

VICTORIA



VOTES

AND

PROCEEDINGS

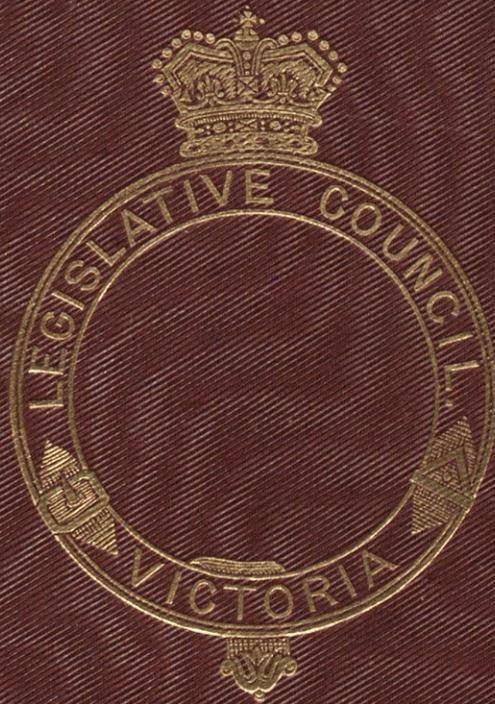
OF THE

LEGISLATIVE

COUNCIL

SESSION

1882-3



VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1882-3,

WITH COPIES, OF THE VARIOUS DOCUMENTS ORDERED BY
THE COUNCIL TO BE PRINTED.

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RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 25TH APRIL, 1882, AT THE
OPENING OF THE THIRTY-FIRST SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE:			
The Honorables—			
James Lorimer	17th Aug., 1880.		
William Edward Hearn ... ..	... ..	27th Aug., 1878.	
James Graham	15th Aug., 1876.		
Theodotus John Sumner	15th Aug., 1874.		
James MacBain	3rd April, 1880.		
SOUTH PROVINCE:			
The Honorables—			
James Balfour	17th Aug., 1880.		
William John Clarke	17th Aug., 1878.		
James Buchanan ... ..	... ..	29th Aug., 1876.	
Thomas Ferrier Hamilton	18th Aug., 1874.		
Frank Stanley Dobson	23rd July, 1881.		
SOUTH-WESTERN PROVINCE:			
The Honorables—			
Philip Russell ... ..	... ..	4th Sept., 1880.	
Caleb Joshua Jenner	24th Aug., 1878.		
George Frederick Belcher ... ..	... ..	4th Sept., 1876.	
Henry Cuthbert	20th March, 1880.		
Francis Ormond	28th Jan., 1882 ... ..	... ..	Elected in room of the Hon. James Henty, deceased.
WESTERN PROVINCE:			
The Honorables—			
Thomas Forrest Cumming ... ..	... ..	2nd May, 1881.	
William Ross	29th Aug., 1878.		
Sir Charles Sladen	29th Aug., 1876.		
Thomas Bromell ... ..	... ..	11th Sept., 1874.	
Robert Simson	3rd June, 1880.		
NORTH-WESTERN PROVINCE:			
The Honorables—			
Sir William Henry Fancourt Mitchell	4th Sept., 1880.		
Francis Robertson ... ..	... ..	16th Sept., 1878.	
William Edward Stanbridge ... ..	... ..	15th Dec., 1881	Elected in room of the Hon. A. Fraser, resigned.
Nicholas Fitzgerald	4th Sept., 1874.		
William Campbell ... ..	... ..	16th Sept., 1872.	
EASTERN PROVINCE:			
The Honorables—			
William McCulloch ... ..	... ..	16th Sept., 1880.	
John George Dougharty ... ..	... ..	7th Aug., 1880.	
Robert Stirling Anderson	5th Sept., 1876.		
John Alston Wallace	4th Sept., 1874.		
William Pearson	30th July, 1881.		

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, AS ASSIGNED BY AND ELECTED UNDER ACT No. 702, NOVEMBER, 1882.

Names arranged in Order of Retirement.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
MELBOURNE PROVINCE :				
The Honorables—				
James Lorimer	17 Aug. 1880	...	1890	Assigned from original Central Province.
William Edward Hearn ... ..	...	27 Aug. 1878	1888	
Cornelius Job Ham ... ..	...	30 Nov. 1882	1886	
NORTH YARRA PROVINCE :				
The Honorables—				
Francis Edis Beaver ... ..	...	30 Nov. 1882	1888	Assigned from original Central Province.
George Meares, C.M.G. ... ..	...	30 Nov. 1882	1886	
Theodotus John Sumner	15 Aug. 1874	...	1884	
SOUTH YARRA PROVINCE :				
The Honorables—				
James Graham	15 Aug. 1876	...	1886	Assigned from original Central Province.
James MacBain	17 Nov. 1882	...	...	Assigned from original Central Province, retired by rotation, and re-elected to South Yarra Province.
Frederick Thomas Sargood	17 Nov. 1882	...	...	Note.—The Hons. J. MacBain and F. T. Sargood having been elected without a poll having taken place, the date of their retirement to be decided by lot.
SOUTHERN PROVINCE :				
The Honorables—				
Sir William John Clarke, Bart.	17 Aug. 1878	...	1888	Assigned from original South Province.
Donald Melville ... ..	...	30 Nov. 1882	1886	Assigned from original South Province.
Thomas Ferrier Hamilton	18 Aug. 1874	...	1884	
SOUTH-EASTERN PROVINCE :				
The Honorables—				
James Balfour	17 Aug. 1880	...	1890	Assigned from original South Province.
Frank Stanley Dobson	17 Nov. 1882	...	1888	Assigned from original South Province, retired by rotation, and re-elected for the South-Eastern Province.
James Buchanan... ..	...	29 Aug. 1876	1886	Assigned from original South Province.
NELSON PROVINCE :				
The Honorables—				
James Williamson ... ..	...	30 Nov. 1882	1888	Assigned from original Western Province, elected in place of the Hon. R. Simson retired by rotation from such Province.
Sir Charles Sladen	29 Aug. 1876	...	1886	Assigned from original Western Province.
Thomas Bromell ... ..	...	11 Sept. 1874	1884	
WESTERN PROVINCE :				
The Honorables—				
Thomas Forrest Cumming ... ..	...	2 May 1881	1890	Assigned from original Western Province.
William Ross	29 Aug. 1878	...	1888	
Nathan Thornley	17 Nov. 1882	...	1886	
WELLINGTON PROVINCE :				
The Honorables—				
James Campbell	17 Nov. 1882	...	1888	Assigned from original South-Western Province, elected in place of Hon. F. Ormond, retired by rotation from such Province.
George Frederick Belcher... ..	...	4 Sept. 1876	1886	Assigned from original South-Western Province.
Henry Cuthbert	20 Mar. 1880	...	1884	
SOUTH-WESTERN PROVINCE :				
The Honorables—				
Philip Russell ... ..	...	4 Sept. 1880	1890	Assigned from original South-Western Province.
Caleb Joshua Jenner	24 Aug. 1878	...	1888	
Francis Ormond ... ..	...	30 Nov. 1882	1886	

RETURN OF MEMBERS—*continued.*

Names arranged in Order of Retirement.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
NORTH-EASTERN PROVINCE :				
The Honorables—				
Patrick Hanna	17 Nov. 1882	...	1888	Assigned from original Eastern Province.
Robert Stirling Anderson...	5 Sept. 1876	...	1886	
John Alston Wallace	5 Sept. 1874	...	1884	
GIPPSLAND PROVINCE :				
The Honorables—				
William McCulloch ... ..	...	16 Sept. 1880	1890	Assigned from original Eastern Province.
John George Dougharty ... ..	...	7 Aug. 1880	1888	
William Pearson... ..	17 Nov. 1882	...	1886	Assigned from original Eastern Province, retired by rotation, and re-elected to the Gippsland Province.
NORTH-CENTRAL PROVINCE :				
The Honorables—				
William Austin Zeal	17 Nov. 1882	...	1888	Elected for original North-Western Province (6th May 1882) in place of the Hon. W. Campbell, resigned; assigned to North-Central Province, retired by rotation, and re-elected.
William Edward Stanbridge ... ..	...	15 Dec. 1881	1886	
Nicholas Fitzgerald	4 Sept. 1874	...	1884	
NORTHERN PROVINCE :				
The Honorables—				
Sir William Henry Fancourt Mitchell	4 Sept. 1880	...	1890	Assigned from original North-Western Province.
Francis Robertson ... ..	...	16 Sept. 1878	1888	
David Chaplin Sterry ... ..	...	30 Nov. 1882	1886	
NORTH-WESTERN PROVINCE :				
The Honorables—				
James Bell ... ..	...	30 Nov. 1882	1888	
David Coutts ... ..	...	30 Nov. 1882	1886	
George Young ... ..	...	30 Nov. 1882	1884	

JOHN BARKER,
Clerk of the Legislative Council.

Legislative Council,
Melbourne, 7th December, 1882.

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VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1882-3.

PROGRESS.

