at once to Shepparton. Is that not a mistake?—Yes, that is an ever. I wish to correct that in my review. That should be Mr. Moore. That refers to the same thing. At the close Mr. McLean says—"Before the Commission closes, I wish to say that I believe that in whatever Mr. Allan did he was acting simply and purely under Mr. Moore's instructions." I was the arch villain, and he was the assistant. That turns to Mr. Reading's examination:—By Mr. Allan (through the Chairman).—You were, in the evidence of Mr. Grant, yesterday, statements that would lead the Commission to believe that hard boards in your district of alipahad by the State to get a sort of victory fought for against the local boards?—Yes, that is quite right. And was there not a sort of victory fought for against the local boards?—I do not know that. I believe that the Commission has not had full information for the public good, and to examine every individual in the widest way. Further, when any local man came before the board Mr. Allan would say, 'Mr. Reading, these men are familiar to you; you know the circumstances of the case, and we wish to examine them or do the good of all concerned?' and examined, I most say that I put them to a more strict examination with reference to their selections. At the time referred to it was known that most of the individuals making applications before the board were dummies. I was in possession of the full facts of the matter obtained by the Miners' Accident Society, so that I knew the individuals and the agreement between them and the pastoral tenant prior to the application, consequently I repeated these facts to Mr. Allan, and he asked me to examine them, which I did in the strictest manner possible. By the Commission.—What you state now is to this effect, that Mr. Allan always distinguished himself on those local boards by giving every facility possible to local members of the board to utilise the local information in order to arrive at the truth of the statements then made?—He did so on every occasion. And exhibited both zeal and impartiality?—Yes, I might state that we had no intentions to do any injury either to the pastoral tenants or to any other individuals who came before the board; but we considered it our duty to carry out the law in its entirety apart from party considerations." "We merely want your testimony as to the exemplary way land boards were conducted by Mr. Allan, and you have stated that they were conducted in a most proper way; that the local men on the board were allowed and encouraged to bring all their knowledge to bear upon the case?—Yes, that is my statement." Then McLean says:—"I can verify what Mr. Reading asserts in reference to the management of the Stawell local land boards. I have attended when Mr. Allan was chairman, and I can verify the fact, I have no doubt that I only have that opinion of Mr. Allan. We do not care for the character from McLean. We never did. It will be seen that the charge against Mr. Allan is not drawn down as far as that is concerned. Now I am going to read something in the Pleasant Creek Chronicle as to this board which sat out of which Mr. Allan was chairman. I am not at all in a position to give the exact facts that way to Tuesday, 4th October 1873.—At the local land board, on Friday last, there were only eight applications on the list, six of which were recommended. During the hearing of one of the cases Mr. Allan very pointedly called the attention of those interested to their being bond fide selectors—so that they might escape detection before they came before the board, as the most searching of such cases is found, and they are not given a chance to whether they had fulfilled all the requirements of the law, and if found out wilfully evading the Land Act, severe punishment would assuredly follow."—I also add in these letters: one is from Mr. Ligar, dated 18th February 1859,—"Public Lands Office, Melbourne, 18th February 1859.—Sir, I have the honor to state that so soon as Mr. Allan has completed the survey he is now engaged upon, I will request him to place himself under the direction of Mr. Ellery as a goodly surveyor. I have selected Mr. Allan for this work on account of his superior qualifications, and you will have the goodness to convey to him any extra expense he may be put to in comparison with his present duties will be consid- and that I consider him entitled fairly to an increase of pay when an opportunity offers—I have too letter to be, Sir, your most obedient servant—(Signed) C. W. Ligar, Surveyor-General, R. W. Larratt, Esq., District Surveyor, Sandhurst." This only comes in incidentally. The next is a letter from Mr. Skene:—"Surveyor-General's Office, 23rd August 1873.—I first became acquainted with Mr. Allan, in the year 1872, when making a special examination and report on the condition of the survey operations being carried on throughout the colony, and on the resources of the colony generally. Mr. Allan was then acting as an assistant surveyor in the field, and was reported by his superior officer, Mr. Larratt, in the highest terms, and recognized as an accurate and skilled surveyor. In 1859, he was appointed Senior Geodetic Surveyor by Mr. Ligar, from Surveyor-General, and placed under the immediate direction of the Government Astronomer, and remained in that position until the middle of 1872. While so employed he was entrusted with the measurement of the trigonometrical base line of the survey of the colony, and in setting out that portion of the boundary line of the colony of Victoria with New South Wales between Delegoe and Cape Howe. These important works were completed with great accuracy and established Mr.
Allan's reputation as a surveyor of no ordinary attainments both in theory and practice. The Geodetic Survey was practically discontinued in 1872, and Mr. Allan was appointed as district surveyor, at Arrant, in which position he remained about 18 months. He was then selected on account of his special professional attainments for the position of Inspector-General of Surveys and Plans, which position he now holds, his duties being purely professional. In the discharge of the onerous duties of his office he has shown much discretion and business, and has enjoyed the complete confidence of his superior officers, as an energetic, trustworthy, and honorable man. (Signed) A. J. Skene, Surveyor-General." I did not know Mr. Allan at the time myself at all. Here is another letter from Mr. Ellery:—"Observatory, Melbourne, 22nd August 1878. Shortly after the inauguration of the geodetic and triangommetrical survey of this colony, under my direction, Mr. A. C. Allan was transferred from the ordinary land survey to a senior position in that undertaking, entirely on account of his superior qualifications and knowledge of high-class surveying, which were fully recognized by the then Surveyor-General, Mr. Liggar. Mr. Allan held his position under my direction from 1859 to 1872, a period of thirteen years, and during that time was entrusted with the most important operations, amongst which were the measurement of the chief base line of the colony and the boundary line between New South Wales and Victoria, both of which were done in a most accurate and scientific manner. These operations, combined with the primary triangulation and determining meridians and parallels, gave Mr. Allan opportunities of acquiring skill and knowledge in the highest branches of surveying which have not yet, I believe, fallen to the lot of any other surveyor in the Australian colonies; and, from the accuracy which his work has always displayed, I consider him fitted to hold the highest positions in the colonies in connection with surveying in all its branches, as well as in the projection and construction of maps and plans connected therewith. During the thirteen years Mr. Allan worked under my direction I placed implicit confidence in his integrity and moral character, and with ample opportunities of judging I had never the slightest reason to regret the trust I had placed in him. —Robt. L. J. Ellery, Government Astronomer, late Superintendent of Geodetic Survey." Now you also heard the evidence about Mr. Allan, for I put the same questions as I put in my own case. With regard to favoring squatters and finding squatters, I put it to Mr. Trench, to Mr. Webb, to Mr. Mudden, to Mr. Moore, to Mr. C. A. Smyth, and with regard to Mr. Allan they were answered as fully and unreservedly as with regard to myself. I regret that the Commission should, in the excitement of the moment, have found Mr. Allan guilty, as they did not week, of something I believe he is not guilty of, and I regret that they should have virtually found me guilty before I was tried.

The Chairman.—No, that is a mistake.

Mr. Moore.—The Commission said that McLean had proved his case, and deserved some reward.

Mr. Tucker.—That was merely the opinion of one member, and did not bind the rest of the Commission.

Mr. Moore.—I believe it was, but it was most damaging to me. In going in that way to the country it appeared to be the decision of the Commission, because the member was not called to order, and no other commissioner repudiated the opinion. I do not wish to make any complaint.

6981. The Chairman.—There was no desire to prejudice?—I am sure of that, but McLean's slander got into the press and was prejudicial to me owing to the delay that followed before I could reply.

Mr. Tucker.—That remark was premature and did not bind the whole Commission.

The Chairman.—It was a casual observation, and I think you are giving it a prominence it does not deserve by referring to it now.

Mr. Moore.—It went out to the world, and it was an unfortunate thing for me. I speak with some confidence. I have carefully watched the working of all the Acts ever passed in this colony, and I have personally assisted in the administration of every Land Act, and I speak without fear of contradiction that Mr. Allan's conduct was neither against the law nor against custom. He has, however, had a transaction of sixteen years ago judged by an Act recently passed.

The Chairman.—I think it is going beyond the power and scope of your own affair to express an opinion on the decision of the Commission.

Mr. Moore.—Well, I will not do that. I do not wish to impugn the action of the Commission. I am doing this with all respect to the Commission, but I am urging Mr. Allan's case at the same time, as I am charging his case with mine; and I must show Mr. Allan's integrity equally as I am showing how unreliable these men are who are slanderers.

6982. The Chairman.—The Commission has already decided the case of Mr. Allan, and any remark of that sort is a reflection on the Commission?—I think you will agree with me that the inquiry regarding Mr. Allan was not properly within the jurisdiction of this Commission. Will you allow me to read the commission appointing you?

The Chairman.—No; you are absolutely not competent with controversial evidence against yourself, but you now want to place the Commission itself in a false position, and impugn the justice of what we have already done; we cannot allow it.

Mr. Moore.—I will not press it any further; but if the Commission found that Mr. Allan was wrong, what was wrong for A cannot be right for B.

6983. The Chairman.—Your cases do not go on all fours?—I am carrying his case with mine—the charges of want of faithfulness on his part.

The Chairman.—You must not go into foreign matter, especially when that is directed against the existence of the Commission itself.

6984. Mr. Moore.—May I not complete Mr. Allan's case?

The Chairman.—You are not counsel for Mr. Allan.

Mr. Moore.—Excuse me, I virtually am. I said on Friday that Mr. Allan's case was to be carried with mine, and I declined to have his case disassociated from mine, or to take a good character from Mr. McLean.

The Chairman.—We have allowed you to take them together as far as they go on all fours.

Mr. Moore.—I suppose I may make a general statement. I say what was wrong for A cannot be right for B. The Commission have found that A was wrong.

The Chairman.—On different grounds altogether.
The Commission.—There were two distinct charges against Mr. Allan. The first had very little in it; the other, made by Mr. J. J. Walsh, was a very different one altogether. If you go outside the first, and go into the latter, I think you are going outside your province.

Mr. Moore.—I will refer to it no more; but I suppose I may make remarks as well as Mr. McLean and Mr. Walsh. I say what was wrong for A cannot be right for B, therefore I should ask the Commission to inquire into the case of the selection of Mr. Nathaniel Munro, of the Crown Lands Office, the instigator of the charge against Mr. Allan—a man of crooked purpose and drunken habits. There are hundreds of cases under the Land Act of 1869 which I can supply. You can then pay attention to the Land Act of 1867. I can assist the Commission greatly in that; and if after going into these two Acts the Commission are still alive, I would then suggest they pay attention to the selection of Mr. J. J. Walsh, barrister-at-law, of Temple-Court, under this Act of 1869. Among other things he made a declaration on oath—the declaration specially made for this Land Act. He says—

Mr. Walsh.—I object to this. Let Mr. Moore make a specific charge against me.

Mr. Moore.—I object to be interrupted; I shall insist upon going on. Mr. J. J. Walsh made a declaration saying: "I intend to occupy the allotment for my own use and benefit solely; that if my application be granted it is my intention within six (6) months after receipt of a certificate of occupancy and then forward during the currency of my license to occupy the allotment by residing therein in my own proper person, and to comply with the provisions of the 19th section of the Land Act 1869 respecting cultivation and improvements." and he never resided on it at all.

The Chairman.—What on earth has this to do with this inquiry?

Mr. Moore.—A great deal, and I am sure, in fairness to me, you will not stop me. Mr. Walsh has indulged in the luxury of throwing stones at me, and I must now have a turn at his glass house. It is very unbecoming, no doubt, for Mr. Walsh.

The Chairman.—I must state that it appears to me unusual and contrary to the action of courts generally that a witness, in defending himself, should introduce new matter, which has the effect of levelling charges as a side issue against a former witness. I do not want to give that as my decision alone; but it appears to me in that light, and that, therefore, you ought not to proceed further in these observations against Mr. Walsh. I will take the opinion of the Commission upon it.

18683. The Commission.—We think Mr. Moore should be allowed the fullest latitude, and that everybody may afterwards answer it as they think fit. Were you in office at the time this alleged wrong took place?—Yes.

18688. Then it involves yourself?—I do not say it is improper. I only ask the Commission to inquire into it.

18687. Why did you introduce it, if it is not improper?—I will show presently. I think it shows the character of Mr. J. J. Walsh; and I am showing up the characters of a good many people.

18689. Allegations are made against you; and a third party, who has nothing to do with you, is brought on the scene, and made to appear that he is committing some wrong doing.—That is exactly parallel to my case.

18692. I ask what has this about Mr. Walsh to do with your affair?—It has to do with Mr. Allan’s affair; I am defending Mr. Allan against this charge. The question was asked:—"You think Mr. Allan did not particularly want to shoot home these cases?—I am prepared to prove it," says McLean. I am going to prove that that is not true. In regard to the other charge against Mr. Allan, I will show you that Mr. Munro’s dummy, Mr. Walsh, is not the real prosecutor; he is only Mr. Munro’s dummy. I shall prefer going into this when Mr. Walsh is present; I say nothing behind people’s backs; all this slander was behind my back. Not one member of the Commission spoke up for me or said I should be present, or stopped the slander.

18693. This witness did not refer to you?—That is nothing to do with it. All I am going to say with regard to Mr. Allan, and I trust I may speak of him, is that Mr. Allan is a gentleman whose friendship I am proud of. I am not acquainted with a more honourable man, for all his instincts are just and true, unlike these other people. Both he and I, in the remodelling of the department over which we were four years, have necessarily had to make many idle men wack. You can see in that private letter Mr. Bartlett put in the papers the other day, he points out that I said:—"Matters have been carried on rather a lax way for years, and I find generally surveyors do not like to be pulled up." At all events I am confident that there is no sober or honest officer in the department who has one word against Mr. Allan, or even against myself. I have refrained from calling them as witnesses during this reign of terror and sneakism.

18691. What do you mean by a “reign of terror and sneakism”?—I will put Mr. Munro in as one of the sneak, and Mr. Macpherson as another. I do not want to say offensive things, but I must say what is true. I did not want to call a spade a spade. I have not mentioned a thing that I have not followed with a document or a witness, and I have tried not to say a thing that is not entirely in accordance with fact. I have told no bull-truths, and I venture to say that Mr. Allan’s reputation is unassailed, and will remain unassailed, notwithstanding that all the Wallaces and Munros in creation bear false witness against him.

Mr. Walsh.—I object to this.

18692. Want do you mean by “reign of terror”?—That if officers do not do what they are told they must go; we had it on “Black Wednesday.”

18693. If there is a “reign of terror,” some one must reign—who is the reigning power?—The sneak is reign.

18694. Do you mean about “Black Wednesday”?—There was a good deal of “sneakism” over that also.

18645. I also must protest against that use of the word that you have now made of “false testimony” on the part of Mr. Walsh and Mr. Munro?—Yes; it was false witness; I said they have selected themselves.

18696. I must protest against that term, and I wish you would withdraw it?—I cannot withdraw it truthfully, but if it offends the Commission I will withdraw that remark, simply in deference to your wishes.

18697. To charge a witness with false testimony is one of the worst charges that can be brought, and it is unfair to do it in an off-hand way?—I give you the proof; I am not speaking loosely.

18698. If the time comes when you bring the charge bring the proofs. I wish you to withdraw the word?—In deference to what you say I will withdraw it.
6999. In reference to the charges I must say that we are not here to try charges—incidentally we came across this Alban business. I submit that the Minister of Lands should deal with the officers, and take the responsibility of it. Very well. Now with regard to my want of earnestness, there is one point I wish to the levied because it is interesting and historical. In the year 1865, during the selections under the Amended Land Act of 1865, I was placed by Mr. Gurr in charge of the eastern half of the colony, and Mr. Egars was placed in charge of the western half. There were two famous selection days at Inglewood on the 5th and 6th July 1865. Now I took no part if I thought I could get a point against a dummy. My labors were necessary. I have not carte blanche to do what the editor likes. I found that the squatters had coached up 300 dummies, and there were only 100 bonâ fide selectors in the town. Finding that they would be swamped I withdrew the whole of the areas open on that day. Next day there was to have been another group of selections open. I had communicated with the police at Sunburst, and I found 100 fresh dummies were coming up from Sunburst to Inglewood, starting at five o’clock next morning to be there in time for the day’s selection. I would not show my hand that day, but at five minutes past eight—too late for the dummy-mongers to use the telegraph—I withdrew the next day’s selection. I then started to Sunburst, and on my way I met the fresh hundred dummies going up to select, not knowing that the areas had been withdrawn. This cost the pastoral tenants a loss of £2,000, this action of mine; and they tried to get up an indignation meeting at my conduct, but as the dummies were paid £1 a day, and knew they would have to be brought up again, they declined to be indignant; but it had this effect, that they would not try it again. I also wrote poetry about the dummies in those days, but I was young then. There was a little thing at the time I wrote on my way to town in the train, and sent to Mr. Carton Booth, who was then editor of the Inglewood Advertiser, called “The Charge of the Dirty Three Hundred.” That showed my feeling on the matter. As I say here:—

THE CHARGE OF THE DIRTY THREE HUNDRED.

(Not by Tenantry.)

If I were not hot on that side I would not write that. There was another affair, “The Old Cock robbing (the public estate),” which went the length and breadth of the colony. I then issued this little pamphlet, “Plain Directions to Land Selectors”—[answering a copy]—to enable a selector who could not understand the Act to get along on a sale. This showed, in a few words, what he could do. After a few weeks after, in another pamphlet, I travelled on my own pamphlet, “Plain Directions and Hints to Dummies and Mediums: Showing a dummy how he has been done, and how he can do other people. Carefully compiled from the Land Act 1862, the Amending Land Act, and the Regulations. By Dooleddum Dummy, Esq., M.E.D.I.U.M., ex-member of the Land Swindle Association,” to show how a dummy could defraud his principal at every stage of selection proceedings. That made dummyism too unsafe. A thousand copies were issued at my own expense. It was like a bomb-shell among the people who wanted to dummy.

7000. What was the object of the second pamphlet? To show how they could “do” their principals at every stage, showing how easy it was to make money on land, and to show that the only honorable thing a man could do was to stick to his holding and make a living off it rather than to carry out the fraudulent bargain. Now, the withdrawn areas that I spoke of just now—that those I withdrew from selection when the dummies were in Inglewood—were put up shortly afterwards on the 23rd and 24th August. At this time the bulk of the dummies did not come up, thinking it was too risky; a few came up. I worked from six a.m. on the 23rd until midnight on the 24th; we went straight through the night. I heard that the unsuccessful dummies at Inglewood were going down to the land selection at Donnely the next morning, and, although I had been up the previous night, I got a horse at a start at midnight on the pitch-dark, started on a strange road, and reached Donnely in time, and continued there till ten at night, assisting Mr. Chauncey, the district surveyor, in detecting and defeating dummies, because I had had experience of two days, and knew the dummies, and I utterly routed them at that selection; so fast that I was continually at work from seven a.m. on the Thursday to the Friday without five minutes’ rest or sleep. The result of this vigilance may be found at page 2042 of the Government Gazette, 5th September 1865. You will find 145 selections disallowed on that day (we had the power to do this within
thirty days); and at page 2169, 21st September, you will find thirty more disallowances; making, in all, within thirty days, 175 selections disallowed, comprising an area of over 70,000 acres of selections which reverted to the Crown; and there is the evidence of it. And yet I am told I was not in earnest. It came to my knowledge at that time that the dummies were experimenting as to how they could best bring lot 10 up to the surface of the land letter-box, if they found that if they beat them this way—

[showing the method]—those tickets always came up to the top of the box.

7001. How did you discover this?—I heard of it; I was everywhere at that time quietly. The tickets lifted themselves up, leaving the flat tickets at the bottom in the shaking of the box, just as big stones come up to the top. Some zealous officers used to try to prevent selecting putting those bent tickets in; when they saw it they made the selector take a fresh ticket; but I saw that this bending process was of the greatest value to me. The effect was, they car-marked all their tickets. I used to feel for the flat tickets, and never take out a bent ticket. The result was the dummies used to come up there by the dozen and go away unsuccessful. It showed that the crooked system was a failure, and the country flats had the best of it. That was the first year the Amending Land Act came into force.

7002. Where were you stationed at that time?—In Melbourne, but I was district surveyor in Geelong and worked the district in Geelong. Another thing I carried out. Certificates for selection for 320 acres were being bought up to operate with dummies; these certificates were allowed by the Government in the purchase of land at auction at the rate of 4s. an acre; but so useful did they promise to become in dummying that they ran up to 16s. per acre in the open market, just before the first areas were thrown open under the Amending Land Act 1865. Finding this would ruin our bonâ fide selections, I re-constantly nearly all our lithographic plans where the land was good, throwing several small allotments into larger allotments, taking the agricultural area plans, and making all the good land into allotments just exceeding the 320 acres, so that these certificate people could not operate. One person had purchased 15,000 acres of certificates; and when the new plans came out of those areas on his run he found to his dismay that there were not an allotment under 320 acres, and he could not purchase it.

7003. But I thought a large amount of land did pass into the hands of large owners by this means?—Yes, a great deal of poor land. As an instance of the integrity and loyalty of the department in those days, there were over 30 officers, including draftsmen, printers, lithographers, and others, at work with me, and not one hint of our tactics leaked out.

7004. What extent of land did you cover by this re-casting of the plans—how much land did you save from certificate speculators?—I should say over half the area that was thrown open to selection.

7005. How much might that be?—I should say nearly 3,000,000 acres. At least, I can say we saved half of the good land wherever we had time to do it.

7006. I never knew there was any check such as you speak of, and it is new to me, and that is the reason why I wanted to know from you, if you could tell me, the amount of land saved?—You can easily find out from the lithographed plans on which those allotments were manufactured, if I may so say, all named by letters. I think you might say half. I am glad that these petty scandals have given me an opportunity of speaking a little of my mind, because it is not gratifying to meet with persecution after over twenty-four years' earnest and honest work.

7007. Is there rather strong language?—I do say "persecution." It commenced at the Rodney election inquiry, and it is not done yet. I do not want to hurt any person's feelings, but if they go on any more at me, I think I shall speak out. I have, however, the satisfactory consciousness of knowing that I always did my duty to the best of my ability for the good of the State, and no effort to cripple or bully turned me from that course. I was warned by one in the confidence of the Ministry, in December last, that if, in the new arrangements which were to come in operation on the 1st January, I did not place a certain officer in a certain position, I should be dispensed with.

7008. Who warned you?—I am not at liberty to tell you. I thanked this person, because I thought it was kindly meant, so that I should do what was required of me. I, however, thanked my informant, and stated to him that I had placed the officer where I thought he would be best able to alter my arrangements in any of the threats. I therefore did not place the officer in the position desired, and I was dispensed with, and I cannot help connecting these two things.

7009. You had better not speak of these things unless you tell everything, and not speak by innuendo. You would not like to tell the Minister of the Government, but I am sure it was the best thing that ever happened to me; but I naturally do not feel that gratitude towards my benefactors that under other circumstances I might do.

7010. In fact, you are the better for it; but it is not all this extraneous matter?—No.

7011. We do not want to curtail you?—From the time I was a lad I have devoted my whole time and energy to the department. I have borne the heat and burden of the day. I have been seriously maimed for life in the service of the State, but have had but one object in view, that of doing my duty. I will quote from Hurd's 11th June 1874:—"The lustiness of the department was enormous—so enormous that its extent could scarcely be comprehended by any one who was not intimately acquainted with it. . . . . Honorable members' hair would almost stand on end when he told them that for twelve years from 1873 the plans showing the lands sold in Melbourne were not posted up. . . . . This was one instance of the disorganization which prevailed, and there were many others. . . . He made repeated efforts to get the officers of the department to put the office into proper order, and had a report been submitted by the heads of the department, indicating how that was to be done, it would not have been necessary to take other steps. On a subsequent occasion he informed the heads of all the different branches together, who presented some at some plan for the systematic working of the office. He regretted to say that that effort also fell through. It was necessary to adopt other means to secure the proper organization of the department. Eventually, what was known as the Occupation Branch was established through the assistance of Mr. Byren Moore, a gentleman of considerable ability and rare industry. That gentleman, he regretted to say, was now suffering from a very severe illness, and was obliged to be absent from the office, owing entirely to the staggering effect of the arrangements necessary for the establishment of the Occupation Branch. " That is what Mr. Casey tells Parliament. He also wrote the following minute on my application for sick leave, accompanied by Dr. James' certificate, dated 28th July 1874:—"Whilst expressing my regret that Mr. Moore should be so unwell as Dr. James' certificate implies, I must also record my sense of the uniting zeal, great care, and conspicuous
ability displayed by Mr. Moore while inaugurating the Occupation Branch. The loss of Mr. Moore's services just now is very great; but to avert a greater loss, consequent upon a protracted absence from his official duties, I gladly approve of a short leave of absence. Mr. Moore may require to recuperate his health. — 39/5742.

This is Dr. James's medical certificate — "Alston House, Collins street east, Melbourne, 15th January 1878. In December 1877 I was called on to attend Mr. H. Byron Moore for severe inflammation of the spine. The case was extremely obdurate. With great difficulty I prevented suppuration, and he nearly succumbed. I attribute the cause to an accident he informed me he sustained while travelling to Gippsland, aggravated by the continuous long journeys he was then constantly taking. About the middle of 1874 I had to again attend him, in consequence of the severe mental strain he was then subjected to in initiating some new land system for the Minister of his department. His health is seriously impaired for life. Any severe mental or physical strain would immediately light up the old symptoms, and paralysis would inevitably follow. My opinion in this respect is supported by the fact that the anxiety of the past week has again developed the symptoms. Good health and ease of mind are the only conditions under which he can maintain himself." I do not want to detain the Commission, but I hand in a copy of the certificate of Dr. McCrea. — [The same was handed in as follows]: —

"Melbourne, 2nd March 1878. Memo. D 367–78/532—I have carefully examined Mr. Byron Moore. His medical attendant, Dr. James, has furnished me with a statement of his health, from which it appears he has been suffering from an injury to the spine, received on a journey to Gippsland in 1870, to some extent constantly, and at times very severely ever since. An examination shows there is permanent injury of the spine, for which ordinary office work is unsuitable, and liable to entail illness of a very dangerous nature; twice already such illness has occurred, and Mr. Moore has persisted in doing his duty in direct opposition to his medical attendant. I am of opinion that Mr. Moore is incapable from bodily ailment to discharge the duties of his office, and that such incapacity is likely to be permanent. —J. McCrea, Chief Medical Officer." This case has kept me up to one and two in the morning; and it is having a serious effect upon my health, so that I trust the Commission will bear with me, seeing how it is that I feel this more keenly than I otherwise would do. I will also hand in copies of these testimonials that I received from every Minister I ever served under. These are general testimonials from them — [handing in the same as follows]: —

TESTIMONIALS

From the Honourable J. J. Casey, late Minister of Lands, &c., &c. My dear Mr. Moore, 36 Temple Court, 27th November 1877.

It affords me much pleasure to bear testimony to the very great service you rendered when the Lands Department was being re-organized in 1873. The system of dividing the business of the office into territorial districts has been undertaken by you, and indeed for you it could not have been commenced, and certainly never would have been carried into effect. Your patience was as conspicuous as your energy was enduring until your work was fairly started. The system simplifies the business, economises time, and renders conflicting orders respecting the same piece of land impossibly. The former system produced this evil to a considerable extent. I am persuaded that the country owes you a debt of gratitude for the exertions you made in perfecting the system undertaken by you.

I remain, very faithfully yours, J. J. CASEY.

From the Honourable Francis Longmore, Commissioner of Crown Lands, &c., &c. Dear Sir, Melbourne, 12th January 1878.

I have just learned that you are about to reply for a situation in New South Wales. Under the circumstances, I feel that it is due to you to say that you have been deprived of your position in this colony through present exigencies, and not through anything such as intemperance to the business of the office, or inability to perform the arduous and varied duties— principally administrative—that devolved upon you for a long period as Assistant Surveyor-General of Victoria.

I have uniformly experienced the greatest satisfaction from your ability to deal with the most intricate cases that have arisen in the administration of the various Land Acts, and your zeal in the performance of all your official duties.

I hope you will be successful in your efforts to secure speedy employment worthy of your abilities, and that a lengthened period of prosperity is in store for you.

H. Byron Moore, Esq.

From the Honourable J. M. Grant, late Minister of Lands, &c., &c. My dear Mr. Moore, 14th January 1878. During the many years I presided in the political head of the Lands Department I found your services of the greatest value and assistance in administering the Land Acts, and the regulations for carrying them into effect.

You always exhibited the utmost zeal in the performance of your onerous duties, and I know of no one in the public service who has discharged his duties more conscientiously and efficiently than yourself. Trusting you may obtain another appointment worthy your acceptance.

I am, my dear sir, yours truly, J. M. GRANT.

From the Honourable J. A. MacPherson, late Minister of Lands, &c., &c. My dear Byron Moore, Toorak, 17th January 1878.

I heard with great regret that you were to leave the Lands Department. I was sorry that you were rewarded for years of good work by being removed at a day's notice. I regretted that the department, over which I had presided, and had good opportunities of judging, should lose the services of so efficient an officer. I do trust whatever grounds the Government has for dispensing with your services, they will give due consideration to your more than ordinary claims, which are generally recognized. "If I can at any time be of use to you I will be glad.

Your faithfully, John A. MACPHERSON.

From the Honourable Duncan Gilles, late Minister of Lands, &c., &e. My dear Mr. Moore, Melbourne, 30th January 1878.

I was profoundly sorry when I saw the wholesale removal of officers from the public service, and especially sorry for the service when I read your name amongst them.

I have many a time known of an officer who has shown greater capacity and zeal than you in both organization and administration. The work that you have done for the public as the reforms suggested and carried out by you in the Lands Department, the great record prove a strong claim on the consideration of any Government.

During the whole of the period I was Minister, I never found you to shun yourselves in the contrary, you were always anxious that the work should be done with the utmost energy and dispatch. I have no hesitation in stating that the Government places no dispuse with your service, without very considerable loss to the department and the public. If at any time you think that I can be of service to you, I will be only too glad to be so.

I am, my dear Mr. Moore, yours very truly, D. GILLES.
I rose in the department of my own efforts from quite a lead. I was comparatively unknown. I had no influential friends. I never had any assistance, for I always declined it, from any Member of Parliament. I never could have it when proposed; and from a junior in a country survey office, appointed by Governor La Trobe, I rose to nearly the top of the tree. I make no complaint at being dispensed with. I make no complaint outside. I kept one no, but I went to work quietly to earn my own living outside, after twenty-four years of faithful service.

7012. Have you got any retiring allowance?—I got my late legal pension, which I do not think sufficient for my ruined state of health, through the services I have rendered.

7013. How much do you get?—$250 per annum. But I object to my time and money being wasted, because a few unprincipled slanderers choose for political purposes simply to throw mud in the hope of some of it sticking, and I trust I will be excused for expressing a little disgust at those people. I wish to state that any adverse remarks I may have made, I do not in any way refer to my old Minister, Mr. Langmore. He has always treated me well and given me every opportunity to get the papers for my case. If there is any matter I have not touched upon, or should any member of the Commission desire further information, and wish I will be elicited now, for I am prepared to undergo any cross-examination, and produce any further document, or call witnesses. I would like the fullest inquiry. I have nothing to conceal. I can honestly say I cannot conscientiously call to mind any action where I neglected my official duty for my private convenience or any social engagements. The whole machinery of this Commission has been put in motion to hear these cases and these slander against me; but when I asked to have my witnesses subpoenaed, I regret to say, I was told I must guarantee all expenses before they would be sworn to come. I did so, but I never heard of that being done before. I hope it was a misapprehension. I devoted the whole of my energies to the State unsatisfactorily. If I had taken any advantage of my position, I could have been a wealthy man; instead of that, when I was dispensed with by the Government on Black Wednesday, I left the service absolutely penniless. The only thing I had was my reputation and my name, thank God, as I have tried to destroy it, and rob me of it. I am only going to say further that I never fight anybody if I can help. It is quite out of my nature; but you cannot help fighting when you get into a case like this. Evidently my leniency to all these people when I was in the services has been mistaken for timidity. I can ill afford the time or the money or the trouble when this affair is costing me, when I am being robbed of my reputation, of what I hold dearer than my life, it is time to do battle, and, irrespective of any consideration, to fight the matter to the end. I trust the Commission will excuse me if I have said anything I should not have said. I thank them for listening to me as long as they have done. I may mention, before concluding, that Mr. E. Moore, late district surveyor of Ararat, is or was impeached the same as Mr. Allen, and as he had no opportunity of replying, I beg to state as far as I know him, and I know him well, that these charges are equally unfounded as the charges against Mr. Allen and myself. Is Mr. Bartlett present?

Mr. Bartlett was called in.

Mr. Moore.—This has just been put into my hand. It is a telegram from Mr. A. B. Cleneve, of Stawell. I believe Mr. McLennan applied to Mr. Cleneve for a good character. This is—Stawell, the 3rd September 1879. A. C. Allen, Esq.—I said McLennan was surprised at his Esquire evidence. Nothing transpired here to warrant supposition that you or Moore endeavored to prevent fullest inquiry. That I thought some of the evidence strong enough for conviction where it failed in securing it, but that same evidence might satisfy a jury mind that was not legal. I will go down if necessary to support my opinion.

A. B. Cleneve.—I wish to hand in a statutory declaration, which I will now read:—

I, Henry Byron Moore, of Melbourne, in the colony of Victoria, formerly Assistant Surveyor-General, do solemnly and sincerely declare:—

That, in the year 1866, I knew Mr. John V. Bartlett, of Coke, in the said colony, surveyor; and about the beginning of that year I received a letter from him saying that a Mr. Stirling was anxious to have some land put up for sale instead of its being thrown open for sale; that he (Mr. Bartlett) knew that I had great influence with Mr. Grant (then Minister of Lands), and if I wished, he (Mr. Bartlett) was at liberty to discuss with Mr. Grant the matter of the purchase with Mr. Stirling. Mr. Stirling was an old man who had bought the land and wanted the house. I placed the letter in the hand of Mr. Grant, and the sale was made. At the same time he (Mr. Bartlett) has disgraced himself and insulted me by writing such a letter; and, in other terms which I do not now exactly remember, I expressed my indignation at his dishonest behaviour. Mr. Bartlett soon after came up from Coke to Melbourne, and requested an interview with me. I saw him in my office, where he begged me not to expose him to any inconvenience by the affair. He said the letter he has just returned from a long and fatiguing journey to the forest; that he was suffering from that fatigue when he wrote the letter on the spur of the moment; and that if I would only let him off it would be a warning to him for life. I told him he had female relatives depending on him, and was besides unwilling to expose a young man for a first false step, and I returned Bartlett his letter, expressing hope that he would behave honestly for the future.