No.	SHORT TITLES OF BILLS.	By whom and when initiated.	PROGRESS.																		REMARKS	
			1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.	1882.		
			First Reading.	Second Reading.	Committal.	Report.	Res. committal.	Report after Res. committal.	Adoption of Report.	Third Reading.		Passing.	Sent to Legislative Assembly.	Returned to Legislative Assembly with Amendments.	Returned from Legislative Assembly :			Amendments considered.	Assent.	Published in Government Gazette.	Number of Act.	
										With Amendments.	Without Amendments.				Without Amendments.	With Amendments.						
1	Privileges of Parliament Bill	Honorable Dr. Dobson 25 April	25 April	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged 3 May 1882.
2	Bankers' Book Evidence Law Amendment Bill	Honorable Dr. Dobson 30 May	3 May	6 June	6 June	13 June	..	..	14 June	..	14 June	14 June	14 June	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
3	Judges of County Courts Tenure of Office Bill	Honorable Dr. Dobson 30 May	30 May	{ 6 June / 13 June }	13 June	13 June	..	..	14 June	14 June	..	14 June	14 June	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
4	Legislative Council Elections for 1882 Act Validating Bill	Honorable Dr. Dobson 30 May	30 May	6 June	6 June	6 June	13 June	13 June	27 June	..	27 June	27 June	27 June	..	18 July	..	..	..	..	..	..	DCCXLV. Second and Third Readings carried by absolute majorities. Reserved 24 July 1882. Assent proclaimed, 30 January 1883.
5	Santhurst Public Buildings Site Bill ..	Message from Legislative Assembly ..	14 June	14 June	27 June	27 June	27 June	..	27 June	..	27 June	27 June	..	..	..	..	..	..	29 June	30 June	..	DCCXXV.
6	Consolidated Revenue Bill	Message from Legislative Assembly ..	28 June	28 June	28 June	28 June	28 June	..	28 June	..	28 June	28 June	..	..	..	..	..	..	29 June	30 June	..	DCCXXVI.
7	Old Colonists' Association Bill	Message from Legislative Assembly ..	4 July	18 July	25 July	1 Aug.	1 Aug.	..	8 Aug.	..	9 Aug.	9 Aug.	..	..	..	..	..	..	14 Aug.	18 Aug.	..	DCCXXX.
8	Building Societies' Act Amendment Bill ..	Message from Legislative Assembly ..	4 July	4 July	11 July	11 July	18 July	..	19 July	..	19 July	19 July	..	19 July	25 July	..	..	..	14 Aug.	18 Aug.	..	DCCXXXIII.
9	Tramways Bill	Honorable H. Cuthbert 11 July	11 July	{ 25 July / 19 Sept. }	19 Sept.	1 Oct.	24 Oct.	24 Oct.	1 Nov.	..	1 Nov.	1 Nov.	1 Nov.	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
10	Licencees Qualifying Bill	Message from Legislative Assembly ..	18 July	18 July	19 July	19 July	19 July	..	19 July	..	25 July	25 July	..	25 July	5 Sept.	..	1 Aug.	{ 8 Aug. / 9 Aug. }	8 Sept.	8 Sept.	..	DCCXXXI.
11	Tobacco Act Continuation and Amendment Bill ..	Message from Legislative Assembly ..	19 July	19 July	19 July	19 July	19 July	..	19 July	..	19 July	19 July	..	..	..	..	..	..	24 July	28 July	..	DCCXXXVII.
12	Supreme Court Bill	Honorable Dr. Dobson 25 July	25 July	9 Aug.	9 Aug.	15 Aug.	29 Aug.	29 Aug.	5 Sept.	..	5 Sept.	5 Sept.	5 Sept.	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
13	Railways Temporary Advances Bill ..	Message from Legislative Assembly ..	8 Aug.	8 Aug.	9 Aug.	9 Aug.	9 Aug.	..	9 Aug.	..	9 Aug.	9 Aug.	..	..	..	..	..	..	14 Aug.	18 Aug.	..	DCCXXXII.
14	Act No. 518 (Bailiwicks) Amendment Bill ..	Message from Legislative Assembly ..	5 Sept.	5 Sept.	12 Sept.	12 Sept.	12 Sept.	..	12 Sept.	..	12 Sept.	12 Sept.	..	..	..	..	..	..	26 Sept.	29 Sept.	..	DCCXXXIII.
15	University of Melbourne Law Further Amendment Bill ..	Honorable Dr. Dobson 5 Sept.	5 Sept.	{ 3 Oct. / 17 Oct. }	17 Oct.	1 Nov.	..	..	8 Nov.	..	8 Nov.	8 Nov.	8 Nov.	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
16	Consolidated Revenue Bill (2)	Message from Legislative Assembly ..	6 Sept.	6 Sept.	6 Sept.	6 Sept.	6 Sept.	..	6 Sept.	..	6 Sept.	6 Sept.	..	..	..	..	..	..	8 Sept.	8 Sept.	..	DCCXXXII.
17	Legislative Council Supplementary Rolls 1882 Bill ..	Honorable Dr. Dobson 19 Sept.	19 Sept.	26 Sept.	26 Sept.	26 Sept.	..	..	26 Sept.	..	26 Sept.	26 Sept.	26 Sept.	..	10 Oct.	..	..	..	1 Oct.	13 Oct.	..	DCCXXXIV. Message from Governor recommending amendments, 10 Oct. 1882. Amendments considered and adopted, 10 Oct. 1882.
18	Diseases in Stock Act Amendment Bill ..	Honorable T. F. Cumming 3 Oct.	3 Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.
19	Trades Unions Bill	Message from Legislative Assembly ..	17 Oct.	17 Oct.	1 Nov.	1 Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.
20	Married Women's Property Act Amendment Bill ..	Message from Legislative Assembly ..	17 Oct.	17 Oct.	24 Oct.	24 Oct.	1 Nov.	..	8 Nov.	..	8 Nov.	8 Nov.	8 Nov.	..	14 Nov.	..	..	..	22 Nov.	24 Nov.	..	DCCXXXVI.
21	Railways Construction Bill	Message from Legislative Assembly ..	24 Oct.	24 Oct.	7 Nov.	7 Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.
22	Forfeiture of Shares Validating Bill ..	Message from Legislative Assembly ..	1 Nov.	1 Nov.	8 Nov.	8 Nov.	22 Nov.	..	22 Nov.	..	28 Nov.	28 Nov.	28 Nov.	..	29 Nov.	..	..	..	6 Dec.	8 Dec.	..	DCCXLII.
23	Railway Loan Application Bill	Message from Legislative Assembly ..	7 Nov.	7 Nov.	8 Nov.	8 Nov.	8 Nov.	..	8 Nov.	..	8 Nov.	8 Nov.	..	..	..	..	..	..	14 Nov.	17 Nov.	..	DCCXXXV.
24	Statute of Trusts Amendment Bill ..	Honorable J. Balfour 14 Nov.	14 Nov.	21 Nov.	21 Nov.	28 Nov.	..	..	29 Nov.	..	29 Nov.	29 Nov.	29 Nov.	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
25	Railways Temporary Advances Bill (2) ..	Message from Legislative Assembly ..	14 Nov.	14 Nov.	15 Nov.	15 Nov.	15 Nov.	..	15 Nov.	..	15 Nov.	15 Nov.	..	..	..	..	..	..	22 Nov.	24 Nov.	..	DCCXXXVII.
26	Consolidated Revenue Bill (3)	Message from Legislative Assembly ..	21 Nov.	21 Nov.	21 Nov.	21 Nov.	21 Nov.	..	21 Nov.	..	21 Nov.	21 Nov.	..	..	..	..	..	..	23 Nov.	24 Nov.	..	DCCXXXVIII.
27	Victorian Debentures Redemption Bill ..	Message from Legislative Assembly ..	22 Nov.	22 Nov.	22 Nov.	22 Nov.	22 Nov.	..	22 Nov.	..	22 Nov.	22 Nov.	..	..	..	..	..	..	23 Nov.	24 Nov.	..	DCCXXXIX.
28	Victorian Government Inscribed Stock Bill ..	Message from Legislative Assembly ..	22 Nov.	22 Nov.	22 Nov.	22 Nov.	22 Nov.	..	22 Nov.	..	22 Nov.	22 Nov.	..	..	..	..	..	..	23 Nov.	24 Nov.	..	DCCXL.
29	Hobson's Bay and Bendigo Debentures Bill ..	Message from Legislative Assembly ..	22 Nov.	22 Nov.	22 Nov.	22 Nov.	22 Nov.	..	22 Nov.	..	22 Nov.	22 Nov.	..	..	..	..	..	..	23 Nov.	24 Nov.	..	DCCXLI.
30	Consolidated Revenue Bill (4)	Message from Legislative Assembly ..	21 Dec.	21 Dec.	21 Dec.	21 Dec.	21 Dec.	..	21 Dec.	..	21 Dec.	21 Dec.	..	..	..	..	..	..	22 Dec.	22 Dec.	..	DCCXLIII.
31	Expiring Laws Continuance Bill ..	Message from Legislative Assembly ..	21 Dec.	21 Dec.	21 Dec.	21 Dec.	21 Dec.	..	21 Dec.	..	21 Dec.	21 Dec.	..	..	..	..	..	..	22 Dec.	22 Dec.	..	DCCXLIV.

RECAPITULATION.

Bills initiated during the Session	3
Passed and assented to	20
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Not returned from Assembly	6
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Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 25TH APRIL, 1882.

Pursuant to Proclamation the Council met.

1. At Two o'clock the Clerk of the Council read the Proclamation convening Parliament, as under :—

PROCLAMATION

By His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom ; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland ; a Member of Her Majesty's Most Honorable Privy Council ; 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, &c., &c., &c.

WHEREAS by *The Constitution Act* it was amongst other things enacted that it should be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he might think fit ; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he should deem it expedient : And whereas the said Council and Assembly called "The Parliament of Victoria" stand prorogued until Tuesday the twenty-eighth day of February instant, and it is expedient further to prorogue the same, and to fix the time for holding the next Session thereof : Now therefore I, the Governor of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation further prorogue the said Parliament of Victoria from Tuesday the twenty-eighth day of February instant until Tuesday the twenty-fifth day of April next ensuing ; and also I do hereby fix Tuesday the twenty-fifth day of April aforesaid as the time for the commencement and holding of the next Session of the said Council and Assembly, called the Parliament of Victoria, for the despatch of business, at Two of the clock in the afternoon, in the Parliament Houses, situate in Parliament place, Spring street, in the City of Melbourne : And the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-seventh day of February, in the year of our Lord One thousand eight hundred and eighty-two, and in the forty-fifth year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,

J. M. GRANT.

Chief Secretary.

GOD SAVE THE QUEEN !

2. APPROACH OF THE GOVERNOR.—The Approach of His Excellency the Governor was announced by the Usher.

His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to speak as follows :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have called you together after a short recess, which I am happy to say has been characterized by political quiet and increasing prosperity, to obtain your early consideration of questions of pressing and practical importance.

The attempt on the life of Her Most Gracious Majesty, which under the blessing of Divine Providence has been so happily frustrated, has evoked a wide-spread expression of feelings of loyalty and thankfulness, which have been heartily shared in by Her Victorian subjects.

Although the Empire is at peace with foreign nations, we cannot calculate on the continuance for many years of this happy state of things. Our defences demand an earnest effort at completion.

Legislation will be therefore proposed authorizing immediate steps to be taken for that purpose, with the object not only of warding off attacks, but also of preventing any panic arising from a defenceless state of the seaboard.