And I make this solemn declaration, consecutively stating the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria enabling persons making a false declaration punishable for wilful and corrupt perjury.

Declared at Melbourne, in the colony of Victoria, this third day of September, One thousand eight hundred and seventy-eight, before me—Thomas Aston, J.P.

I hand that in. I also call your attention to Mr. Leroy's declaration, and also call your attention to the evidence of the Surveyor-General on that point, and I request you bring it under the notice of the Law Officers of the Crown, because Mr. Bartlett is, I think, shown to be not a proper person to hold the comission of the peace. May I be allowed five minutes to speak as to Mr. Walsh?

7014. If it has any reference to the matter with regard to his selection No.

7015. Is it better not to open up any fresh charges. Have you now concluded your own case?—Yes, and I am much obliged for the patience hearing the Commission have given me.

J. V. Bartlett further examined.

7016. Mr. Moore.—Am I to understand that this is reciting evidence, or is any fresh charge to be admitted?—(The Witness)—No, it is no fresh charge.

Mr. Moore.—I wish it to be understood that if any fresh charges are made by these men I will take no notice whatever. If they charge me with murder or treason, I will not reply to them again, because I have shown, I think, what manner of men they are.
The Witness.—I was summoned here last week without any information whatever given as to why I was called, and therefore I was not prepared as I might have been had I known the nature of Mr. Moore’s statement. On that occasion I had no correspondence, no letters, or anything, except one or two letters which I happened to have with me connected with some complaint I had to make against the department, and treated unfairly by the professional branch. Those two or three letters I had with me, and no others. I have now a large number of others, which I shall take the liberty of submitting to you. I am accused by Mr. Moore of slanderous libel at Colac, and he endeavors to prove that my testimony is unreliable. How? Not by producing the official documents, but he adopts the usual course in a bad case, namely, abuse the other side. A charge was laid against me, which I wished to deal with. Mr. Moore does not produce one official minute, but brings the statement of the caves-dropper and tule-bearer of the department, Mr. Levey. Mr. Moore flies off at a tangent, and supports himself by a declaration based upon hearsay evidence, which would not be tolerated in any British court. A venomous conspiracy against me has been hatched by those two, and in answer to that I submit this declaration.

7017. I understand you to say a conspiracy has been hatched against you?—Yes, by Mr. Byron Moore and Mr. J. A. Levey. I have been treated most unfairly. This is my declaration:—

1. John V. Bartlett, of Colac, in the colony of Victoria, authorized surveyor, do solemnly and sincerely declare—

1st. That I did not, on or about the end of 1866, or at any other time, after Mr. Henry Byron Moore the sum of £200, or any sum whatsoever, to use his influence with the Hon. Mr. Grant for the sale by auction of any land in the parish of Yepe, or any other place.

2nd. That I was summoned by a letter of December 1866, at the request of Mr. W. Sherren, deceased, asking that the land between or adjoining his (Mr. Sherren’s) purchased land, and recently withdrawn from sale, might be re-offered for sale by auction at an increased upset price, as he (Mr. Sherren) was determined to have it, even if he had to pay £200 or £300 more.

3rd. That the name of the Hon. Mr. Lands was not mentioned in connection with this matter, neither in any of the documents, nor in the payment of any sum into any bank in the credit of Mr. W. Sherren, or H. B. Moore, or to any other person’s credit.

4th. That, a short time after, I had gone to the Crown Lands office, and, while there, saw Mr. H. B. Moore, but did not set in my mind the manner described by him or use the words attributed to me. I expressed my regret at the misconduct plased upon my letter, and was extremely annoyed thereat. Mr. Moore said the letters had been read to him, and that I intended; and with this addition to this matter ended.

5th. That Mr. H. B. Moore told me he had endeavored to have the land desired by Mr. Moore re-offered at auction, or, rather, not withdrawn from sale; and he (Mr. Moore) subsequently informed me that it had been so decided by the Minister; but that the depopulation from the Colac district had returned, when near the door of the burnt area, and urged again that the whole—except the wood reserve—should be opened for selection, and that Mr. Grant had gone away.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making false declarations punishable for wilful and corrupt perjury.

JNO. V. BARTLETT.

Declared at Melbourne, before me, this third day of September 1878.—J. J. Walsh, J.P.

Mr. Levey.—I presume I may be allowed to make a remark as to “conspiracy.” From the time Mr. Moore showed me this letter, I think I never thought of it till last week, when Mr. Moore made a remark to me on the subject, and I then made my declaration, so I could not be a conspirator. As to being a tale-bearer, I have always told my immediate head everything, as was my duty.

Mr. Bartlett.—It is well known you are the caves-dropper of the establishment.—(To the Commission.)—Instead of attempting to blind you by introducing extraneous matter, I shall refer to my evidence, but before doing so I may state I have applied for certain files of correspondence with an order from the Commission to inspect the documents at the Lands office. The secretary of the Commission went to get those papers, and they could not be found last night. I have been waiting till the last minute for the production of the correspondence which I have given a list of, but none can be found. If the papers cannot be produced here, I think they will have to be produced somewhere else. I have handed in a list of papers I require, and the Acting Commissioner has found the several Green notice notices, but the correspondence cannot be traced from this. I will now refer to the official report of the evidence given by me at Colac, and which Mr. Moore states is a slander upon him.—[The witness read the evidence above from question 4957 to 4958 inclusive].—This was information gained at the land board when the chairman stated there were twenty-five applications. In regard to what follows as to Mr. Moore giving the order, that is perfectly correct, it was mentioned by the chairman of the board at the time.—[The witness continued reading the evidence from question 4962 to question 4975 inclusive].—That is with regard to that case. That brings us to question 4977.

What is the object of your railing at Mr. Moore?—To show that I did not in the slightest way slander Mr. Moore, and that it was a conspiracy on the part of him and Mr. Levey bringing forward that malicious charge against me the last day; that I had no earthly connection with the case, and that it was done simply to make a noise to injure me. Nothing was said by Mr. Moore. The evidence was not even read. We come to question 5092 about the local town common.—[The witness read from the above, question and answer 5092].—I refer to this because Mr. Moore laid great stress upon this. He said he had endeavored to get the people a low rental, and that I have said he got them a high rental. This will show that what he stated was not correct. That suggestion as to the rent was Mr. Moore, and it was one which I said I concurred with, and that, as a result, the area was to be taken up by the landlord. I refer to a map of the area. These show that Mr. Moore never contemplated more than two years’ rental at that time, and I was showing the exorbitant price, because those people who had paid £20 for the three acres were not allowed to get the land. There was no slander in all that; it was merely stating what Mr. Moore had recommended, and if that had been carried out, the people would not have asked anything further. Upon this matter there was not the slightest slander, and I do not think any one can show me where the attempt was.

The Chairman.—I may state my own recollection of the circumstances—that there was not any desire on the part of the witnesses to say anything derogatory to Mr. Moore at the time the matter was brought up.

The Witness.—Mr. Moore in his statement about me went out of his way. He is always doing that. He even included me in the “ring” he spoke of. He said I was an offshoot of it, whereas I can say that I never before saw any of the gentlemen who have made the charges against Mr. Moore.

Mr. Moore.—I said distinctly that you were an offshoot of this inquiry, and that you had nothing to do with the others. I have been accused of being a villain and a ruffian and everything else.
7019. The Chairman.—A suborned of corruption?—Yes. I will now show you a number of private letters from Mr. Moore to myself, which I ask you to allow me to read—a few will be sufficient to show the correspondence that has taken place between the said Mr. Moore, that paragon of virtue, and one who attempted, as he says, to corrupt him and the whole Landa establishment.

7020. By the Commission.—What is your object in reading these?—To show his extremely free feelings to you, that I had any private correspondence with him up to twelve months ago, and nothing has transpired since then to lead him to attack my character.

Mr. Moore.—I will admit all those letters if it will save time. My statement was simply this: Mr. Bartlett played the reluctant dodge at Colac, he did not want to say anything about me—

7021. By the Commission.—You must not interrupt Mr. Bartlett. —[To the Witness.]—The Commission want to know what is the object of your producing these letters?—I wish to save my reputation. —[The following letters were handed in]:—"Melbourne, 91/66.—Dear Sir,—I received your plan last Saturday. It is rather too course for our purposes, but I will have it redrawn in my office, in Geelong, so that it will be all right before it appears in Melbourne. I forward a specimen plan for your future guidance. With kind regards to all, I remain, yours very truly, H. Byron Moore. J. V. Bartlett, Esq." Here is one dated 22/6/66.—"C. L. O., 22/6/66.—Dear Sir,—I must apologize for not having answered your letter before, but I was waiting for some information respecting whether land could be taken up under the 42nd clause, north of Cressey, as I did not know the position of the most southern gold workings, the ten-mile line from which just touches the north boundary of the Cressey reserve, therefore the land you inquire about cannot be taken up under that clause. Mr. Wilson has been appointed surveyor for Rockwood, Liptonfield, &c., but I do not think you would have any chance unless you passed our examination, as Mr. Grant would not give way in a single appointment under this section. I forgot to inquire last Saturday whether your account was ready for payment, but I will do so next; there will be no charge for the plan. If you want the land you speak of in the township you had better at once put in a formal application. With kind regards to your mother, I remain, yours very truly, H. Byron Moore." These letters commence "Dear Sir."

Here is one "Dear Bartlett" of the 26th May—25th September 1866. "Dear Bartlett," signed, "Yours very truly, H. Byron Moore." That is just coming up to the time of the charges."—S. O. G., 3/11/66.—Dear Bartlett—I send you a rough tracing from the original plan. It appears that the west and north fences are on the line, and that the south boundary is one mile south of the line. I think with this you will have no difficulty in fixing the boundaries on the ground. Arrived safely last night. Kind regards to all at home.—Yours very truly, H. Byron Moore. J. V. Bartlett, Esq."

Mr. Moore.—The event took place in the early part of 1866.

7022. By the Commission (to the Witness).—You admit you wrote a letter to Mr. Moore?—Yes; I have said so.

7023. Now produce the letter in which you say Mr. Moore charged you with having made an improper offer?—I cannot, and for this reason that Mr. Moore said, "Bartlett, as it was a misunderstanding you had better destroy the letter."

7024. To Mr. Moore.—Do you admit that?—Certainly not.

7025. To the Witness.—You wrote a letter to Mr. Byron Moore, which, he stated, contained the offer of a bribe. Did Mr. Moore send a letter in reply to that?—He did. Mr. Moore wrote back to me, pointing out that this was what he considered a mistake. That is the way in which it was worded. "It was ambiguous, and might mean anything."

I happened to go to town, and met Mr. Moore in the office, and spoke to him about it, and I told him that it was nothing of the kind, and I was extremely surprised that Mr. Moore should attribute that to me, and he said, "Well, Bartlett, when you get home just pitch that in the fire."

7026. Can you give any idea of the nature of the letter?—I have in my declaration.

7027. Do you recollect what Mr. Moore's letter said to you?—That there was a portion of my letter that was very ambiguous, and that if any stranger should get hold of it he might think he was taking something from me for something he ought not to do. I forget the exact words.

7028. At any rate your letter was responded to by a letter from Mr. Moore, in which he pointed out the injurious impression of the letter, as he took it, and that letter was destroyed by you at the suggestion of Mr. Moore—that is your evidence?—Yes.

7029. And you assign as the reason why, though you have now presented all those other letters, you cannot produce the one in question?—That is the only one I destroyed. When I returned home I destroyed it. Mr. Moore said, "Bartlett, my good fellow, when you get home destroy that," and I said, "I will do it."

Mr. Moore.—In case my silence might be construed into concurrence, I wish to say that is not true. I remember the words I used in my letter—"You have disgraced yourself and insulted me." That is engraved upon my mind.

7030. By the Commission (to the Witness).—You think all these letters you have read were subsequent to the affair?—I think so. Even the Government Gazette will show that I am right about the dates.

7031. You were reading those letters to show that after Mr. Byron Moore had formed this bad opinion of you, nevertheless he carried on this correspondence with you in this friendly manner?—Yes, and I cannot conceive any reason for departing from this friendly tone, and my being accused of sánglering him at Colac.

If there is any value to be attached to these letters, it appears that this gentleman who charges you with suborning and bribing afterwards addressed you in the most friendly manner, calling you "My dear Bartlett," and adding his respects to your family. Mr. Moore.—His family could not help it.

The Witness.—In Gazette 125, dated 6th November 1866, there is notice of sale by auction of the land at Colac referred to.

7032. By the Commission (to Mr. Moore).—What time do you state in your declaration?—In the early part of 1866 I stated I say.

7033. What date does Mr. Levey assign?—The early part of 1866, the same.

7034. You both may have made a mistake as to date?—Yes.
Mr. Levey.—My impression is from this that I went to Colac in 1865 at Christmas time, that is the only time, and shortly after I returned from Colac this happened.

The Witness.—It was before you went to Colac, and I can show that by the documents.

Mr. Levey.—I took possession (to Mr. Levey).—This took place after your visit to Colac, and you fix that in your mind? —Yes, because I never heard of Mr. Bartlett before.

7036. Are you perfectly certain that this matter took place after your visit to Colac?—Yes.

7037. Is there any matter of public business that will fix the date? —Yes, that could be easily done.

7038. What did you go about?—On these land selections. It was Christmas time, and I have only been there once.

7039. And you say this took place after you returned from Colac?—Yes.

The Witness.—I am glad you have said that. Now I can prove the conspiracy.

7040. By the Commission.—It is admitted that now Mr. Moore treated you in the same friendly way before as after?—To show the value of Mr. Levey's statement, I will read these documents to show the dates.

In the Government Gazette 123, dated November 1866, there is a notice that a sale by auction will be held in Colac, on 7th December 1866, of certain lands shown on the plan. That is when the land was put up for sale by auction, and this was put up for sale by auction at my request. I wrote the letter, but whether Mr. Sherrin signed it I cannot say; and Mr. Moore, on our applied at the Land office here, suggested how we were to proceed and make the application for this land to be sold by auction.

7041. Then Mr. Levey is right when he says he was at Colac in Christmas 1865?—It does not matter what year; he has stated one thing that I can prove is untrue. He states that I wrote that letter after he was at Colac, and I can prove he is wrong, and Mr. Moore is in the same boat. At the request of Mr. Sherrin or myself this land was offered for sale by auction. I can give the date of auction—the date on which it was published in the Gazette, No. 130, page 2558 : lots 9 to 16 were withdrawn, because they were gazetted at different up prices. Government Gazette 137, page 2582, the whole lot was withdrawn, and the date of that Gazette is 4th December. There is no date of the order by the Minister, but this land was withdrawn from sale by auction at the request of a deputation that came from Colac; and Mr. Moore afterwards told me at the Land office, when this land was offered at Colac on 27th December, that he had some of the deputation returning after they got to the head-room door to go away, and saying, "We may as well get through with all the land," they would have left this land for Mr. Sherrin. Mr. Moore told me that himself; and if you get the order you will see an order for a certain number of selections, and reserving those three. Mr. Connor would show, if he were here, that he went back, and it was thrown open for selection.

7042. When was it dealt with?—The Government Gazette No. 145, page 2810; 20th December is the date, and it was open for selection on 27th December 1866. Now, any letter from me must have been before this, and not after the land had passed into the hands of the people. So much for Mr. Levey and Mr. Moore both.

7043. The averment is that your letter was some time in the early part of 1866, and the disposal of the land did not occur till the end of 1866. Show that there was any inconsistency between the two, and Mr. Levey's statement bears that out; he remembers it was after he returned from Colac?—What good was it to my writing after the thing occurred. If I had all the papers I could show it.

7044. Was the land gazetted on the 7th December for sale?—Gazetted to be sold on December the 7th.

7045. And this is the land you were said to have written about?—Yes, allotments 22 and 23 in the parish of Yeo.

7046. Then any letters would have been written by you after the land was withdrawn—that would be after the 4th?—Decidedly so. I have stated that it was about the middle of December I wrote the letter. I had been away on an exploring expedition on the Otway Forest, when the party were bushed and nearly starved. We came back on the 9th or 10th; a day or two after I wrote to Mr. Moore about this. The land was withdrawn, and I knew about the deputation to stop the land, and I wrote to Mr. Moore about Mr. Sherrin, saying he would pay a higher price for it if necessary.

7047. Then Mr. Levey was up at the selection?—Yes.

7048. Then the land passed into the hands of the people, and the letter from you would have done no good?—It would have been madness.

The two declarations cannot stand—no doubt of that.

Mr. Moore.—My declaration is the early part of 1866.

The Chairman.—Mr. Levey says the same thing, but Mr. Bartlett shows that as to date the thing cannot be true by reference to public documents.

Mr. Moore.—The date is best fixed by Mr. Bartlett's trip from the forest.

7049. To the Witness.—This land was originally proposed to be dealt with by the Government by selection?—No; by sale by auction on application.

7050. Then the people took the alarm and asked for its being made available for selection?—Yes.

7051. Then it was after the public had intervened in this way that you are supposed to have written this letter to Mr. Moore, saying that Mr. Sherrin would give almost any price for the land?—Yes.

7052. Then, notwithstanding your supposed intervention with Mr. Moore, the selection was allowed to go on, and Mr. Levey went as an officer of the department?—(Mr. Levey) I was only a boy at the time; I merely went down with Mr. Moore.

7053. At any rate Mr. Levey went down, and the land having been disposed of and gone into the hands of the people, he came back and that letter was shown to him of which he states his recollection?—(The Witness) It is totally untrue, and the documentary evidence will show that I never knew Mr. Levey till that night when he was introduced to me by Mr. Moore.

7054. One thing is obvious—that the dates do not tally. Mr. Moore's statement is that this affair occurred in the early part of 1866, and your reply is that if it occurred at all it must have been the latter end of 1866, and you support your statement by documentary evidence?—I do.

7055. To Mr. Moore.—I think you will see there is a want of connection?—I do not fix the date for certain in my own mind, but I do fix the circumstance.
J. V. Bartlett, Esq.,

28th Sept., 1877.

I was unfortunate enough to receive your letter of the 27th inst., and was also informed by your clerks that I was not in their employ. I am not in the habit of sending bills to persons who are not in my pay, and have no occasion to see them unless the bill is called for. I am surprised to hear that I am not on the payroll, and cannot understand how I could be dismissed without notice. I have always been paid regularly, and have never received any notice of discharge. I have worked for the company for many years, and have always been satisfied with my employment. I am sure that I have done nothing to merit such treatment, and I cannot understand why I should be discharged without notice. I am sorry to have to write you, but I think it necessary to explain the circumstances of my case. I hope you will see fit to give me another chance, as I have always been faithful and diligent in my work.

Yours truly,

J. V. Bartlett,

Manager.

28th Sept., 1877.

I am sorry to learn that you are not in the habit of sending bills to persons who are not in your employ. I understand that you are an important firm, and that you are well known throughout the country. I have always been satisfied with my employment, and have never received any notice of discharge. I have worked for the company for many years, and have always been satisfied with my work. I am sure that I have done nothing to merit such treatment, and I cannot understand why I should be discharged without notice. I am sorry to have to write you, but I think it necessary to explain the circumstances of my case. I hope you will see fit to give me another chance, as I have always been faithful and diligent in my work.

Yours truly,

J. V. Bartlett,

Manager.

The circumstances of my case are as follows: I have worked for the company for many years, and have always been satisfied with my work. I am sure that I have done nothing to merit such treatment, and I cannot understand why I should be discharged without notice. I am sorry to have to write you, but I think it necessary to explain the circumstances of my case. I hope you will see fit to give me another chance, as I have always been faithful and diligent in my work.

Yours truly,

J. V. Bartlett,

Manager.
I afterwards took that letter to Mr. Skene, and he told me he would not have signed it had he noticed that part in it about the officers of the department having charges against me.

Mr. Moore.—That was not on my side of the department. I had nothing to do with that.

The Witsen.—Mr. Allan, when I afterwards saw him about certain matters, said, "Are you going on with that inquiry?" I asked for an inquiry notwithstanding the non-English mode of treating me, and the Minister appointed a day. I came as far as Geelong, and there I received a telegram stating that Mr. Longmore was away from the office, on account of something of the matter with his knee.

7059. What date was that?—I cannot exactly fix that.—I think in January 1878. I came down the following week, and Mr. Longmore then went away addressing a public meeting at Stawell. That date can be fixed. Mr. Allan sent me a telegram, dated 30th January 1878. That was sent on to me in Melbourne, though Mr. Allan could have seen me on the Wednesday when I was there for the adjourned inquiry. As you did not keep appointment to-day, my engagements will not suit for another day earlier than one week from this date. You will have to give timely notice.—A. C. Allan." I had nothing to do with Mr. Allan in the matter. I had made my charges against the department, not knowing whom they would affect. I dealt with the Minister. I told Mr. Allan I was in attendance, but the Minister was not, and he said, "Are you going on with that inquiry?" I said, "Of course I am; unless I do I shall get nothing. I cannot, in any case, be treated worse than I am." He said, "If you do you will hear from Mr. Moore. He has got something against you." I said, "I do not know what he or anybody else has against me. I am prepared to defend myself.

7060. Had Mr. Moore left the department at this time?—Yes.

7061. Who had the fixing of the fees?—I do not know. There is one other letter I wish to read.

7062. Before you leave that point, did any investigation or inquiry take place?—No. Up to the present time I have been unable to have that inquiry. I may say that friends of mine have endeavored to get it, and I do not say that the Minister has been earwigged into refusing, but I can speak of the fact that inquiries have been granted. I have letters from numbers of surveyors who have been trying to get inquiries, but they say it is no use kicking against the pricks. Here is another letter, 30th October 1888. I was accused of being a newspaper correspondent.

7063. What of that?—It is a disgrace apparently.

7064. You might as well be accused of wearing a white hat?—I have been a newspaper correspondent, and what I wrote was true. This is a letter from the Argus office:—

Dear Sir,

Mr. Byron Moore has kindly hinted to me that you would not object to send the Argus, on Monday night, a summary by telegram of the day's selections at Bacchus, and if there were material enough, a report on the following day. If you will undertake this duty the editor of the Argus will feel obliged. Any expense connected with placing the telegram in the Colac office on Monday night we shall, of course, be glad to liquidate, and also your own charge. These limit the telegram to 100 words, unless something unusual occurs which will render a more lengthy message necessary.—I am, dear Sir, very truly yours, Henry J. Smith.

J. V. Bartlett, Esq.

I have often sent them letters, and yet they charged me £2 10s. the other day for inserting my letters, which the Age put in for nothing. They said Mr. Moore and Mr. Allan were under a cloud, and I must be treated the same as they were.

7065. They thought you must have a cloud of your own?—Yes. I put in that to show that Mr. Moore did not object, but even desired me to send a report. I do not think there is anything more I need say. I have shown as many documents as I can, and have referred to papers and dates, which is more than those who have attempted to vitiate me have done.

The witness withdrew.

Adjourned to Thursday next at eleven o'clock.

THURSDAY, 5TH SEPTEMBER 1878.

Members present:

W. J. O'IKEA, Esq., M.L.A., in the Chair;
R. Clark, Esq., M.L.A. (Wimmera); J. Coop, Esq., M.L.A.;

Mr. Byron Moore, Mr. McLean, and Mr. Walsh were called in.

Mr. Moore.—Mr. Bartlett tried to shake our evidence the other day with regard to the dates given in our declarations as to the attempt at bribery. I was not ready then to answer him, and I have been impressed since with the thought that must have known we were correct at the time; but it is a part of Mr. Bartlett's policy generally to lead you off the scent—to trick you. We stated that the letter was received in the early part of 1866. Mr. Levey verbally stated afterwards that he visited Colac at Christmas 1865, or it might be at Christmas 1866, and that the letter was certainly received after that visit. We have turned up the Gazette, and we find the date that Mr. Levey was at Colac. He could not fix it here, except after he had been at the land selection at Colac, and after the only time he had been at Colac. Mr. Bartlett said—"I thank you for that. I will now prove you are wrong." In the Gazette of 1865, on page 2099, you will find that certain lands are thrown open for selection on the 20th December 1863. That was the selection at which Mr. Levey attended. Mr. Bartlett pointed out that the land referred to was advertised in the Gazette for sale on 7th December 1866, and that it was withdrawn and selected in that December; and Mr. Bartlett sought to make it appear that it was in Christmas 1866 that Mr. Levey was at Colac, and that, therefore, it would have been useless for him to have asked Mr. Moore to sell the land after it had been selected. Now there was a selection at Colac on the 27th December 1866, but there was a selection at Stawell on the very same day, the 27th December 1866, and Mr. Levey was at the latter place, conducting the land selection. You see the selection at Colac was the same day, and it was not possible for him to be in two places at once; and we can show by evidence he was at Stawell—pages 2099 and 2109.
The Chairmen.—I see here "W. T. Smith," written in the hand of a man not accustomed to write.

Mr. Moore.—That is the applicant. On the second day's selection, men who have plenty of time, the form is filled up entirely in Mr. Moore's handwriting; that is 21st December 1865. I simply bring this as proof that he was there at that date.—The Chairman examined the same.—Therefore I wish to just to show you that our statutory declaration is strictly correct, and that Mr. Bartlett must have been well aware of this when he tried to trick us out of our position the other day. It is only on a par with his conduct generally.

7066. The Chairman.—I think if you would refrain from making these reflections on a man's character it would be better. We are simply here to hear the evidence of both parties and to judge between the parties. I think you will see it will serve no good purpose?—I only want to show that our declarations are strictly correct in every way, and when he declares that he did not write this letter at the end of 1866 he is quite correct, because he wrote it at the beginning of 1866, and I bring those documents to prove that our declarations are absolutely true. I have only further to hand in a letter that is in confirmation of the telegram I handed in the other day.—(the same was handed in and is as follows)—

A. C. Allan, Esq.

Stawell, 3rd September 1878.

My dear Sir,

Your telegram came to me this morning in the middle of a council meeting, so I could not more than hurriedly reply to it, and direct a few lines to be sent to you by post with the press copy of the letter respecting which inquiry was made. I am surprised at Mr. McLean's bringing such charges, so far as they are based on the Stawell cases. I know how earnestly you strive to have the full facts brought to light, and to obtain all evidence tending to that end, and few persons had better opportunity than myself of judging of your bona fides. I do not suppose, in the midst of such full testimony as has been given in your and Mr. Moore's behalf, any word of mine would be needed, but, if necessary, command me.—Yours, very faithfully, Alfred B. Clarks.

The witness withdrew.

J. A. Levey examined.

The Chairman read the following letter from the witness:

Department of Lands and Survey, Melbourne, 4th September 1878.

Sir,

With reference to the statements made before the Royal Commission Lands Inquiryisas Mr. Levey and Mr. Bartlett re my declaration as to the date of his letter offering Mr. Byron Moore a certain bribe, &c., and the alleged discrepancy as to dates then brought forward, I have the honor to report to the Commission that my declaration is perfectly correct. The land selections at Colac at which I was present took place on 20th December 1865, and the dates on the applications belong to that day are nearly all in my handwriting. These were the only land selections held there that month. The only selections at Colac in December 1866 commenced on the 27th of that month, and on that day I was on duty at Stawell. The statement made by Mr. Bartlett that we met at Colac in December 1866 for the first time is therefore untrue.—I have the honor to be, Sir, your most obedient servant, J. A. Levey. To the Chairman, Royal Commission Lands Inquiry.

7067. Were those land selection applications, dated December 1866, and handed in by Mr. Moore, signed by you?—They are signed by me.

7058. Were they dated by you at Colac?—They were at the time.

7069. These were given in evidence to show that you were at Colac at the date mentioned; you were in doubt as to the period when you were there, and this paper clears up that doubt?—Yes, for the simple reason that I was only at Colac once in my life, and it was after the event occurred, and on the occasion that Mr. Bartlett said I was at Colac I was at Pleasant Creek, and I could produce evidence of that.

The witness withdrew.

The Commission.—The land in question, about which Mr. Bartlett wrote to Mr. Moore, was gazetted for sale in December 1866. Mr. Moore stated that it was in the early part of 1866 that Mr. Bartlett attempted to bribe him to put up the land by auction. Therefore Mr. Bartlett's request seemed to have been complied with, although the land was ultimately withdrawn from sale.

Mr. Moore.—I am not prepared to admit that the land advertised for sale in December 1866 was the same that Mr. Bartlett had written to me about.

J. J. Walsh examined.

7070. The Chairman.—I want you to explain what Mr. Moore referred to in the course of his address as to your having selected land. The impression produced upon my mind was that there was something wrong—can you explain that?—Not content with defending himself, Mr. Moore hastes out into charges against people who, like myself, have nothing whatever to do with his case, and he is so anxious to scatter mud on all sides around him, that he seizes upon the ordinary legitimate ease of my own, so as to make it appear that I did something morally if not legally wrong. Now as to the case, in a few words I will lay it before the Commission, and let them judge for themselves. Some time ago, or a few years ago, I selected an allotment of ground in South Gippsland, and signed the necessary declaration in regard to the conditions of residence, &c.; but finding some time after that I would not be in a position to fulfil those conditions, I wrote to that effect to the department—to the Minister, I think—requesting that the land might be put up to auction, with a valuation for improvements in my favor, as was the ordinary custom done every day in the department, and that is done now.

7071. Is that the whole transaction?—That is the whole transaction. What was there in that to warrant Mr. Moore in levelling a charge against me?—He must be sadly at a loss for something to say to gratify his malcontent—Well, I will not say that, but really Mr. Moore very forcibly reminded me of a cattle-fish, which when pursued, and finding escape difficult, throws out, sprouts out in large quantities a dark substance which darkens the water all round, and thus the creature is very often able to escape. I will say nothing further in reference to that.

7072. Was this land put up to auction?—Yes, at £1 3s. 6d. acre, and I bought it; that is the only selection I ever made, and I believe I may consider myself the father of selection in this colony, so that it is undignified in the extreme for Mr. Moore to refer to this in the way he has done. I found, if continuous residence were required, I could not comply with it.

The witness withdrew.
James McLean further examined.

7073. The Chairman.—You are not to enter on any new matter, but simply reply to Mr. Moore's address to the kind and impartial manner in which you have carried out this business to my satisfaction. It will be needful for me to say to you or to point out to you the many unavoidable difficulties that surround a person as myself, holding an isolated and subordinate position in the Lands Department, compared with the many facilities afforded to the gentleman whose official integrity I was reluctantly compelled to call upon. Mr. Moore has very kindly said to me that he had not been able to address a few days ago that I am unable—nor so much from intention as from a want of precision in my statement. I thank Mr. Moore for that; I have no doubt that his notion of that was slightly confirmed by reading the report of something I was reported to have said at Echene.—Before the Wednesday Mr. Allan came to me and told me he was going to prepare a brief, and that he wished to prepare a brief for me. Of course it was impossible to jot down every item at the time. I would also wish to call attention to the fact before I pass beyond the matter, in reference to various witnesses I called to substantiate my evidence at Echene. I regret that Mr. Moore should have in a hasty moment made use of hard sayings about him, and I cannot allow them to pass unmentioned. For example, Mr. Stacey—a gentleman whom Mr. Moore gave a very high character to even in his own evidence—he said of Mr. Stacey, "We looked upon him as a reliable witness that would not be carried away by enthusiasm," I cannot reconcile this statement with the statement put forward that Mr. Stacey is thoroughly unreliable, a great visionary, and more especially if he is clapped on the back he loses his head. I regret that Mr. Trench, Mr. Skea, and Mr. Webb should have been dragged into this inquiry, because I have a very high opinion of Mr. Trench, notwithstanding Mr. Moore’s notion to the contrary; I can say the same of Mr. Skea, and neither of these gentlemen could have any knowledge of the usage I received from Mr. Moore and Mr. Allen before and after the Stawell inquiry. As to Mr. Webb, he was employed in the midst of law business, and he was too absorbed to be at all conscious of anything that transpired between myself and others; I quite agree that so far as they seem they are perfectly consistent in what they say. As to my friend Mr. Black’s statement in reference to myself I must leave that to the Commission away by Mr. Hodgkinson and by Mr. Hodgkinson here to prove the contrary but he was not well. I am glad he did not come, because he might have had something ill-natured and about him also. Mr. Black also points out to you that the reason I was sent from St. Arnaud was that I was frequently out of my district, and that it was sent by Mr. Moore’s orders originally that I was removed at all. Mr. Moore repeats what Mr. Black says; Mr. Black is the more echo of Mr. Moore. He never refers to the statement that I had no house at St. Arnaud, and he then takes compassion on me by saying I was mixed up with a miscellaneous, and had lost my head, and he caused me to be removed, in a kindly way, 300 miles. These statements will not agree; they are not in keeping with facts. So far as the spiritualism is concerned, I may lay before the Commission the following declaration to show that Mr. Moore has made a mistake:—

I, James McLean, of Shepparton, in the colony of Victoria, Crown lands forfeit, do solemnly and sincerely declare that owing to my being made thoroughly aware of the monstrous pretensions of the doctrine known as “spiritualism” in the month of January 1872, I have never ceased, from that till now, whenever suitable opportunities offer, to publicly and otherwise communicate my intimated doubts, and to earnestly caution others against being led into its mind-destroying influence. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of Parliament of Victoria requiring persons making a false declaration punishable for willful and corrupt perjury. Declared at Melbourne, in the colony of Victoria, this 6th day of September, One thousand eight hundred and seventy-three, before me, F. Call, P.M.—James McLean.

I was removed from St. Arnaud in 1875, and in 1873 I made this statutory declaration.

7774. You put that in for the purpose of showing that you were not amenable to the charge of being a spiritist at the time?—Yes; that is in 1873, and I was removed in 1875.

Mr. Moore.—It was August 1873 he was tried to be removed.

The Witness.—I beg your pardon, Mr. Moore said in his evidence.—I removed McLean to Shepparton because he had been off his head with spiritism.—I think I have cleared that up.

Mr. Moore.—Did you inquire into this spiritism, and you found your reason or your judgment did not approve of it, and you cut it?—Yes, I did, and advised others to do so. I would also lay before your attention the fact of the subordinate position I hold in the department—it is all that I depend upon for a living; and if I say anything not in keeping with facts I must necessarily do so before I invite the extreme measure of punishment for saying it as to your friend. So far as Mr. Moore’s statement about Mr. Clemens, stating that I have written to Mr. Clemens asking for a character in this matter, is concerned, I will only lay before you a certified copy of the telegram I sent to Mr. Clemens, and the reply I received. It was after I noticed Mr. Moore’s letter in the papers. Mr. Clemens had assisted me in preparing the evidence of licensed forms Mr. Moore had kept back from me, and in other ways, therefore I telegraphed to him, as I would to any conscientious man. This is the telegram I sent:—

Hodie’s Baths Hotel, 26th Aug 1878.
To A. B. Clemens, Esq., solicitor, &c., Stawell—Can you help me by replying to Mr. Moore’s negative letters in to-day’s Argus and Ayr, re Winjura dummy? Regards to Mr. Clemens and family.—Jan. McLean, C.E.H., Hodie’s Baths Hotel.”

Here is Mr. Clemens’ reply:—

My dear Mr. McLean,

Silfe Hall, Stawell, 26th June 1878.

I cannot “help you by replying to Mr. Moore’s letter in to-day’s Argus.” I was surprised at the evidence you submitted to the Select Committee in reference to the Winjura dummy case. Of course you may have had strong reasons for believing that you, as, and was punished by removal to Shepparton, but there was certainly nothing that publicly transpired here that would indicate that either Mr. Allan or Mr. Moore were discredited with you. I cannot help you in the original of some of the letter, although the case, certainly, was otherwise; but it often happens that a strictly legal proof is wanting where there is ample evidence to satisfy an ordinary lay mind. Both Mr. Moore and Mr. Allan seemed anxious that the inquiry should be thorough, but it is likely that they had not that intense distrust of spouters and their unconscientiousness that I and you possess. Yours, very faithfully, Alfred B. Clements.

That dispels the notion of asking for a character. As to the accusation Mr. Moore brought forward as to what I wrote to Mr. William O’Callaghan, he says I was a bosom friend of his, and asks forward a letter I wrote some time ago in connection with the Stawell dummy inquiry. Mr. Moore had asked me to explain how it was that so many applications were coming to him from the Railway Hotel at Stawell. At
James McClean. 5th Sept. 1876.

This time Mr. O'Callaghan had started a kind of branch agency office in connection with the Lands office, and he had a ticket upon his window indicating such. The selectors, as they came to Stawell, frequently called upon Mr. O'Callaghan.

1876. What occupation was he?—He had just recently given up business as grazier in Stawell, and he then opened this branch business, and they sent their applications for the dummy blocks of land through Mr. O'Callaghan. It transpired to me whilst at Stawell that the association did contain some undesirable elements in it, and I reported against it the dummy transactions against them to Mr. Morgan and if justices had been done me those personal selections would have been forfeited, but I heard nothing more about it. I remarked that they ought first to purge the members of that body themselves before they took any action. I mentioned that Meers Allenham, Hutchings, and others, who had large tracts in the Wimmera district, had no objections to blocks of country by their friends. Therefore, O'Callaghan was an entirely stranger to me, and I wrote in this matter that my statements were unfounded. I wrote to O'Callaghan and John McDougall at Stawell. I have a rough draft of the letter I sent, which is as follows:

To the Secretary of the Farmers' and Selectors' Association, Stawell.

Sir,

Will you have the goodness to inform the Honorable the Minister of Lands what action was taken by your association relative to the notice I received to leave Stawell for the removal of the dummy transfers of a person generally in your neighborhood at the time—I have the honor to be, Sir, your obedient servant, James McClean.

I think so far as that particular part as to spiritism being the cause of my removal and that kind of thing, that it is to complete the series of tricks. I have written to the proprietor of the St. Arnaud Mercury (Mr. Lewis), asking him to be good enough to send to me a paper or two bearing the advertisement where my office was in St. Arnaud, and also if he could trace anything that led to my removal. This is his reply:

J. McClean, Esq.
Dear Sir,

By this post I forward to your address two copies of the Mercury containing your ad., which appeared for the first time on 12th June, and the last 12th June 1876. I have no objection to your statements. I have watched for your advertisement in the Shire Council minute-book, but cannot find anything therein referring to your appointment—Yours truly, J. A. Lewis.

[The witness handed in a copy of the St. Arnaud Mercury dated 10th May, 1875, containing advertisement of his office as bailiff at Stewart's Temperance Hotel] Then I wrote to the proprietor of the Temperance Hotel, and I asked him to confirm my statement. This is his reply:

To the Chairman of the Royal Commission Lands Inquiry, Melbourne.

Sir,

I have the honor to herewith forward a copy of a Mr. James McClean, Crown lands bailiff, endeavouring to get a house at St. Arnaud here for his wife and family to remove from Stawell, and in fact I was in treaty with one Daniel Box to get a house for myself, by Mr. Melcon's instructions, a very short time before his removal—Yours truly, Sir, your obedient servant, A. K. Stewart.

Mr. Moore states the cause of my removal from Stawell originally. It is in reference to that I put in a letter from Mr. Hodgkinson. First of all here is my letter to him:

Clement Hodgkinson, Esq., Brighton.

Dear Sir,

Will you do me the kindness of looking over the enclosed printed copy of statements made to the Royal Commission on the land inquiry, and way I lay of yourself to say if the said statements, as far as they relate to you, are strictly correct? I would also respectfully beg to request that you will favor me with an opinion, to lay before the Royal Commission, relative to your knowledge of my ability and integrity whilst under your special supervision. I am, dear sir, sincerely yours, Jas. McClean.

Here is Mr. Hodgkinson's reply:

Sir,

I have this evening received your letter dated 23rd instant, asking me to inform you whether the statements made to the Lands Commission relative to your removal from the Stawell District were correct, and also requesting me to give my opinion with regard to your qualifications whilst you were under my special supervision. I will comply, in the first instance, with your second request. As I was the instigator and compiler of the regulations for residence and cultivation licenses under the old Land Act of 1860, which, whilst Mr. Brooks was Minister for Lands, caused a large extent of blank fences settlement, and having been the author of the final section of the Amendment Land Act 1865, the operation of which section Mr. Grant so beneficially extended, I have long taken great interest in the blank fence occupation of land for agricultural purposes, and devoted my best energies to further Mr. Grant's views (publicly bearing myself, as you know, the major portion of applications for land under that section). During such local public investigation of such applications, I received from all blank fences more reliable information as to the blank fences, ets., of applicants than yourself; and consequently the character of the person in whose office I had the reference to transactions in the Lands Department during the latter part of my career therein. I can therefore only say generally that the person in charge of the blank fence section at the north-western offices and who was assigned by Mr. Casey to Mr. Moore, that officer was considered by the Minister to have displayed remarkable acumen in such preliminary investigation. Mr. Casey consequently gave him a carte blanche to conduct the local inquiry independent of all instructions from or in reference to me, and all the country officers of the district were at his disposal to carry out the inquiry. In fact, Mr. Casey soon after placed Mr. Moore in independent charge of the Occupation Branch. I have a vague recollection that while Mr. Moore was conducting the inquiry alluded to, he suggested to me the removal of a district where, in his opinion, your services would be more useful than at Stawell, and that I, knowing the confidence of Mr. Casey in Mr. Moore's judgment with regard to the districts under his special scrutiny, gave effect to the suggestion. It never occurred to me to think that your removal would be detrimental to this purpose. In fact, I understood the district surveyors and district bailiffs without their change of districts being deemed a direct or indirect censure on them. For instance, a very worthy and impartial district surveyor, Mr. P. Chappel, was successively district surveyor at Heathcote, Hopetoun, Ararat, and Ballarat,—Yours truly, Clement Hodgkinson.
7077. You quote that to show that your removal, though done by Mr. Hodgkinson, was in reality suggested by Mr. Moore?—Yes. As to the removal of the witnesses to Horsham during that memorable affair, Mr. Moore was not the only person, during that time, to pass a surmise or a remark to that effect. I have no desire to infer that I was misleading you. Unfortunately for me I have not retained the letter I received from Mr. Scoue, directing me to take the witnesses to Horsham, received at the time, but I would lay these facts before you that it is extremely unlikely that I, a subordinate officer at Stawell, brought with me to Horsham without a written order a large number of men, including Mr. Raven, the local land officer and treasurer—a man of some importance, according to that complaint he made against me for insubordination. I would ask you to think whether I, holding this subordinate position, and being looked upon as such a contemptible "ignorant fellow," as he said I was, that he would deign to accompany me, and bring with him a whole armful of his books to show whether the roads were paid, and to produce the receipts, coming up to Horsham a distance of forty miles, if I had not a written authority to show that he was to come.

7078. Was he the land officer?—Yes, and treasurer also. How absurd it would have been for the men to come with me unless I had authority in writing. Again, why were all those men paid, and the vehicles paid for, and not a single complaint made about it, if, as Mr. Moore says, I received no authority?—I now come to the part of my career, the three years since I have been placed under Mr. Thomas Nixon, the district surveyor stationed at Benalla, a gentleman whose integrity no man dare impugn:

Sir,

Survey Office, Benalla, 27th August 1878.

As requested in your note of the 24th instant, I beg to say that I have had no grounds to doubt your ability and integrity as a Crown lands bailiff in this district; on the contrary, I have always found you most anxious to expose dimunition, either by the pastorial tenants, or in any other quarter.—I have the honor to be, sir, your most obedient servant,

T. Nixon, District Surveyor.

Mr. J. McLean, C.L.B., Shepparton.

I have also a letter here from the officer in charge:

District Survey Office, Benalla, 27th August 1878.

Mr. James McLean has been employed as Crown lands bailiff in the Shepparton division of the Benalla survey district for about three years; during that time I have always found him to be an able and energetic officer, and as far as I am aware, reliable.—E. T. Drew, Officer in charge.

I must now revert to Mr. Black’s statement about my being out of my district, and Mr. Moore’s that he had re-arranged the bailiwicks in March 1874. His object was to show that I was not badly used as I alleged at Echuca by being sent about more than any other bailiff. I can lay before you facts to the contrary. I anticipated Mr. Moore would bring forward such a statement, therefore I prepared a plan in a rough way, and I have also brought with me the documents with my reports upon them that I made at the time.—[The witness exhibited a large plan, and pointed out the places to which he had been sent from time to time.]

Taking St. Arnaud as the starting point, there is Pentland Island, 110 miles away, due north. There is Kalynaun below Ararat; Lodecourt in the Wimmera district, and there is Stawell. I had frequently to come from St. Arnaud to Stawell up to the 31st December 1874. I was sent to do work extending all over here—[showing the area on the map]. I had to go to Kerang, also 100 miles off, and to Avoca, Boort, and Kerang West.

When it was you had to do all this—it was before or after you went to Shepparton?—Before, Mr. Moore endeavoured to lay before you that in March of 1874 he had re-adjusted the bailiwicks, and he showed you a carefully prepared plan that my district was one of a number of others. He says March 1874. I show my work up to the end of that year (I was ordered from Stawell in August 1873), and up to the end of 1874 I had all this work to perform; and, not only that, but after I went to Shepparton I had to come after the Decameron run—a distance of 350 miles. Since I left there have been three or four bailiffs placed there. In 1875 that was done.

7080. You say there have been three or four in the same district since you left?—Yes—[explaining on the map]. I have there for bailiffs: where I was before by myself, viz., one at Stawell, one at Kerang, one at St. Arnaud, and one at East Charlton or North St. Arnaud. I will now show the papers if you desire to see them. There is one at Kerang, 237/74, where I had to go on business. My report is to be seen on the papers—[handing in the same].

7081. You put them in to show the limits of your district and to show the work you had to do?—Yes. My district had no limits at that time.

7082. Mr. Moore said Mr. McLean was removed for the convenience of the office, carrying out the new list of stations for the land bailiffs. Now, you show that that classification did not apply at this time, and that you were removed was of this enormous extent?—Not only that, but, to bear out what I said at Echuca, that I had been knocked about the country more than any other bailiff, I produced those documents to show it. Here is a paper bearing on Kalynaun, over eighty miles S.W. from St. Arnaud, 28/874—[handing in the same]. It was in March 1874 that Mr. Moore declared to you he had made this alteration, and it was after that I was sent out of my district to do work, when Mr. Black tried to mislead you by saying that I was out of my district at the time. I wish to prove that that was false, whether intended or not. I was sent away from Stawell in August 1873. Here is another case in the Avoca district, Natee Yallock way, in reference to the Mountain Creek run, about sixty or seventy miles S.E. from St. Arnaud—[handing in the documents].

7083. Here are the Pentland Island papers, 27th July 1874—[handing in the same]. Also the papers in connection with the Decameron and Glengrock runs, the last date of my inspection 8th September 1875. That was, from Shepparton, a distance of 350 miles or so.

7084. Why were you sent to your old place after having been stationed at Shepparton?—I cannot suggest the cause. I was entirely at the mercy of the officials. I dare not complain at the time. The next is Lexington, 31st December 1873. I had also to go to St. Arnaud, about 55 miles, to inspect certain town allotments and to the parish of Glen Willan, 29th September 1874. I may also satisfy you about the visit Stawell. I visit Stawell about twice a week, Mr. Moore and Mr. Black said I ought to have left the Stawell district. Amongst other things I was called upon to attend the Supreme Court in Melbourne, in connection with the celebrated 7th section blocks of land, in the cases of Water and Kate...
MeCrillen v. The Queen

I had to appear in Melbourne with my report. I was instructed to do this by Mr. Hodgkinson, and Mr. Casey, the Minister of Lands, 30th November 1873. I have made notes from my office during the rest of my work from that date and until about 20th November 1873.

On 20th November — Making inquiries at Emuhurst concerning drunkenness on the Deamson and Glenilge runs.

20th November — Left Emuhurst for Ararat, to value by arbitration the 110th section improvements on the Langi Ghiran run, with Mr. M. B. Correll, Stawell district.

20th November — Returned to Stawell.

20th November — Left Stawell by 6 a.m. coach for Melbourne, to give evidence in the case of Kate MeCrillen v. The Queen, re the 7th section, habitable dwelling dispute.

2nd December — Waited on Mr. Moore at the Crown Lands office, relative to the existence of drunkenness on the Deamson and Glenilge runs.

5th December — Returned to Stawell.

10th December — Left Stawell to value 110th section improvements on the Lexington and La Rose runs, in the Arcoa district.

12th December — Returned to Stawell.

16th December — Left Stawell to value 110th section improvements on the Deamson and Glenilge runs in Stawell district.

20th December — Returned to Stawell.

22nd December — Valuing improvements at Glendower, Stawell district, or Mr. Griev's selection.

24th December — Obtaining particulars relative to the general compliance with the 41st section conditions in the Stawell district.

28th December — Valuing improvements at Glenlynn and Joelst, Stawell district.

30th December — Inspecting 14th section holdings in Crowlands. Returned to Stawell at 12 p.m.

2nd January '74 — Valuing improvements at Waukurna, Stawell district.

6th January — Left Stawell to value by arbitration the 119th section improvements on the Heifer station, St. Arnaud district.

8th January — At District Survey office, St. Arnaud.

9th January — Valuing 110th section improvements on the Avoca Forest run, St. Arnaud district.

10th January — Travelling between the Avoca Forest run and Yongam Springs home station, in order to inspect and value 110th section improvements.

18th January — Valuing by arbitration the 110th section improvements on the Yongam run, St. Arnaud district.

18th January — Travelling between St. Arnaud and Glenloth station, to value 110th section improvements on that run.

24th January — Attending correspondence at Stawell, valuing improvements on the Rurs, Stawell, and at Davenport's, Concongella station.

26th January — Left Stawell to value improvements on Carr's Plains and Wallaloo.

30th January — Preparing detailed particulars of improvements on forfeited selections, for Mr. Moor's information.

February — Preparing a detailed report of supposed dummy holdings in the parishes of Eversley, Kirkella, Callawalla, Wreakehill, Gnee-green, Glenloth, and Baymanpett.

February — Attending at a special land board at Stawell to hear applications for forfeited selections.

February — Applied from Stawell to Mr. Moor for a plan of the St. Arnaud parish, and a permit to use the telegraph line for official work.

April 1873 — Left St. Arnaud to value improvements in the parishes of Glendower and Callawalla, re Joseph Payce's holdings in Glendower, Stawell district, by Mr. Black's orders.

April — Inspecting Proctor's and 2 'toddlings' improvements in the parish of Glenlynn.

April — Attending a local land board in Lansborough, Stawell district.

7th May — Left St. Arnaud to value improvements on the Black Range, near to Stawell.

8th May — Valuing improvements in the parishes of Callawalla and Glendower.

12th May — Valuing 42nd section improvements owned by L. E. Rowell on the Black Range, Stawell district.

13th June '74 — Left St. Arnaud for Ledford, in the Stawell district, to inspect Mr. Brunton's improvements; total value £188 5s. 6d. 4s. Stawell district.

16th June — Attending a local land board at Stawell.

18th June — Valuing improvements in the parish of Lansborough, on Ingram's selection, Stawell district.

18th June — At the Survey office, Ararat, examining 41st section records.

18th June — Inspecting and valuing improvements in the parish of Glenlynn, Stawell district.

28th August — Inspecting and valuing improvements in the parish of Raylman, near to Moyanton, Stawell district.

28th August — Obtaining information relative to several local selections at the Ararat survey office, Stawell district.

Tuesday, 22nd September 1874 — Inspecting and valuing improvements on William Payne's selection in the parish of Ledford, formerly held by Aercl, Petter, Stawell district.

29/174 — Valuing improvements in the parish of Glenlynn, Stawell district.

12/174 — Valuing improvements in the parish of Bruncy, below Ararat, Stawell district.

13/174 — Valuing improvements at Kellymn, near to Moyanton, Stawell district.

8/774 — Inspecting improvements in the Deamson and Glenilge runs (from Shapton).
shall make or cause to be made any agreement or contract, or shall give or take or cause to be given or taken any negotiable security for the purpose of defeating or evading the provisions of, or shall in any way whatsoever directly or indirectly commit or be privy to a fraud upon, the said Act, the license shall be liable to be forfeited and revoked." I think there is no getting away from that. It says not in reference to that particular run, but the fact that if he is found to violate the Land Act anywhere by suborning or by bribed the said licensee or the servant or any other servant of the said licensee, whether the selections were on the common or not, his license should have been forfeited if he was found to have dammed the land; and as he tried to wrest the land from the people, he was more guilty than if the land had been on his own run. He was wresting it from them for his own selfish purposes. But I can prove that the selections were on his run. I can prove that this block of Farquharson's, the old man Farquharson swore that he sold a ton of wire to Farquharson for his fence, and the overseer swore that he assisted the man to put out the land and put up the fence, and put men on the land to plough it. It was also sworn to by three or four reliable witnesses that this Farquharson was a knock-about drover and a boot-maker in the locality, and brother-in-law to the overseer of the Decameron station. There was also a dammed house on the land. Farquharson had no settled occupation, just occasionally mending a boot or two, and occasionally driving sheep. This man was examined on oath by Mr. Smyth. He was asked—"Can you tell what your income is?" and he said—"I cannot tell. It is an hundred pounds; I cannot say, it is a thousand; I cannot say." Yet that man was allowed to go on and hold that block of land with all this evidence against him, and my report against him. The very origin of this dummy inquiry in the Wimmera district sprang from Mr. James Grant, a man who has suffered martyrdom at the hands of the pastoral license, and at Mr. Moore's and Mr. Allan's hands. I can prove this by documents. Mr. Grant is a farmer in the neighborhood of Elmhurst. He took up a small block of land (20 acres), and, with his wife and three children, worked hard. As he could not make a living with that, he took up 40 acres more, and then applied for 80 acres, and he wanted no more. He wanted it for a vineyard to make a living for his family, but the 80 acres he wanted would have trampled upon this block that the Decameron run proprietor wanted. He wrote letters, wrote telegrams, stove up these applications about it. Mr. Grant went to see the land himself, and went down to the local land board, and his application was not accepted. He went home and his wife was very ill, so that he could not return to Avoca at the time specified for the case to be heard again, and he sent a friend down to pay the money, and the land agent said it could not be taken unless person himself and the manager of the station were there. Mr. Grant returned not to the land by Mr. Grant, and they laughed at him. He was struggling against the great powers there. He wanted to have the case heard at Avoca, but Mr. Allan, the chairman of the board, said they could not waste the time of the board with such matters. I have that here in a minute from Mr. Hourn, when Mr. Hodgkinson writes to him and tells him there is no chance of inquiring into those matters. With all Mr. McCamley's subtleties of Mr. Allan, they have between them ousted the best land in that part of the country to go into the hands of the squatters through their damnable work. I have kept up a constant correspondence with Mr. Grant, and I wrote to him when I was sent out of the district, anticipating I would be called here. His letter has already been read to the Commission. Mr. Grant also wrote to Mr. Moore and others in the department, calling attention to the two different modes adopted in taking up this so-called farmers' common and the other portions of the run. Mr. John Little, a neighbor of Mr. Cameron's, put himself forward to shield this Mr. Farquharson, to blind me and others who were watching his movements. He shielded this man after the special commission at Stawell; instead of the Decameron sheep being on Farquharson's block, Little's sheep were put on it, and thus he had disposed of the unsurfaced of the land, and so far he had committed such an illegality that he had forfeited his land, but he was allowed to go on. And now we find that the improvements were demised improvements, as I swore, and it was done notwithstanding all the proofs that Mr. Williamson was acting as a pettifogging stockkeeper by disposing of a ton of wire to Farquharson, and his overseer having contracted for the carting of the posts and rails upon his selection, and having sent the station teams and men to plough a certain portion of the land. This was all done by contract; and there was the removal there by Mr. Williamson's teams of a dummy hut, that had been upon a section of land held by a sawyer as a承包 to the neighborhood; and we have before us evidence before the Stawell commission, they said that this man had promised to give them £40 for this building.

1894. What was Cameron?—The manager of the station. As to the pettifogging stockkeeper, the evidence in Stawell cases shows that (questions 9002 to 9031) — "By the Board.—Did you pay them, or direct any person to pay them?—No. By Mr. Smyth.—Who supplied the wire?—Mr. Williamson sold the wire. To whom?—To John Farquharson, and curtailed it. Mr. Cameron general, dealer and tenderer for little jobs of petting fencing and selling wire—is it that the usual occupation of a squatter?—No." These are questions alluded to by Mr. Stacey as put by Mr. Smyth that led to all being seen to be a fraud, the case having gone smoothly up to that point. That last question put by Mr. Smyth was tie one which opened his eyes. Then we come to the part in reference to the common:—"Murdoch Cameron examined (questions 9902 to 9920).—By Mr. Smyth.—You have been manager of the Decameron station for a great many years?—Yes. Had you any interest in it yourself?—No. You know this selection of Mr. Farquharson's?—It is not on Decameron; it is on Eversley common. Was Eversley common over part of the Decameron run?—Yes. When he selected it was it then part of the Decameron run?—No, I think not. I would not like to say positively, but I think no. Were any improvements put up; any fencing?—Fencing. Was the fencing put up by station hands?—No. By whom?—I presume by Tardrew and Ransom. Who are they?—They are laborers taking contracts, I believe. By whom were they paid?—That I cannot tell you. (They were paid by stock station employers. I had men to prove that at the time, but was not allowed to put it up.)—"You did not pay the Gilberts for the posts and rails?—No. By Mr. Williamson's laborers. I put in a tender for and carried out a quantity of rails and posts for Farquharson's fence. How much was it?—£2 a mile—two-rail fence—that is only the cartage. Were you paid for Farquharson for it?—It is not paid yet—it is not finished. How long ago is it since you saw this?—About May or April?—I think they were about February, where were to get £2 a mile for carting?—Yes, from Mr. Farquharson. You performed your part by carting this on the ground?—Yes. Only by accident has he not performed his part of the contract—by not paying?—The fence is not finished. By the Board.—Do you mean the contract for carting is not yet finished?—No. There is enough evidence of a commendatory kind that any man with half an eye and
James Moore, continued.
5th Sept. 1873.
devourously honest to perform his work night or day; there is evidence enough to criminate the whole box and dice of them. There is one matter more—as to the summonses. You heard Mr. Smyth's evidence, in which he unintentionally falls into a mistake. Mr. Moore says Mr. Smyth knew the matter, but he did not, and I wish to exonerate him from all blame in it. Mr. Moore gave as the reason why I was kept out of the summonses the forms that the instructions were given in Melbourne by Mr. Smyth, that they must be served at the eleventh hour, and as nearly as possible simultaneously. It was on the 20th of the month I applied for the forms, stating that if I did not get them at once I would not be responsible for the failure. I had hundreds of miles to travel. Mr. R. Clark, of the Witness room, was present when I was left with Mr. Crimes and others about two o'clock on Sunday morning. After two of my sons waiting to take out the summonses we were making out. It may be very hard that I should be served in this way, and many said it was monstrous, and that I should be getting into a fix. I can prove that the reasons given by Mr. Moore were not the fact, and that the case of the Decameron station, from the beginning to the end, was a concocted arrangement that they should not lose the land. I assure Mr. Moore and Mr. Allan with having conjointly entered into a conspiracy against the State to give that land to the station people. The reason I stated the other day that Mr. Allan was acting under Mr. Moore was that Mr. Allan came forward to where I was standing in the adjoining room with Mr. James Grant and said—"I wish to God, to Mr. McLean, you would put a word in for me to the Commission—you know we were all acting under Mr. Moore at the time—it was not our fault." I said I would mention so to the Commission with pleasure. I took it in a word in his favor, and Mr. Moore says—"He does not require a character from Mr. McLean." I am sorry for that, Mr. Moore made use of that to make it appear that I was repudiating my former charges, so I then said I would not disassociate Mr. Allan from Mr. Moore.
7685. Were there any selections taken up on the Decameron run outside the Eversley common?—Yes. First of all I will prove that the statement about the summonses was false. I have here Charles Williamson's receipt for the summonses—[handing in the same]. The body of that is filled in by Mr. Allan, 18th September; and mark you, I had not received a form up to the 20th September:—
Decameron Run, 18th September 1873.
I acknowledge to have received by post from A. C. Allan, district surveyor, Ararat, a letter from Arthur Mornah for Assistant Commissioner of Lands and Survey, dated Department of Lands and Survey, 18th September 1873, calling on me to appear at Stawell, at a public inquiry as to alleged breach of condition of pastoral license. Said letter marked 96.65A.—Charles Williamson.
The District Surveyor, Ararat.
7686. Did you say that the body of that is filled in by Mr. Allan?—Yes.
7687. And signed by Mr. Williamson, the pastoral license of the Decameron run?—Yes. I wish also to call your attention to the fact of the other notices served on the witnesses of the Decameron station, and with the exception of Macquharson, not one of the other dummies was summoned. If Kelaksky and others had been summoned they would have confessed before the Commission what they knew. Four of them cleared out of the district and the station hands removed the fencing.
7688. Then you mean to say this was doing what Mr. Moore calls "the wrong" on the case?—Yes, through Mr. Allan. I wish to show also that Mr. William had notice five days in advance of the Decameron station people—my witnesses against him.
7689. And in the meantime the defendant cleared out?—Yes.
7690. Do you know whether any other pastoral licensees had a similar document?—I suppose so, but that shows that Mr. Moore's statement was false as to the notices being kept back at the request of Mr. Smyth.
7691. When did you send out your summonses?—As I explained, the forms did not arrive till seven o'clock of the 20th—Saturday night.
7692. How many witnesses did you summon altogether?—One hundred or more.
7693. What did they comprise?—Dummies and squatters, and the witnesses all throughout the neighborhood.
7694. Was this the only case in which a document of this kind can be produced?—I cannot say. That is the only one I have received, and I have carefully kept it.
7695. Did you summon all the rest of the squatters?—I did.
7696. Then this man was summoned specially?—The summonses of the Decameron run people were taken out of my hand by Mr. Allan. The others I served or had them served by assistants.
7697. Are you able to say that this was the only case that was taken out of your hands in this way?—It was, out of the five runs I had to do with, and the other four runs were deferred and that was saved. I have now to show you five or six receipts as proof that the witnesses I wished there were summoned five days after the pastoral tenant. I will read one:—"Elmhurst, 18th September 1873. I acknowledge to have received from George McKenzie, of Survey office, Ararat, a summons to appear at a special local land board to be held at Stawell on the 25th instat, said summons addressed to me and marked s.r.o.
7698. What action did the department take to watch the dummies? It was said that some was taken?—None whatever; on the contrary, the Elmhurst Farmers' Association frequently wrote to the department to have the blocks of land forfeited or the cases heard, but they were always put off; and I have a document here to show that Mr. Moore wrote in a very abrupt way to Mr. Grant.
7699. Was any one else sent up but you?—No. Meantime the squatters' sheep had been grazing on the land, and head fide settlement continued. A notice was sent to Mr. Williamson five days previous to the one that was served as a blind by Mr. Allan from Ararat.
7700. This is an acknowledgment, dated 19th September, of receipt of the notice by Mr. Williamson; and then on the 18th September Mr. Williamson again comes in with all the other witnesses and signs also for the summones, so that he seems to have received special notice five days before he received notice with the rest?—Yes, as a blind; and then he signs again.
7701. How many witnesses recaped, do you think, though that timely notice?—About six important witnesses.
7102. That he had not been given to Mr. Williamson on the 13th you would have had five or six witnesses who would have proved your case?—Let me tell you that the whole summons was taken out of my hands. Mr. Moore would not let me interfere.

7103. I really cannot understand these papers—here is another receipt by Mr. Williamson?—That is on behalf of his manager, Cameron.

7104. It is very clearly established that Mr. Williamson received notice five days before?—Yes; and also that he received one as a blind five days after. The absence of those witnesses was of great importance to me—my hands were tied, and I could not prove my case.

7105. What would you have proved if your hands had not been tied?—I would have proved the wholesale duumery carried on by the Documeron and Geologic runs; and that of Williamson's was one of the worst cases of duumery we had in the whole district.

7106. You would have proved that the selections were outside the Eversley common and on the run itself?—Yes; and that a great portion of the Eversley common had gone from the State under his eye-corn by Mr. Little on behalf of the station. I will show how the matter was apparently worked. The absence of these witnesses at Stawell was very vital to me, but placed in the hands of the parties I was, it was perfectly valueless. I knew they would break down, and that was the object. When Mr. Murdoch Cameron is being examined by Mr. Smyth you will observe how guarded he is. Beginning at question 9077—"Who put up that fencing?"—He was there himself putting it up and some of Mr. Williamson's hands. I beg to decline saying anything connected with this man." (He was not there, you must remember, because he was not summoned.) "Do you, the overseer of the Documeron station, decline to answer questions that I say directly affect the licence of Mr. Williamson?—No; I beg to state these men are not here."

7107. Mr. Williamson is summoned here to show why his run should not be forfeited, and he refers me to his as your overseer, and the questions 1 am putting directly affect that question. The Chairman.—If he refers to your Minister of Lands that he declines to answer the questions, and let judgment go by default in the ordinary way. Mr. Trench.—Mr. Williamson distinctly stated that he knew nothing about the affairs of the station, that Mr. Cameron did. The Chairman.—This gentleman has all the power and management of the station. Mr. Trench.—Then you infer from that he had power. The Chairman.—No, unless it is stated by Mr. Trench. Mr. Williamson directly. Mr. Trench.—And you use the information of his overseer to criticise Mr. Williamson and other persons not summoned here at all. The Chairman.—If it were an ordinary civil case or an ordinary criminal case he would have to reply, there would be no hesitation on that point. Mr. Trench.—I don't think so. By Mr. Smyth (to the witness).—Do you, acting on behalf of Mr. Williamson, on his advice, decline to answer any questions as to Killacky?—I refuse to act as an informer against Killacky. There is nothing in his case connected with Mr. Williamson, and as an informer against Killacky the selector I decline to appear. The Chairman.—You are not asked here as an informer; and if you were before a court of justice and you did not answer these questions it would, in my opinion, deal very quickly with you. I think it is a fair question, and if you refuse to answer it will affect Mr. Williamson as allowing judgment to go by default, and, if I, as one, will recommend the Minister of Lands to forfeit the licence. If you can give fair evidence exculpating Mr. Williamson the Board will hear it. By Mr. Smyth (to the witness).—Are you prepared to answer the question?—I will answer anything except what would affect a selector. With regard to him I do not wish to say anything; but anything concerning Mr. Williamson I am willing to answer. The Chairman.—What affects a selector must affect Mr. Williamson, and what affects Mr. Williamson must affect the selector, and it is impossible to distinguish them. If Mr. Williamson is the employer of this man (I do not say he is) and you are here to show whether he is or not, and if he goes to affect him that must affect the selector—it is impossible to separate them. Mr. Trench.—They ought to have been summoned to answer for themselves." Sonny I; but they were not, and therefore, so far, Mr. Trench bears me out; and so far Mr. Murdoch Cameron bears me out; and now I will show that Mr. Williamson has the means to carry me out. This is a copy of Mr. Williamson's sworn declaration drawn out in a concise form, and witnessed by Mr. John Holmes, police magistrate at Stawell:

7107. How was that occasion of the day?—It arose out of an arrangement of the board, who desired to have something to place before the Minister in keeping with the printed report, something definite to act upon in the matter. Mr. Holmes was strictly impartial throughout the whole proceedings, and I believe this was done by himself.

7108. Mr. Moore.—May I explain that those statutory declarations were written by one or other member of the board; we took it in turn for the evidence was given; therefore that declaration may be said to be a sketch of what the printed evidence is the photograph.