The importance of Water Conservation has been further impressed upon all classes by the long-continued drought in the Northern districts. This calamity has necessitated the carriage of water for long distances, at great expense to the country, and has inflicted serious losses on the agricultural classes. A Bill will be submitted to you enlarging the powers of the Government as to the expenditure of moneys for the erection of works under the Water Conservation Act of last session, and providing for the principal works in the Northern districts being constructed forthwith at the expense of the State in proportion to the extent of the outlay.

Last year the Amending Land Bill was postponed under the exigencies of a short session. This Bill will be now re-submitted to you. Its provisions deal comprehensively with the future tenure of the remaining Crown lands of the colony.

The Extension of Railways Bill of last session will also be laid before you, and I trust that you will be able satisfactorily to dispose of the various practical questions that must arise in its discussion. My Advisers also consider that, owing to the magnitude which the Railway system of this Colony has now assumed, the time has arrived for submitting proposals to provide for a more efficient system of management of our State Railways.

It is considered desirable that, in consequence of the abolition of pensions, the position of the County Court Judges should be placed on a more satisfactory footing. A Bill to secure them a better tenure of office will therefore be introduced.

You will be glad to hear that all steps requisite to ensure the proper representation of the Colony at the Exhibition of Wines about to be held at Bordeaux have been duly taken. Proposals will also be submitted for the due representation of Victoria at an International Exhibition for all Colonies to be held next year at Amsterdam.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

Returning to the constitutional practice of discussing the Estimates before the commencement of the financial year, the Estimates for 1882-3 will be forthwith laid before you. They have been framed with a due regard to economy and the requirements of the public service.

The surplus of revenue over expenditure has enabled the Government to anticipate the due date of the Treasury bonds due in next November and in November twelvemonth, and, by paying them off to a large extent, to practically extinguish the revenue deficit of past years.

The buoyancy of the general revenue encourages the Government to submit for your consideration a proposal for a large reduction in postage, establishing what is known as the Penny Postage System. This will entail a present loss, but with every prospect of the postal revenue recovering in the course of a few years.

The conversion of the debentures falling due will be the subject of another measure to be submitted to you, in which power will be taken to substitute for such debentures a new series of equal amount for an extended period and at a lower rate of interest.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

A Bill embodying important law reforms in matters of procedure, and following the English precedents, which have been found to work advantageously, will be brought under your consideration at an early period.

An amendment of the Companies Statute will be introduced to enable the banking corporations not incorporated thereunder to take advantage of its provisions; at the same time subjecting them to the duties and obligations imposed by that Statute.

Many urgent reforms connected with the Marine Service of the colony will be proposed to be dealt with in a Bill which will be laid before you. This measure will embody the latest Imperial precautionary provisions for the preservation of life and property.

There will be also submitted to you a Bill to amend the laws relating to Public Health, dealing principally with the adulteration of food and drugs offered for sale. Its provisions will be aimed at remedying what is generally admitted to be a great defect in our sanitary laws.

A Bill to regulate Mining on Private Property on the principle of giving facilities to the miner for the search of gold, while protecting private rights from undue infringement, will be submitted for your consideration.

Your attention will also be invited to a Bill to further amend the Police Offences Statute, conferring greater powers on the magistracy in cases of offences causing personal injury.

Some of the existing Electoral Districts for the Legislative Assembly are inconveniently large, and having become more closely settled since the last Electoral Act was passed, are entitled to a larger share of representation. A Bill to remedy the anomalies which have arisen will be laid before you.

The amendment of the Civil Service Act, which has been long felt as a public want, will be also brought under your consideration.

A measure consolidating and amending the laws with respect to the manufacture, importation, sale, storage, and carriage of gunpowder, nitro-glycerine, and other explosive substances, will also be introduced, based on recent Imperial legislation.

The Harbor Trust Bill has already passed through several stages in the Legislative Assembly, and my Advisers propose to give their assistance in passing it through the remaining stages, with such amendments as may be necessary.

Legislation to amend the Local Government Act and to continue the Endowment of Municipalities will be introduced. Concurrently with its consideration you will be asked to pass a measure amending the Taxation of Landed Property. This will be based on the principle of charging an annual poundage on a reasonable percentage of the fair capital value of land, the established exemption being still continued.

A Bill to amend the laws relating to the Post Office, a State Forests Bill, a Diseases in Stock Bill, a Factories and Workshops Bill, have been prepared, and will be submitted for your consideration.

I confidently commit the great interests of the country to your wisdom and care, and trust that your labors may, under the blessing of Divine Providence, conduce to the continued prosperity of the country and to the happiness of the people.

25th April, 1882.

Which being concluded, a copy of the Speech was delivered to the President, and a copy to Mr. Speaker, and the Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

The President took the Chair.

The President read the prayer.

3. DECLARATIONS OF MEMBERS.—The Honorables the President, F. S. Dobson, Sir C. Sladen, J. MacBain, F. Robertson, J. A. Wallace, W. Pearson, W. E. Stanbridge, P. Russell, R. Simson, G. F. Belcher, J. Lorimer, C. J. Jenner, J. Graham, H. Cuthbert, and W. E. Hearn delivered to the Clerk of the Council declarations as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM HENRY FANCOURT MITCHELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Fifteen hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Metcalfe, and are known as Four thousand seven hundred acres, of the Barfold Estate, in the parish of Emberton, in the county of Dalhousie, in my own occupation.

“And I further declare that such of the said lands or tenements as are situated in the municipal district of Metcalfe are rated in the rate-book of such district upon a yearly value of One thousand five hundred pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ W. H. F. MITCHELL.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANK STANLEY DOBSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Three hundred and seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment : And further, that such lands or tenements are situated in the municipal district of Hawthorn and Prahran, and are known as—House, Yarra street, Hawthorn, in the occupation of Joseph Raleigh ; land in Yarra street, aforesaid, in my own occupation ; house in Church street, Hawthorn, in the occupation of Mrs. M. A. Gilbert ; and house in Darling street, Prahran, in my own occupation.

“And I further declare that such of the said lands or tenements as are situated in the municipal district of Hawthorn are rated in the rate-book of such district upon a yearly value of Two hundred and forty pounds, and that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of One hundred and thirty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ F. STANLEY DOBSON.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, CHARLES SLADEN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Winchelsea, and are known as Rippon Vale, near Birregurra, in the occupation of James Ford Strachan : And I further declare that such of the said lands or tenements as are situate in the municipal district of Winchelsea are rated in the rate-book of such district upon a yearly value of Eight hundred and five pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ CHARLES SLADEN.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES MACBAIN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Three hundred and eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as land containing 7 acres 2 roods and 5 perches or thereabouts, part of Crown portion 27, in parish of Prahran, county of Bourke, with dwelling-house, out-houses, stable, &c., &c., erected thereon, in my own occupation.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Three hundred and eighty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JAS. MACBAIN.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANCIS ROBERTSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Essendon and Flemington, and are known as Essendon House and land in my own occupation.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Essendon and Flemington are rated in the rate-book of such district upon a yearly value of Two hundred and forty-five pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“FRANCIS ROBERTSON.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JOHN ALSTON WALLACE, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital value of over Two thousand five hundred pounds and of the yearly value of over Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further, that such lands or tenements are situate in the municipal districts of Beechworth, Towong, and Sandridge, and are known as—

No. 1. Lands and tenements situate at Wooragee, united shire of Beechworth, county of Bogong, area 666 acres, number in rate-book 2312, net annual value	... ..	£63
No. 2. Lands and tenements situate near Bethanga, parish of Berringa, electoral district of Benambra, area 639 acres 3 roods 39 perches, number in rate-book 519, net annual value	... ..	£100
No. 3. Land and tenement, the Bayview hotel, situate Beach street, borough of Sandridge, No. in rate-book 37, net annual value	... ..	£160

“And I further declare that such of the said lands or tenements as are situate in the municipal districts of Beechworth, Towong, and Sandridge, are rated in the rate-books of such districts upon a yearly value of Three hundred and twenty-three pounds, and that such of the said lands or tenements as are situate in the municipal districts of Beechworth, Towong, and Sandridge are rated in the rate-books of such districts upon a yearly value of as follows :—

No. 1, rated at £63 per annum, as above stated.

No. 2, rated at £100 per annum, as above stated.

No. 3, rated at £160 per annum, as above stated.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JOHN A. WALLACE.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM PEARSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two thousand nine hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Rosedale, and are known as the Kilmany Park, near Sale, containing 14,741 acres, more or less, freehold land.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Rosedale are rated in the rate-book of such district upon a yearly value of Two thousand nine hundred pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“WM. PEARSON.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM EDWARD STANBRIDGE, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds sterling above all charges and incumbrances affecting the same, other than any public or parliamentary tax, or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of Daylesford, and are known as allotment 4 of section 6, together with three houses thereon; also a portion of allotment 5 of section 6, together with one house thereon.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Daylesford are rated in the rate-book of such district upon a yearly value of Three hundred pounds sterling.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“W. E. STANBRIDGE.”

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, PHILIP RUSSELL, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further, that such lands or tenements are situated in the municipal district of Ripon, and are known as lands in the parishes of Carngham and Chepstowe, in the county of Ripon, in my own occupation.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ripon are rated in the rate-book of such district upon a yearly value of Two hundred and fifty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"PHILIP RUSSELL."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, ROBERT SIMSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One thousand two hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Ripon, and are known as land in the parish of Brewster, in the county of Ripon, in my own occupation.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ripon are rated in the rate-book of such district upon a yearly value of £1,220.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"ROBERT SIMSON."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE FREDERICK BELCHER, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of over Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Geelong, and are known as part of allotment 18, of block 35, town of North Geelong, described in rate-book :—

"Town of Geelong, Geelong North division, Villamanta ward. Number 24 on Roll. Moorabool, Rynie, and Little Malop streets. Freehold. Valuation, Seven hundred and nine pounds per annum.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Geelong are rated in the rate-book of such district upon a yearly value of Seven hundred and nine pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"G. F. BELCHER."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES LORIMER, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred and sixty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Malvern, and are known as Belcroft, Albany road, Toorak, in my occupation.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of Four hundred and sixty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"JAMES LORIMER."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, CALEB JOSHUA JENNER, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of over Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Melbourne, and are known as :—

"No. 1. Shop and two houses, at the corner of King and Rosslyn streets, being Crown allotment 11, sec. 49, North Melbourne, county of Bourke.

"No. 2. Two houses, Little Collins street, being Crown allotment 11, sec. 16A, town of Melbourne, parish of North Melbourne, county of Bourke.

"No. 3. Store, Little Collins street west, being Crown allotment 10, sec. 16A, town of Melbourne, parish of North Melbourne, county of Bourke.

"No. 4. Store, corner of Collins and King streets, being part of allotment 1, sec. 15, town and parish of Melbourne, county of Bourke.

"No. 5. Store, No. 141 Collins street west, being part of allotment 1, sec. 15, town of Melbourne, county of Bourke.

"No. 6. Two houses, Collins street west, being part of allotment 3, sec. 15, city of Melbourne, county of Bourke.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of £760, and that such of the said lands or tenements as are situate in the municipal district of are rated in the rate-book upon a yearly value of £

"No. 1. Rated in the rate-book of the city of Melbourne, at One hundred and twenty-four pounds per annum.

"No. 2. Rated in the rate-book of the city of Melbourne, at One hundred and fifty pounds per annum.

"No. 3. Rated in the rate-book of the city of Melbourne, at Sixty pounds per annum.

"No. 4. Rated in the rate-book of the city of Melbourne, at Two hundred pounds per annum.

"No. 5. Rated in the rate-book of the city of Melbourne, at One hundred and thirty pounds per annum.

"No. 6. Rated in the rate-book of the city of Melbourne, at Ninety-six pounds per annum.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"C. J. JENNER."

25/4/82.

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES GRAHAM, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Melbourne, and are known as stores and offices occupied by the firm of Graham Brothers and Company.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of Two hundred and fifty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"JAS. GRAHAM."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, HENRY CUTHBERT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the parishes of Cardigan, Burrumbeet, and Ballarat, in the counties of Grenville and Ripon, the description of which lands and tenements are as follows :—

"Allotment 6 of sec. 11, Cardigan, county of Grenville.

"Allotment 2 of sec. 14, parish of Cardigan, county of Grenville.

"Part of allotment 4 of sec. 9, city of Ballarat, county of Grenville.

"Allotment 53 A, parish of Burrumbeet, county of Ripon.

"Allotment 29 of sec. C, parish of Burrumbeet, county of Ripon.

"Allotment 74, parish of Ballarat, county of Ripon.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballarat and shire of Ballarat are rated in the rate-book of such district upon a yearly value of over £250.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"HENRY CUTHBERT."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM EDWARD HEARN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Flinders and Kangerong, and are known as allotments 22 and 29 B, in the parish of Wannaeue, and as part of Burrell's pre-emptive right in the said parish.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Flinders and Kangerong are rated in the rate-book of such district upon a yearly value of One hundred and twenty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"W. E. HEARN."

4. WRIT, RETURN OF, SOUTH-WESTERN PROVINCE.—The President announced to the Council that the Writ issued by him for the election of a Member for the South-Western Province in room of the Honorable James Henty, deceased, had been returned to him, and that the Returning Officer had certified that Francis Ormond was duly elected in pursuance of the Writ.

5. **SWEARING IN OF NEW MEMBER.**—The Honorable Francis Ormond, being introduced, took and subscribed the oath required by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANCIS ORMOND, do declare and testify that I am legally seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal district of Prahran, county of Bourke, and are known as :—

“Five acres three roods and thirty perches of land, part section 29 said parish ; together with the dwellings thereon, and known as ‘Egdleen.’

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Four hundred and fifty pounds, and that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of £450, and are in my own occupation.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“FRANCIS ORMOND.”

6. **PRIVILEGES OF PARLIAMENT BILL.**—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to preserve the Privileges of Parliament.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, and the second reading made an Order of the Day for Tuesday next.

7. **DAYS OF BUSINESS.**—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That Tuesday, Wednesday, and Thursday, in each week, be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past four o'clock p.m. be the time of meeting on each day, and that on Wednesday in each week the transaction of Government business shall take precedence of all other business.

Question—put and passed.

8. **STANDING ORDERS COMMITTEE.**—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables the President, C. J. Jenner, Sir C. Sladen, the Honorable W. E. Hearn, and the Mover be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

9. **PARLIAMENT BUILDINGS COMMITTEE (JOINT).**—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables the President, Sir C. Sladen, J. Lorimer, Jas. MacBain, and J. Balfour be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

10. **LIBRARY COMMITTEE (JOINT).**—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables the President, W. McCulloch, F. Robertson, J. Graham, W. E. Hearn be members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

11. **PRINTING COMMITTEE.**—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables J. Balfour, Thos. Cumming, J. G. Dougharty, F. Ormond, and W. Pearson be appointed a Printing Committee, and that papers presented to the House be referred to the said Committee for report.

Question—put and passed.

12. **REFRESHMENT ROOMS COMMITTEE (JOINT).**—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables W. E. Stanbridge, G. F. Belcher, P. Russell, J. Buchanan, and J. A. Wallace be members of the Joint Committee of both Houses to manage the Refreshment Rooms.

Question—put and passed.

13. **CHAIRMAN OF COMMITTEES.**—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorable C. J. Jenner, be Chairman of Committees.

Question—put and passed.

14. **SPEECH OF HIS EXCELLENCY THE GOVERNOR.**—The President reported the Speech of His Excellency the Governor.

The Honorable W. E. Stanbridge moved, That a Select Committee be appointed to prepare an Address in reply to the Speech of His Excellency the Governor.

Question—put and passed.

The Honorable W. E. Stanbridge moved, That such Committee consist of the Honorables F. Ormond, Sir C. Sladen, H. Cuthbert, J. Lorimer, J. MacBain, G. F. Belcher, Dr. Dobson, and the Mover.

Question—put and passed.

The Select Committee retired to prepare the Address.

The Honorable W. E. Stanbridge brought up the Address prepared by the Committee, and moved, That the same be received.

Question—put and passed.

The Address was read at the Table by the Clerk as follows :—

To His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and St. George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :—

We, Her Most Gracious Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg leave to approach Your Excellency with renewed expressions of our loyalty and attachment to Her Majesty's Throne and Person.

We thank Your Excellency for having called us together for the consideration of questions of pressing and practical importance.

We share in the wide-spread expression of feelings of loyalty and thankfulness for the preservation of Her Majesty from the recent attempt on her life.

We concur with Your Excellency that our defences demand an earnest effort at completion, and we thank Your Excellency for informing us that legislation will be proposed authorizing immediate steps to be taken for that purpose, with the object not only of warding off attacks, but also of preventing any panic arising from a defenceless state of the seaboard.

We thank Your Excellency for informing us that Bills will be submitted amending the Water Conservation Act of last session, for amending the Land Act, and for the extension of Railways; and we agree with Your Excellency's Advisers in considering that, owing to the magnitude which the Railway system of this colony has now assumed, the time has arrived for submitting proposals to provide for a more efficient system of management of our State Railways.

We concur with Your Excellency that it is desirable that, in consequence of the abolition of pensions, the position of the County Court Judges should be placed on a more satisfactory footing; and we thank Your Excellency for informing us that a Bill to secure them a better tenure of office will be introduced.

We thank Your Excellency for informing us that all steps requisite to ensure the proper representation of the colony at the Exhibition of Wines about to be held at Bordeaux have been duly taken, and that proposals will be submitted for the due representation of Victoria at an International Exhibition for all colonies, to be held next year at Amsterdam.

We thank Your Excellency for informing us that Bills will be introduced embodying important law reforms in matters of procedure; for the amendment of the Companies Statute; for reforms connected with the Marine Service of the colony; for the amendment of the laws relating to Public Health; for regulating Mining on Private Property; for further amending the Police Offences Statute; for remedying anomalies in connection with the existing Electoral Districts for the Legislative Assembly; for the amendment of the Civil Service Act, and the laws with respect to the manufacture, importation, sale, storage, and carriage of gunpowder, nitro-glycerine, and other explosive substances; for the amendment of the Harbor Trust Act, and the Local Government Act; for amending the Act relating to the Taxation of Landed Property; and for amending the laws relating to the Post Office, State Forests, Diseases in Stock, and Factories and Workshops; and we beg to assure Your Excellency that all these measures will receive our most earnest consideration.

And we trust that our labors may, under the blessing of Divine Providence, conduce to the continued prosperity of the country and to the happiness of the people.

The Honorable W. E. Stanbridge moved, That the Address be now adopted.

Question—put and passed.

The Honorable W. E. Stanbridge moved, That the Address be presented to His Excellency the Governor in such manner as His Excellency may be pleased to receive it.

Question—put and passed.

15. WRIT—ISSUE OF—NORTH-WESTERN PROVINCE.—The President announced that a communication had been received from the Private Secretary to His Excellency the Governor informing the President that His Excellency had received the resignation by the Honorable W. Campbell of his seat in the Legislative Council for the North-Western Province.

The President intimated that he would, on Thursday next, issue a Writ for the election of a Member in the place of the Honorable W. Campbell.

16. PAPERS.—The Honorable Dr. Dobson presented, by command of His Excellency the Governor—
Explosives.—Report of the Board of Enquiry into the subject of dealing with—
Coranderrk Aboriginal Station.—Report of the Board appointed to enquire into and report upon the present condition and management of—
Statistical Register of the Colony of Victoria for the year 1880—
Part VIII.—Religious, Moral, and Intellectual Progress.
Part IX.—Production.
Enquiry at Echuca.—Report of the Royal Commission appointed to enquire into and report upon certain alleged violations of the Conditions and Provisions of the Land Act 1869.
Land Act 1869.—Order in Council—Regulations—Survey Fees.
Land Act 1869.—Timber Licenses—Additional condition.
Telegraphic Messages between Victoria and Tasmania.—Order in Council.
Post Office Savings Bank—Statement of Accounts of—in Victoria for the year ended 31st December 1881.

Severally ordered to lie on the Table.

17. ADJOURNMENT.—The Honorable Dr. Dobson, moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at four o'clock until half-past four o'clock on Tuesday next.

NOTICES OF MOTION AND ORDER OF THE DAY. ○○○○

TUESDAY, 2ND MAY, 1882.