Mr. McLean.—The Commission can judge. There is no occasion to throw in any extraneous matter. Mr. Williamson was one of those extremely pious and wealthy Scotchmen, who did not love his neighbor as himself. Here is his declaration:

I, Charles Williamson, of Documeron run, of Documeron, in the colony of Victoria, do solemnly and sincerely declare that I have licence of Documeron; have had the run for twenty years; Mr. Murdoch Cameron is manager for nearly twenty years; no relative of mine. I know Killacky; he is in my employment as a working man for two or three years or more; I have no doubt Killacky is a selector on my run. I reside at Home station; I am seldom on run; I have all the power and management of run to Mr. Murdoch Cameron. I know Alexander Cameron; he is employed on run; a sort of overseer under his uncle, Murdoch Cameron; I think he has taken up an allotment on run. I have no arrangement with him, nor have I any further instructions as to his appointment. I know James Shinn; he is in my employment; he is a selector; he has been many years employed on run as a general hand, at $4 per year. Killacky, Alexander Cameron, and Shinn, are still on run. Mr. Willy doesn't say he is a selector; and in my employment for many years on run as a general station hand; still in my employment, and has been for many years; in my selector on run, and a boundary rider. James Wilson, an old station hand, and still in my employment at about 40 years, is also a selector on my run. I know John Butler; he is an old station hand, still in my employment, and a selection living in. I know William Huxley, a selector on my run; he is not in my employment; his father is also a selector; they were never in my employment; both are gardeners. I don't think either of them ever lived on his selector; they rent the Geologic station gardens for many years and live there; that station is in my property; they pay me a rent of 400 per year. John Farquharson I know; he is not a selector on my run, nor is my employer. Farquharson and my manager, Cameron, are married to sisters.

Charles Williamson.

Witness to signature—John Holmes, P.M. Dated 3rd October 1873.

Land 2 M
I wish to point out that I have no desire to quibble, but facts are stubborn things. Mr. Williamson knew his own run thoroughly, and that those men were on it, and when he came to a particular part on the course he emphasized it.

7.108. Why did the board require those formal statements in addition to the evidence of the witnesses?—The recommendation of the board was such that the runs were liable to forfeiture, and as the cases were to be re-heard, Mr. Holmes desired to have something tangible. But Mr. Williamson escaped the charge and from every appearance it was a pre-arranged thing. I was sent out of the district and the charge was allowed to lapse.

7.109. Was it your opinion at that time that all those people mentioned by Mr. Williamson were dummies?—Yes, and I am prepared to prove it as I said before. I now hand in Murdoch Cameron's declaration—

I, Murdoch Cameron, of Neaceen, in the colony of Victoria, do solemnly and sincerely declare that I have no interest in Decameen station. I know Farquharson's selection; it is on the Beverley common. I did not assist in selecting the selection. The fence was put up by Tardrew and Samuel Haxton. They are labourers. I did not pay them for Farquharson's fence. C. Williamson's servants cut the staff for fence. I put a tender for erecting the staff at £9 a mile; it is not paid for. I cut the staff about May or April, but my contract for cutting is not yet finished. Tardrew and Haxton sold the selection to Mr. Williamson for £23 per acre, to be delivered on Farquharson's selection. He sold Farquharson two tons; about three-quarters of a ton was delivered on the ground. It was Williamson who cut the wire and wired on the contract. There is a house on the selection; Williamson's men put it up; the house was taken from Williamson's purchased land. Farquharson was to pay £40 for the house; it was put on the selection by Williamson's men, except the chimneys. Williamson's team shifted the house and he was in the house in it. As far as I know, Williamson paid for the house. A portion of selection has been ploughed by Williamson's men. Some of the station sheep graze on the selection; the sheep are shepherded by my order. Farquharson is my brother-in-law. About 2 acres are enclosed, and partly ploughed; the work done by Williamson's men. I know Killacky's allotment; he is an old station hand, and still in employ of station. Part of his stock is fenced in; a log fence around 5 or 6 acres. He and some other of Mr. Williamson's hands put up the log fence. It is partly ploughed. Killacky lived with me for about a fortnight in a tent; he was then working with us. Killacky's selection is on the Gleneagles run. The same sheep travel over Decameen and Gleneagles runs. I know Alexander Cameron's selection; he has been living on the selection; there are no improvements on the selection. The timber is going for fencing; Alexander Cameron's men split the timber; he engaged the men by contract. The station sheep graze over the selection as other parts of the run. He is assistant overseer; he lived at the station house. I cannot tell who pays by whom, I cannot tell who paid for the fence. It is a run in my name. I know Killacky; he is a laborer on the run. He never resided on the selection. There is no house on it; there are no improvements on the selection. The fence was put up by those persons who had a contract with others for splitting the timber. The timber is going for fencing. There is no improvement on the selection. The part is of the Elimburn common. There is some fencing on the selection; it was put up by a person of the name of MacGinach, who paid for it. I was with Farquharson when we went to inspect. He lives on the selection. He has portion of it fenced; he has a house on it, and begun to live there. I believe, about five months ago. He has a garden and cow yard on the selection. Tardrew and Haxton are not employed on the station. I only did the earthing of fence materials and ploughing. James Grant opposed the selection at two local land boards.—Mainsead Cameron, witness to signature.—John Holmes, F.M., 3rd October 1875.

Had Mr. Hodgkinson had his way in the matter it would not have occurred, Mr. James Grant had written as at the Willaloum Uannyness going on in that part—have his letter:

The Horsetale J. J. Carey.

Sir,—I beg to inform you that Mr. Williamson, of Decameen station, and his females have violated the 9th clause of the 1864 Land Act (86b), inasmuch as they have sent men to split half timbers or the fence taken up by those females; he (Mr. Williamson) drew up the contracts with the splitters and substituted the names of the summers for his own. These splitters are not licensed and they do not confine their operations to the allotments. The two men that are splitting for Farquharson having failed and split a quantity on the Elimburn lands, presently, they sold some on the land I marked off. They are now splitting on land selected on the 13th August last by Mr. Daniel Smith. It is unjust to rob side settlers to allow parties to destroy the timber on their selection, it is most expensive on the cultivator to remove stumps than if the stumps were standing. Any practical man would remove three trees sooner than one stump. Trusting you will take cognisance of the above, I remain, etc., your obedient servant, James Grant, farmer.

I was asked by Mr. Morsh for my report on that, and I gave it as follows on the 19th of November 1875:

I find that Mr. Grant has had just cause for complaint for what he has done. He has left the land with rails and, left them on the ground. Their real ownership will be determined on at J. L., board to be held this month. The defendants have left the neighborhood.

7.110. Who were the defendants?—The parties who were dummies—Killacky and a few others. Although my report went to show that Mr. Grant had just cause for complaint, the paper was put out on the side until he wrote again informing the department; and when Mr. Casey came across the papers he wrote this very pointed minute calling the attention of the department to something being wrong, and directing that Mr. Grant should be attended to at once in this matter:—"The attention of the Assistant Commissioner is directed to the exhibiting of simplicity. The C.L.B. reports the man 'has just cause of complaint.' He is so informed, yet the papers are put away without any attempt to redress his complaint. —J. C. 13/3/73." That is the third month of the following year.

7.111. How long had it been laid aside?—About four months. Meanwhile all this was going on, and the matter was suffering a loss.

7.112. When Mr. Casey says in that "Assistant Commissioner," who does he mean?—Mr. Hodgkinson was the Assistant Commissioner at that time, but we find Mr. Moore figuring in this matter, and he seems to have been with Mr. Allan somehow. On the same day as Mr. Casey's minute, Mr. Hodgkinson wrote "Referred to Balliff Market, with specific report on the selection in this letter." Having my reply, on 20/3/73:—"I would respectfully suggest that as Mr. Crown Lands Bailiff Cathey, on or about the 13th November last, found the men hereinafter alluded to by Mr. Grant at work, i.e., splitting, etc., on the selection those men, having no instruction to continue work stated for him, are now being employed laying the posts and rails along the line of fences near to Mr. Grant's dwelling; and that it is requested to give evidence, so that all the facts relating to Mr. Williamson's alleged complicity with the splitters may be, if possible, ascertained up. I learn from Mr. Grant that the question of damage was heard by the Avery Board on a local land board on the 23rd November, and he purposes having such red-handed by the Hon. Mr. Casey at an early date. I find that the defendants, Samuel Ransome and Richard Tardrew, have cut down two large trees on Smith's holding, and one on Mr. Grant's, out of which they split some 320 posts and rails. They have also cut down several trees on the township reserve.
of Elmhurst, and have, since the said Avoca land board, removed the greater number of the posts and rails, and are now preparing to erect the fencing for which they were split. Mr. Grant informed me that the men doing the work had been found by Mr. Cathie. Mr. Smith, after finding the fence was some law to Mr. Grant, and resides at Sunbury." That was followed up this way: Mr. Hodgkinson marks—

"Urgent. Mr. Blundell to endorse hereon a copy of remarks by L. L. board on Grant's case at last hearing thereof. 22/3/73." Mr. Blundell, on 28/3/73, puts the following minute:—"No record of the name of John Paquarson—Mr. Allan, as to what are considered the Avoca schedule of 23/11/72. The following appears against the name of John Paquarson:—"I positively intend to reside upon the land, and cultivate it." Recommendation—'Former decision upheld.' No notice of Mr. Grant being at the land board! The poor wretch! Why should he be allowed to exist?

7113. Had you reported upon those dummies before this? This was the commencement of my movement in that direction. That was the commencement of it; Mr. Grant was the first link in it, and this poor creature who ran away to Avoca to get 50 acres was harbored at that, and "no record of the name" was made, and Mr. Moore was aware of that. Now comes the important matter in connection with this. Mr. Allan is written to by Mr. Blundell on 8/5/73:—"I a fact, as herein stated, that the board refused to hear evidence as to the delay by Grant in lodging his application, and the re-marking out of the land by him, consequent upon delay alleged to have been unavoidable?" Then comes Mr. Allan's minute on 15/5/73:—"The local land boards will not waste time in listening to explanations as to how any applicant is behind another. Local land boards must be led by the dates of application marked thereon as to priority. Grant has now got 40 acres, with which he is satisfied. Plan attached, with application." This was a fire—Mr. Grant was not satisfied, and here is Mr. Hodgkinson's minute at 24/5/73:

—"Local land boards are appointed specially to investigate such explanations, &c., which the district surveyor states they will not waste time in listening to. I think he should be informed of the absolute necessity for note to be taken of evidence tendered." These are facts. And here we have another letter from Mr. Grant, who again writes to Mr. Byron Moore—

R. B. Moore, Esq.
Elmhurst, 15th August 1873.

Sir,—In the case of Jas. Grant versus John Paquarson, which I am informed is to be heard at Stawell, may I request that the undersigned witness be summoned, as I believe their evidence is important in the case:—Mr. Richard Tardrew, for plaintiff; Mr. John Clark, Elmhurst; Mr. Rodrick McDonald, Amphitheatre. With reference to the evidence the above persons possess, the first two were splitting and felling on the section (receiving payment in the squatter's cheque), and other material facts. John Clark in the individual whose house has been removed for the grants mentioned above; and McDonald has the station sheep from Mr. Wilson's dummy block to Paquarson's, in June last. I remain, sir, your obedient servant, James Grant.

This is Mr. Moore's curt minute to "Mr. Morckkm," some person in the office:—"22/8/73. Inform him we will call them.

7114. Do you say that that order of Mr. Moore's was not carried out—that Grant was not called?—

—No, I beg your pardon; Grant was called to the special board at Stawell and the witnesses I suggested; but the principal defendants were not called—Tardrew and Ransome, who had received cheques from the station, remained eleven days at Stawell, and were never called at all, as Ransome said before this Commission the other day.

7115. Were they called?—They were not; they were all summoned, but Mr. Ransome, who was prepared to swear he got cheques from Mr. Williamson, was not asked any questions, although he was kept at Stawell eleven days.

7116. Were those men who were mentioned by Grant as necessary to his case brought forward?—

—Not so far as he was concerned. The whole Williamson matter hung on the case of Paquarson, he being the one in question on the Eversley common; and they could not get him in at any way. Those men were summoned along with other witnesses to the general inquiry; but the matter of Grant wanted to elicit they were not asked upon, and Mr. Ransome was his chief witness for that. Now as to the common, Mr. Moore has informed you that the reason why the Decamerson run was let alone was because I had not reported that the selections were upon a common, which is an admission that it was through my reports the dummy was exposed. He says he telegraphed for a plan. There is the plan Mr. Moore got, showing the selections—"explaining and explaining the farms." 7117. Were there selections on the Decamerson run independent of the common?—The Glenloge and Decamerson runs were both before the Commission at Stawell; and Mr. Williamson admitted in his evidence that the sheep grazed over the two, and they both belonged to him.

7118. Did you give corporate licences?—I cannot say as to that.

7119. You think it necessarily involved the forfeiture of those licences?—Of both licences—"Explanating on the plan.

7120. If Williamson violated the law on either station, you think he should have forfeited his licence?—I maintain he violated the law on both runs.

7121. If he had violated the law on a run a hundred miles away, would he have forfeited the Decamerson run?—Yes, because he would have violated the Local Act. Although Mr. Moore sent for that plan, he was perfectly conscious, from the information before him, that Kellincky, Wilson, and others that were named, were darned up by Mr. Williamson of the Decamerson station. Glenloge is such a little insignificant bit of land that it is scarcely recognised by Mr. Williamson or his manager. He has let the whole for £15 a year; it is like an offshoot of the Homra station. Mr. Moore sent for this plan to prove that the dummies were not upon the run; and if he said that this showed that they were upon the common, then he said that which was not true, and I can prove it.

7122. Supposing it was on the common, you think it should have been forfeited?—Much more so; he would have been more guilty.

7123. Your evidence is that there were selections on the common; also outside the common, and very much on the Glenloge part of the run, and close to the Decamerson run, and that there were some also on the Decamerson run?—Yes, that it is. I wish to point out also the notice in the Gazette, in reference to this common, 29th November 1872, when there were a thousand acres added on to it. Meantime the land was destitute of people who did not realize the claims of the common. 7124. They commenced dreaming it at once when it was proclaimed?—Yes, and before.

7125. To Mr. Moore.—Is there anything in the Act to prevent people selecting upon commons?—No, nothing at all; its being a common does not reserve it from selection.

7126. Usually in every mile between selections there is a road for the convenience of the back selectors, but in this instance, to suit Mr. Williamson, the dummyed blocks have no such conveniences.
Mr. Moore.—I would like to be heard on one or two points. These are all misstatements of Mr. McLean’s all through, or partial truths—I do not say intentionally—and I can correct two at once. With regard to that plan which was telegraphed for, Mr. McLean tries to make out that the Decameron and Glenlogie runs were being gone at. They were two separate and distinct runs, and you see by the evidence we simply went at the Decameron run.

7127. By the Commission (to Mr. Moore).—Boil, in reality, you went at Mr. Williamson, and he was licensee of the two?—No; we went at Mr. Williamson as the licensee of the Decameron run.

Mr. McLean.—I deny that.

Mr. Moore.—The Glenlogie run was mentioned incidentally, that is all. Turn to page 206, “Case of the Decameron run,” and you will see we went at that and none other.

7128. That was the way of naming the case?—No, it was not merely the way of naming the case. He had another run, and we did not go at that.

Mr. McLean.—You are stating what is not true, and you know it.

Mr. Moore.—This pani that came up showed that the selectors’ allotments that were on the Decameron run were on the common. Those that were not on the common were not on the Decameron run.

7129. By the Commission (to Mr. Moore).—We have already the facts?—They are exactly what I state. You will find that those that are not on the common are not on the Decameron run.

7131. There is Clark’s?—That shows that Mr. McLean does not know what he is talking about. From its size it shows that that selection is one under the Act of 1865.

Mr. McLean.—Mr. Williamson had violated the law under any Act.

Mr. Moore.—We could only go on selections under the Act of 1865.

The Chairman.—We will not hear these arguments between you; we have heard the evidence of Mr. McLean, the bailiff; we hear your statement now, that is all.

Mr. Moore.—Allow me to finish. We had certain selections under the Act of 1869, in which we thought Mr. Williamson was implicated; we could go under no other Act.

Mr. McLean.—Shame!

Mr. Moore.—I am stating legal facts. The other point is that Mr. McLean made a great point of that notice being sent to Mr. Williamson so many days before the subpenas were sent to the witnesses. It seemed to be a very great point. You understood we had to proceed in this way:—We were a sort of double-barreled board; we were appointed under the Land Act to hear these cases, and we were then a board appointed by the Governor, entitled to subpena witnesses. You will find that in the evidence there was a fight over that. We were appointed under each—we were appointed a board to take evidence on oath and also to make the inquiry.

7132. Soreness was to be the leading spirit of the movement?—Yes.

7133. And, notwithstanding that, five days’ notice was given to those men?—I am coming to that. The board sat under the 100th section of the Land Act, which requires ten days’ notice to the pastoral tenants, to the parties we were going at, and we were bound to give them that notice, and for that reason we did so. We were told to be very particular to give the full notice, that is why the notice was given on the 13th.

7134. You gave the notice to all the pastoral tenants?—Yes, and it was not till the 15th the Governor appointed us as a board to enable us to subpena witnesses, and it was after the 15th that we got our subpenas ready and subpened all our witnesses as late as possible, and as nearly as possible simultaneously.

7135. To Mr. McLean.—Were there any selections under the Land Act of 1869 upon that portion of the Decameron run comprised in the common?—I believe so.
7136. Can you state it as a fact?—I will put it in this way, that the Glenlochy ran—

7137. There is apageTitle about that. I want an answer, yes or no, to that question?—Yes; I believe so.

Mr. Moore.—I say there were not.

Mr. McLean.—I may remind you that the statutory declarations of Mr. Williamson and his manager go to prove it; therefore I adhere to that.

7138. By Mr. McLean (to Mr. Moore).—He states that it is necessary to give the pastoral tenants ten days' notice. I would ask is this a notice at all?—It is a receipt for a notice.

7139. It is not a receipt for a notice, I maintain—"calling on me"—is that a notice—that is no notice? You will find he was suppressed afterwards.

7140. If an authority is sent to me calling on me to appear at such a time, that it is a summons?—That is mere technicality, but you will find he was both summoned in that way and subpoenaed.

7141. By the Commissioner.—We must clear up that point as to whether there were selections under the Act of 1869 upon that part of the Deemoreen run which was outside the Evesley common, and Mr. McLean's answer to that is that there were such selections, and he appeals to the evidence of Mr. Williamson, himself to prove it—Mr. Williamson himself acknowledges it?

Mr. Moore.—He says "Of my own run." He was speaking loosely—"within the boundaries of my original run." If you refer the matter to the department you can find that out for certain. When that matter came up I was a member of the board and did not interfere at all. I telegraphed for that plan at Mr. Sutty's request, who was being instructed by Moser. McLean and Stacey, and I had nothing further to do with it.

Mr. McLean.—Mr. Sutty says in his evidence—"I knew nothing about the cases till I arrived at Stawell, therefore it cannot have been that he advised.

7142. By the Commissioner (to Mr. Moore).—Supposing there were no selections on that run where he, reading the regulations regarding pastoral licensees, contends that it was not in the power of the board to forfeit the license, and suppose Mr. Williamson had dimmed a lot of land twenty miles from his run, do you suppose he could have no power to forfeit the license of the Deemoreen run?—We have not the selections have to be on the particular run, and Mr. Treach said, moreover, that it must be within the particular year of the license.

7143. "If the licensee or any person claiming an interest through or under the licensee in the run for which this license has been issued shall at any time during the period for which the license has been issued employ any person to apply for a license of an allotment under the Land Act 1869, contrary to the true intent and meaning of the proviso thereof, or shall make or cause to be made any agreement or contract, or give or take or cause to be given or taken any negotiable security for the purpose of defeating or reading the proviso, shall in any way whatsoever directly or indirectly control or be privy to or participate in the said Act, the license shall be liable to be forfeited and revoked." I certainly am of a very different opinion from you?—It is a point of law I am not ready to express an opinion on in a moment, but it gives me.

Mr. McLean.—There is one more matter that may assist you that I may mention. In the dummy inquiry at Stawell there was a Mr. Martin Shanahan, of the Mareo station, that I reported against, and I can assure you when the verdict was given I somewhat regretted it. I pushed the matter so far that the run was forfeited, although it was proved in evidence that his own daughter and son and three others had been selected on an adjoining run; and, notwithstanding that the evidence against them was of a meager kind, the run was forfeited. Poor Shanahan was caricatured in the same shameless way as Mr. Treach, which made a fine joke of the old gentleman. [The witness read the recommendation of the Stawell Board in the Shanahan case.—Report, page 326.]

7144. Were there any selections on his run?—There were three on his run, but they were by members of the family.

7145. Did Shanahan lose the run?—Yes, the land was all thrown open, and he had an opportunity of getting it again. That is rather a thing that in the time of the allotment, as the allotments were off the run, or chiefly so, and the run was forfeited though there were only five selected, and two of those members of the family, whilst in the Deemoreen case we had one of the most wholesome systems of damnum in we have had in the country, thoroughly organized and placed under bosses, backed up by the district surveyor, Mr. Allan, and assisted by Mr. Moore.

Charles T. Stacey further examined.

7146. Do you wish to reply to what Mr. Moore has said?—I do. You will remember in the evidence that I gave before, I said that an injustice had been done to Mr. McLean, and that part of it had been shown to Mr. Williamson. That was the ground of my charge—that is what Mr. Moore objects to. Now, at that time I had never seen the Government shorthand writer's report of the Stawell case. Mr. Moore had it in his hand, and if I had handed it to me, I should have shown it. Mr. McLean and I are in a room where the evidence has been furnished to me without the knowledge of all that. Mr. Moore's worst charge is in short that I lied; that I told "false stories" calculated to mislead—that is lying. I want to show I did not.

7148. Take the Francis story for instance?—I will come to that. Mr. Moore says, in support of his charge, that I told him I was the manager of a large estate in Ceylon, which belonged to a duke; and that I explained to him that I have no recollection of telling him that I was manager of a coffee station in Ceylon. The only point is which Mr. Moore is wrong is that the estate did not belong to a duke, but to a baron. Mr. Moore traces his history from 1853 to the present time. I in a few minutes will show you the position I held by
that letter—(exhibiting an envelope)—was directed to "Mr. Stacey, Superintendent, Pamukkale, near Ambilopolis." That "superintendent was a sort of brevet rank given by the lady writer of this—the Baroness De Delmar. I was a mere boy then. The postmaster's date is 15th February 1843, and he says, "Left for Colorado," Messrs. W. C. Gibson, Read, Davidson, and Co. Colorado.—[The witness produced letters from Mr. W. C. Gibson, Columbus, Ohio, dated 10th October 1842, and 18th October 1843, one of a coffee station. The short history of one of those letters is that a summons was served on me as representing the Baron De Delmar for $20,000 or $30,000.

7149. We will admit those as genuine documents!—There is a gentleman here who will testify to the facts, Mr. Wilmut.

Mr. J. T. W. Wilmut.—I know that Mr. Stacey was in charge of this property of the Baron De Delmar. I will not say the year 1844 or 1845; but it was about then I was in Ceylon myself, from 1843 to 1852.

Mr. Wilmot.—Those are genuine Congolese characters on the envelopes produced by Mr. Stacey.

7150. The Chairman.—The Committee will consider it proved that you were in Ceylon at that period?

—Then we will leave Ceylon. Here is a letter, 15th August 1849, from the Baron De Delmar to me, asking if it is convenient to meet him at a certain hotel. It happens very strangely, and this is a sample of my tall stories; at that time my good old friend, John Macpherson, under whom I have served here, was an innate of the hotel I went to, so that our knowledge extends back for twenty-nine years.

7151. What was Mr. Macpherson at that time?—I would rather he would tell you that himself, but I believe he was the principal bookkeeper there. The next thing is a letter from Sir Benjamin Hawes, the Under Secretary of State for the Colonies. He wrote from the Colonial Office, 1st October 1849, stating that Lord Grey had sent any letters as to Ceylon to him, and asking me to see him. I was one of the witnesses examined by a committee of the House of Commons on the impeachment of Lord Torrington, which did not go beyond Chamber examination. I was examined by Sir Robert Peel and other members of the committee. Now, coming to Africa. I cannot prove to you by documentary evidence that I ever went to Africa, but here is the receipt—[producing the same]—for passage money paid for bringing me from Africa on 2nd August 1850. That was from the Captain, Thomas Oakes, the same who gave evidence in the Thelborne case. We some know to India. Here is a letter that followed me across from Bombay to Malabar. Now I did not Moore a "call story" in connection with that part of India that I wonder he did not mention—it was about the extraordinary amount of rice found there. The next thing is my engagement by Mr. Docker, of Docker's Mining Record. Here is a letter, dated August 1866, asking me not to resign, and saying I had served him faithfully; that is what Mr. Moore says too, and every one I have been with says that—[the witness also handed in a letter from Mr. Hodgkinson, Assistant Commissioner of Lands, dated 23/5/72, testifying to the trustworthiness of Mr. Stacey's reports, and the satisfactory performance of his duties generally]. Now we come to Africa again. In what Mr. Madden and Moore said about the Francis story there is almost uniformity. I thoughtfully acquit Mr. Madden of any intention to mislead, but I do say that he was wrong in giving that garbled account without asking me as to whether it was right. I met Mr. Madden in the street the Wednesday before, and he shook hands with me very cordially, and spoke very pleasantly; he should not have done that with all this in his mind, knowing what he was going to say a few days after, unless he knew he was going to report the circumstances correctly. As to Mr. Moore, I can only say I have no recollection of ever telling him this, and I have the thought that Mr. Moore got it from Mr. Madden. The facts are short—I used to pass from a little township to Natal, and in passing frequently saw a tent by the side of the track through the bush, and some people living in it; and I got into the way of just touching my hat, and saying good morning or good evening to the gentleman and lady who, with some children, occupied the tent. The name of the family was, I believe, Butler. The name of the country for India, and came down here in January 1852; and by that time I had forgotten all about Butler and the rest. But as I was in Malabar about 1855 I came to town and met a man who had been in that part of Africa. On comparing notes we found we had several mutual friends, and a sort of feeling of chasseur arose. One day, going up Bourke street, there came towards us a gentleman who shook hands with him, and after a time he held out his hand to me. I, from want of tact, of course, took his hand just for the moment, and he began to say—"What is the matter between you and Mr. Francis, why did not you take his hand?" I answered that I did not know any one of the name of Francis. "Oh," he said, "that is Butler." I said:—"Indeed! What became of the lady and children?" He said it was a pitiful story—they went out in a boat to the Bluff for a picnic party, and were all drowned except Butler himself. I may say there was some incoherence of the Butler family altogether, they were not in keeping with the surroundings; they were a distinguished family, and were the subjects of remark; and I never knew any one who had been spoken to by them. The shock of the account he gave of their being drowned in that way drove it out of my head to ask him to connect Francis with Butler, and I do not remember that I ever had an opportunity of doing so after. Mr. Moore is wrong in saying it was "J. G. Francis," for you must remember that in 1855 Francis had not arrived at the distinction of being "J. G." then; he was not a notability at that time. Just as forty years ago "John" Bright was only plain Mr. Bright.

7162. You did tell this story to Mr. Madden?—Yes, I have told it to several people when the subject of Africa has cropped up. I always wanted to know, after Mr. J. G. Francis became a notability, whether he was my Francis; and one day I was in a room with Mr. Madden, and I had heard or read of the proposed alliance between the Madden and Francis families, and I told Mr. Madden of this story, and asked him, and Mr. Francis had ever been in Africa and he was a vizier. That was in 1873, and there was no more about that till the last West Melbourne election. I was there with a man to whom I had told this story. He said, "There is Mr. J. G. Francis; I said, "Where?" and when I saw his face I said I had never seen that man before.

7163. I wonder you did not arrive at that knowledge before?—Well, do you know I have never seen Sir Charles Duff? I should not know him if I saw him, and the same with a lot of other distinguished men I have never seen. That was the first and last of the African affair. Mr. Moore took occasion, in order to discredit my word, to quote from the evidence given by me at the Rodney Election Qualifications Committee until I say my respects. Well, my respect to the Chairman of that meeting, I did not know that I should be called on; but being there I was put on my oath, and was
bound to answer to the best of my belief, and I did so. All that evidence was on oath. I was under fire for three hours. Every member of the committee fired at me; but notwithstanding all that, Mr. Gillies never put one single question to me either in the examination in chief, or in cross-examination, and he only challenged, which he thought he should not have been permitted to do. I think, notwithstanding the constitution of that committee, I am entitled to say that the members of it were the best judges of my whole evidence there; and I say it is unfair, and conveys a wrong impression, to take a word here and a word there with a view to proving a man's truth or otherwise. You might discredit the Bible if you took a word here and there, leaving out the elucidatory links. I will show you shortly how unfair it was. There was first as to Mr. Harding. Mr. Moore's object in referring to this was to show that I was unanswerable. He showed at a certain part that I had said that Mr. Harding had talked to me or complained to me of his having been required to get certain cases in the Rodney electorate in preference to anything else. First of all I will ask you to look at questions 880, 881, and 1024, in the Rodney Elections Report. Mr. Macpherson was under examination:—"(To Mr. John A. Macpherson.) From what survey districts were the applications mostly that you dealt with in the early part of this year?—Up to about the middle of March there was not, as far as I am aware, any distinction made between one survey district and another. After the middle of March what happened?—About the middle of March I received instructions from the Assistant Surveyor-General to give precedence to applications connected with the Echuca district. Do you think that would be accurate if I said they were given about the 16th March?—I should think that is very likely about the time. I should say any time between February and April." I refer you then to questions 2930 to 2986—"(The witness read the same, as quoted in question 6933 above)." Mr. Moore objects that to show that I charge Mr. Harding with having complained to me on the subject. That was on 28th August 1877 I was examined. Then Mr. Moore, at page 84 of the Rodney Election Report, finds a letter from Mr. Harding, dated 29th August, the day after I gave my evidence—"the witness read the same, as quoted in question 6932 above." Then, later on, Mr. Harding pays some tributes to me. On this Mr. Moore built up a theory as showing my untrustworthiness, my having said that Mr. Harding had told me that, though we were away for fifty-two days.

7154. What is your reply to that?—You see that Mr. Harding dwells on the fact that I was away from the 12th to the 26th of March, being away from some time in February to the 12th of March, therefore it is assumed that we could not have seen each other for fifty-two days as to what cases were dealt with; but you see it was after the last date that the cases were dealt with—from the middle of March and then on to the 1st May. The point was satisfactorily proved to the committee, for they acted on it, but Mr. Moore does not admit that it was taken to task for saying Mr. Moore was "galloping." I did use that expression, because I thought it was wrong of him to quote portions of my evidence, and on these to build a theory, and to omit the very part that would establish the truth of my statement. Mr. Moore tried to make it appear that I was disingenuous—that the committee heard for the first time from Mr. Harding that I had been absent from the 12th to the 26th March, therefore Mr. Moore says, "These two people could not have met at the time Stacey says." He should have read this question 1984:—"In the early part of this year, say up to the month of May, did you have any instructions as to dealing with any particular class of applications more than another?—Yes; I was on leave of absence from the 12th March till the 26th, and when I returned to my duty on the 26th March Mr. Macpherson told me that he had received instructions to give precedence to all the applications under the 20th section in the Rodney electorate." So that you see the committee were already seized of the fact that I had been away from the office, and knew it from me, so that the charge Mr. Moore seeks to build on that falls to the ground.

7155. Mr. Moore.—You have not answered that point as to the discrepancy between your saying Mr. Harding daily complained to you and Mr. Harding's statement?—There was my sworn evidence, and after that Mr. Harding, an answer letter.

7156. Then Mr. Harding is wrong?—To some extent. I think pretty much that we are all wrong. Mr. Harding said it could not have been as we were not in the room together, but it was after the last date he mentioned that this work in question commenced on the 19th March.

7157. The official records show that you were not in the building for the fifty-two days?—Yes, that is right—what he was speaking of the precedence of the Rodney work.

7158. By the Commission.—You referred to what occurred after the 26th?—Yes. I do not want to speak of it as a complaint.

Mr. Moore.—If what Mr. Stacey says is correct, I regret having made the statement about him. I would be the last to say such a thing if the dates bear him out, and I am willing to admit what Mr. Stacey says.

7159. By the Commission (to the Witness).—Have you any further point to bring out?—About Mr. Archer. Mr. Moore makes what seems a very serious statement there—that I charged both him and Mr. Archer with coaching witnesses, and he turned to the evidence to justify that, and I admit that the words of the evidence do bear him out. My answer to that is that the proof of the evidence was never sent to me for correction. There was a discussion between the members, as several of them thought I had implicated Mr. Moore. I deny that I said Mr. Moore was coaching. As soon as I saw this official record of that statement I wrote at once to the chairman of the Rodney Committee. On 11th September 1877, I sent this letter—"(reading the same, quoted in the above evidence, question 6933).—Mr. Moore made it seem that I at first charged him with coaching witnesses, and afterwards said he did not coach them. Now the object of sending the letter to the committee was to correct the statement. Then Mr. Moore tried to make out that I charged my superior officer, John Macpherson, with saying Mr. Archer had coached the witnesses. The evidence was that on page 64 of the Rodney Election report, questions 2066 to 2069. How this "coaching" affair came up was this:—Mr. Service had asked me some questions about Mr. Moore, and I did not say anything about Archer. I was asked about question 2068:—"That question, I think, being in my position, and if I were to answer it, it might impair my means of living." Then there was a hubbub, and one member said one thing and another, and at last Mr. Service struck in and said:—"Mr. Stacey, certain gentlemen of eminence in the Department have been here, Mr. Moore and Mr. Archer among the rest, and the precedence was given in the Rodney saying that the cases were in a series." He said, "Mr. Archer." Then I cut in and said:—That is just in keeping with Mr. Archer in coaching the witnesses. In question 2065 it is reported—"That he himself (Byron Moore) in
keeping with Mr. Archer, acted in coaching the witnesses." I did not say that. I said,—"That is in keeping with the conduct of Mr. Archer," and if the evidence had been sent to me I would have corrected that, and I would have said he was foolish, and I would not be taking anything, and I would not be betraying secrets, and I would not be being no man and no body, and I would not be being no man and no body.

7160. We do not want to curtail you, but you must have proved nearly all you want to prove, and we cannot sit much longer today; what do you want to show?—I would rather not face to that. That would give Mr. Moore an opportunity of shooing at me. I want generally to establish my credibility that is all.