NOTICES OF MOTION :—

1. The Hon. DR. DOBSON : To move, That a Select Committee be appointed to prepare an Address of Congratulation to Her Most Gracious Majesty the Queen on her happy preservation from the danger to which Her Majesty has been exposed, and to express the abhorrence of this House at the late treasonable attempt against Her Majesty's sacred Person.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court, and for other purposes connected therewith.
3. The Hon. DR. DOBSON : To move for leave to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books.
4. The Hon. DR. DOBSON : To move for leave to introduce a Bill relating to the tenure of office of the Judges of the County Courts.
5. The Hon. R. SIMSON : To move, That leave of absence from this Honorable House, during this session, be granted to the Honorable Thomas Ferrier Hamilton.

ORDER OF THE DAY :—

1. PRIVILEGES OF PARLIAMENT BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 2ND MAY, 1882.

- 1. The Council met in accordance with adjournment.
- 2. The President took the Chair.
- 3. The President read the prayer.

4. DECLARATIONS OF MEMBERS.—The Honorables J. Buchanan, R. S. Anderson, T. F. Cumming, W. Ross, N. Fitzgerald, and James Balfour, delivered to the Clerk of the Council declarations as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES BUCHANAN, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of Berwick, and are known as suburban allotments 7, 8, 9, 11, and township allotments 15, 16, of section 19, Berwick, and part secs. 6, 7, 16, 19, parish of Berwick, county of Mornington.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Berwick are rated in the rate-book of such district upon a yearly value of Four hundred and eighty-one pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JAMES BUCHANAN.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, ROBERT STIRLING ANDERSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of over Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of Kew, and are known as part of portion 81, parish of Boroondara, in the borough of Kew, comprising over thirteen acres, with two residences thereon, one of which is occupied by Mr. William Coulter, and in the other of which I reside.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Kew are rated in the rate-book of such district upon a yearly value of Three hundred and five pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ROBERT S. ANDERSON.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, THOMAS FORREST CUMMING, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Three hundred and eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further that such lands or tenements are situated in the municipal district of Malvern, and are known as Chesterfield, corner of Glenferrie and Toorak roads, part of section 24, parish of Prahran, shire of Malvern, and in the electoral division of Gardiner.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of Three hundred and eighty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“THOS. F. CUMMING.”

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM ROSS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two thousand and sixty-nine pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Mount Rouse, and are known as the Gums Estate.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Mount Rouse are rated in the rate-book of such district upon a yearly value of Two thousand and sixty-nine pounds."

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"WM. ROSS."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, NICHOLAS FITZGERALD, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Six hundred pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Castlemaine, and are known as—

Malthouses, brewery, and dwelling-houses, at Castlemaine, in the county of Talbot—

No. 912, sec. B 8	...	...	...	£100
„ 1497, „ D 2 on 62/64, 5 and 6	...	...	...	400
„ 2032, „ C on 1 and 2	...	...	...	50
„ 913, „ B 8	...	...	...	50
				£600

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Castlemaine are rated in the rate-book of such district upon a yearly value of Six hundred pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"N. FITZGERALD."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES BALFOUR, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Three hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as Tyalla, Heyington Place, Toorak, in my own occupation.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Three hundred and fifty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"JAMES BALFOUR."

5. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—In pursuance of "*The Electoral Act 1856*," the President laid upon the table the following Warrant appointing the Committee of Elections and Qualifications :—

VICTORIA.

Pursuant to the provisions of "*The Victoria Electoral Act 1856*," I do hereby appoint—

The Honorable George Frederick Belcher,
 The Honorable Henry Cuthbert,
 The Honorable William Edward Hearn,
 The Honorable James Lorimer,
 The Honorable Sir Charles Sladen,
 The Honorable Frank Stanley Dobson, and
 The Honorable Caleb Joshua Jenner

to be members of a Committee to be called "The Committee of Elections and Qualifications."

Given under my hand, this second day of May, One thousand eight hundred and eighty-two.

W. H. F. MITCHELL,
 President of the Legislative Council.

6. ADDRESS TO HER MAJESTY THE QUEEN.—The Honorable Dr. Dobson moved, pursuant to notice, That a Select Committee be appointed to prepare an Address of Congratulation to Her Most Gracious Majesty the Queen on her happy preservation from the danger to which Her Majesty has been exposed, and to express the abhorrence of this House at the late treasonable attempt against Her Majesty's sacred Person.

Question—put and Passed.

The Honorable Dr. Dobson moved, That the Select Committee consist of the following Members, viz. :—
 The Honorables Sir C. Sladen, J. MacBain, W. E. Hearn, J. Buchanan, C. J. Jenner, T. F. Cumming, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

The Honorable Dr. Dobson brought up the Address prepared by the Committee, which was read by the Clerk, and is as follows :—

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN—

We, Your Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria in Parliament assembled, beg leave humbly to approach Your Majesty's Throne, to express our abhorrence of the late treasonable attempt against Your Majesty's sacred Person, and our heartfelt congratulations to Your Majesty and to our country on Your Majesty's happy preservation from the danger to which Your Majesty has been recently exposed.

Attached to Your Majesty by every sentiment of loyalty, and by a sense of the benefits we derive from Your Majesty's just and mild Government, we acknowledge with gratitude and humility the mercy of Divine Providence which has been manifested on this occasion ; and we make our earnest prayers to Almighty God that he will confer on Your Majesty every blessing, and that He will continue to watch over and guard a life so justly dear to all Your Majesty's subjects.

The Honorable Dr. Dobson moved, That the Address be now adopted.

Question—put and passed.

The Honorable Dr. Dobson moved, That the Address be transmitted by the President to His Excellency the Governor, with a view to its transmission to England.

Question—put and passed.

7. ADJOURNMENT.—The Honorable Dr. Dobson, moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday next.

Question—put and passed.

8. ABSENCE, LEAVE OF, TO HON. T. F. HAMILTON.—The Honorable R. Simson, in accordance with notice, moved, That leave of absence from this Honorable House, during this session, be granted to the Honorable Thomas Ferrier Hamilton.

Debate ensued.

Question—put and passed.

The Council adjourned at twenty-eight minutes to six o'clock until Tuesday next at half-past four o'clock.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 9TH MAY, 1882.

NOTICES OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court, and for other purposes connected therewith.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books.
3. The Hon. DR. DOBSON : To move for leave to introduce a Bill relating to the tenure of office of the Judges of the County Courts.

ORDER OF THE DAY :—

1. PRIVILEGES OF PARLIAMENT BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

No. 3.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 9TH MAY, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. WRIT—RETURN OF.—NORTH-WESTERN PROVINCE.—The President announced to the Council that he had received a return to the Writ issued by him for the election of a Member to serve for the North-Western Province, in the room of the Honorable W. Campbell, resigned, by which it appeared that "William Austen Zeal, civil engineer," had been duly elected in pursuance of the Writ.

5. NEW MEMBER.—The Honorable W. A. Zeal, being introduced, took and subscribed the Oath required by the 32nd clause of the Constitution Act, and delivered to the Clerk the declaration, as hereunder set forth :—

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM AUSTEN ZEAL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Three hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Emerald Hill and Prahran, and are known as certain tenements in the town of Emerald Hill, and the city of Prahran, and county of Bourke; in the occupation of several persons; and the numbers of which are set out as hereunder in the rate-books of the aforesaid municipal districts, viz. :—

Emerald Hill—Nos. 1291, 1292, 1293, 1294, 1295, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, and 1320.

Prahran—No. 485.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Emerald Hill are rated in the rate-book of such district upon a yearly value of £295, and that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of £25.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

"W. A. ZEAL."

6. REPLY OF THE GOVERNOR TO ADDRESS.—The President announced to the Council that the Address of the Council to His Excellency the Governor, adopted on the 25th April last, had been presented in accordance with the resolution of the House, and that His Excellency had been pleased to make thereto the following reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :—

I thank you for your Address and for the renewed expressions of loyalty and attachment to Her Majesty's Throne and Person, feelings which are naturally intensified at the present time by sentiments of gratitude to the Almighty for the preservation of Her Majesty from the recent attempt on her life.

I rely with confidence on the assurance which you give me that the various important measures to be submitted to you will receive your careful consideration.

NORMANBY.

Government House,
Melbourne, May 3rd, 1882.

7. ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President laid on the Table for the second time the Warrant appointing the Committee of Elections and Qualifications.
 8. ADJOURNMENT.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until this day week.
The Honorable J. A. Wallace moved, as an amendment, that the word "week" be omitted with a view to insert instead thereof the word "fortnight."
Debate ensued.
Amendment, by leave, withdrawn.
Question—That the House, at its rising, adjourn until this day week—put and passed.
- The Council adjourned at a quarter to five o'clock until Tuesday next at half-past four o'clock.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 16TH MAY, 1882.

NOTICES OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court, and for other purposes connected therewith.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books.
3. The Hon. DR. DOBSON : To move for leave to introduce a Bill relating to the tenure of office of the Judges of the County Courts.

ORDER OF THE DAY :—

1. PRIVILEGES OF PARLIAMENT BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 4.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 16TH MAY, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President laid on the Table for the third time the Warrant appointing “The Committee of Elections and Qualifications.”
5. ADJOURNMENT.—The Honorable Dr. Dobson moved, without notice, That the House, at its rising, adjourn until Tuesday, 23rd May instant.
Debate ensued.
Question—put and passed.

The Council adjourned at thirteen minutes to five o'clock until Tuesday next at half-past four o'clock.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 23RD MAY, 1882.

NOTICES OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court, and for other purposes connected therewith.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books.
3. The Hon. DR. DOBSON : To move for leave to introduce a Bill relating to the tenure of office of the Judges of the County Courts.

ORDER OF THE DAY :—

1. PRIVILEGES OF PARLIAMENT BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 5.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD MAY, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. **DECLARATION OF MEMBER.**—The Honorable William McCulloch delivered to the Clerk of the Council a declaration as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, Wm. McCulloch, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and ninety-eight pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Broadmeadows, and are known as Glenroy.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Broadmeadows are rated in the rate-book of such district upon a yearly value of £298.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ W. McCULLOCH.”

5. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, That the House, at its rising, adjourn until Tuesday, 30th May instant.
Question—put and passed.

The Council adjourned at twelve minutes to five o'clock until Tuesday next at half-past four o'clock.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 30TH MAY, 1882.

1. The Hon. W. A. ZEAL : To ask the Honorable the Solicitor-General if the Government purpose instituting an enquiry into the cause of the accident on the South Suburban Railway at Jolimont during the month of July 1881, with the view of preventing the recurrence of similar deplorable calamities.
2. The Hon. W. A. ZEAL : To enquire if the Government will introduce such extended penal legislation as will mete out adequate punishment to persons committing such grave offences as the recent wilful explosion of dynamite in the Malvern road, Prahran.

NOTICES OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court, and for other purposes connected therewith.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books.
3. The Hon. DR. DOBSON : To move for leave to introduce a Bill relating to the tenure of office of the Judges of the County Courts.

ORDER OF THE DAY :—

1. **PRIVILEGES OF PARLIAMENT BILL.**—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH MAY, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PAPERS.—The Honorable Dr. Dobson, by command of His Excellency the Governor, presented to the Council the following Papers :—
 - Coranderrk Aboriginal Station.—Remarks of the Board for the Protection of the Aborigines on the Report of the Board appointed to enquire into and report upon the condition and management of the Coranderrk Aboriginal Station.
 - Education Commission.—First Report of the Royal Commission appointed to enquire into and report upon the administration, organization, and general condition of the existing system of Public Instruction ; together with a portion of the Minutes of Evidence.
 - Post Office and Telegraph Department.—Report upon the affairs of the—for the year 1881.
 - Mining Surveyors and Registrars—Reports of the.—Quarter ended 31st March 1882.
 - Homeward Mails.—Despatch of, by the P. and O. Steam Navigation Co.'s Vessels.—Further correspondence relative to the recent alteration of the Time Table between Melbourne and Galle.
 - Mineral Statistics of Victoria for the year 1881.
 - Sanatory Station—Report on, for the year 1881.
 - Statistical Register of the Colony for the year 1881. Part I, Blue Book.

Severally ordered to lie on the Table.

The Honorable Dr. Dobson, pursuant to Acts of Parliament, laid upon the Table of the Council the following Papers :—

 - Discipline Act 1870.—Additional Regulations.
 - Public Accounts—Regulations respecting.
 - Melbourne International Exhibition 1880–81.—Supplementary final Report of the Proceedings of the Commissioners for—
 - The County Courts Statute 1869—Rules—Amendment.

Severally ordered to lie on the Table.
5. BANKERS' BOOKS EVIDENCE LAW AMENDMENT BILL.—The Honorable Dr. Dobson, in accordance with notice, moved, That leave be given to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 6th June next.
6. JUDGES OF COUNTY COURTS—TENURE OF OFFICE BILL.—The Honorable Dr. Dobson, in accordance with notice, moved, That leave be given to introduce a Bill relating to the tenure of office of the Judges of County Courts.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 6th June next.
7. LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT AMENDMENT BILL.—The Honorable Dr. Dobson, by leave of the Council, moved, That leave be given to introduce a Bill to remove doubts as to the validity of "The Legislative Council Elections for 1882 Act."

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 6th June next.
8. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable Dr. Dobson, the following Order of the Day was read and discharged—

"Privileges of Parliament Bill."—To be read a second time.
9. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 6th June next.

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until Tuesday next at half-past four o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 6TH JUNE, 1882.

NOTICES OF MOTION :—

1. The Hon. W. Ross : To move, That a return be laid on the Table of this House showing the number of new appointments, male and female, that have been made in the Telegraph department since June 1st, 1881, with the dates and nature of employment; also the total number of hitherto unsuccessful applicants whose applications have been received and recorded, and who are now waiting in expectation of receiving an appointment.
2. The Hon. J. MACBAIN : To move, That leave of absence from this House, during this session, be granted to the Honorable W. J. Clarke.
3. The Hon. W. A. ZEAL : To move, That a Committee be appointed to enquire into and report upon the cause of the accident on the South Suburban Railway at Jolimont on the 30th August 1881, and the manner in which the traffic on such railway had been conducted; such Committee to consist of The Honorables James Buchanan, Dr. Dobson, James Graham, James Lorimer, Francis Ormond, J. A. Wallace, and the Mover, three to form a quorum; with power to call for persons, papers, and records, and to have leave to meet on days on which the House does not sit.
4. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court, and for other purposes connected therewith.

ORDERS OF THE DAY :—

1. BANKERS' BOOKS EVIDENCE LAW AMENDMENT BILL.—To be read a second time.
2. JUDGES OF COUNTY COURTS TENURE OF OFFICE BILL.—To be read a second time.
3. LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT AMENDMENT BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

No. 7.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 6TH JUNE, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PAPERS.—The Honorable Dr. Dobson, by command of His Excellency the Governor, presented to the Council the following Papers :—
 - Registrar of Friendly Societies.—Report of the—for the year ending 31st December, 1881.
 - Defences of Victoria—Reports and suggestions relative to—consisting of—
 - (1.) Memorandum by Colonel P. H. Scratchley, C.M.G., Royal Engineers.
 - (2.) Suggestions by Major Ellery and Colonel Scratchley relative to reorganization of Torpedo Corps.
 - (3.) Report on Permanent Artillery by Acting Commandant of Local Forces.
 - (4.) Report on Volunteer Organization by Acting Commandant of Local Forces.

Severally ordered to lie on the Table.
5. TELEGRAPH DEPARTMENT—APPOINTMENTS AND APPLICATIONS.—The Honorable W. Ross, in accordance with notice, moved, That a return be laid on the Table of this House showing the number of new appointments, male and female, that have been made in the Telegraph department since June 1st, 1881, with the dates and nature of employment; also the total number of hitherto unsuccessful applicants whose applications have been received and recorded, and who are now waiting in expectation of receiving an appointment.
Question—put and passed.
6. ABSENCE, LEAVE OF, TO HON. W. J. CLARKE.—The Honorable J. MacBain, in accordance with notice, moved, That leave of absence from this House, during this session, be granted to the Honorable W. J. Clarke.
Question—put and passed.
7. DECLARATION OF MEMBER. — The Honorable J. G. Dougharty delivered to the Clerk of the Council the declaration as hereunder set forth—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JOHN GEORGE DOUGHARTY, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of the shire of Omeo, and are known as freehold lands and tenements in the parishes of Hinnomungie, Bindi, Tongio, and Omeo, in the county of Omeo.

“And I further declare that such of the said lands or tenements as are situate in the municipal district or shire of Omeo are rated in the rate-book of such district upon a yearly value of £250.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JOHN G. DOUGHARTY.”
8. RAILWAY ACCIDENT, JOLIMONT.—The Honorable W. A. Zeal, in accordance with *amended* notice, moved, That a Committee be appointed to enquire into and report upon the cause of the accident on the South Suburban Railway at Jolimont on the 30th August, 1881, and the manner in which the traffic on such railway had been conducted; such Committee to consist of the Honorables James Buchanan, Dr. Dobson, James Graham, W. McCulloch, Francis Ormond, J. A. Wallace, and the Mover, three to form a quorum; with power to call for persons, papers, and records, and to have leave to meet on days on which the House does not sit, and to report the evidence from day to day.
Question—put and passed.
9. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the 1st and 2nd Orders of the Day be postponed until after the consideration of the 3rd Order for to-day.

10. **LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT VALIDATING BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.
 Question—put.
 The President pointed out to the Council that, as the Bill came under the provisions of Clause 60 of the Constitution Act, it would be requisite that the number of Members voting for the Bill should be recorded, and therefore he required the Members voting for the second reading of the Bill to go to the right of the Chair.
 It appeared that there were twenty Members voting for the second reading of the Bill and none voting against it.
 The question was therefore passed.
 Bill read a second time.
 The Honorable Dr. Dobson moved, That the Bill be now considered in Committee of the whole Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.
 The Honorable Dr. Dobson moved, That the adoption of the report of the Committee be made an Order of the Day for the next day of meeting.
 Question—put and passed.
11. **BANKERS' BOOKS EVIDENCE LAW AMENDMENT BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable Dr. Dobson moved, That this Bill be now read a second time.
 Debate ensued.
 Question—put and passed.
 Bill read a second time.
 The Honorable Dr. Dobson moved, That the Bill be now considered in Committee of the whole Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported progress, and asked leave to sit again Tuesday, 13th June instant.
 Ordered.
12. **JUDGES OF COUNTY COURTS TENURE OF OFFICE BILL.**—The Order of the Day for the second reading of this Bill having been read, the Honorable Dr. Dobson moved, That this Bill be now read a second time.
 Debate ensued.
 The Honorable H. Cuthbert moved, That the debate be now adjourned until Tuesday, 13th June instant.
 Question—That the debate be now adjourned until Tuesday, 13th June instant—put and passed.
13. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 13th June instant.
 Question—put and passed.
- The Council adjourned at twenty-six minutes past six o'clock until Tuesday next at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 13TH JUNE, 1882.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

ORDERS OF THE DAY :—

1. **LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT VALIDATING BILL.**—Adoption of Report.
2. **BANKERS' BOOKS EVIDENCE LAW AMENDMENT BILL.**—To be further considered in Committee.
3. **JUDGES OF COUNTY COURTS TENURE OF OFFICE BILL.**—Adjourned debate on second reading.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 13TH JUNE, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PAPER.—The Honorable Dr. Dobson, by command of His Excellency the Governor, presented to the Council the following Paper, viz. :—
Cable Messages to New Zealand. Order in Council.
Ordered to lie on the Table.
5. LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT VALIDATING BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable R. S. Anderson moved, That the Order of the Day be discharged, with a view to the recommitment of the Bill for re-consideration of Clause 2.
Question—put and passed.
Question—That the Bill be committed to the whole Council for the reconsideration of Clause 2—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had agreed to a further amendment in clause 2.
The Honorable Dr. Dobson moved, That the adoption of the report from the Committee be made an Order of the Day for this day.
Question—put and passed.
6. BANKERS' BOOKS EVIDENCE LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill, and agreed to the same with an amendment.
The Honorable Dr. Dobson moved, That the adoption of the report from the Committee be made an Order of the Day for to-morrow.
Question—put and passed.
7. JUDGES OF COUNTY COURTS TENURE OF OFFICE BILL.—The Order of the Day for the resumption of the debate on the second reading of this Bill being read, the debate was resumed.
The Honorable Dr. Dobson moved, That the Bill be now read a second time.
Question—put and passed.
Bill read a second time.
The Honorable Dr. Dobson moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.
The Honorable Dr. Dobson moved, That the adoption of the Report from the Committee be made an Order of the Day for to-morrow.
Question—put and passed.
8. POSTPONEMENT OF ORDER OF THE DAY.—On the motion of the Honorable Dr. Dobson, the Council ordered that the consideration of the following Order of the Day be postponed until to-morrow :—
“*Legislative Council Elections for 1882 Act Validating Bill*”—Adoption of Report.