7161. That has been established very well already. Mr. Moore wanted to represent you as a sort of Baron Munchausen. You have shown that you were employed in Ceylon, that the owner of the estate was a nobleman; and that you were in South Africa, and the person who saw there the you think afterwards for Mr. Franklin. There is nothing very wonderful in that—all men make mistakes, you have shown also that there was no ground for treating you as a mysterious extraordinary man as Mr. Moore tried to make it appear, and I do not see that there is anything further you need say.—Only the original matter about Mr. Moore's connection with the Stawell cases. I cannot finish that in less than half an hour.

7162. The Chairman.—Then we must postpone it till the next sitting of the Commission.

The witness withdrew.

John Maepherson further examined.

The Witness.—In answer to charges made by Mr. Moore, I have prepared a written statement giving an account of the following:

In the published reports of the proceedings of the last two sittings of the Commission, I find that Mr. Moore has brought charges against me, to which I beg to be allowed to reply, avoiding as much as possible recrimination, or bringing forward any fresh matter. As I am certain that the Committee and the public at large have heard nearly enough of him. Mr. Moore says I am one of a ring of conspirators. This I indignantly deny. I knew nothing of Mr. Mclean's intention to make any charges against Mr. Moore until I read of it in the paper, and only came forward in obedience to a summons, to testify to the best of my belief in regard to a faithful, reliable, and loyal servant, and if Mr. Mclean has really taken a step, as he has, to make my evidence, he is not well advised. I have yet to learn that an involuntary witness, whose testimony, it worth anything, must necessarily be adverse to one's own interest, becomes a witness for one's own interest. Mr. Moore never accuses me, and yet afraid to him (he's called very a dury, and here is his argument. When the chairman pressed me to say whether they would to understand that because an officer showed himself reckless in exposing myself, he was punished by the Lands Department? I replied that the department might require that the person whose name was given as the person of whom the inquiry, but not in my name, but in the name of the person of whom. The next charge is that "I put up at my brothers' house, used their beds, and purchased the horses a certain day that had been allowed to keep me from temptation—this result being that some of my conclusions were taken exception to by the Commissioners of Lands Tax, and that it was a public house, and that I was under suspicion of being under the influence of some unauthorized person. The statements of one of the most ancient witnesses for the Government were put into a higher class.

With respectful incipience Mr. Moore ignores the facts that twenty-eight class had been appointed, who travelled through the same, that the three accurate a day was their pay, out of which they had to defray all the expenses and not merely travelling allowances as is not here, but if I were the only person so employed. Of the 125 estates that were classified by my colleague and myself, there were two orders to be re-classified, and these were certainly put into a higher class, but as the owners were advised of their intention to appeal. Mr. Moore himself being the agent in one of the cases, it remains to be seen whether the first or second classification will stand the test. If I were a landowner I should not care to entrust my appeal to such an agent. He also ignores the fact that the six appeals against our classification were referred for hearing, besides notice given in other two cases since withdrawn; but had it been his purpose to take any notice of this, nor yet of the fact that some classificiations have had more than a dozen of the estates they dealt with gone over a second time and put into a higher class. Can there be more convincing proof of the determination to suppress truth and suggest falsehood for a malicious purpose than pervades the whole of Mr. Moore's charges against me? When I learned from Ballarat with my colleague, Mr. Edmund Kirby, than whom there could not be found a more competent or experienced classifier, we were provided with a complete description, consisting of a roomy vehicle to sleep in, bedding, provisions, cooking utensils, &c., with a bed to assist upon. As almost the very outset of our work we camped for the night about five miles east of Camperdown, by the side of the three-chain road, near the entrance of the avenue that leads to Mr. Manfield's house at Furramboolie, and the next morning proceeded to business—by respecting that portion of the estate lying to the north of the road which divides the property, and having explored it returned to Furramboolie, where we saw Mr. Manfield and got a copy of his list of the allotments comprising his large estate, which we had been told was from four to five days to go over. We left us between four and five days to go over. We had some doubts as to whether we would get over the very day we came to the acquaintance of Mr. Manfield, and at the same time a needless effort to Mr. Manfield. Was it to be supposed that we, who had solemnly sworn we would from the beginning, do our duty, make the best of our opportunity, and to the best of our skill and ability, make all our investigations, it was not to be supposed that for the sake of a meal or a night's lodging, or their equivalent in money—I make Mr. Moore a present of this idea— We might be tempted to betray our trust, and do that which we were deemed incapable of doing for any consideration whatever whether the shape of money or money's worth. I am upon you, Mr. Moore, I am afraid that though you are a nice man you have many ideas. How not put you in my palate? In his expressiveness he found flaws at me. Mr. Moore seems to have lost his head and struck out rather wildly, indicans ingurious things of the land owners, and indirectly insinuating the Commissioners of Land Tax, who, I am proud to say, have given me an increase of salary. In his charges against me, Mr. Moore has wilfully, to serve his own malicious ends, ignored the distinction between a land-owner and a squatter or pastoral lessee of Crown lands. The land owners, although they grumbled more than enough at the rod (I wish it had to pay), made no attempts to conceal anything from us, but on the contrary were most desirous that we should thoroughly examine their properties and their stock-books; and as for the others, I can only say, that after the limits of classification had been published and become public property, every man of intelligence who knew the country, from a shepherd king to a surveyor, could judge whether the land was properly classed or not. To put up at a squatter's and a squatter's house, no house of public entertainment was allowed his, without being present, and accepting his profession, we found that the work as quickly as possible—thus saving the State the guineas in intelligence that Mr. Moore seems so solicitous about—s is a very different matter from accepting the title of a county or the several tithe of the Crown and being thus fairly run. During the last thirteen years I have frequently been employed in checking and exposing such illegal practices, but when the charge against these persons of those against whose farms we had been, it was not possible for Mr. Moore can say as much for himself and be speaking the truth when saying it. The last charge that he brings against me is that of being a sneak; but this will be obvious to those who know me best is quite out of the mark, and worthy to be placed before the public. The portions of the evidence given by him before the famous Roony case. I have not, like Mr. Moore, either sought or obtained flattering testimonials from any of the successive Ministers of Lands and Crown Lands, I have had the honour of serving—not from my distinguished family, or the family of the late Mr. Robert McLean, nor from the old school fellow and companion for years, or from Mr. J. Grant, for its excellency, though I think I do not require them. I feel assured that my humble but earnest endeavors, under Mr. Grant's personal direction, to track the Land Act will be in accordance with the preceding Languages will be kept in mind, and I am ready to come forward, and prove serviceable to you when I am dead and gone. A few more remarks I have made. During the dead-lock of 1877 and 1878 it was my privilege to have been employed by the Minister of Lands in exposing dummys, when
owing to the statement of public privilege, and had literally not a d the to my foot; but I defy Mr. Moore at anyone else that I ever swerved from the path of duty, and I can confidently appeal to the gentlemen on this Committee, who, out of a spirit of justice and truth in the manner in which my duties were performed. I now take leave of Mr. Moore, and will quote for his information the words of Sir William Draper in his triumphant reply to the lender of Justice, "Cave cicit, you lose a great file."

7168. You hand that in as your defense?—Yes.

The witnesses withdraw.

Adjourned to Tuesday next at eleven o'clock.

TUESDAY, 10TH SEPTEMBER 1879.

Present:

W. J. O'Hea, Esq., in the Chair;
R. Clark, Esq. (Winnemot);
J. Rees, Esq.,
A. L. Tecker, Esq.,
T. Cope, Esq.

Mr. H. Byers Moore and Mr. McLena were called in.

Mr. McLena—I want first to clear up the difficulties about the position of the Decumanor selections.

7164. By the Commission—Are you still prepared to prove that they were on the Decumanor and not all on the common?—Yes.

7165. Can you also show why was it they did not go against the Glenelg run, as the two runs belonged to the same holder?—That is for the Commission to determine; but I have prepared all the particulars here in the matter if you will allow me to read it—"[The witness read the document as follows]"—As Mr. Moore emphatically denied that any of Wiliamson's dummied selections were on the Decumanor run, I now respectfully beg to lay before you two plans, marked A and B, respectively, wherein you will perceive are eight of the mid selections within the defined boundaries of the Decumanor run, including the 551a to 589, taken up by John Clark. Mr. Moore also endeavoured to argue that Child's selection could not be considered as a dummy holder, because "it was taken up under a previous Land Act." That gentleman must surely be aware that the Land Act of 1869 does not justify an argument of such a nature, as the following extract from the 100th section of said Act will show—"And that all persons whose leases or tenures under any part of this Act, or under either of the Acts hereby repealed may be deemed liable to forfeiture for any case exceeding non-payment of the rent or fees," etc.

Clark's evidence, given as the Stanwell special inquiry in October 1872, and published as pages 214, 215, 216, and 217 of the printed report, proves beyond all doubt a specially bad case of blaming against Mr. Williamson, of the Decumanor run.

As to Mr. Moore saying that Mr. Williamson was proceeded against as the owner of the Decumanor run only, such a statement, when compared with prior proceedings in connection with the case in question, must surely bear its own refutation, more especially as Mr. Moore has already told you that his selections were on a common; as if that was any reason why Mr. Williamson should escape being punished. I have, however, so much to do with statement than another reason is given for the non-proceedings on the specially favored run, viz., that the dummy selections were on the Glenelg run (which joins the Decumanor, also held by Williamson). Yet why, I would ask, were the Glenelg dummy selections forfeited by order of Messrs. Moore, and Black in June of 1879; and why did not Mr. Williamson and his manager, Mr. Cameron, state in their declarations, and when giving their evidence at Stowell, that the Glenelg run had nothing whatever to do with the Decumanor run? (See printed evidence, pages 203 to 214 inclusive). It is only, I think, necessary for me to call your attention to Mr. Smyth's published opinion of the charges against Mr. Williamson to show how groundless Mr. Moore's reasons are for dealing with the Decumanor and Glenelg runs so very exceptionally. On page 218, Mr. Smyth is reported as having stated that he had some other witnesses present for examination, but as the facts had been admitted he would not call them, and, except some formal proofs, he had closed his case." Had the other witnesses been called, I would have proved, beyond all doubt, the existence of a much larger number of dummy holdings on the run in question than had been inspired into, including a specially valuable selection taken up for Mr. James Insole, of Tanga, in the Swan Hill district, an employee on Mr. Walter Williamson's run in that neighborhood. The selection joins the north boundary of the Decumanor pre-emptive right, as shown on the amended tracing, being part of allotment 17 of section K. Date of application in Issole, 24th July 1872; recommenced at a local Land Board at Areas, 23rd November same year. Issole being unknown to any of the good fide residents in and around Eversley, and not any of the necessary conditions being complied with for nearly four years. A Mr. James Wise applied for its forfeiture, in order to sell it for good fide farming purposes.

The history of Mr. Wise's application may be taken as a reliable illustration of the specially useful way that Williamson proceeded against the expense of good fide selection. Mr. Wise applied for the forfeiture of the dummy selection on the 8th of May 1876, and the following particulars will show how his application was dealt with—

Copies of Messrs. on Correspondence produced.

"Mr. Alan—278/7/79. James Issole was sent you 28/7/76.—McCallagh. 11/7/76."

"To the D. S. Ararat, with Corr. 278/75, re an account for 10s. sec. Res. "Glenelg Run."—Have not yet been returned.—R. G. Bogley. Arrived 26/7/76."

"Mr. Alan.—Please attach pp. with you.—McCallagh. 7/6/76."

"Passed to D. S. Ararat, 8/6/76, in connection with Glenelg run papers. Will pass it up when returned.—R. G. Bogley. 8/6/76."

"Mr. Alan.—Please attach papers if returned.—McCallagh. 31/6/76."

"Not since returned to Inspector-General.—R. G. Bogley. 4/7/76."

"Mr. Alan.—Please state if papers have been returned.—McCallagh. 6/7/75."

"The D. S. Ararat—When will the Decumanor and Glenelg run papers, 22/7/75, be returned? They were sent to you 8/6/75.—R. G. Bogley, for S. G. of Surveys. 11/6/76."

"They were returned to the S. G. of P. and Surveys on 7/6/75.—Edw. Motes, D. S. 7/6/75."

"Cert. herewith. Examination of plan not yet complete. Please return papers as soon as possible.—J. H. Ryan. 12/6/76."

Liam. 2 x
"Mr. Begley.—These papers seem to have been sent to Mr. Allen in error.—R. B. Badly, (?). 26/12/76."

"Gazette. Isdell has withdrawn, and, if clear, throw the land open.—H. Brook. 21/11/77.


"29th Nov. 1877. Sir,—I have the honor to request that the unconditional allotment of Crown lands may be offered for sale by public auction. Allot. 17, sec. K, parish of Eversley, county of Kara Kara; area, 330. 29. 25p.—Walter Williamson, Diarist, Eversley."

"The Honorable the President of the Board of Land and Works,—The total area held in the name of "Isdell" being only 287 acres, it may be inferred that the 310th. 29. 25p, applied for by Mr. Williamson to be sold, included about 44 acres of the 102nd section."

"Mr. Moore.—This land was gazetted as open for selection on the 23rd inst. I have not as yet received any applications for it. I would suggest that it be sent to a local land board.—Edwin, Morris, B.S. 27/11/77."

"About fifty acres of this land is reserved under sections 6, 9, and 12; the balance has recently been thrown open for selection.—W. McKenzie. 30/11/77."

"Refuse, unimproved.—J. J. Blundell. 30/11/77."

It is surely evident that the District Surveyor at Aarat has supported by Mr. Moore in his extreme haste to serve Mr. Williamson, seeing that the allotment, according to Mr. Moore's own showing, was only thrown open for selection four days previous to Mr. Williamson's application for its sale by auction, else why did not Mr. Moore ensure Mr. Moore for such extraordinary conduct is suggesting that the application be sent to a local land board, of which he, Mr. Moore, was too late.

I fail to see how the 100th sec. of the Land Act 1869 required that ten days' notice must be given to every pastoral tenant proceeded with. As that clause distinctly states that notice shall from time to time be given in the Government Gazette before the run may be sold, I fail to see how the 100th sec. can be applied to the case of Mr. Williamson's sale. I write this in perfect good faith, and with the sincere belief that the California government is of so liberal an intendment and the circuit court of appeal will have to determine it.

1766. What ultimately became of that allotment of Isdell's?—It is still reserved on account of the alleged dam. It is still in abeyance. An application to have it put up to auction has stopped its re-selection, and it is still in the hands of the squatter who has had possession of it for six years, and the papers were locked up with Mr. Allen. No one could get hold of them, and when Mr. Wise, a respectable stockkeeper at Eldorado, wanted to select it he was obliged to go away and seek a selection elsewhere.

1767. What attainable reason can be assigned by the department for not settling a question of that sort before now?—This matter only came before me yesterday when looking through the original correspondence relative to Williamson's dummies, and I had no time to trace it any further than Mr. Blundell's minute of refusal for it to be sold. Meanwhile I do not know further than that. I wish to show you that there must be some connection in that to favor Mr. Williamson of the Decemberor station. Here is a choice block of land, I know well that would make an excellent home for two or three families. It is held by Mr. Allen on behalf of Mr. Williamson, and when Mr. Wise makes application for its forfeiture on the 1st May 1876—four years after—Isdell had it recommended to him, the papers were not found until November of 1877—eighteen months after. This was the case that should have come before the special board at Stawell, but when Mr. Smyth said he would not call any more witnesses—that the case against Williamson was closed, and in fact that the whole thing was perfectly clear—I could not press it further. On page 202 of the Lands report 1878, Mr. Smyth stated that he had some other witnesses present for examination; but, as the faces had been admitted, he would not call them, and, except some formal proofs, he had closed this case.

1768. When Mr. Smyth said that the facts had been admitted, does that mean with regard to this Decemberor run?—Yes, the facts stated by Mr. Williamson, and by Murdoch Cameron, the manager of the run, and that decision having been arrived at, two of my chief witnesses were uncalled, who had waited eleven days—Mr. Ranson and Mr. Tardrew's evidence was of a charming nature—but I was unable to bring them forward after this decision.

1769. How was it that you did not press on Mr. Smyth the desirability of getting them forward?—After his decision, closing the case in favour of what I wanted, as I thought, I could not do so. He said: "Though he had some other witnesses present for examination, as the facts had been admitted"—I thought he meant the male sides on the Decemberor and Glenoake runs. Of course I could not say more.

1770. Who were the two people you would have liked to bring forward?—Mr. Ranson and Mr. Tardrew, working men who occasionally worked for Williamson and received his cheques, and knew exactly how the thing was moving. The final decision of the Board was somewhat startling after Mr. Smyth's statement. They say the case will be postponed for the particulars to be further inquired into.

1771. Where they ever inquired into?—No; here is the certified tracing showing Isdell's selection (explaining the same).}

1772. How much is Isdell's selection?—All within that blue 287 acres; and yet you see Mr. Williamson applying for it including about 44 acres of the 102nd section reserve. The green piece is what Mr. Williamson got cut off under the 102nd section.

1773. Was there a dam, as a matter of fact, on that land?—No; there was a site where a dam had existed over the Wimmera Creek, which was washed away in the floods of 1870. There was no trace of it when I was there during the floods in 1876. It was reserved under the 5th, 6th, and 10th sections. I may also point out that a most extraordinary letter came from this man called Isdell, dated November the 1st, with no year to it. It is as follows:

Sir, Canadloths, 1st November.

I beg to acknowledge receipt of yours today. As regards my selection, though my application was reconveyed on separate occasion by the Land Board at Avoca, I have never received any conveyance. I am sending in further receipt of same, followed the example of many more similarly situated, returned to N. S. W., and intend settling there. I therefore beg to state that I do not intend to proceed with my application.—I remain, yours respectfully, James Isdell.

Here is Mr. Morris's memo, about it. "Attached letter from Isdell, withdrawing application. I am not aware of any objection to throwing this land open for selection after the ninety acres reserve has been reserved." That is dated 11/12/75, it was not then surveyed, so you see Isdell's block was taken up in 1872, therefore the application for the reserve is after it had been held for about three years. They then
asked for a portion to be reserved. I may state that every pastoral tenant just before 1870 sent in the necessary applications to have certain reservations on their runs, to fulfill the requirements of the Act. That these applications were subsequently constructed improvements that were extensive or buildings of any kind therupon or near to or impeding natural creeks or rivers, could not be reserved under the 110th section, but they were temporarily reserved under the 102nd section.

7174. The latter gives power to deal with future applications for reserve—[Mr. Lacey]—The departmental usage has been, that when any improvement is on a natural water-course it is not reserved under the 110th section, because that gives the squatter exclusive right, so it is simply held under the 102nd section, open to the public.

7175. Mr. McLean.—As a fact when Isdell made application for that block of land nothing was said to him about an application for a reserve; and no objection is made to his getting the whole of it in 1872, when Mr. Allan was Chairman of the Board. I wish to point out that if a reservation was necessary they should have acted at once instead of waiting till 1875, when Mr. Morres, on receipt of this remarkable letter, states that there is no objection to throwing it open after the ninety acres are reserved. Why was Mr. Williamson's interest so carefully governed by everybody in connection with the department; and why could not Mr. Wise, a hard working, industrious man, get what he deserved. Why should it be excused without any application by the pastoral licensee?—Mr. Morres makes the application, thereby destroying the use of the land to any bond fide selector by cutting off the whole water frontage.

7176. So long as the land was safe and snug in Isdell's hands nothing was said; but as soon as there is danger of losing it the reserve cropped up?—Yes, and Mr. Wise made application for the block of land so early as in June 1876; and it was not till the latter end of December 1877 that it is made application for to be sold by Mr. Williamson, and Mr. Morres appears extremely anxious to conserve the interests of Mr. Williamson. He suggests to Mr. Byron Moore that this application for its sale by auction should be referred to a local Land Board, of which he himself was the chairman; only three days after the land was thrown open for selection.

7177. Can you show that Mr. Byron Moore did acquiesce?—I do not say that he did acquiesce; I only say that from Mr. Morres's mind he put Mr. Morres for his inexact haste in asking for the land to be referred to a board of which he was the chairman. I know that Mr. Morres makes Mr. Williamson's place of residence his home when in the neighborhood. He did so from the time he was disengaged on the so-called Black Wednesday. He went to the Decameron run and stayed till he was re-engaged by some other influence to the Beechworth district.

7178. Will you now explain the plan?—[The witness did so.] There are eight 1896 Act dummy selections on the Decameron run proper outside the common and outside the Glenlogie run, and one under the Act of 1865 of 531 acres, and here are the other dummy selections on the Glenlogie run.

7179. How many on the Glenlogie run?—About right.

Mr. H. H. Moore.—These are all new charges, and I shall wish to say something. I will reply to most of them as soon as possible. Matters of five years ago cannot be answered straight off, though I can answer most of his statements.

7180. Do you controvert the statement that there are eight dummy selections on the Decameron run proper?—I cannot state right off, but I do not believe it is correct, from memory. I can contradict nearly everything else he says from memory.

7181. Can you account for what he seems unable to account for—or Isdell's case has been hung up for nine months without being dealt with?—No, I cannot.

Charles Tracy Stacey examined.

7182. By the Commissioner.—You wish to reply to what Mr. Moore has stated in reference to you?—O. T. Stacey, 1874 Sept. 1879.

—The first thing I should like to say is with respect to a piece of evidence given by Mr. Moore here last week, to the effect that he had been threatened. I desire to say that I have not threatened him.

Mr. Moore.—It did not come from Mr. Stacey at all; Mr. Stacey had nothing to do with that.

With respect to Mr. Moore's statement that there was a conspiracy, and that I was one of the conspirators, I wish to say that the first I heard of this case was from Mr. McLean, on the evening preceding the inquiry here four or five weeks ago. He told me what he was down about, that he was to defend himself against some statements of Mr. Moore's and Mr. MacKain's; and I told him I would give him all the assistance I could if he chose to summon me. That was all that passed between us before the inquiry. Since then we have had conversations. With respect to Mr. Bartlett I never spoke to him but once in 1872 until I saw him in the room the other day.

Mr. Moore.—I never connected Mr. Stacey with Mr. Bartlett; I should be very sorry to class them together.

Mr. Stacey.—The next thing I should like to dispose of once for all is Mr. Moore's comments on my evidence before the Elections and Qualifications Committee. It is a matter affecting my credibility. Mr. Moore stated there in his evidence that the statement made by me must necessarily be incorrect because it clashed with his plans and reports, and he repeated that statement here. I should like to ask what then at rest once for all. The statement that Mr. Moore challenged was in the Rodney election evidence, in which I had said that I had ridden or driven from the Gooburn right away to Swan Hill without meeting any substantial impediment in the way of fences. He took exception to that. Mr. Moore was justified in saying that I had made that statement, because it is so stated in the Rodney election evidence; but in another part it is stated that I said I could ride through the Echuca district. The explanation is that Echuca was my home, and when I spoke of the Echuca district I was referring, so any other reader would understand, but with respect to my dwelling place; but, with respect to my dwelling place, I took it from Mr. Moore when I was to make inspection of the so-called dummy holdings at Echuca—[explaining the plan]—will show that here is a great stretch of country with this remark on it, "All land selected under the 19th section bond fide." Mr. Moore adopted that when he handed it to me as part of his instructions, and he said, "You need not bother about that, or with this colored yellow line, which I will pin them up when the time comes for them to apply for their leases." In consequence of that I had no occasion to go to the Gooburn, and I never did; therefore I never said that I rode from Gooburn right away. What I said was that I started from Echuca.
7185. You were both referring to different pieces of ground; there does not seem to be any substantial difference—Yes. Now with respect to that, which seems to me a paltry allusion—I am not using the word disrespectfully—that allusion to Mr. Levey. Mr. Moore said I charged Mr. Levey with making a statement which was not correct. That arose out of Mr. MacPherson's evidence. It was said that I had betrayed him in saying that Mr. Archer had coached the witnesses. Mr. MacPherson gave me leave to say that. Mr. Levey was naturally rather indignant at what he took to be one officer betraying another. The fact was, while this inquiry was going on he and I and others were outside the door when Mr. Levey said, "I would not like to know"—some gentleman who was being spoken of—if he betrayed secrets. I thought that applied to me, and therefore I charged him with it. Mr. Levey and I now perfectly understand each other, and there is an end of it. I now come to what is the real charge: that in the evidence which I gave before this Commission before, I said that Mr. Moore had been guilty of harsh and cruel treatment towards Mr. McLean. I have nothing whatever to add to or take from that. I beg to leave that statement as it stood. The next thing was, that Mr. Moore had shown partiality to a squatter whose case he was dealing with at the time he was a member of the Board at Stawell; that squatter was Mr. Williamson. It is for me now to show, if I can, whether that statement was correct or not. I must repeat, as I stated here before, that at the time I made that charge against Mr. Moore I had never seen this report of the Stawell cases. Mr. Moore had in his hand at that time, and if he had handed it to me and asked me to show where the proof lay? I would have admitted that I was wrong, if I was. I propose to justify myself now. There is one other thing, however, before I go into this. There was some adjournment of the Stawell inquiry during which I wrote briefs. I find now I was wrong in that. I thought I went from Horsham to Stawell on the night preceding the day of hearing. I find, on turning the thing over in my mind, that I went up on the 23rd, and that I had two days there, and it was during that time that I wrote the briefs. If you will be kind enough to look at page 2 of the 1873 report—it was in the case of Nicol and Ayrey's run—Donald Macgregor had been examined, and immediately after question 9 is this remark, "The chairman intimated that the Board was of opinion that they should take care of case, and beginning with selectors." That is the way they did it all through. Mr. Smyth said, a great deal of the evidence must refer to the pastoral tenants also. The chairman stated that the Board was of opinion that the actual selectors should be first dealt with. That rule was adhered to in that case of the Nicol and Ayrey run. That rule was adhered to in the case of Carter Brothers, at page 71. The first of those examined was a selector. That rule was adhered to in the case of A. Anderson, at page 120. It was adhered to also in the case of Denis, at page 123; also in the case of Sir Samuel Wilson, at page 185. There has been a jumble in the printing of this which puzzled me very much. Here is a case heard on the 3rd of October, as reported in this book, after a case held on the 4th of October; and here is the case of Denis, of Carr's Plains, on the 29th of September, reported after a case heard on the 31st October; but the cases were heard in the order I have said. After Wilson then came Williamson. Well, Mr. Williamson was the first on whose behalf that rule was departed from; he was examined first instead of the selectors, who were always first.

7186. What do you infer from that?—I do not infer anything, but it engendered a sort of vague undefined suspicion in my mind at the time, as I said before.

7187. You say there is a departure from the rule of examining selectors first. Is there anything in that that should excite your suspicion?—It was a departure from the practice, and out of it arose my suspicions.

7188. What benefit did that give to Mr. Williamson?—In this—my contention was that Mr. Williamson was examined by the board, whereas other squatters had been examined by the Crown Prosecutor. I said that, and one of the Commission boild it down by saying, "Your impression then was that these questions were put for the purpose of producing a prejudicial favorable aspect of the case."

7189. That is what we want you to show?—That is the point whether I can show that. When I made that statement to you I had no more doubt of the correctness of it than I had of my own existence, and if Mr. Moore had then put this book—[The report of the Stawell cases]—into my hand saying, "You have made a statement. Here is the book. Show are you justified." I have read over the evidence of Mr. Williamson and Mr. Cameron, and I see that it was quite right, only there is a difference of one word, and if that be concealed to me it will make it all different. Even the best reporters may make a mistake, and I build a theory upon that, viz., that the shorthand writer at Stawell may have put in the words, "By Mr. Smyth," instead of "By the Board."

My impression was that those questions were asked by the Board. I shall have to show a little further on that I cannot now claim that, but if that theory about the possible mistake were permitted it would make it marvellously clear for me. When you remember I spoke of Mr. Williamson, I could to the exceeding straitness of such expressions as that, this ends, begins "By the Board," and his replies go on with such frankness as entirely to disarm suspicion from question 9001 on—"[quoting the same]"—until Mr. Smyth takes him in hand, as I thought for the first time.

7190. All those questions, from the appearance of them, are evidently counsel's—Yes. Since I read this report last night, I cannot contend for the correctness of what I said before; there is internal evidence further on that these questions must have been by Mr. Smyth.
1792. Then, in fact, you were under an erroneous impression—Yes, with respect to that evidently; but that does not alter the gravamen of the charge—that Mr. Williamson received exceptional indulgence from the Board.

1793. All that you have been doing now is to show us that you were laboring under erroneous impressions, and your charge, being based on these, falls to the ground—That part of it.

1794. What we want you to show now is what grounds you really have for that statement where you say that Mr. Williamson was favored?—If you will kindly remember, I said that it was a matter of impression. One of the members of the Commission said, "It seems we cannot get beyond impressions here," and I was speaking all the time from my impressions, and I had no more doubt of the correctness of the thing than if I had been speaking with the utmost deliberation.

1795. You still adhere to the statement that it was an impression, but you cannot give any proof?—I say now, since I went over this 1873 report last night, I cannot substantiate what I said about Mr. Williamson having received special indulgence in the examination, but I say still, that the whole evidence discloses that Mr. Williamson was exceptionally treated by the Board, and the whole thing may be summed up in the following question, 9429. I find that Mr. McLean has anticipated me in a good deal that I had to say. There is Mr. Smyth, that brilliant barrister who generally makes such powerful defences, satisfied himself here by arguing two lines. Mr. Smyth stated that he had found other witnesses present for examination, but as the facts had been admitted he would not call them, and, except some formal proofs, he had closed this case. Then, here again Mr. McLean has anticipated me—[Quoting from page 225;—"Charles Williamson, pastoral licensee; John Farquharson. We recommended that further inquiries be made on the matter of this selection, and of other selections on the Deccan and Geynugie runs."]

1796. Did anything ever come out of that?—Not that I am aware of. I say that decision passed all comprehension, considering the overpowering evidence against Mr. Williamson, until Mr. Moore stated that they had found a fiasco, viz., the selection being on the common, but now Mr. McLean says that they were not on the common.

1797. It appears that, so far as your statements were concerned, you cannot give any substantial proofs, but you have shown that you are a credible witness and an honorable man, but with reference to those facts connected with this inquiry, you cannot throw any light upon it, not even up to the point that Mr. McLean did?—Only that one point I have to admit, and I do it with some pain, that I was mistakes in saying what I did.

1798. Is there any other point with you to bring out?—No; I think not.

The witness withdrew.

H. B. Marry further examined.

1799. The Commission will now hear you if you have any additional light to throw on these matters—we need scarcely point out that it will be necessary for you to be as brief as possible—I do not wish to occupy more of your time than necessary. You should have liked an evening to look through these statements which were made today, but I will answer them as well as I can at once. Where I do not speak strongly, it is simply that I will not speak strongly from memory; after going over the papers I have no doubt I could speak very strongly. First of all I will hand you in a letter from Mr. Allan, which he asked me to present to you, about a statement of Mr. McLean's:—

Sir,

Melbourne, 9th September 1876.

In his evidence, given before the Lands Commission at Echuca, Bailiff McLean said,—"I received a premonitory notice from Mr. Allan that I and my family must proceed to note at Shepparton. This statement I knew to be without foundation, and so also must have Bailiff McLean; but, during the period of five weeks elapsing between the Shepparton and Melbourne Board of 20th July, he took no steps to correct the spread of the truth until it was challenged me at the Board Meeting last named. That challenge was the first occasion on which I had spoken to Bailiff McLean for years. I then, with what turned out to have been a mistaken conclusion, instead of charging him with falsehood, simply asked him whether he had not made a mistake. He admitted it. Equally untrue is his unwarden and absurd assertion in which he is reported to have said, at the last meeting of the Board, that I implored him, in the name of God, to put a word in my favor. I never asked him in any form for anything. I give this statement, as I do that which he made at Echuca, the most unqualified denial; as also his insinuations against me in connection with Mr. Williamson and the decision that I had simply to assert that, prior to the serving of notice in regard to the Stew Board, I never held any communication, official or private, direct or indirect, with any of the Williamson; never wrote at their house, or even met them privately, nor knew them personally; never even saw Mr. Williamson until his appearance before the Stew Board. I have the honour to be, sir, your most obedient servant, A. C. Allan.

The Chairman of the Royal Lands Commission, Melbourne.

Now I will deal with Mr. Stacey: first, I think my accusers have had all bad cases, and I must say that Mr. Stacey is the only one who has dealt reasonably and moderately, and in his case I admit that there has been some prompting, for in making my defence I had to hit out all round at my accusers. In his further reply he started off by saying that he was not justified in making the statement that the Deccanee case was exceptionally dealt with; and he said that if I showed him the book of the evidence he would have admitted that at once. That would have been rather an unusual course to have adopted; the Commission can understand that when a man is smirching under accusations of this sort, he does not go to his accuser and explain everything—if he did, it might be said that he was trying to get at me. I might reasonably have said to Mr. Stacey, why did not he get a copy of that report and read it before he made that statement; we had hundreds of copies at the office; but he himself admits that that statement was a misunderstanding. In two other cases, also, he admits he was wrong, explaining that there was a mistake in the official report. He says now he finds he was wrong with regard to the adjournments.

2200. In fact he spoke generally from recollection?—Yes; and he now simply corrects all his statements; and as he has done that, I wish to say, that if I have said anything hard about him I desire to withdraw it freely and frankly. With regard to MacPherson, he was evidently smirching at what I had said of him. He hit out vigorously, and I do not object to that. With regard to McLean, the case is different. He has followed the thing persistently to try to secure a conviction against me, and I believe, judging by the way he does that work, that he really thinks he is right; but he is dealing with many things which he does not understand. Now most of his statements here-to-day have been in reality legal arguments. He has shown me papers which I was wrong in what I did but I do not acknowledge him a competent judge in points of that kind. I will deal, first with the selections he has referred to. On
glancing over his plan I see that in the case of James Iseid, John Clark, Easterbrook, John Little, there are two selections which he calls one. They are Iseid’s in two separate pieces. As to John Little and all his family, the land was never put into the possession of the run holder. Little was a kind of non-sookie, and I heard since that the Dearestone people were annoyed by him—that he and his family used to make raids on the run.

7201. But he did transfer?—Yes; but he got into pecuniary difficulties, and transferred on that account, only very recently. I know the run people were annoyed at Little and his dummies, as they were called.

7202. Little and his new took up the common?—Yes; but it is said by McLean that Little was a kind of dummymanger for the Williamses. Now I know that, or the contrary, they were annoyed by him as I have said.

7203. All we can say about that point is that it must be governed by the light subsequently thrown upon it. Little did take up the land, he was not a bona fide run, and ultimately that land passed into the hands of the Williamses. Whether they were annoyed or not, the ultimate result was that the land went to the run holder?—But if Little held it for four or five years, and ultimately got into pecuniary difficulties which led to his selling out, the effect of the case is wholly altered, and I believe these are the facts. Mr. McLean then instances Clark’s case, and says that we could have gone at him. I believe the acceptance of rents confirmed all issues on the part of the selectors, and we never went at such selectors under the 1865 Act. We could not, and I know we did not, that was the common law. That was the reason I was so anxious to stop the receipt of the rents in the case of the pastoral tenants I mentioned before.

7204. Was that the usual procedure in the department?—It was, and it resulted from the decision of the Privy Council on the subject. For that very purpose I initiated the new system under which inspections were rapidly made before the end of the first year, and reports handed in so that we could decline to accept rents. You will find 32,000 inspections of selections of that sort now in the Lands office.

7205. That new arrangement of making inspections quickly was adopted in consequence of that decision of the Privy Council?—Not entirely. It was in consequence of the putting of things in order that had occurred four years ago.

7206. Was not the necessity of these surveys impressed upon your mind by that decision of the Privy Council?—Yes; but we were powerless at that time, and the system was built by me to enable us to take the necessary action.

7207. Then you did not go at that 1865 selection so that ground, but you have not explained as to the other selections—that is eight of them altogether?—I have said John Little never was, and never was supposed to be a dummy for the run. For himself, he was certainly acting bona fide. With regard to Easterbrook, I never heard of him as a dummy. Speaking from memory, I do not remember his name at all.

7208. You had better go through the eighth selections?—Easterbrook, I do not call to mind anything of him; Iseid, the same; Little, we never suspected his being a dummy for the Dearestone run; Clark is under the last Act; Cameron, I see is half on the run and half out; Wilson, the same; Kellocky, I cannot speak of at all.

7209. McLean or Grant spoke of them as dummies in 1872?—I am only speaking from memory, and I do not wish to be tripped up by papers. You must understand I am not speaking strongly on these just now, though I have no doubt I could answer them fully if I had all the papers. As to Iseid’s selections, that is a matter for the department to deal with, and it could be referred for that purpose by the Commission.

7210. It appears that a report has been furnished by the Crown lands bailiff giving the names of all the dummies?—He says selectors for Dearestone, and then he says selectors for Little; but I must decline to go into this further without the papers. If you like to give me another day I will go into the whole thing. It is not fair to me to go into it now. With regard to Iseid’s selection, McLean says the pastoral tenant applied for the sale, and that Mr. Morres recommended that it should go to the local land, and that he should have been reprieved by me for doing so; and that this land was withheld from the offeror being reprieved for indirectly making that offer. I remember Mr. Morres recommended the fullest publicity, and with that view that it should be taken to the local land boards; but we did not even do that, and the land is open for selection still. We dealt with it in Melbourne, and it has never been withdrawn.

7211. Mr. McLean seems to be under the impression that it is held in a state of suspense?—It is not. The land is open, and any of you can go and peg it out if you like. You see there are misleading statements.

7212. But perhaps what you say now is not generally known?—It is.

7213. I know of land which was reserved in 1869, and since that the Gazette notice has appeared that this land is open for selection, but no one knew it till quite recently?—This land has been gazetted a few months ago, and anybody can go and peg it out. With regard to Mr. Smyth’s remark, as to the cases being completed, I believe I only referred to the selection he was then looking into—that is John Clark’s—and not to the whole case of the run at all. That is on page 219, but that is only my supposition. The last selector examined was John Clark, on page 214.

7214. But all these witnesses were first examined with reference to the Dearestone run, and then, having disposed of them, Mr. Smyth said, “There is the case?” and, following that, he goes into a new chapter, viz., the selectors themselves?—Except we; the selectors had been examined all through; for instance, MacDonald and John Clark. I believe that this part refers to John Clark’s case only.

7215. It appears to me that that observation of Mr. Smyth’s applies to the whole case, so far as the squating aspect of the thing was presented?—I think not, as far as my memory carries me.

7216. You see the case of the Dearestone run breaks off there, and there he makes his remark?—We always spoke of the cases of the five runs.

7217. Mr. Smyth seems to finish up the squating aspect of the thing there?—We are told we dealt exceptionally with that, but if you look at page 200 you will see that we had off with Martin Sis hastah, the lessee of the Marco run. In the same way Mr. McLean made a great day on the Marco, and had he been right it would have been most damming. With regard to the notices served on the pastoral tenants, McLean sought to make out that Mr. Allan gave secret information to Mr. Williamson. That receipt was
given on the 13th September 1873. Now, here is a statutory declaration of Mr. Stacey's, showing that another squatter, Nicoll (of Nicoll and Airye) in accordance with the 106th section of the Act, was also served on the 13th September, a similar notice to that of Mr. Williamson. 3. 7218. Another point arises out of that, that, supposing the same early notice was given to Nicoll and Airye as to Mr. Williamson, in the case of the former it produced no result apparently, because Nicoll and Airye had no dummies to disappear—and I beg your pardon. 7219. I can only supposing, for in Mr. Williamson's case we know there were dummies to get rid of—As a fact, if there was one dummy to disappear in Mr. Williamson's case there were ten to disappear in Nicoll and Airye's case. We purposely gave a vague notice in order not to show our hand. A most important witness in Nicoll and Airye's case was made by him and Airye, as I have been disposed not to let it be known what information there was. Mr. Smyth has told me that since. Offers were made by this man that if we would forego him he would consent out and give evidence, but we got on without him. The man thought he could be proceeded against for suborning perjury. 7220. About that ten days' notice—do you say that it is absolutely necessary to give that to squatters under that clause?—So Mr. Wilberforce Stephen told us. 7221. Is there anything in the Act that requires it?—It says ten days' notice. It seems a doubtful point, but Mr. Stephen decided that we must take the step. 7222. Have you got that advice in writing?—I should think it is to be found in the department, but it may not have been put in writing, as a great deal was done verbally at the time over these cases. To show the difference between the notices sent and the subpoenas I wrote to Horsham to get copies. This one dated 17th September could not arrive in Horsham till the 19th. I hand it in to show the latitude of the notices sent—[reading the same].

To J. Macpherson, of Wallalo Station, in the Colony of Victoria.

Whereas, in the judgment of John Christie, Butchard, Allen, and Winter, a Board appointed by the Governor in Council of the Colony of Victoria to inquire into certain matters in reference to the violation of the Lands Act 1865, your evidence is material to the subject-matter of the said inquiry. These notices were sent to you—and suppose you be unable to appear at the Police Court House, situated in Longfield street, in the township of Stawell, in the colony of Victoria, on the twenty-fifth day of September 1873, at ten o'clock in the forenoon of the same day, andthank you from day to day, until you shall have given your evidence, and also that you bring with you and produce your papers, and all papers in your possession relative to fencing and other improvements at your selection, and then and there certify what you shall know concerning the subject-matter of the said inquiry, and this you shall by no means cease to be liable in these answers not exceeding twenty pounds; shall be required as by law provided.

Given under the hand of the Chairman of the said Board, this nineteenth day of September A.D. 1873, at Melbourne, Victoria. H.B. Young, Chairman.

I endeavored to get those statutory declarations and all those papers affecting the Devonham run, but could not get them from the department. It appears that Mr. MeLean had managed to get them. 7223. He may have had them from the department before you?—It was reported to me that they could not be found; and he has papers I could not obtain and which I required to make my defence. I do not know where those papers were hidden, but it seems very peculiar that I requested in the department to get those papers and I could not get them. 7224. When did you do that?—Ever since I began my defence. 7225. By the Commission to Mr. MeLean.—When did you get those papers?—About two months ago when I came down from Echuca. Mr. MeLean.—I was told that they were lost. Mr. MeLean.—They were handed to me by Mr. John Macpherson, and he, I suppose, obtained them from the Secretary for Lands in anticipation of my having to give evidence to show what I have said.

7226. Nearly the Secretary for Lands ought to have known where they were? Mr. MeLean.—He did.
7227. Who did?—[Mr. Moore].—The different officers I applied to.
7228. The ten days' notice is satisfactorily explained?—I wish to add further what I have written down here:— When it was arranged that Mr. MeLean should reply to any remarks made by me affecting him, it was distinctly understood that no fresh charges should be brought. This arrangement, however, has not been adhered to; still, for the present, I am hoping Mr. Allen having secretly given Mr. Williamson several days' notice in advance of the action to be taken against him, I should not again trouble the Commission. Mr. MeLean, with his usual want of preciseness, misunderstood the notices with subpoenas. Mr. Williamson's notice was sent on the 10th September 1873. I now hand you a statutory declaration by Mr. Stacey, showing that Mr. Carter's notice of the North Brighton run was served on the 12th, and another from Mr. Stacey, stating that he served the notice on Mr. Nicoll (of Messrs. Nicol and Airye), licensees of the Warrnambool run, on the 13th. Notices were signed and issued by Mr. Clement Hodkinson, and served at those dates, on the advice of Mr. Wilberforce Stephen, then Attorney-General. There is not a part of Mr. MeLean's evidence that cannot be as fully replied to as this if required. The whole situation seems to have been misconstrued; the charges brought by Mr. MeLean are virtually charges against the Crown Prosecutor. It must be remembered that I was a member of the board, and that I could not and did not interfere with the prosecution. The whole matter was in the hands of Mr. Smyth, assisted by Me Lean. Mr. Stacey was a stranger to the whole Williamson family. I may mention, however, that two of the pastoral tenants, whose runs were forfeited, were personal friends of mine (Mr. Ayrey and Mr. Dennis of Birregurra). It may be remembered that after Mr. MeLean gave his evidence at Echuca I wrote to the papers, simply stating that it was "absolutely untrue," and I hold that, after a most protracted inquiry, that statement has been fully borne out. The most of his evidence on Thursday last was "absolutely untrue," and can be disproved as easily by documents and witnesses, should the Commission think that such a course is necessary, or that I have not fully answered the charges laid against me. I now produce that notice to Carter Brothers signed by Mr. Clement Hodgkinson. There was an unfortunate mistake made in that case, we addressed them as "Carter Sons," and they declined to take it because they were "Carter Brothers." (The father had died since, and the title of the firm had altered.) However, Mr. Stacey signed it on the 14th, just ten days before the inquiry. We won that case before cancelled their license and selections. There is a copy of the subpenna that was served on the Moondah. Mr. MeLean makes a statutory declaration as to that; and I put it in to show when we served notices, and when we served subpenas. I do not think it is necessary to add more. 7229. As to the statement that the subpenaing of witnesses on the Devonham run was taken out of Mr. MeLean's hands by Mr. Allen?—I do not know anything about that. Mr. Allen was district surveyor there then. There is a Mr. McKenzie in the office who could give you that information. I know he served the summonses on the pastoral tenant.
H. R. Moore, Esq.,
W. J. O'Shea, Esq., M.L.A., in the Chair; 
R. Clark, Esq., M.L.A. (Winnemucca); 
J. Rees, Esq., M.L.A.

The Chairman.—In consequence of our attention being drawn to statements made by Mr. Bennett as to land held in the north-west country, we directed that he should be asked to come and explain, if he would, as to the nature of that part of the country. In the Age newspaper of 15th August last there is a report of a speech made by Mr. Bennett, at a meeting of the Reform League, in which he makes statements of a very startling character; and as we have to inquire into how this squating on pastoral territory will be disposed of after 1880, we thought it desirable to obtain information from a man well acquainted with that part. At the same time Mr. A. Macrodie (formerly a partner in the firm of Cunningham and Macrodie) has sent a letter which traverses all the statements made by Mr. Bennett.

[The report of the speech referred to in the Age of 15th August was read as follows:—]

Mr. Bennett addressed the meeting on the subject of the past and present occupation of Crown lands, and said that he had made notes carefully from the Government Gazette and public records to ascertain the number of acres, and the rent charged in squatters' runs. That he had also carefully searched the newspapers for advertisements showing stations for public auction, with the stock thereon, so as to compare the notes of each respective, thereby ascertaining the amount of rent not charged. In this way he had taken notes of seven adjoining sheep stations of forty-seven runs, area 3,443,700 acres, as gauged, not including foothills. From his personal knowledge the number of sheep thereon was 547,699. This he had proved by the public advertisements of those stations for sale, by private contracts and by auction, independent of his own personal knowledge of the facts. The rent charged should have been at the rate of 5/- per head upon their sheep, as fixed by the Land Act 1869, and if this had been done the rent would have amounted to £24,101, but being charged and gauged on these runs only amounted to £7,716, showing a balance of £16,385 not charged. The rents of these forty-seven runs as near as possible was the one-eighth portion of all the rents of runs received. There being no frehold areas on those stations he concluded that that

The witness withdrew.

Adjourned to Tuesday next, at eleven o'clock.

TUESDAY, 17TH SEPTEMBER 1878.

Present:

W. J. O'Shea, Esq., M.L.A., in the Chair; 
H. R. Williams, Esq., M.L.A., | R. Clark, Esq., M.L.A. (Winnemucca); 
J. Rees, Esq., M.L.A.

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The witness withdrew.

Adjourned to Tuesday next, at eleven o'clock.
was a fair average of the rents not charged on all runs. That being so, the net amount of rents not charged on all runs amounted to $4,000,000 per annum; and unless the Government made a re-assessment of rents for 1879 and 1880 that low would have to be added to the last reliable capital in the Lands Office, as above. As the date of the 15th July last, there were about 30,000,000 acres suitable for pastoral purposes, of which about 5,000,000 acres were fit for first selection. He proposed that the Government should pass an Act as soon as possible appending a board, which should not be in any present or past 'stand-off,' for the purpose of subdividing these lands into grazing blocks of about an average of 2,000 acres, subject to refection for other purposes, as under the present Act. That would give 3,000,000, and each inclosure of a block would be of the value of about 18,300. With each of these men would proceed to reside two persons, making a total number of 36,000, which, added to the former number, would make 54,000, in lieu of 8,000, laboring men at present employed on these lands under wage. One squatter was granted at the licence of twenty-five runs, the area of which was 1,500,560, for which he paid an annual rent of $415, being 63 acres for every farming held by him. This took that and all others from the Government. Another act he knew held fifty-acre granted runs. (A Vote—"Name") Mr. Young; it was Henry Miller and his two sons. The area of these runs was 1,500,560 acres, and the first paid on them was $415,475, per annum, or thirty-one acres for every farming held by him. The rate charged was 110.842 1/4. It he thought it was high, but the lease was such a matter that the squatter should take some action in the matter, and he had great pleasure in moving—That this National Reform and Protection League hereby resolve that it will use all legal means in its power to urge the Government to carry out the following reforms in the management of all pastoral Crown lands by Act of Parliament and otherwise as soon as practicable, namely, the appointment of a board who shall have the management of all pastoral Crown lands, the members of which should not include any public employment or otherwise be in any way connected with the Government, and which board would be composed of men who have held large grants of land, and that the board have all the necessary power of execution, as well as the power to make all laws for the purpose of carrying out the said reforms, or any one of the said reforms. 3. That such board shall subdivide all pastoral Crown lands by survey into small blocks of 25 acres each, so as to be by public notice to new tenants shortly before the close of 1880, and for raising money for the general public, and thereby an increase of revenue and increased employment for the laboring classes. 4. That statement elicited the following reply from a gentleman who proposes to be well informed on this subject—Melbourne, 6th September 1879.

Mr. Bennett made some statements in connection with the ease country which were calculated to mislead the public altogether as to the value of that portion of the colony. The view is to encourage a class of grazing blocks in the mainland, published by Government in 1876, and seeing that the blocks were advertised in the Gazette of 15th September 1876, as open until the 30th October, and that the applications were sent in for twenty-two of these blocks, amounting to 1,020,560 acres, and the rental offered for them, $415, was accepted. Three months elapsed before any further application was made, and then Mr. W. F. Henshaw, in the early part of 1877, tendered $415 a year for the twenty-five blocks, amounting to 1,020,560 acres, which was accepted, and about the same time two other parties tendered for the thirty blocks, representing 213,000 acres, the sum of $415, which also was accepted. That statement the Government could claim for $415 a year, and those who know the country will tell you that is the full value of it; yet Mr. Bennett speaks of this country as if it were another kingdom.

I remain, dear Sir yours truly,

ANDW. MACGREGOR

E. C. Martin, Esq., Secretary of the Land Commission.

Robert Bennett considered.

2754. You see that Mr. Macalpine concurrence all that you say about this land—will you explain to the Commissioner that you wish by some means of a map to show the name of each squatter, and the several blocks on the map all that country between the South Australian border and the Murray River which is said to be excellent pastoral country, and which is now occupied by a few individuals, and might be spread among a number with advantage?—In my speech in reference to this matter I said nothing about the loss of rent on these runs. I referred to the loss of $450,000 a year on the runs having stock, and I took the squatters' own figures to prove it.

2755. What we understand you to intend to show is that the Government are defrauded of a large amount of rent in this way—that a squatter, having his run very well stocked, when he is selling to another squatter the stock, he sells on the stock, and that means the value of his run, say 10,000 or 20,000 sheep at the case may be, and he is paid accordingly; but when the same squatter is making a return to the Government he says $4,000 or 10,000 instead of 20,000, and the result is that the difference is lost to the Government?—Yes; I will in a few words so state the basis on which I ascended those facts. I fail to allow what I suppose you should allow, namely, the boundary, these four stations commence at the Murray boundary and run back, they have a frontage to the Murray River of 230 miles in a direct line. There are seven stations consisting of forty-seven runs.

2757. How far back do they go from the banks of the Murray itself?—The first station from the Adelaide boundary has an average frontage of thirty-three miles by an average depth of thirty-four miles, superiour country. I consider it first-class country, because the land is evergreen salt-bush, equally good in a bad season as in a good.

2758. Is it much covered by mullock?—Very little indeed, it is all available land. The next station has a frontage of forty miles by an average depth of twenty-five miles, that country is also good.

2759. Equally with the other?—Yes, I can show the evidence given before a committee of the House by Thomas Reilly, as to that country, in September or October 1873, the committee on the question of the refund of rents to him. He had been there as manager for me.

2760. Did you have that run once?—Yes; I had some back blocks there, but I desire to state that I never sold ten head of cattle on Crown land, and I am prepared to take my oath that I have no private purpose in this inquiry in any respect, and that I never will rent an acre for pastoral purpose from the Government, and I have never possessed myself of one acre by the Land Acts. I have no interest further than to justice to the public.

2761. Now come to number three?—The frontage to the Murray is about thirty-six miles and the depth about eighteen miles.

2762. What is the character of this third section?—Two-thirds of that is almost equal to number two.

2763. Good salt-bush country?—Yes, good salt-bush country. There is a good deal of the upper end of this station that has a good deal of timber, but it is all available, with magnificent back country.

LANDS.

2 o
Robert Isaacson, M. J. G. Francis, for the last twenty-five years, got the Outer Culleenanne run.

1266. You complain now that instead of the Land Act being carried out in the way it prescribes, viz., putting up this land auction for sale, tenders have been taken for and have been manipulated unfairly in the Lands office, and you give that case of Mr. Crozier as an example, and you connect his getting that with the fact that Mr. Francis was his agent—is that the case?—That is the case. For the purpose of proving this I asked for the day on which the advertisement appeared calling for those tenders. I require the date of the Gazette and the date on which the tender was accepted, to show that only twenty-eight days was allowed for sending candidates to go 150 and 400 miles to inspect the country and come back and tender, and I say that the thing was being connived at for the purpose of putting all this land for grazing purposes into the hands of the squatters.

1275. Can you give us any other examples?—I may cut the ground from under my feet by giving any more now but I get further information, but that is what I tendered for the Outer Culleenanne run, and I speak facts.

1278. You say you tendered £69 more than the man who got it?—Yes.

1279. Are you sure your tender was in time?—Most decidedly, I was there at the Lands office writing to see the result. I know mine was the highest, and I went and spoke to the late Secretary for Lands, Mr. Andler, who said he knew nothing of the matter, but I do not impute anything to him.

1280. What was the date of that occurrence?—I believe it was in 1875 some time.

1281. What was the amount of your tender?—I do not remember at this time, but I know that it was much over £30 more than the other.

1282. What was the other?—£75.

1283. Yours was nearly double than?—Yes.

1284. What was the area?—It was the Outer Culleenanne run.

1285. You fix it distinctly by saying £69 higher?—I know it is over £60. The copy I had was burned along with other papers, but the tenders are in the Lands office.

1286. Will you tell us where that run is?—[The witness pointed it out on the map.]

1287. What is the supposed area?—I think it is 69,000 acres.

1288. Did you hold any other license at the time you tendered for that?—Yes.

1289. Perhaps that was given as the reason why the other was not accepted?—That cannot be seeing that Mr. Crozier had runs over 600,000 acres.

1290. Section 67 of the Land Act 1869 refers to unoccupied country or forfeited runs —was that unoccupied country at the time that Act was passed?—Yes, of course it was.

1291. When did that begin to be occupied, and when did Mr. Crozier and yourself go up there?—Mr. Crozier was there 36 years ago.

1292. Then he must have been in possession of this land at the time the Act was passed, so that clause 67 would not apply?—That run was thrown up. It was Mr. Crozier's before, and it was forfeited.

1293. Why?—His father took up in 1861 or 1862, eight or nine runs, and he went to live at Adelaide, and gave the station to his son, and the son did not pay the rent for four or five years.
7984. Those that come under the head of forfeited runs—Yes, what I desire to refer to is that country, to my personal knowledge, would carry at the very lowest estimate from 12,000 to 14,000 sheep. I desire this information to show that all this has been carried on to keep the country under the head of grazing license, for the purpose of letting squatters get a hold of all of the country; and thereby, when the leasing time is up, the squatters will get it on the best terms they can. This country was advertised to be let by public tender, and as there were only that number of days there was not time for intending applicants to inspect the country.

7985. Does the Act fix any number?—Not less than 31 days; therefore, there were no tenders sent, and it is impossible for any man but the adjoining squatter to find out these runs; even if you had two months to do it in, it could not be done.

7986. As you require certain documents, it would be a waste of time to go on further; you had better make a list of what you require?—I have done so.

7987. Can you tell us what clause provides 21 days?—It is under "sale by auction."

7988. Is all the real country on this map nullis?—It is broken country. This plan was specially prepared for the information of the public, calling for tenders to let those runs. There are altogether 53 runs, and those "red" blocks of ten or twelve miles square are for the purpose of giving the necessary information. The "white" is already under license, and the "red" was the unoccupied Crown lands to be let by tender as shown on this plan. For instance, William Willoughby has ten of these twenty-five runs, stretching eighty-seven miles along the Adelaide boundary north and south. Three of these runs were licensed to John Crotzer in 1861, 177,280 acres. I estimate them at six acres to a sheep, viz. 2,940 sheep at 1s., £1,471, their present rent, £15, balance £1,462. These three runs are sixteen miles from the Adelaide railway.

7989. What sort of country is that?—It is very inferior country; but if it was properly managed—it was my property I would have a rough survey made cutting it into blocks so that people could find it out.

7990. The Government could not ask more than was offered in the tenders?—But they let it without having any one to go and inspect it to see what rent should be paid and to mark the boundaries.

7991. You say it was let at haphazard without proper supervision by the department?—It was let by collusion. Up to the present time 58 per cent. of the licensed runs in Victoria have never been surveyed by the Lands Department. The squatters simply fenced in what they thought possessed, and are now holding them, and some squatters' stations have 100,000 acres unlicensed, and pay no rent.

7992. Ought not the new Land Act of 1889 to deal with those pastoral licenses?—It is too late, at any rate it would take all the time from now for the Government to properly survey the country and get ready for new tenants if they want to get a proper rent for it.

7993. Suppose under the new Act of 1880, these land were really worked well, would it be necessary to survey the whole of it?—Yes; it would do it just as if the property were my own. I would make rough surveys for people to ascertain the blocks they were holding by for auction, so that there should be no dispute about the boundaries when they get it. —[The following letter was read by the witness.]

Russell street, Melbourne, 13th September 1878.

To the Chairmen and Members of the Royal Commission inquiring into the progress of settlement under the Land Act 1869, and to report as to the necessary steps to be taken to meet the requirements of the colony after expiration of the present squatting licenses with the close of 1889.

Gentlemen,

I will be glad if you will cause to be provided the books, papers, returns, and plans hereinafter named, and the witnesses to be subsequently named, to assist me in proving several important facts, showing how the Treasury of the colony has been defrauded of over 4,000,000 sterling per annum, equally due as rents of squatters' licensed runs on Crown lands not charged, "as I propose doing by their own figures," and other large sums; and also attempts to defraud the land revenue department of the other large sums, from the 1st January 1871 to the close of 1877, and which loss of rents I very much continue till the close of the year 1880; all of which have been effected by neglect on the part of some of the late members of the Ministers of the Honorable Sir James McCulloch and the Honorable G. E. Francis, and a few members of Parliament interested in the tenure of squatters' agents, out other, carried out by the Ministers' Lands and some of their confidential head officers and district surveyors in the Lands Department. I respectfully suggest that, should you grant this request, you will name some officer in the Lands Department to supervise the supply of these matters correctly as soon as practicable, or assign a reason.

1st. The returns received by Mr. H. D. Bayly, the Government Statistic, from the licences of the undermentioned forty-seven runs of Crown lands in the Swan Hill district for the years 1871 to the year 1877 inclusive.

2nd. The Government Gazette for the years 1869 to 1877 inclusive, which contains the names of all runs of Crown lands and their respective rents in schedules for each district, payable half-yearly, at the close of the months of June and December in each year, to be accompanied by a schedule in writing, showing their dates and rents per annum.

3rd. The Government Gazette, showing some of the said runs in schedules published under Chapter 14 of the Regulations of the 26th May 1873, on payment of 25 by the licence, to have a reduction of rent, by reason of sale or selection reducing the area of acres. The balance area and rent estimated by the board is shown in the said gazette, also by a schedule showing the names of the runs, said acres, rents, and the reduction of the above runs (if any) for the years 1871 to 1877 inclusive.

4th. A schedule showing the number of acres in each run in the Swan Hill and Wimmera districts at the close of the years 1862, 1863, 1870, and 1877, and the number of acres in each district sold or selected in those years respectively, the total as sold or selected to be shown on a plan of the runs and therein colored red; the number sold to the licence of the run.

5th. A schedule showing the number of runs in each district which have been inspected by land offices, for the purpose of ascertaining their grazing capacity, and their reports as to the number of stock equal to sheep each run would carry per annum, for the purpose of calculating their legal rent at 81, per head, for this five years, from January 1871, and continuing per head for the second five years, from January 1876, as provided by the 46th and 65th sections of the Lands Act 1869 as the amount of rent on each run legally due, giving the names of each officer and date of the respective reports (if any).

6th. A schedule showing the name of each run which has been surveyed by the Lands Department to the present date (if any), for the purpose of ascertaining the number of licensed acres in each run; the name of each report (if any), showing the number of acres in each licensed land fenced in with squatters' licensed runs without license or rent, and the number of acres in each case.

7th. A schedule plan of all licensed runs in Victoria.

8th. The estimate of the number of unoccupied Crown lands in each district at the close of each year for the years from 1871 to 1877, both inclusive; the number of runs let in each of these years, their total area, and the rent charged.
I want to show how dishonest or not the squatters have been by the returns they sent in. I have been in conversation with many of the men and the officers said, and have ascertained the facts. For instance, the Swam Hill station was advertised for public auction in the Argus of 4th March 1875—area 244,000 acres, 252,244 sheep, and I want to see whether that agrees with the returns sent by the station to Mr. Hayter. That is why I ask for the Gazette. Now on this run the rent legally due was one shilling per head of sheep under the Act of 1869, which would come to £1,012 4s, but I turn up the Gazette and find that £200 a year is the amount charged on that station—balance not charged, £181 4s.

When you say the premium was £75,101 4s. how do you arrive at such a large sum?—I will show you by reference to those seven stations. Three out of the seven—the Swam Hill, the Wangi Lake, and the Springfield—were offered by auction with the number of sheep, and three others were sold privately (the number of stock being acknowledged), and the seventh belonged to Mr. Crosier, and from personal conversation with him and his men, I have the number of sheep they acknowledged to be about. Those are the facts I go on. The Land Act provides that the rent for the sheep is 1s. per head during 1876 to 1880. Mr. Gillies and Mr. Skene fixed all those rents without the runs being inspected; 98 per cent, have not been inspected. They sit in a room in the Lands office, and I suppose in an hour’s time they fixed the rest of 786 runs over the entire colony at a loss of £200,000 a year.

Your statement is that from your inquiries and your local knowledge you are aware that those seven stations bear a certain amount of stock which would, if honestly assessed according to the stock on the run, bring in about £7,000 a year rent?—Yes.

But that, owing to the neglect of the Government to acquaint itself with the real carrying capacities of those runs, in reality only about £7,000 has been got.—That is it.

And you ask for those returns to prove this beyond all doubt?—Yes.

It appears so that a great many of those returns would impede you, but I think you ought to get some up to that?—Allow me to explain as to the items I have asked for. First, the Government Gazettes—a clerk could extract the dates and advertisements. I have already spent a great deal of money on this, and am willing to spend more.

What do you say to Mr. Macrobie’s letter?—I do not believe that he has ever been on the country at all. The country is unfit very inferior land, but I say that there has been no chance for any man to go and tender for it. I will offer a challenge of £300 that a man cannot find out the character of those runs in two months.
7301. Do you think that a squatter should give the number of sheep he shears at shearing time, and that the Government should charge him by the number of sheep the run carries?—No, Mr. Hayter asks for the number of stock, and it is discretionary for the squatter to send it or not, and to send in those returns, and I want to see what they did send. Up till the Land Act 1862, the squatters had to make a declaration, but that is wiped away, and I do not say they should do that.

7302. How can you get the evidence that?—The returns that we have sent the returns in, and the Government have acted on those returns, and I want to show that they are valueless by testing them by my own personal knowledge of the runs.

7303. Mr. Rees,—From my own personal knowledge I know that the Vedde station showed 80,000 sheep, and the returns in the Gazette of the same year were 50,000—that is about ten years ago.—That would be under the 1862 Act.

7304. No, I think it was in 1870.—There is no law in that case. There are no returns to be sent in. The rent is fixed on the runs, whether stocked or not, and they have to pay it. You may have seen in the papers as to the number of sheep the station has sheared, but the Government takes no cognizance of the number at all. I want to contrast the number of sheep and stock on the runs with the returns sent in, because the Lands Department have no information whatever as to the grazing capabilities of the runs.

7305. By the Commission.—You say that the Act required not less than thirty-one days' notice?

—Yes.

7306. Do you refer to section 67 of the 1869 Act, which says that the notice shall be the same as in the sale of lands by auction?—That is what I refer to. Under the Land Act of 1869 Mr. MacPherson went into the Lands office, and he and Mr. Skene fixed the rents for five years in the manner I have described without any information from the officers as to the grazing capabilities of the runs. Then the next assessment was made by Mr. Gillies in 1876. At the close of 1875, Parliament passed a short Act, fixing the rate of rent at one shilling per head sheep instead of eightpence, and cattle five shillings instead of four shillings. Under that Act Mr. Gillies went to the Lands office, and with Mr. Skene in a few hours fixed the rent of all the runs under that Act of 1876 providing for officers to be sent to inspect and report on the number of stock on which the rent was calculated as the rent legally due on each run for the five years.

7307. Do you mean to say that the loss that was sustained by the original arrangement made by Professor MacPherson was £300,000 a year, and the loss on the re-arrangement by Mr. Gillies was the same?—My figures are £422,000 for the first five years, and £408,000 for the second.

7308. But that set of runs you speak of may not give a fair average for the whole?—I do not wish to confuse the matter, because I am speaking of the runs which were being inspected by a Government officer, to see what the rent should be. There is the Coon or Culmin Lower station with 14 miles frontage to the Murray which was let from the 1st January 1871 to the close of 1875, at a think £21 a year—a magnificent salt-bush country. Now it is leased a little, the rent being now £12.

7312. What is the acreage?—24,000 acres as gazetted, but these are merely the squatter's figures. A man takes up a run of about ten miles square, takes possession of what he thinks proper and fences it in. In eight years, for instance, if they hold over 700,000 acres paying no rent, I was advised in 1860 that the squatters were occupying about seven or eight millions of acres, and I took up 14 or 15 of those runs and the squatters united against me, and I never put a head of stock on. There were four squatters with a water frontage of 140 miles and extending five miles back, monopolizing all the water. Mr. Ligour said to me—'Why do you not go and take up some of this country at the back, which is far better than the frontage?' I then took up the 14 or 15 runs, and they worried me from it till they got my land and improvements.

7313. How did they worry you?—For instance, Mr. Francis was agent for two of those squatters. I have not to do with it.—He was agent for Mr. Crozier of Landscape, and Mr. George Urquhart of Kulkyn. They disputed my boundaries. One of my runs had a frontage of about nine miles of water, and it was the key to all the rest of the runs, which were inferior. When I went to occupy with my family they drove all my horses to the Swan Hill pound, 120 miles off.

7315. How could they pound your horses?—They disputed my boundaries at every point, and there were no fences. I applied for arbitration, at my own expense, to have the boundaries fixed, and I was refused. For twenty-one months a letter of mine was never answered at the Lands office, through collision with Mr. Urquhart. Mr. Urquhart was fined about £2,500 at the Cowra police court, Mr. Francis, then Commissioner of Customs in the McCallum Government, being at the time his agent, and advising him money to my knowledge. After that, they shifted the boundary of my run some miles up the river, and gave my run to Mr. Urquhart, and he offered his station for sale by auction, with scabby sheep on it, and there was not a single good head bid for the 15,000 sheep on it. After I left, he sold the station privately at £20, a head, whereby some person gained a profit of £10,000. That is the way these men made money, and that is how I know so much about this country, having travelled over 2,500 miles over the arbitration case. As an old colonist since 1842, I felt I had been robbed of my earnings.
The Witness.—I desire to say that I withdrew those runs altogether; that is not the real question—they have nothing to do with the loss of rent in the mallee. I refer to the loss of $21,159 every day we get out of our hands.