The Council adjourned at eleven minutes to six o'clock until to-morrow at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 14TH JUNE, 1882.

ORDERS OF THE DAY :—

1. BANKERS' BOOKS EVIDENCE LAW AMENDMENT BILL.—Adoption of Report.
2. JUDGES OF COUNTY COURTS TENURE OF OFFICE BILL.—Adoption of Report.
3. LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT VALIDATING BILL.—Adoption of Report.

TUESDAY, 20TH JUNE, 1882.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

JOHN BARKER,
Clerk of the Legislative Council.

No. 9.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 14TH JUNE, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. **BANKERS' BOOKS EVIDENCE LAW AMENDMENT BILL.**—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable Dr. Dobson moved, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.
The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to amend the law of Evidence with respect to Bankers' Books.*"
Question—put and passed.
Ordered—That the Bill be sent to the Legislative Assembly with a Message desiring their concurrence therewith.
5. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—
MR. PRESIDENT—
The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for adding certain portions of Pall Mall, Sandhurst, to Rosalind Park, and for setting apart portion of Pall Mall as a site for a Post Office and other Public Buildings,*" with which they desire the concurrence of the Legislative Council.
PETER LALOR,
Speaker.
Legislative Assembly Chamber,
Melbourne, 13th June, 1882.
6. **SANDHURST PUBLIC BUILDINGS SITE BILL.**—The Honorable Dr. Dobson moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.
Question—put and passed.
Bill read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday next.
7. **JUDGES OF COUNTY COURTS TENURE OF OFFICE BILL.**—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable Dr. Dobson moved, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time.
The Honorable Dr. Dobson moved, That the word "appointed" be inserted after the word "Judge," in the last line but one of the last column of the schedule.
Question—put and passed.
Question—That this Bill do pass—put and passed.
The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act relating to the Tenure of Office of the Judges of the County Courts, and for other purposes.*"
Question—put and passed.
Ordered—That the Bill be sent to the Legislative Assembly with a Message desiring their concurrence therewith.
8. **POSTPONEMENT OF ORDER OF THE DAY.**—On the motion of the Honorable Dr. Dobson, the Council ordered that the consideration of the following Order of the Day be postponed until to-morrow :—
"*Legislative Council Elections for 1882 Act Validating Bill*"—Adoption of Report.

The Council adjourned at twenty-two minutes past five o'clock until to-morrow at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 15TH JUNE, 1882.

ORDER OF THE DAY :—

1. LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT VALIDATING BILL.—Adoption of Report.
-

TUESDAY, 20TH JUNE.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

ORDER OF THE DAY :—

1. SANDHURST PUBLIC BUILDINGS SITE BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 10.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 15TH JUNE, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. ADJOURNMENT.—The Honorable Dr. Dobson moved, That the House do now adjourn.
Debate ensued.
Question—put and passed.

The Council adjourned at five minutes to five o'clock until Tuesday next at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 20TH JUNE, 1882.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

ORDERS OF THE DAY :—

1. SANDHURST PUBLIC BUILDINGS SITE BILL.—To be read a second time.
2. LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT VALIDATING BILL.—Adoption of Report.

JOHN BARKER,
Clerk of the Legislative Council.

No. 11.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 20TH JUNE, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. **DECLARATION OF MEMBER.**—The Honorable Thomas Bromell delivered to the Clerk of the Council the declaration as hereunder set forth :—

“ In compliance with the provisions of the Act 45 Victoria, No. 702, I, THOMAS BROMELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Sixteen hundred and forty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of Dundas, and are known as Hensley Park, freehold estate.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of Dundas are rated in the rate-book of such district upon a yearly value of £1640.

“ And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“ THOS. BROMELL.”

5. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 27th June instant.
Debate ensued.
Question—put and passed.

The Council adjourned at ten minutes to five o'clock until Tuesday next at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 27TH JUNE, 1882.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

ORDERS OF THE DAY :—

1. SANDHURST PUBLIC BUILDINGS SITE BILL.—To be read a second time.
2. LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT VALIDATING BILL.—Adoption of Report.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 27TH JUNE, 1882.

1. The Council met in accordance with adjournment.

2. The President took the Chair.

3. The President read the prayer.

4. PAPERS.—The Honorable Dr. Dobson, by command of His Excellency the Governor, presented to the Council the following papers:—

Labor Trade in the Western Pacific.—Despatch from the Right Honorable the Secretary of State for the Colonies, transmitting copy of a Report on the subject of the Labor Trade in the Western Pacific.

Fisheries Acts.—Notice of Proclamation to prohibit the use of nets, &c., in the vicinity of the piers in Corio Bay.

Fisheries Acts.—Notice of Proclamation to repeal that of 11th October 1880, and to declare and define the mouth of Yarrum Creek, within which nets and fixed engines are not to be used.

Severally ordered to lie on the Table.

The Honorable Dr. Dobson presented—

Supreme Court.—Regulæ Generales.

Telegraphic Department.—Appointments and Applications.—Return to an Order of the Legislative Council, dated the 6th day of June instant, for a Return showing the number of new appointments, male and female, that have been made in the Telegraph department since June 1st, 1881, with the dates and nature of employment; also the total number of hitherto unsuccessful applicants whose applications have been received and recorded, and who are now waiting in expectation of receiving an appointment.

Severally ordered to lie on the Table.

5. PETITION.—The Honorable N. Fitzgerald presented a Petition from certain citizens and property holders in the city of Sandhurst, praying the House, before passing the Sandhurst Public Buildings Site Bill, would cause enquiries to be made, and the wishes of the citizens consulted either by a poll being taken, or by such other means as to the House might seem meet.

Petition received and read.

6. POSTPONEMENT OF ORDER OF THE DAY.—On the motion of the Honorable Dr. Dobson, the Council ordered that the consideration of the first Order of the Day be postponed until after the consideration of the second Order for to-day.

7. LEGISLATIVE COUNCIL ELECTIONS FOR 1882 ACT VALIDATING BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Honorable Dr. Dobson moved, That the Bill be now read a third time.

Question—put.

The President required the Members voting for the third reading of the Bill to go to the right of the Chair.

It appeared that there were twenty Members voting for the third reading of the Bill, and none against it. The question was therefore passed.

Bill read a third time.

The Honorable Dr. Dobson moved, That the Bill do now pass.

Question—put and passed.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to remove doubts as to the validity of 'The Legislative Council Elections for 1882 Act.'*"

Question—put and passed.

The Honorable Dr. Dobson moved, That the Bill be transmitted to the Legislative Assembly, with a Message desiring their concurrence therewith.

Question—put and passed.

8. SANDHURST PUBLIC BUILDINGS SITE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable Dr. Dobson moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

The Honorable Dr. Dobson moved, That the report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to provide for adding certain portions of Pall Mall Sandhurst to Rosalind Park, and for setting apart portion of Pall Mall as a site for a Post Office and other Public Buildings.*"

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

The Council adjourned at three minutes past five o'clock until to-morrow at half-past four o'clock.

NOTICE OF MOTION.

TUESDAY, 4TH JULY, 1882.

1. The Hon. W. A. ZEAL : To ask the Honorable the Solicitor-General if, in view of the present unsettled state of affairs in Europe, he will inform this House what steps the Government are taking to complete the defensive works of the colony, and make them effective to resist the attack of a hostile force.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

JOHN BARKER,
Clerk of the Legislative Council.

No. 13.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 28TH JUNE, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of One million and thirty-eight thousand four hundred and fifty pounds to the service of the year One thousand eight hundred and eighty-two and three,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 27th June, 1882.

5. CONSOLIDATED REVENUE BILL.—The Honorable James MacBain moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable James MacBain, with leave of the Council, moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable James MacBain moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and agreed to the same without amendment.

The Honorable James MacBain moved, That the report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable James MacBain, was read a third time and *passed*.

The Honorable James MacBain moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of One million and thirty-eight thousand four hundred and fifty pounds to the service of the year One thousand eight hundred and eighty-two and three.*"

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.

6. ADJOURNMENT.—The Honorable James MacBain moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 4th July next.
- Question—put and passed.

The Council adjourned at four minutes past five o'clock until Tuesday next at half-past four o'clock.

NOTICE OF MOTION.

TUESDAY, 4TH JULY, 1882.

1. The Hon. W. A. ZEAL : To ask the Honorable the Solicitor-General if, in view of the present unsettled state of affairs in Europe, he will inform this House what steps the Government are taking to complete the defensive works of the colony, and make them effective to resist the attack of a hostile force.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 4TH JULY, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor :—

NORMANBY,
Governor.

Message No. .

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Acts of the present session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to provide for adding certain portions of Pall Mall, Sandhurst, to Rosalind Park, and for setting apart portion of Pall Mall as a site for a Post Office and other public buildings.”

“An Act to apply out of the Consolidated Revenue the sum of One million and thirty-eight thousand four hundred and fifty pounds to the service of the year One thousand eight hundred and eighty-two and three.”

Government House,
Melbourne, 29th June, 1882.

5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to establish and regulate a Permanent Fund in connection with the Old Colonists’ Association of Victoria,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 28th June, 1882.

PETER LALOR,
Speaker.

6. OLD COLONISTS’ ASSOCIATION BILL.—The Honorable James Graham moved, That a Message be sent to the Legislative Assembly to request them to be pleased to communicate to the Council copies of the Report and Proceedings of the Select Committee of the Legislative Assembly, to which the Bill intituled “*An Act to establish and regulate a Permanent Fund in connection with the Old Colonists’ Association of Victoria*” was referred during the present Session of Parliament.

Question—put and passed.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend ‘The Building Societies Act 1874,’*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th July, 1882.

PETER LALOR,
Speaker.

8. BUILDING SOCIETIES’ ACT AMENDMENT BILL.—The Honorable Jas. MacBain moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time ; and, on the motion of the Honorable Jas. MacBain, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 11th July instant.

9. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 11th July instant.

Question—put and passed.

The Council adjourned at thirteen minutes to five o’clock until Tuesday next at half-past four o’clock.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 11TH JULY, 1882.