7316. By the Commissioner.—The position you take up is that the Government, having no knowledge of the capabilities of these lands, have nevertheless let them, at whatever price the occupiers choose to offer?—That is as regards the new runs; but that is a mere drop in the bucket. I only refer to the old stations. I prove by the squatters' own figures that the runs have not been paid. Mr. Skene had charge of this for the last twelve years, and he is a professional man, who knows as much about the land business as any man on the face of the globe, and I say it was wrong for him to keep these secrets secret from Mr. Longmore, the Minister of Lands. He ought to have reported that there was no information in the office as to the rent that ought to have been charged; and he ought to have told the present Government what he did with the previous Ministers, Mr. MacPherson and Mr. Gilles. Mr. Skene wrote a book, with over 164 pages consisting of the Land Act 1869 with schedules, and over 70 pages regulations relating to selection, but not one page for regulating the squatters' licenses and the rents to be paid. He referred to everything in the Act except the squattting runs, and under the 130th section there ought to have been regulations for officers to go and inspect the runs and fix the rent. That is where the loss has been, and I say it has been sustained through the mismanagement of the officers of the Lands Department.

The witness withdrew.

The Chairman.—Letters have been received from Messrs. Stacey, McLean, and Bristell, adding explanations to their evidence and making further comments on Mr. Byron Moore's case. The decision of the Commission is that that inquiry has been ended, and that they cannot re-open it. Their decision upon the case will be made known at a future sitting.

Adjourned to Tuesday next, at eleven o'clock.

THURSDAY, 26th SEPTEMBER 1878.

Present:
E. Clark, Esq., M.L.A. (Wimmera), in the Chair;
J. Andrew, Esq., M.L.A.,
T. Cope, Esq., M.L.A.,
H. E. Williams, Esq., M.L.A.,
D. M. Davies, Esq., M.L.A.

J. A. Levey further examined.

7317. Certain returns were asked for by Mr. Bennett at our last meeting, and the Commission gave instructions that the department should supply such as could be prepared; we understand that you are here to make an explanation on behalf of the department?—As to nearly half of the returns Mr. Bennett asks for, we cannot understand what he wants at all, and as to others, the information is in print, and can be obtained without reference to the Lands Department. For instance, Mr. Hayter's statistics, from 1871 to 1877, and the Government Gazette, containing lists of the runs for each half-year.

7318. I think Mr. Bennett asked that the Gazettes should be marked?—Yes, I have here a note of the numbers of the pages in the gazettes where the information is to be found. I have this read from Mr. Bennett's list, and explained as to each item. In No. 3 it is not very clear what is wanted, but I presume Mr. Bennett refers to reductions of runs under the 26th section of the Act by allotment of any kind—selection; sale by auction; reserve or common. These are also published in the Government Gazette, but not in the way Mr. Bennett speaks of here, showing the area reduced, until the last two or three years. Of course all that can be got for each run from the schedule, but to do it for the whole colony would take time and expense. The 47 runs mentioned in Mr. Bennett's list have not been touched since 1871 by allotment, and the rent has not been reduced in any way. It was increased by the 1875 Act, altering the assessment from 8d. to 1s. per head on sheep.

7319. That is the most important return of all—that will enable Mr. Bennett to prove what he wants to prove?—Yes, if he is confining his inquiry to those runs mentioned here. I do not know whether he is or not.

7320. No, he is not. Are those the runs that would most affect the question?—Those are the runs in the north-western portion of the country all round the country which he has occupied.

7321. He wished to prove to this Commission that the State has lost something like £400,000 through the returns not being accurately given to the Government, and he can only prove that by the returns for the whole colony?—That shows the difficulty that comes as you proceed. What he asks for in No. 4 can be done, no doubt, but it would take an immense time. Again, these runs he mentions have scarcely been touched, so selection has only begun in that part.

7322. The Outer Culullermine, in the Swan Hill district, was a run particularly referred to by Mr. Bennett?—That is not a run at all. As to the schedule next asked for, the only person who can give you a decided answer on that question is the Surveyor-General, Mr. Skene, but he tells me that he does not think any inspection was made of any run in 1870. The rent or assessment payable by lessees of runs was fixed in 1870 partly on the basis of returns of stock deposited furnished by the lessees. There may be one or two recorded on, but Mr. Skene does not remember it.

7323. Was there no check upon those returns?—I cannot answer definitely upon that. There are only thirty or forty of these returns from the pastoral tenants that can be found.

7324. That shows there is a screw loose in the department in allowing those returns to be received without inspection. What is supposed to have become of the returns? It is impossible to say. The late
Name of Run | Past Office Address | Licence
---|---|---
During the Year 1867 | | |
| 1868 | | |
| 1869 | | |

I, the occupier of the run known as in the pastoral district of

do solemnly and sincerely declare that the foregoing return is true in every particular.

Those were used by the Surveyor-General in conjunction with his own vast local knowledge of the country.

7325. That form mentions 1867–8–9. Have there been any subsequent to those three years?—No; because there is no power to alter the rent of runs since 1870. Under the Act the rent was fixed in 1870, and that is to say, from the stock, and the carrying capacity could not be altered till the renewal of the squatters' leases in 1880. Everything was fixed for ten years, except the rate, which was afterwards increased.

7326. After that, if there was any land allotted from the pastoral licenses, then be applied for a reduction?—Yes; under the 78th section of the Act.

7327. And a reduction was made in proportion to the area taken from his run?—Yes.

7328. Was the quality of the land taken into consideration?—Yes, of course; the quality of the area gone as compared with what was left. The only mode of reducing the rent of a run is under the 78th section of the Act.

7329. It seems to me that, apart from Mr. Bennett's charge, it is a matter of necessity for this Commission to have this return. The point is that a much larger rental would be obtained if we had information as to stock. Could you give us returns for the whole colony within a reasonable time?—Do you mean a return as to the carrying capacity of the runs?

7330. Yes. By doing so we could assist the Government in dealing with the matter in 1880?—They can be inspected, of course, if ordered, but we have no returns at the office since 1870.

7331. How do you calculate the rentals?—It was fixed in 1870.

7332. On what basis?—On those returns, as I have explained, together with departmental information.

7333. Suppose that the Commission wish to see that the State is getting fair value, what assistance can you give as to telling what they are charged?—I can tell you any run, and what rental is paid. If a man pays 21,000 you can tell it is for 2,000 sheep.

7334. Then it seems that, through the laxity of the department, the returns sent in by interested parties have been taken as correct. That is where the swindle, if any, comes in. It strikes me that the Government ought to have protected the State by having those runs inspected. Mr. Bennett says the Government have been robbed of £400,000 a year, and if the rent is based on the principle you have mentioned, it certainly appears to need investigating?—I would not like you to take any action on what I say. I have come simply to bring the papers. The Surveyor-General knows all about these things.

7335. In the small matter of the 320 acres of a selector his sworn return is checked and counter-checked and the land inspected by the Crown lands board, and you tell us that these large returns of the pastoral leases, covering large areas of land, to be left for ten years, were swallowed by the department without scrutiny. Was no officer sent to check the accuracy of those returns?—No, none. But if you go back to the year 1862 you will find that arbitrations were held over the entire colony fixing the rents of the runs, and those rents of 1870 were, to a certain extent, based on that, and those returns were, as a matter of course, referred to also.

7336. I suppose that the mode that was adopted ten years ago was, in all probability, the same that was adopted previously?—I do not know, but I know that under the 1862 Act there were a large number of arbitrations.

7337. That is the important question—how the rents were fixed. Will you request that a return to made, showing on what basis the rents were fixed under the 1862 Act?—Yes. No. 6, asked for by Mr. Bennett, could be of course, supplied, but it would take time. The department understands that you want those things soon. With reference to No. 7, there is only one large plan in the office showing all the squatter's licenses in Victoria. It was published in 1862 by the President of the Board, Sir Charles Gavan Duffy, showing the boundaries of the runs. There is a footnote on that, saying that it was only approximately, and that the runs would be surveyed, and proper plans prepared. With the exception of about a couple of hundred they have never been surveyed. Those that have been surveyed have been plotted on a map which Mr. Casey had, showing the positions of the runs more accurately. The next thing asked for can be supplied, but it would take a long time to do so. The next would not be a long job, for the simple reason that since 1873 there have been no runs let at all. Mr. Casey stopped that. They have since then been let as grazing licenses only. As to next request of Mr. Bennett's, a great part of that is not correct, as there is no reserved rent on grazing licenses at all. A counder is simply put up, and you offer anything you like. To give the "distance from Melbourne of each grazing license" would be an enormous job. There are just the usual conditions of counder. There is no reserve amount fixed, like at auction.
738. "The highest not necessarily accepted."—Yes.
7339. Is that adhered to. Do the Board accept what tender they please?—Certainly they do; but of course as a rule the highest tender is accepted.
7340. Have you any inquiry to see that the tender is a reasonable one for the Government to accept?—No; because all this land is made up of portions of country which have been abandoned, or land lying uncultivated for years.
7341. How many tenders come in usually?—Seldom or never more than two or three for any one block.
7342. Do you think those two or three could be in collusion with each other and cook the tenders?—I should think not—they are usually independent. As to Mr. Bennett's next request, as far as my memory serves me, there has never been any run lot for grazing license without going to tender, except it may be a small quarter-acre place—no "run" such as is spoken of here. As to the last, Mr. 11, under the Land Act 1869 there were no "arbitrations on rents." He means, I suppose, fixing the rents. The Surveyor-General is the only one who can speak about that.
7343. Can you state what would be the cost of preparing those returns?—I cannot; but I know that Mr. Skene is the only person who can supply a great part of what is asked for on those returns, and he is engaged on the Land Tax Commission. An ordinary clerk could not supply the information. If you will allow me, I would suggest that you might have a return supplied showing the name of each run, the rent that was fixed in 1871, the acreage of the run, and the rent now paid. That would be of use to you in inquiring whether the rent paid is sufficient. On the other hand, if the Commission are going into a kind of charge against the Lands Department for not fixing the rents higher, then the returns wanted by Mr. Bennett will be required.
7344. We do not want to do that at all?—Then I do not see how a return of what a run paid in 1868, 1869, and 1877 will help you at all as to what it ought to pay in 1880.
7345. We wish to treat the department with thorough confidence and get its assistance in the matter, and we desire you to say what returns can be obtained at a reasonable expense and within a reasonable period, to enable us to judge if the State is receiving a fair rental?—If it is simply information to assist the Commission as to what the rents shall be, I do not think that a great deal of what is asked for will be of any use.
7346. I think it would be of use as to what should have been paid?—Of course if you find that a run carrying 5,000 sheep now has paid only for 2,000, it has paid for 6,000 too few, no doubt. We can get returns to show those runs in certain years paid; and can get returns to show those runs which are as much, and we find, from information outside, that those rents carried double or a third more than the number stated, then we can prove that the pastoral licenses cheated the department, and Mr. Bennett's charge will be upheld. We wish to protect the department, and to work honestly with it in pursuing the inquiry. We can give the area of the runs as assessed and the rent paid on each run since it was taken in 1848, if you think it necessary.
7347. An important feature has arisen—that those pastoral tenants make certain returns to your departments, giving one valuation, but when they want to sell they disclose the real value. Can you assist us as to finding out those two amounts?—No. In a few exceptional cases of advertisements or sales we have taken a note for our private information, but the department has not information as to that.
7348. The Commission wish to protect the department, but they wish the department to understand that it must give all the necessary information?—The department in this case means really Mr. Skene, the Surveyor-General.
7349. You said that some of those runs had been afterwards surveyed?—No runs have been surveyed since 1879. I know that the arbitrations in 1869 in nearly every case went against the Crown. In the Benalla and Beechworth districts particularly the Crown lost everything.
7350. That proves nothing at all?—No. I simply say that the arbitrations were not successful.
7351. The department can give as each return where possible, and also state where they cannot be supplied?—The 4th section asked for by Mr. Bennett we can, you see, an immense undertaking.
7352. How long would it take?—We might do the whole thing in two or three months, but it would entirely occupy a great number of officers. My impression is that the simple return I have suggested would meet the case—showing the name and area of each run; the rent fixed in 1871; the rent altered; and the area altered year by year.
7353. It is so the Commission going into the matter without full information?—If you will allow me to suggest, I think it would be better for you first of all to have the Surveyor-General before accepting Mr. Bennett's view of the matter. The Surveyor-General will be better able to suggest the returns that will be of use to you in ascertaining what would be a fair rental of the runs than Mr. Bennett. Mr. Bennett has, in his evidence, brought a charge against the department, and specially against the Surveyor-General.
7354. We are going to Benalla. Is there any return that you can give that will be of use to us there?—The pastoral occupation has gone there; there are only the selectors now.

The witness withdrew.

Robert Bennett further examined.

The WInesses.—In my previous evidence I attributed the loss of those rents to Mr. Skene, the Surveyor-General, and the Ministers of Lands in 1870 and 1875. If you now ask Mr. Skene to dictate to me what returns and information I want, you put an end to the matter. I have asked that an officer of the department be appointed by this Commission to produce the documents, or say the reason why he could not.

7356. By the Commission.—Do you consider the whole of these returns necessary to prove the statement you have made?—I do; but if there is a great difficulty in obtaining them—if they entail a great deal of labor and expense—I will waive the point of having some of them.
7357. We have every reason to believe that Mr. Skene and the department will act with loyalty to the Government in this matter, and afford you every assistance. So long as we retain confidence in the heads of the department we must treat them as loyal to the interests of the public. We are anxious to
co-operate with you, but we think it will be well to have Mr. Skene's advice—I believe there is not another man in Victoria who knows more about this matter than I do. There has been no survey of 98 per cent. of the runs, and no officer sent to ascertain the number of sheep, and I challenge the department to prove the contrary.

The Chairman.—We do not wish to co-operate with Mr. Bennett and with the department in arriving at the truth. The Commission having fully discussed the matter, have now agreed on the following resolution, viz.:—“That Mr. Skene be invited to attend the Commission at the next day of sitting, to give what information he can as to what returns are required.”

The witness withdrew.

Adjourned to Tuesday next, at one o'clock.

TUESDAY, 1st OCTOBER 1878.

Present:

W. J. O'Hear, Esq., M.L.A., in the Chair;

R. Clark, Esq., M.L.A. (Wimmera);

J. Ross, Esq., M.L.A.


7538. As the Commission is desirous to have the value of your experience and skill, professional and otherwise, on the subject of the pastoral lands, we want to know first from you what principle is carried out in fixing the rent of those lands, and whether the principle varies, whatever it is, from what it was in 1862 and in 1865. It was stated in evidence by one of the subordinates of the department that the squatters send in their own valuation of a run, and state the number of sheep it is, and that the department take that statement as the basis, and there is no further inquiry in the matter. That has appeared to the Commission very naturally as scarcely a fair way of dealing with the State property, as far as the interests of the State are concerned; therefore we desire to hear what you can say on the matter. Will you tell us, beginning with 1862?—I might refer the Commissioners to page 11 of the Report of the Proceedings taken under the Land Acts of 1862 and 1865 up to 31st December, 1865. On that page is set forth the pastoral revenue that was derived by the State from 1840 down to 1862, year by year. In 1861 and 1862 I was deputed to make a classification of the pastoral lands of Victoria. I was engaged on that task about a twelvemonth. The result of the classification that I made appears in the Public Lands Circular and also in the Gazette of the 13th December 1862 and the 10th January 1863. Under the Act of 1862, when that classification was gazetted the pastoral tenants had the right of appeal. The Act provided for the nomination of arbitrators, who should decide as to any matters in question between the Board and the pastoral tenants as to rent. In the report that was drawn up on the 1st June 1863—which appears in the Public Lands Circular of the 10th June 1863—is given the full statement of the results of the arbitrations. The number of appeals were 689.

7539. Did they cover all the runs. Did every one appeal. What proportion?—I will be able to show that as I go along. The amount of rent fixed by the Board of Land and Works upon those runs that went to arbitration was £299,928. The arbitrators reduced that amount by £145,987. The total amount of rent that was fixed by the Board on all the runs now in the colony was £593,909.

7540. Was that after the arbitration?—No, before. The amount that the Board fixed for the entire colony was £386,600; and, of that, £299,900 were appealed against. The amount of rent paid by pastoral tenants who did not appeal was £47,359.

7541. A small fraction!—A small fraction.

7542. I thought you said the total was £286,000?—£386,000.

7543. That leaves more than £47,000. It leaves about £87,000,—I will read the whole.—"There were 689 appeals, on which 648 awards had been received. The amount of rent fixed by the Board of Land and Works upon these runs, the arbitrators' awards on which had been received, was £299,928, and the amount of reduction made by arbitrators was £145,987. The amount of rent fixed by the Board upon the whole of the runs of the colony—1,249 in number—was £386,600. As I have already said, the amount of rent fixed by the Board on 918 runs appealed against was £299,928. The amount of rent fixed therein by arbitrators was £145,987. The amount of rent fixed by the Board on forty-one runs appealed against, the awards on which were not made within the legal period, or had not then come to hand, was £242,288. The probable amount of rent derivable therefrom, assuming the ratio of reduction would be the same upon those not received as upon those to land, was £12,438. The amount paid by pastoral tenants who had accepted the rental fixed by the Board was £47,359. The amount neither paid nor appealed against was £14,356. That made the total amount of rent fixed by the Board £386,015, and the rent payable after arbitration £228,317."
determination of the Board was appealed against, and, consequently, the settlement of these cases was remitted to arbitration. The awards made in ninety-three of these arbitrations being declared void, on the grounds of direct violation of the restrictions contained in the Act, these cases were subsequently re-determined, and satisfactorily adjusted; and in eighty-six other cases the capabilities of the runs were re-determined, consequent on the abstraction of portions thereof through the selection in agricultural areas under the Land Act 1862. Still, of the 514 cases of arbitration then left undisturbed, it was patent that many were determined on a false and erroneous basis, but no provision existed in the Act of 1862 under which these errors could be rectified. To obviate this defect, power was taken in the Amending Act of 1865 to re-open such cases as were arising under that power, ninety-nine runs having been re-selected by the Board, and the rentals have been arranged by mutual agreement, resulting in an increase of £13,235 per annum, the details of which are given in Appendix II. That appears in page 13, showing that in the Bealla cases fifteen cases were inquired into, resulting in an increase of £2,176.

7596. You used not go into the details. Was there anything more that than £13,000 added to the rental?—No.

7597. So the re-opening of the question of the Act of 1865 resulted in producing £13,000 additional to that £298,005?—Yes.

7598. But have you had to make reductions for selected land?—Yes.

7599. Did those reductions nearly balance the net £15,000?—The selections much exceeded the additional income.

7600. What I mean is this—having added, by re-adjusing the runs, £13,000 old to the previous rental of the State, that rental was also diminished in another direction by the operation of selection, consequently those men paid less rents. Did the reduction of rents given to some settlers on account of selection equal or balance this £13,000 increase?—From 1862 down to 1865, when this re-assessment was made, of course, the runs were year by year getting less, but on the rent that was payable in 1865 there was this addition of £15,000.

7601. In fact, every year from 1862 to 1865 you were obliged to reduce the rents on account of selection?—Yes.

7602. And then, in the year 1865, it would be desirable to know what was the exact rental you got from the State before you added this £13,000. In 1862 it was £228,000 in round numbers?—In December 1862 the amount of rent actually paid half-yearly was £108,096; on the 30th June 1863 the amount of rent paid for the six months was £100,557; on the 31st December 1863 it was £199,196; on the 30th June 1864, £200,651; on the 31st December 1864, £202,909.

7603. That would be about £197,000 for the year?—Yes. On the 30th June 1863, £97,839; and on the 31st December 1865, £98,225, the reduction in the half-yearly amount of rent, on account of selection that half-year being £5,788.

7604. The year 1865 returned in round numbers £195,000?—Yes.

7605. Which was a reduction from £228,000 in 1862?—Yes.

7606. So that you lost by the reduction in area of runs £33,000, and by the re-assessment you got £13,000?—Yes.

7607. Have you got any record then as to the acreage of the land?—Yes. In 1862 and 1863 the area of selection was 1,550,087 acres; on the 30th June 1861 it was 60,882 acres; on the 31st December 1864, 114,485 acres; on the 30th June 1865, 12,053 acres; on the 31st December 1865, 725,275 acres, consequent on the selections under the new Act.

7608. It was the Act of 1862 that the million and a half acres were alienated under?—That went under the selection and certificate clauses.

7609. All in twelve months?—No. In 1865 there was a large quantity of land taken up under the original conditions of the 1862 Act—that is, under certificate. Twelve months was allowed for certificate holders to come in and exercise their right of selection under the original conditions of the Act of 1862.

7610. Cuming's clause?—Yes. That brought up the selections under the 1862 Act proper to close on 2,000,000 acres.

7611. Can you tell us what acreage of land was held by the pastoral tenants when you assessed them as £386,000 in the year?—That was, in fact, the pastoral acreage in 1862?—I could not give it exactly at the present moment, but in 1860 the total area occupied under pastoral lease was 29,049,238 acres.

7612. Upon what basis did you proceed when you went in for £386,000, and afterwards had to reduce it by such an enormous amount?—I had a very good general knowledge of the country from one end to the other. I had been over it, and had been an observer man over since my connection with the department.

7613. You fixed the rents yourself?—Yes.

7614. Did you get any returns from the pastoral tenants?—Not at that time.

7615. Then you must think that the subsequent reduction was very unjust and unfair?—I did.

7616. I presume that when you arrived at this figure of £386,000 as the proper valuation of the runs, you had in mind not only your own knowledge of the country (having travelled over it for years as a surveyor) but also you had in mind the rents those men paid?—Of course I knew what rents they were paying at the time.

7617. In the year 1861 was it anything like £386,000?—The total paid by squatters?—In 1861 the amount paid in license fees and assessment was £247,870.

7618. That was reduced by the arbitration to absolutely a less amount in the following year, to £288,000?—Yes. There were certain reductions made in the net revenue held under pastoral lease between the time of that assessment and 1862.

7619. Your decision was to increase the amount?—Yes; because one good reason I think was that during the ten years' tenure that they were to hold their land the growing capabilities of the country would naturally increase, as it had been previously going on increasing. They had fixation of tenants by the Act. The increase had gone on as long as I knew the colony, from 1859 onwards. I had seen that from year to year.

7620. In 1861 the pastoral tenants paid £247,000 for the use of the pastoral lands. You were sent out, as a skilled man, to see whether it was a fair rent or not, and you came to the conclusion that the rent
—particularly as they were going to get fixity of tenure—should be not £247,000 but £285,000, that is £18,000 more?—Yes; 50 per cent.

7391. Having thus done your duty to the State, there came into operation under the Act of 1862 a system which I think you can own—The system of arbitration.

7392. Several arbitration always goes against the Government, and the result has been disastrous, as far as the rental has been concerned. What led to re-classification in 1865?—From my own knowledge of many of those cases, I was perfectly satisfied that rent was not put in proportion to the stock and herbage, and the only remedy was to require an absolute additional revenue to the State.

7393. Do you mean to say this thing, that in those cases it was so very necessary and glaring that it had to be looked into?—Yes; I felt compelled to reopen these cases.

7394. And you were borne out thoroughly by the subsequent action of increasing?—Yes, by getting £13,000 absolutely additional revenue to the State.

7395. At that time the appeal was to the Minister and not to a set of arbitrators?—It was to arbitrators in 1865, but though we had power to call on them to go to arbitration the Act also gave us power to settle it over the heads of arbitrators. If the licensees would not come to a settlement quietly we could force them to arbitration. Knowing how arbitration with the Crown turned out, I did my best to see what I could out of them without arbitration.

7396. Under the Act of 1862, the arbitration proved a failure; it did not do that thing which the State expected from it?—Yes.

7397. It did not maintain the fair rental for the State. Was the same system of arbitration maintained in 1862?—Yes, I will read the clause.

7398. Is that the same as is the Act of 1862?—Is it the same clause in effect?—Notwithstanding anything contained in the Land Act 1862, the Board of Land and Works may within six months after the passing of this Act, with the consent of the Governor-in-Council, be published in the Government Gazette, fix the amount of the rent of any run remaining unascertained at the passing hereof, and may reduce the amount of the rent of any run unascertained by the determination of the grazing capacities of the runs by the said Board, or may agree with the occupier of any run that the rent payable in respect thereof shall be increased; and from and after the giving of such consent or the making of such agreement, the rent of the run shall be reduced and the occupier of such run shall be dissatisfied with the amount of the rent of any run ascertained by the original determination of the Board of (where the determination of the Board shall have been appealed against) with the amount of the rent of any run determined by any arbitrators appointed under the Land Act 1862, or with the amount of the rent fixed by the Board as aforesaid, and if the amount of rent to be paid or the terms of a reference to arbitration cannot be agreed upon by and between the Board and the occupier, the said Board or the said occupier may at any time within six months after the passing of this Act cause a summons to be taken out, returnable before a judge of the Supreme Court in chambers, to show cause why, on one or more of the grounds hereinafter mentioned, and which shall be specified in the summons, an appeal should not be allowed against such determination; and if, on the hearing of such summons, it shall appear by affidavit or oral testimony or both to the said judge that the said determination was fraudulent or erroneous or unjust, the judge may and shall make an order without costs that such determination may be appealed against by the said Board or occupier.

7399. To whom would that appeal be addressed if the judge decided that the appeal should lie?—The party in whose favour such order shall be made may within one month after the making thereof give notice to the other party intimating the intention of the Board or occupier (as the case may be) to appeal against such determination, and naming the person appointed by the said Board or occupier to be one of three arbitrators (not being an arbitrator under the previous award) to decide the said appeal; and the other party shall, within seven days from the service of such notice, appoint another arbitrator (not being an arbitrator under the previous award) and the two arbitrators shall appoint a third arbitrator; or if they refuse or neglect so to do within twenty-one days, as the party on whom such last-mentioned notice has been served neglect or refuse within the time before-mentioned to appoint an arbitrator, a judge of the Supreme Court may and shall, on the application of the party in whose favour the order has been made, appoint an arbitrator.

7400. But yes so managed. I suppose, to appoint a better class of arbitrators—those 1862 arbitrators were very objectionable. Taught by experience of 1862, in 1865 you got a better class of arbitrators?—We never went to arbitration. I preferred to get all I could without going to arbitration, knowing as I did the results of that arbitration.

7401. You did not go to arbitration after 1865?—No.

7402. Still, the squatters, I suppose, have the right to appeal to arbitrators?—Of course they could have forced us to arbitration if our terms had appealed to them to be excessive.

7403. As a fact they did not?—No, they did not.

7404. In fixing the assessment in the first case did you take the carrying capacities as the basis on which you fixed the rent?—Certainly.

7405. How was that ascertained by you?—I had my own knowledge of the country to begin with, and I had to go over the entire plans of the colony to ascertain the boundaries, and wherever I felt any doubt I applied to my own officers and got the benefit of their knowledge.

7406. Were the pastoral licences asked to send in reports?—Not under the 1862 or 1865 Acts. In 1862 they have been asked to give reports; in 1869: yes, in 1869: and in fixing the capability under the Act of 1869 there is one point to be kept in mind—that the best of all the land was going away by selection between 1862 and 1869, and we had very inferior country so deal with in 1869 as compared with 1862.

7407. Can you give the income from the pastoral rents in 1868?—In 1868 the amount received was £77,645.

7408. That is £50,000 less than you got in 1862?—Yes.

7409. Now, do you know how much land was alienated in that same year?—Well, I have not got it here, but I could get it if the Commission desire it, year by year. The amount of land alienated during the year 1868 amounted to 216,466 acres.
7411. You told us that in 1862 29,000,000 of acres were let to the squatter?—Yes.

7412. You then got £225,000 after the arbitration?—Yes.

7413. In 1865, the year before the Act of 1869, you received £177,000 as rents?—Yes.

7414. Now I want to find out how much land had been taken from squatters in the intervening years between 1862 and 1868—I could get that.

7415. I have been making a calculation that your rents were about £8,000 for every million acres; I want to see whether the falling off of £50,000 would be represented by a certain number of millions of acres alienated?—Yes. I could get that.

7416. I do not suppose that in the reductions that took place there was regularly followed out the average reduction?—Yes, we know exactly the acre and rent paid on each run.

7417. You had the same proportion per acre in 1868 as in 1862?—That would entirely depend on the run in which the selection took place. In each separate run the reduction would be in proportion to the average rents of the run.

7418. Was there always a reduction commensurate with the reduction of the land; would not the difference in the quality of the land affect that, and prevent it being followed out regularly?—In each case, the reduction would be in proportion to the average rent paid on each run, not on the whole average for the whole of the colony.

7419. When selection takes place would you make a reduction in proportion to the acreage taken?—No, I would take a few other circumstances into account. For instance, if the selections were dotted over the run, spread over it in detached pieces, I would be inclined to allow a little more because of the sevancess that would take place.

7420. You have a very general opinion and knowledge with regard to the capabilities of the colony?—I have.

7421. How many years does your experience extend over?—From 1859 down to the present time. I have kept my eyes open all that time.

7422. Then you think the squatters made a good thing of it?—I am not only of opinion, but I am perfectly satisfied on that point.

7423. Coming to 1869 you have told us what has been done under 1862 and 1865, namely, that you had a capital assessment and a rude assessment from yourself in the beginning, which was reduced by the friendly intervention of arbitrators, and you endeavored to amend that in 1865; now we came to 1869?—I might point out just here that there is a return made here where the country is divided into classes, and you will see the different rates per acre that are paid for different classes of country. Under the provisions of the 64th section of the Land Act of 1869 the Board of Land and Works determined the grazing capabilities of the several runs for which pastoral licenses had been issued on the 1st January 1871, and the rents, as determined by the Board under the 65th section, were published in the Government Gazette of 21st April 1871. The total number of runs so dealt with was 975, and the total rent determined at the sum of £184,717 10s. 10d. Appeals against this determination of the Board to the number of 215 were lodged, and subsequently considered at meetings of the Board of Land and Works on the 8th, 9th, and 10th June, 11th July, and 5th October. The previous determination was affirmed in 257 cases, and in 288 cases a reduction in rent was allowed, amounting to £2,781 in the gross. This return shows the original determination; say original classification is that in figures. Those alterations were made by the Board of Land and Works on hearing the several parties.

7424. And the result of this alteration was a loss of what?—£8,781.

7425. In this case then the tenants had to send in returns?—They were requested to send in returns of the stock that they actually had disposed of for three years previously on their several holdings.

7426. Was that for the purpose of enabling the Board to come to a decision?—I may say I was again requested to classify the land. Those returns were handed to me. I made use of them up to a certain point, but did not depend on them entirely, as the result shows that more than one-half of the pastoral tenants were then dissatisfied with my classification.

7427. Was it owing to this classification that this appeal was made to the Minister that resulted in this loss of £8,781?—Yes, to the Board of Land and Works.

7428. Then the same economical course was taken in 1869, that you were employed to assess, and you did fix the rental at a certain amount, and the parties appealed to the Board of Land and Works, who so far responded to those appeals that they reduced that by £8,000 odd?—Yes.

7429. Are you guided by the returns?—Certainly not.

7430. They were to send in those returns in 1869 extending over three years—was that before you made your estimate?—Yes; I had the benefit of those returns.

7431. As a rule did you accept those returns?—Certainly not. How would they appeal against their own returns if I had?

7432. Is it many cases did they object?—515 out of 975 cases.

7433. And on how many cases was the appeal sustained?—In 288 cases a reduction in rents was allowed of £8,781.

7434. Individually they appear to be small amounts?—They are not very large; some are very small. I see on looking down this list—[looking down the return]—from 1,000 to perhaps 2,000 sheep at the outside; 3,000 sheep I see in one case.

7435. What was the number of appeals that were allowed, do you say 288 out of 515, and that there was an average reduction of about £20?—Yes.

7436. That result sustains your valuation very closely; what was the object in furnishing the pastoral licensees with forms and asking them to send in returns?—We thought it would be desirable that we should have the statement of what they were doing on their runs for the three previous years.

7437. Does the Act direct you to do that?—No.

7438. It appears on the returns as a rule that those pastoral tenants had understated the runs. It appeared so to you, did it not?—It appeared so.

7439. Did it run through all the cases?—Not all the cases.

7440. Have you any particular case in your mind where you made an immense advance on the return sent in?—No, I have no case impressed on my memory.
7441. Do you think you made an increase of 30, or 40, or 50 per cent. in any case? — I cannot call it to mind now; but in looking over I could specify where any great increase was made over any particular return.

7442. At the present time, under this Act of 1869, how do you proceed now about the annual rentals? Do you still maintain the rents that were assessed in 1871? — Yes; those rents were then fixed for the duration of the Act of 1869. Power was only retained to alter the rates of rent, and that was altered at the expiry of the first five years of the term of the Act.

7443. From 8d. to 1s. per sheep? — Yes, and for cattle from 4s. to 6s.

7444. Then from 1870 to 1875 you generally got this rent of £184,000? — Subject always to reductions for selection.

7445. Then after 1875, when the assessment of cattle and sheep was increased, did you get anything like a large increase in the rent? — Of course.

7446. What was the amount of the increase? — The increase of course in the rates was 33 per cent. in sheep and 20 per cent. in cattle stations.

7447. What did it produce, this increased charge, modified always by reduction in the squatters' rents? — The amount paid in 1874 was £157,114. The amount of rent in 1875, into which six months of the increased rates came, was £159,304, and we estimated then the pastoral rents for 1875 would be about £160,000.

7448. As a matter of fact, what was it for 1876? — £162,448; but of course there was always here and there some new runs coming in.

7449. Coming into existence — new runs? — Yes, but that increase from new runs stopped in 1873. Any rents that we got afterwards for the occupation of new country was under the grazing license, which was not estimated under the head of rents from pastoral runs.

7450. What is the difference in the tenure between the grazing license and the pastoral license? — Practically none. There is only a legal difference, and that is that the pastoral license is a chattel interest, the grazing license is not.

7451. Did you understand you to say that the tenure of the pastoral tenants lasts as long as the Act of 1869? — Yes; the license is annual, but they have a right to its renewal every year if they do not contravene the law.

7452. Then this talk about a renewal of license in 1880 is a mere nothing, there could be a re-assessment in 1880? — Yes.

7453. Every five years you can make a re-assessment? — No; that was under the Act of 1869. Power was taken at the expiry of five years, if Parliament thought proper, to re-adjust the rate of assessment, but not to touch the grazing capability.

7454. They did by the special Act re-adjust? — Yes.

7455. But that gave them facility of tenure; they were tenants perfectly at their ease for their holding for the ten years the Act was in operation. Have we not seen in the press about the squatters' leases being renewed in 1880? — The Act of 1869 expires in 1880, and all interests created under the Act expire with it. There is a special clause stating that.

7456. Then, in 1880, unless we have legislation before on the capability, the carrying capacities of the runs must be again inquired into? — In 1880, unless there is legislation in the meantime, the whole squatter tenure falls to the ground — is extinct.

7457. The whole squatter tenure falls to the ground in 1880? — Yes, at the end of 1880. There would be no squatter in 1881 unless there is fresh legislation.

7458. As to the returns of Mr. Bennett. You have seen the list of returns Mr. Bennett asked for; can the department furnish them with convenience? — (Mr. Levey) — They can furnish them, but not with convenience.

The Chairman. — I think the evidence given by Mr. Skene now does away with the necessity of those returns asked for by Mr. Bennett. Mr. Skene has just told us the basis upon which those squatter rents were originally fixed. He has given the history of how they were reduced, and the course of action adopted by the department in dealing with the squatters, and has removed the impression on the minds of the Commission that the squatters had the laying down and fixing of their own rents. Now we see what the state of the case really is. We see that the Board of Land and Works proceeds upon a definite basis, and that they are not at the mercy of the squatters.

Mr. Tucker. — I think they were at the mercy of the squatters. Mr. Skene had to whittle down his valuation? — (Mr. Skene) — Owing to there being arbitration I got the worst of it.

7460. By the Commission. — In getting rents from the squatters now do you get them annually? — No, we get rent half-yearly.

7461. What basis do you go on? — Each pastoral tenant who has lost land out of his run by selection, or commenage, or in any other way, sends in an application and pays a fee of £2 to have his rent re-adjusted in proportion to the quantity of land he has lost.

7462. So the original assessment of 1869 stands? — It stands so far as regards the acreage rate.

7463. What is the number of pastoral tenants altogether? — About 900 at the present time.

7464. Could not a return be furnished of the names and the acreage held during the past few years now? — Yes, certainly; our books can go back as far as 1862. At the present time the amount of rent and acreage of each run can be shown, and the assessment on stock that was paid prior to 1862; that is all that was paid, and it was the assessment five-up to 1862. The license fee was abolished by the Act of 1862, and the pastoral license simply pays rent or assessment.

7465. So that the increased assessment that was effected by the Act of 1875 — from 8d. to 1s., and 4s. to 6s. for cattle — how are the changes made? — All that takes place every year is that you receive application from the squatter who has lost portion of his run, and you take off a portion of his assessment? — Quite so. Prior to 1865 the squatters might lose land up to the value of 8d. per acre; under the present Act he may lose up to the value of 1s., the rate on sheep having been raised from 8d. to 1s.

7466. You take into account the fact that the most valuable portions are selected? — Yes, the eyes of the land are usually picked out first.

The witness withdrew.
J. A. Levey further examined.


7467. Can you throw any light on Mr. Crozier’s case, which you have heard mentioned by Mr. Bennett—as a fact did Mr. Crozier get the run £90 lower than Mr. Bennet’s tender?—I find—reading from the tender book—that in June 1874 the Outer Cululleraine run was let as “Lot 9, 96,000 acres, more or less, being the unalienated Crown lands within the boundaries of the run formerly known as Outer Cululleraine, in the county of Millthwaite and the district of Swan Hill.” The tenders were opened in the board-room publicly.

7468. What is the highest tender taken?—It was not let at all then. The tenders opened in the board-room were—“Albert Miller, £255; “Robert Bennett, £160.” Those are entered by the accountant. Then written against this, by the Surveyor-General, is—“Albert Miller, per annum; Robert Bennett, doubtful if per annum—defer for inquiry.” On that is written, in Mr. Casey’s handwriting, “Re-advertise.” That was the 25th of June 1874.

7469. Then the fact is the tenders sent in were not accepted—they puzzled you?—Yes, and the run was re-advertised. In the following December 1874 tenders were again opened for the same block of land, and the tenders sent in were—“Albert Miller, £15;” and “John Crozier, £35.” John Crozier’s was accepted by the Minister, Mr. Casey.

7470. There was no tender from Mr. Bennett then?—No.

7471. Has there been one since?—No; the land has not been thrown open since, and no tender was received from him at all then or after.

7472. Did Mr. Bennett write to you about that?—I cannot say; that is not in my department.

7473. Have you the documents there?—Yes.

7474. The offer of £160 made by Mr. Bennett?—Yes—[The same was handed in by the witness and read by the Commissioner.]

7475. To Mr. Bennett—You seem to have been on friendly terms with Mr. Crozier?—Yes.

7476. Did you mean that offer as “per annum”?—I did.

7477. You do not state so. Did not the department send to you to ask?—No; though they had my address.

The witness withdrew.

R. Bennett further examined.

R. Bennett, 15 Oct. 1875.

7478. You have heard what Mr. Levey has stated as to the doubt whether your offer of £160 meant per annum or not?—I certainly meant per annum, for I have had many years’ experience in these matters.

7479. Did you go to the department and complain after?—The Government Gazette I hold in my hand called for tenders for the Outer Cululleraine run, and I will show that sufficient time was not allowed for the tenders. This Gazette is dated 4th December 1874—that is a Friday. The run is 437 miles from Melbourne, and the mail to Wentworth had left the day before the Gazette came out, therefore the Gazette could not be posted till the next mail on the 10th, and would not arrive at Wentworth till the 13th. As the tenders were to be received up to the 21st of the same month that is only 16 days altogether.

7480. When you found that your June tender was not accepted did you take any steps between then and the following December?—I did. I took my tender into the board-room, and waited till the board rose, and made inquiry as to whether my tender was accepted. I saw Mr. Archer and he said he knew nothing about it. Next day I waited on Mr. Skene in his office, and he read this long tender of mine, and took down the plan. He said:—“It adjoins Mr. Crozier’s run.” I said:—“It also adjoins my run.” I called again and he could give me no satisfaction. He would speak to the Minister about it. I called again the next day and then left a note for him. On the day the board rose, I spoke to Mr. Fletcher down stairs, and he knew nothing of it.

7481. Did you say anything about the words “per annum” not being in?—Certainly not. I had some trouble to do with runs that I certainly meant per annum.

7482. Did Mr. Skene say to you:—“Did you mean per annum or not?”—Certainly not.

7483. Who were on the tender board?

Mr. Levey.—Tenders are opened by the accountant, and the Surveyor-General and the Minister sit on the board.

The Witness.—The tenders were opened at the table in the presence of Mr. Casey. I waited till the board rose, and made inquiries, and could get no information whether the tenders were accepted or not.

7484. But a month or two after what did you do?—The next day I called on Mr. Skene, and what I have told you transpired.

7485. After that did you leave Melbourne?—Yes.

7486. The tender in 1874 was disputed. How long after that did you remain in town?—I remained till May 1875.

7487. How was it you did not take any steps when you found the Government advertised for fresh tenders?—I was not in town at the time, and was not aware of it.

7488. Do try and understand the question. In the month of June 1874 this first tender about this Cululleraine run was settled by the tender being refused, you remained the next two or three days and could not get any satisfaction—what I want to know is how long did you remain in Melbourne before going back to your run?—Till May 1875.

7489. During those nine months did you take any steps about this run?—No, I did not.

7490. And during those nine months that you remained in Melbourne—in the very middle of that period, that is in December 1874, the Government called for fresh tenders; is it not a wonder that you did not come to hear of that?—I did not see the Gazette. It was by accident I saw it before.

7491. Then you thought so little about it that you did not trouble to see about it again?—The fact was there was not time for any one at Wentworth to tender.

7492. But you were in Melbourne at the time?—Yes.
7493. Then you were placed at better advantage than Mr. Crozier, who was living away at Adelaide. You were in Melbourne, on the spot, and you knew all about the country, and yet you took no trouble, so that you have really no grievance?—I may state distinctly that I did not see the Gazette the second time.

7494. Then that is your misfortune, and there is an end of it?—I said, "I hereby tender the sum of £160."

7495. You made a blunder, and the consequences of that blunder fall upon yourself. The department are not to blame; they could not make head or tail of your tender, and they said they would do the best thing they could, viz., call for new tenders and so give you another chance?—But I was there. My tender was not informal; I offered £160 a year rent for the run.

Mr. Levey. — One of the special conditions of the tenders is — The license fee must be paid every year in advance; the first fee must accompany the tender, or be paid by the successful tenderer or his agent immediately on the declaration of the acceptance of the tender, otherwise the offer of the next highest tenderer who may be prepared to comply with this condition may be accepted." I think Mr. Bennett stated that he did not go into the board-room. It is possible, as there was no money with the tender, that Mr. Casey may have said, "This is a very high tender; the next is very much lower — will re-advertise."

7496. For his tender of £160 he would have had to pay £80? — Yes, I suppose that, for the half-year.

7497. By the Commission (to Mr. Bennett).—You did not send any money with your tender? —No; but I had tendered before in the same way. When the tender is accepted you are waiting with the money.

Mr. Levey. — He was not in the room, he says. The Witness. — I was outside the room and was seen by the officers. I was there to pay the money immediately.

7498. To Mr. Levey. — The memorandum does not state that it was because he was not present there? — No, it was because he had not stated "per annum."

7499. Why was it he was not informed of that by the department? — You will see, by the tender book, it is the usual thing to re-advertise.

Mr. Clark. — This charge of Mr. Bennett's, in my opinion, vanishes into thin air. What he stated about Mr. Crozier does not turn out to be the fact. It is proved that when Mr. Bennett tendered none was accepted. Then tenders were again called, and none was received from him, and the department accepted the highest tender. As a matter of fact, if any man had ground for complaint in the first case, it was Mr. Miller; but there was really none at all.

Mr. Tucker. — Ought not the department to have written a letter to Mr. Bennett telling him that his tender was informal, and had not been accepted?

Mr. Rees. — That is never done, and would not be fair. Besides it might lead to informal tenders being sent in collusively.

Mr. Levey. — Another reason why the tender might be regarded as doubtful was that the amount, £160, was so very much higher than any other rent in the district, and when the rents were fixed in 1862 Mr. Bennett himself was one who appealed and got them reduced still further.

Mr. Bennett. — I did not appeal myself. I was in Queensland at the time, and had nothing to do with the appeals whatever. Mrs. Bennett simply sent the papers in, and the matter was dealt with.

7500. By the Commission. — That amounts to the same thing as you doing it yourself? — (The Witness). — I had nothing to do with that, and never wrote a line about it; but in this case I was prepared to pay the rent. The reason I did not take the matter in hand after was that I was busy fighting the battle against my own tender, and that was the reason I wrote the tender as I did.

The Chairman. — All that is to be said in the matter is that Mr. Bennett made a blunder in dealing with his business, and the consequence of his blunder fell on his own shoulders. He made a charge of favoritism — in fact, a charge of corruption — against the department, to the effect that they gave the run to a man who tendered for a less sum than he himself did. We now know the whole history of the case — that the tenders were in the first case informal; that the department, in consequence, called for fresh tenders; and that then the opposing man, Mr. Bennett, did not make his appearance. So that the accusation against the department and against Mr. Francels, as being the agent for Mr. Crozier, all fall to the ground.

Mr. Bennett. — I was never told this run was put up a second time, and Mr. Crozier told me he tendered for it. It is strange what has become of that tender.

Mr. Levey. — That is a fresh charge against the department. Here is the tender book. — (producing the same).

Mr. Bennett. — I have no wish to make a charge against any man, but it appears to me that these gentlemen — Mr. Francis and others in power — can get every one to hear them and Robert Bennett cannot. I merely stated at this table (speaking from memory) that I tendered about £60 more than the successful tenderer, and that Mr. Francis was the agent of the tenderer.

7501. By the Commission. — But you did not tell us that the tenders were at two different times?

— I did not know that.

7502. Then you now see that you were wrong? — I make no charge; I simply stated the facts.

7503. To Mr. Levey. — We want to get a return of the area of the run, the rents paid, the reductions in the rates each year by selection or otherwise, and the corresponding readjustment of the rents? — I will see that that is prepared by the department, and I understand that return embraces all that you want in reference to Mr. Bennett's letter.

The witness withdrew.

Adjoined to Thursday next, at half-past twelve o'clock.
FRIDAY, 3rd JANUARY 1879.

Present:

W. J. O’Hea, Esq., M.P., in the Chair;
A. L. Trecker, Esq., M.P.,
| John Ross, Esq., M.P.,

In the matter of Crown Lands Bailiff McLean, Mr. Byron Moore, Mr. J. V. Bartlett, &c., &c.

The Chairman reviewed the evidence which had been given at such length, and stated the conclusions which had been arrived at as follows:

On the 25th of June last the Commission sat at Echuca, and in the course of their enquiry Mr. James McLean, Crown lands bailiff, stationed at Shepparton, was called upon to give evidence. “At the close of his examination in chief he was asked (q. 2550)—‘Have you ever found parliamentary influence stepping in between you and the parties; have you had reason to believe that such was the case?’—A. ‘Yes, practically I have.’” (2551.) “Describe in what way?” He then proceeded to state his case, which was in substance as follows:

That he wrote to the Minister of Lands in 1873, and obtained his permission to expose certain dummy cases in the Wimmera district.
That after proceeding to procure evidence and get up information for the prosecution of the dummies and their employers or principals, Mr. Byron Moore appeared on the scene and thwarted him in various ways.
That Mr. Moore took the conduct of the cases out of his (McLean’s) hands, and gave it to Mr. Stacey.
That this proceeding was so urgent and impolitic that Mr. Stacey himself protested and advised that McLean should be allowed to conduct the proceedings in all that pertained to preliminaries, and that McLean threatened to resign rather than be treated in this manner, and the charge of the cases was restored to him.
That the next evidence he had of a desire on the part of some one in the department to thwart him was that, during the very time he was engaged on the Wimmera dummy cases, he was directed to go to St. Arnaud.
That he refused to go at the time, and again threatened to resign. He was again allowed to go on with the Stawell cases, and his removal was postponed.
That he was not supplied with summonses in proper time.
That a brief prepared by him was discarded, and one comparatively useless adopted.
That he was returned to St. Arnaud and hampered because he did not take his family there immediately, though he explained that they were suffering from sickness, and that he could not get a house for their accommodation.

That he was subsequently removed to Shepparton, much to his detriment and cost.

That he originated the Stawell inquiry, and was the mainspring of the movement, though H. B. Moore took the credit of it to himself, and secured promotion in consequence.

“(Q. 2654.) You think you suffered through having exposed the Wimmera frauds?—Yes, I am prepared to prove it.

“(Q. 2655.) And you think Mr. Moore and Mr. Allan did not particularly want to steel home those cases?—I am prepared to prove it.”

The above are in brief the charges preferred by Mr. McLean against Messrs. H. B. Moore and A. C. Allan.

On the 30th July the Commission met in Melbourne, and the Chairman stated that they had been induced, as a matter of fair play, to comply with the urgent request of the parties concerned and give them an opportunity—Mr. McLean of maintaining his allegations, and Messrs. Allan and Moore of sustaining their denial of the charges. Indeed, the statements made by Mr. McLean could not be ignored, for they affected the characters of two gentlemen, one of whom had until recently, and the other who until a few days ago, held important offices in the department.

During the investigation several charges and counter-charges were advanced with much acrimony by the parties against each other—often without sequence, order, or connection of any kind—so as to preclude the possibility of dealing with more than the main features of each case. When the investigation was undertaken it was not to be anticipated that the proceedings would have been spun out in the extraordinary manner they were. An immense amount of irrelevant matter was imported into the evidence; but the Commission thought it impolitic to deny the witnesses the fullest latitude.

Mr. McLean’s allegations may be divided into two parts, viz., that relating to Mr. Moore’s assumed desire to shield certain pastoral tenants, and that concerning his alleged persecution of McLean.

Mr. C. T. Stacey, ex-Crown lands bailiff, called by McLean, said he had suspected the bona fides of the Board at Stawell, because they took the examinations of Mr. Williamson, the owner of the Dacamton run, out of the hands of Mr. Smyth. Stacey, however, subsequently withdrew this statement unreservedly, and admitted that the printed evidence taken before the Board would not in any way bear out the allegation he had made. To the same witness also said he thought it was a mistake to connect Mr. Allan with these proceedings (5640).

Joseph Reading, formerly member of the Local Land Board, deposed that he went from Stawell to Horsham with McLean, and that H. B. Moore ordered him to go back with his witnesses, and said they should not have been brought. Mr. Moore admitted that he ordered McLean and his witnesses to go back, but that he did so because he held that their appearance at Horsham was premature and likely to be detrimental
to his proceedings, as he was not ready. In answer to this, McLean states in another place that his movements were the result of orders from headquarters (Mr. Skene), and that if a mistake was made he was not responsible for it (7077).

Reading also stated that the preparation of the brief was taken out of McLean's hands and given to him (Reading) and Clunes (5755). He declined to instruct Clunes, as he (Reading) believed McLean was the proper person (5747).

James Grant stated that he was present at an enquiry held at Avoca into certain notorious cases of dummyism, when Mr. Allan, Mr. John Dxon, and Mr. Wotburton Carr constituted the local board. There was enough evidence to convict all the dummys, but the enquiry was barked (5998). Everyone had heard of the Dummys in the Decameron run, and Mr. Holmes, P.M., said there would be a further enquiry. But there was no enquiry for upwards of twelve months. If the enquiry which was at last held at Elmhurth had been carried out properly, the Decameron run would have been forfeited (5998).

Samuel Manson, farmer, was summoned to the Stawell enquiry, but was not called upon to give evidence (5935). After repeated reminders from the Selectors' Association, an enquiry was held at Elmhurth, eighteen months after the Stawell enquiry. It was a sham. He had reason to believe some of the dummy lands were now held on behalf of the station (5945). If the Elmhurth enquiry had been carried out as at Stawell, in the other cases, there was ample evidence on which to forfeit the Decameron run as well as the selections (5949). The enquiry into the Decameron run business was not genuine or bona fide (5964, 5965).

The above evidence, as far as it goes, tends to support the statement of McLean, viz., that there was a desire on the part of some one to birk the enquiry relating to the Decameron run, and save the lessee. Mr. Williamson (subsequently connected by marriage with Mr. Byron Moore), from the consequences of certain alleged illegal acts. There is further evidence, however, to be considered, viz., the important testimony furnished to the Commission by the report of the proceedings of the Board of Enquiry, held at Stawell 1873, from which copious quotations were made by the witnesses.

With regard to the Decameron run, Mr. Moore has stated that the Stawell Board, to use his own phrase, "went at" the run, and that the owner thereof could only be punished for breaches of the law committed on and in connection with the run. He further stated that, in the course of the enquiry, it was discovered that the dummy selections were on the Runway common and not on the run, and that the licensee of the run, therefore, could not be got at, even though it were proved that he had a collusive connection with the persons engaged in dummying the common. In order to prove this beyond a doubt, Mr. Moore said he had telegraphed to Melbourne for a plan showing the selections. A plan had been accordingly sent up by Mr. J. A. Lovey, and says Mr. Moore, "the plan sent showed that the selections were on the common and not on the run, that ought to have been known and pointed out by McLean at the time." Mr. Moore further adds—"Now, as a matter of fact, Mr. Smyth, finding that he had a bad case, did not refer to it again; and, as a means of covering the fiasco, we recommended that a further enquiry should be made" (6961). This statement involves three considerations, viz.—(1.) Was it a fact that there were no dummy selections on the run? (2.) Is it a fact that a pastoral licensee is not liable for questionable deeds done by him under the Land Act, if these deeds do not affect his own run? (3.) The value to be attached to the statement made by Mr. Moore in the last sentence of question 6961. The position here taken up by Mr. Moore is illogical and at variance with the facts, as brought out in evidence before the Stawell Board, and as referred to by McLean and others when before the Commission. According to Mr. Moore the enquiry in the Decameron case was a fiasco—there was no case against the lessee of the run, and further enquiry (he tells us) was recommended by the Board in consequence of there being no case against the accused, and nothing further to enquire into! This is what he calls covering a fiasco. But the fact is, there was a very strong and convincing case made out against the lessee of the run; and the only fiasco, or failure, was in the Board letting the accused escape conviction and punishment.

In the next place, is it a fact that the pastoral tenant is only liable for wrongdoing in connection with his own run? Part 3 of the conditions under which pastoral licences are issued reads as follows:—

"If the licensee or any person claiming an interest through or under the licensee in the run for which this licence has been granted shall at any time during the period for which the licence has been granted make false any application to apply for a licence of an allotment under the Land Act 1869, contrary to the true intent of the provisions thereof, or shall make or cause to be made any agreement or contract, or shall give or take or cause to be given or taken any negotiable security for the purpose of defeating or evading the provisions of this Act, the licence shall be liable to be forfeited and revoked." It is clear from this that "the licence shall be liable to be forfeited and revoked if the licensee "shall in any way whatsoever directly or indirectly commit or be privy to a fraud upon the said Act." Language could not be clearer or more comprehensive. Then the question arises, "Was it a fact that there were no dummy selections on the run?" Mr. Moore asserted that the Board "went at" the Decameron run, and that they could not touch the licensee for any wrongdoing in connection with the common or the Glenlogie run, which also belonged to Williamson. The evidence taken at the Stawell Board, and the remarks of some of the members of the Board, however, make it as clear as language can express it, that the pastoral tenant was proceeded against for wrongdoing, whether in connection with the common, the Glenlogie run, the Decameron run, or for anything whatever of the Act under which he held his licence. The following evidence will show this:—Mr. John Farquharson was called in at the request of Mr. ( Rev.) Grant. Mr. Farquharson was called in at the request of Mr. ( Rev.) Grant. Must have been got up by the Minister of Lands, and you are produced here to-day to show cause against a primâ facie case of your not being a bona fide selector on the ground that you were connected with the station, and a relation by marriage of Mr. Cameron's, and that the station was doing work for you, which altogether is sufficient evidence to make you liable in our minds of dummyism, and you are here now to explain away that evidence if you can, and your counsel will proceed to examine you." The evidence then went to show that Farquharson's land was on the common, indicating pretty clearly that the chairman thought that the fact of the selections being on the common did not remove the liability of the pastoral tenant. This view is further and further recommended to the Board if the worthless stock must be taken in their word. It appears almost as if the recommendation that was made to them was what it professed to be. It reads thus:—"Decameron Run, Charles LANDS, 2 a
Williamson, pastoral licensee. **John Farquharson—**We recommend that further enquirer be made in the matter of this selection and of other selections on the Decameron and Glenologie runs.—Charles Williamson, pastoral licensee. We recommend that further enquirer be made with regard to the pastoral licensees' connection with the selections on the Decameron and Glenologie runs. It will be observed in both cases the two selections are not confined by the common, the Decameron run alone. Further, it appears from the evidence generally that a very strong case was made out against the licensee. Station hands selected on the runs and on the common, which had been a part of the runs, station material was used to effect the improvements, and station sheep grazed over the lands. There were no violations in respect of any other selections. The enquirer may make further inquiries in this matter. It is besides admitted that several valuable witnesses who were summoned were not called, and others who could have given important evidence were not summoned. As the case was mainly in the hands of Mr. Moore it would appear that he is primarily responsible for this failure. The printed evidence also bears the proof given by McLean, but denied by Moore, that there were station dummies especially on the Decameron run. Indeed the case as far as it was allowed to proceed appears to have been a very clear one. It is pretty certain that Mr. Smyth the barrister thought it proved, for he said, page 218, that he had other witnesses present for examination, but as the facts were admitted he would not call them, and, except some formal proof, he had closed his case.

The main part of Mr. Moore's defence consisted in his calling important witnesses to testify as to his prophy of character. Mr. R. Le P. Trench, Mr. C. A. Smyth, Mr. Webb (Government shorthand writer), and Mr. Madden (district surveyor), were called in succession to express their opinion as to the manner in which the cases were conducted at Stawell by the Board. All these witnesses deplored that the proceedings were, as far as they were able to speak, conducted in a manner above reproach; and they unreservedly said that they did not believe there was any truth in the alleged partiality of the Stawell Board. Mr. Smyth said the brief handed to him at Stawell was not useless, though it had to be supplemented by the Board (he said) in his opinion. The conduct of the Board (he said) would prevent the conduct of any judge of the Supreme Court should have been (5548). Mr. Moore also handled in testimonial affidavits from all the Ministers of the Crown he had served under during his term of service in the Lands department. These testimonial affidavits are flatly flattering to Mr. Moore. They speak with distinctness as to his professional and private character, and the allusion is to the alleged dummery of the Stawell Board. It should be noticed that the Stawell enquirer was perverted from its true and legitimate purpose in any one case. These testimonial affidavits are, doubtless, of much value. But it must not be forgotten that such evidence is purely negative. It does not prove or disprove anything; whereas the positive evidence discloses the following, viz.—That Mr. Allan's selection all through the proceedings were of a subordinate character, and that there does not appear to be any strong grounds for associating Mr. Allan particularly with the conduct of the affair that Mr. Moore, on the other hand, took a very active and responsible part in the business, and that on his own showing he induced the Board to take a course in the case of the Decameron and Glenologie runs that does not appear to be sustained by the evidence; and further, that if McLean has done nothing else he has done good service in directing attention to a peculiar case, the features of which, though open to grave question, were lost sight of at the time, owing to the overshadowing prominence given to those cases where convictions were secured against the pastoral licensees. The evidence further shows—That the testimony given against the pastoral licensees of the Decameron run was forcible and convincing; that from some unaccountable cause certain important witnesses who could have still more fully exposed the dummyism were not called; that without any apparent reasons, and although the available evidence had not been exhausted, the Board recommended that further enquirer be made with regard to the pastoral licensees' connection with the selectors on the Decameron and Glenologie runs; that that suggested enquiry never took place as far as the pastoral licensees were concerned; that a perfunctory enquiry referring only to the selectors and not to the squatter, and described as a sham, took place at Elmhurst eighteen months after the Stawell enquiry; that if it was not intended to a cloak to save Williamson, there was no apparent reason for the Stawell Board advising a further enquiry into the Decameron case. At all events, if further enquirer were necessary, it should have taken place on the spot at the time when the matter was fresh, and the witnesses were available. It is also shown that Mr. Byron Moore telegraphed for a plan showing selection affecting the Decameron run; that Mr. J. A. Lefevre forwarded a plan incorrectly showing that there were no selections on the run; that Mr. Moore (on this plan, and according to Mr. Moore's plan, and according to the evidence), incorrectly arrived at the conclusion that the pastoral tenant had not dummied on his own run, and was not amenable to any charges of evasion of the Land Act when the said evasion was not perpetrated in connection with his own run; that the Board (according to Mr. Moore) arrived at the conclusion that it would be advisable to make an enquirer; and that the Board (according to Mr. Moore) professed to regard as a fiasco did not exist in fact, as much as the Decameron dummmery had been clearly proved. On the whole it appears clear that there was a failure of justice in the Decameron case, and Mr. Moore, according to his own showing, had a large share in bringing about that failure. With this statement we must quit this part of the case, for the Commission have not undertaken to examine the bona fides of the Board of Enquiry that sat at Stawell.

With respect to the alleged persecution of McLean, by reason of his frequent and arbitrary removals between Stawell, St. Arnaud, and Shepparton, and the troublesome, expense, and discouragement occasioned to him thereby, the evidence of Stacey and McPherson (ex-Crown lands battall), of the Stawell Selectors' and Farmers' Association, of some others, and of McLean himself, shows that these removals were regarded, and that an enquirer was practically operated, as penal visitations on McLean. It is not, however, made clear that Mr. Moore had any animus against McLean in these removals. McLean considers that his zeal in the Stawell dummy cases called for promotion and reward. Instead of which, however, he believes he met with censure and punishment. This is the whole tenor of the evidence so voluminously adduced on the point. Now further, the evidence, however, it must be sent, and the evidence as to McLean was not without grounds for the notion that he was persecuted—that he had, in fact, to say the least, a considerable reason for stating at Echunga he thought he had suffered through having exposed the Wimmera frauds.
once attempted to deceive Mr. Moore to a grave breach of duty. The cause of this proceeding was soon made obvious. It was to retaliate on Mr. Bartlett for some evidence he had given before the Commission when it held a sitting at Colac on Saturday, July 13th. On that occasion, in reply to questions put by the Commission, Bartlett said:—"I have known twenty-five applications to be received at the Lands Office for one allotment, and a name, has been made on two of these that only one should come before the official Lands Office, and I do not know what that disinterestedness has done that their applications should not also come before the Board." * *

"Who was the responsible officer in the case you refer to?—Mr. Byron Moore. Do you not think it an act of injustice that the Board should not hear all—I think so." This statement appears to have given Mr. Byron Moore great umbrage, and inspired him with a purpose of defeating Bartlett's evidence out of his own mouth.

Mr. Moore's charge against Mr. Bartlett is set forth in a declaration made by Mr. J. A. Levey, as follows:—"(202) Mr. Moore (to the witness),—Is that your declaration—handing in a paper?—Yes. (The same was read as follows):—"I, James Alfred Levey, of Melbourne, in the colony of Victoria, civil servant, do solemnly and sincerely declare: In the year 1866, I knew James V. Bartlett, of Colac, in the said colony, who is now an authorized surveyor in that district, and was acquainted with his handwriting. I remember Mr. H. B. Moore, of the Lands Department, showing me a letter a few days before the year 1866 to the said James V. Bartlett, to which Mr. Moore had just received from him, and in which the said Bartlett offered Mr. Moore a large sum (as nearly as I can recall more than one hundred pounds) if he would get certain lands in the Colac district put up for auction. Mr. Moore was greatly astonished and said that he had half a mind to expose the fraud, but considering that exposure would ruin him, and that he had relatives depending on him, he thought it was sufficient to reply, distinctly pointing out the danger he had incurred, and administering a severe rebuke. Mr. Moore afterwards showed me the letter he had written, and it was to that purport. Some short time after I saw Bartlett in the Crown Lands Office, at Melbourne, on the same day Mr. Moore told me that Bartlett had come to see him to the matter and was thus solemn declaration, believing the same to be true and by the provisions of an Act of Parliament of Victoria rendering persons making a false declaration punishable for willful and corrupt perjury. (Signed) J. A. Levey.

Mr. Moore has made a declaration identical in all respects to that given by Mr. Levey, and Mr. Bartlett has put to both declarations fairly during the examination. There are no other witnesses for Mr. Moore and it is only possible to form a judgment on the matter by weighing probabilities. During the investigation there arose some discussion as to the date on which the letter in question was sent in, and Mr. Bartlett appeared to be very anxious that he could not dispute the statement made by Mr. Levey as to the date of a visit paid to him by Colac in the same capacity, as this was to the receipt of the letter was fixed as subsequent to Mr. Levey's visit to Colac. The question of dates, however, does not affect the main issue, viz.—was a corrupt offer made? Mr. Moore says he received it, and Mr. Bartlett admits he sent it. Mr. Moore took the letter to Mr. Moore and Levey and they resolved that it was improper to put it up for auction, instead of being openly a fraud. They then discussed the question in dispute, and at the time the letter was written, Mr. Moore and Mr. Levey agreed in saying it was corrupt purpose. Mr. Bartlett aver that the letter was written with an honest intention and for a legitimate purpose. He admits it may have been unadvisedly sold and open to misconstruction. He also admits that its ambiguity was pointed out by Mr. Moore, upon whose representations at whose suggestion he withdrew and destroyed the letter. In weighing the probabilities as to which version is correct, it is important to look to some attendant circumstances of the enquiry. When Mr. Moore called Mr. Levey as a witness, he requested that he should be put on oath. The Commission pointed out, however, that the appellation was exceptional, and that no irrevocable distinction would be made if that course were taken, as no witness yet called before the Commission had been sworn.

A reason for the request was asked, and Mr. Moore replied, "I do not want this witness to slip out of my fingers." After this damaging remark on the credibility of his own witness, Mr. Moore, when still press to give a reason for the request, did not stick to the reason, and nothing was removed, though the effect of his conduct was clearly pointed out to him. It is only right, therefore, to take Mr. Moore's estimate of his own witness—' A gentleman he desired should be sworn, because he did not wish him to slip out of his hands, and then pass by verbal evidence of this witness as to where he was, zero the statement according to his showing he had been a witness as any man could commit. He is asked to do a corrupt act and accept pay for it. If Mr. Moore's statement be true, the offence committed by Mr. Bartlett was an offense against the State and not against him personally. He had no motive to commit it, but he would have led to condemn any affidavit that might have come to his knowledge. We are asked to believe that a contract to make a false statement attempted to bribe an officer high in the department, and that this high official took it upon himself in his private capacity to exercise the prerogative of mercy and pardon the corrupt offence. Yet so mindful was he of his own laudability, that twelve years afterwards on some slight grounds of annoyance, real or imaginary, he rakes up the apparently long-forgotten offence, which, if ever committed, had been condoned by himself as an improper manner. There is another peculiar aspect of the case. The evidence goes to show that prior and subsequent to the receipt of the illegal impertinent letter Mr. Moore was in the habit of writing to Mr. Bartlett in terms bordering on brotherly friendship, and that too in cases where official courtesy would not have been out of place and had another brother been writing to another under the peculiar circumstances. It is difficult, therefore, to escape from the conclusion that Mr. Bartlett, when suffering from fatigue, as he always did, regarding work, land, and that the letter was written in a careless confused manner and liable to misconstruction: that Mr. Moore in his calmer judgment saw and felt this, and contended himself with having pointed out the ambiguity (with its liability to misconstruction) to Mr. Bartlett, who withdrew the letter. Presuming that such was the case—if Mr. Moore believed that Mr. Bartlett was justified in the course of action he took, but if he did not, then was it not as corrupt in purpose as he new alleges, neither the private combination of such a grave offence against the State, nor the subsequent friendly tone of Mr. Moore's letters to Mr. Bartlett, can be justified. The charge, therefore, on such evidence, must be disregarded. Unanimous. By Authority: John Forrest, Government Printer, Melbourne.