NOTICES OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.
2. The Hon. H. CUTHBERT : To move for leave to introduce a Bill to authorise the construction, maintenance, and working of Tramways.

ORDER OF THE DAY :—

1. BUILDING SOCIETIES' ACT AMENDMENT BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

No. 15.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 11TH JULY, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PAPERS.—The Honorable Dr. Dobson, by command of His Excellency the Governor, presented to the Council the following Paper :—
 Census of Victoria 1881. Part I.—Inhabitants and Houses.
 Ordered to lie on the Table.
 The Honorable Dr. Dobson presented to the Council the following Paper :—
 Education Act, No. 447.—Amended Regulations. (Elections of Boards of Advice.)
 Ordered to lie on the Table.
5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—
 MR. PRESIDENT—
 The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee appointed on the Bill intituled "*An Act to establish and regulate a Permanent Fund in connection with the Old Colonists' Association of Victoria,*" in accordance with the request of the Legislative Council.
 PETER LALOR,
 Speaker.
 Legislative Assembly Chamber,
 Melbourne, 4th July, 1882.
6. TRAMWAYS BILL.—The Honorable H. Cuthbert, in accordance with notice, moved for leave to introduce a Bill to authorize the construction, maintenance, and working of tramways.
 Question—put and passed.
 Bill brought in ; and, on the motion of the Honorable H. Cuthbert, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 18th July instant.
7. BUILDING SOCIETIES' ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Jas. MacBain moved, That the Bill be now read a second time.
 Question—put and passed.
 Bill read a second time.
 The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole-Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, 18th July instant.
 Question—put and passed.
8. ADJOURNMENT.—The Honorable J. MacBain moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 18th July instant.
 Question—put and passed.

The Council adjourned at twelve minutes past five o'clock until Tuesday next at half-past four o'clock.

JANUARY

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 18TH JULY, 1882.

NOTICES OF MOTION :—

1. The Hon. J. GRAHAM : To move, That so much of the Standing Orders and practice relating to Private Bills, as renders the payment of fees necessary to the passing of a Bill intituled "*A Bill to establish and regulate a Permanent Fund in connection with the Old Colonists' Association of Victoria,*" be suspended.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

ORDERS OF THE DAY :—

1. TRAMWAYS BILL.—To be read a second time.
2. BUILDING SOCIETIES' ACT AMENDMENT BILL.—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

No. 16.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 18TH JULY, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to remove doubts as to the validity of the Legislative Council Elections for 1882 Act*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the Bill without amendment.

Legislative Assembly Chamber,
Melbourne, 18th July, 1882.

PETER LALOR,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to remove doubts as to the meaning of the word "Tenant" in the Legislative Council Act 1881*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 18th July, 1882.

PETER LALOR,
Speaker.

5. LICENSEES QUALIFYING BILL.—The Honorable Jas. MacBain moved, That the Bill transmitted by the above Message intituled "*An Act to remove doubts as to the meaning of the word 'Tenant,' in the Legislative Council Act 1881*" be now read a first time.

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable J. MacBain, ordered to be printed, and the second reading made an Order of the Day for to-morrow.

6. PAPERS.—The Honorable Jas. MacBain, by command of His Excellency the Governor, presented to the Council the following Papers:—

Fisheries Acts.—Notice of Proclamation to prohibit at any time any person (excepting an Aboriginal Native of the Colony) from Fishing in Lake Tyers, and also the use of any trammel, trawl, or other net or engine, whether fixed or unfixed, to be employed in fishing in the said lake.

Census of Victoria 1881. Part II.—Birth Places of the People.

Melbourne International Exhibition—Report of the Trustees of—to the Government, and their recommendations for the future utilization of the buildings vested in the Trust.

Severally ordered to lie on the Table.

The Honorable Jas. MacBain presented to the Council the following Papers:—

Supreme Court.—Regulæ Generales.

Railways.—Estimate of Expenditure which the Board of Land and Works proposes to incur during the year ending 30th June, 1883, under Act 701.

Railway Loan Acts, Nos. 531 and 608—Estimate of Expenditure which the Board of Land and Works proposes to incur during the year ending 30th June, 1883, under—

Severally ordered to lie on the Table.

7. OLD COLONISTS' ASSOCIATION BILL.—The Honorable J. Graham, in accordance with notice, moved, That so much of the Standing Orders and practice relating to Private Bills, as renders the payment of fees necessary to the passing of a Bill intituled "*An Act to establish and regulate a Permanent Fund in connection with the Old Colonists' Association of Victoria,*" be suspended.

Question—put and passed.

On the motion of the Honorable J. Graham, the Bill was read a first time, and the second reading made an Order of the Day for Tuesday, 25th July instant.

8. POSTPONEMENT OF ORDER OF THE DAY.—On the motion of the Honorable P. Russell, the Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 25th July instant :—

"*Tramways Bill*"—To be read a second time.

9. BUILDING SOCIETIES' ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same with amendments.

The Honorable James MacBain moved, That the adoption of the Report from the Committee be made an Order of the Day for to-morrow.

Question—put and passed.—Bill as amended to be printed.

The Council adjourned at six minutes to five o'clock until to-morrow at half-past four o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 19TH JULY, 1882.

Government Business.

ORDERS OF THE DAY :—

1. LICENSEES QUALIFYING BILL.—To be read a second time.
2. BUILDING SOCIETIES ACT AMENDMENT BILL.—Adoption of Report.

TUESDAY, 25TH JULY.

NOTICES OF MOTION :—

1. The Hon. G. F. BELCHER : To draw the attention of the Honorable the Solicitor-General to the present unsatisfactory working of the Titles Office ; and to ask whether he is prepared to increase the staff of examiners, with the view of dealing with a large number of applications for transfer now in arrears.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

ORDERS OF THE DAY :—

1. OLD COLONISTS' ASSOCIATION BILL.—To be read a second time.
2. TRAMWAYS BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 19TH JULY, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to continue and amend 'The Tobacco Act 1880,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 19th July, 1882.

PETER LALOR,
Speaker.

5. TOBACCO ACT CONTINUATION AND AMENDMENT BILL.—The Honorable Jas. MacBain moved, That the Bill transmitted by the above Message intituled "*An Act to continue and amend 'The Tobacco Act '1880''*" be now read a first time.
Question—put and passed.
Bill read a first time and ordered to be printed.
The Honorable Jas. MacBain moved, That the Bill be now read a second time.
Question—put and passed.—Bill read a second time.
The Honorable Jas. MacBain moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same without amendment.
The Honorable Jas. MacBain moved, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Jas. MacBain, was read a third time and *passed*.
The Honorable Jas. MacBain moved, That the following be the title of the Bill:—" *An Act to continue and amend 'The Tobacco Act 1880.'*"
Question—put and passed.
Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.
6. LICENSEES QUALIFYING BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Jas. MacBain moved, That this Bill be now read a second time.
Debate ensued.
Question—put and passed.—Bill read a second time.
The Honorable Jas. MacBain moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments, and had also amended the title of the Bill.
The Honorable Jas. MacBain, by leave of the Council, moved, That the Report be now adopted.
Question—put and passed.
The Honorable Jas. MacBain moved, That the third reading of this Bill be made an Order of the Day for Tuesday next.
Question—put and passed.

7. BUILDING SOCIETIES' ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable Jas. MacBain moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Jas. MacBain, was read a third time and *passed*.

The Honorable Jas. MacBain moved, That the following be the title of the Bill :—“ *An Act to amend “The Building Societies’ Act 1874.’*”

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Legislative Council have agreed to the Bill with amendments, and desiring their concurrence therewith.

8. ADJOURNMENT.—The Honorable Jas. MacBain moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 25th July instant.

Question—put and passed.

The Council adjourned at nineteen minutes to six o'clock until Tuesday next at half-past four o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 25TH JULY, 1882.

NOTICES OF MOTION :—

1. The Hon. G. F. BELCHER : To draw the attention of the Honorable the Solicitor-General to the present unsatisfactory working of the Titles Office ; and to ask whether he is prepared to increase the staff of examiners, with the view of dealing with a large number of applications for transfer now in arrears.
2. The Hon. DR. DOBSON : To move for leave to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court and for other purposes connected therewith.

ORDERS OF THE DAY :—

1. OLD COLONISTS' ASSOCIATION BILL.—To be read a second time.
2. TRAMWAYS BILL.—To be read a second time.
3. LICENSEES QUALIFYING BILL.—To be read a third time.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 18.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 25TH JULY, 1882.

1. The Council met in accordance with adjournment.

2. The President took the Chair.

3. The President read the prayer.

4. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Messages from His Excellency the Governor :—

NORMANBY,

*Governor.**Message No. .*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, reserved for the signification of Her Majesty's pleasure the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“ An Act to remove doubts as to the validity of the Legislative Council Elections for 1882 Act.”

Government Offices,

Melbourne, 24th July, 1882.

NORMANBY,

*Governor.**Message No. .*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. —

“ An Act to continue and amend ‘ The Tobacco Act 1880.’ ”

Government Offices,

Melbourne, 24th July, 1882.

5. PAPER.—The Honorable Dr. Dobson presented to the Council the following Paper :—

Public Accounts—Regulation respecting.

Ordered to lie on the Table.

6. SUPREME COURT BILL.—The Honorable Dr. Dobson, in accordance with notice, moved, That leave be given to introduce a Bill to improve the jurisdiction and procedure of the Supreme Court, and for other purposes connected therewith.

Question—put and passed.

Bill brought in ; and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 1st August next.

7. POSTPONEMENT OF ORDERS OF THE DAY.—On the motion of the Honorable James MacBain, the Council ordered that the consideration of the first and second Orders be postponed until after the consideration of the third Order for to-day.

8. LICENSEES QUALIFYING BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported—The Bill, on the motion of the Honorable Jas. MacBain, was read a third time and *passed*.The Honorable Jas. MacBain moved that the following be the Title of the Bill :—*“ An Act to amend “ ‘ The Legislative Council Act 1881.’ ”*

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Legislative Council have agreed to the Bill with amendments, and desiring their concurrence therewith.

9. OLD COLONISTS' ASSOCIATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Jas. Graham moved, That this Bill be now read a second time.

Question—put and passed.—Bill read a second time ; and ordered to be considered in Committee of the whole Council on Tuesday, 1st August next.

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Building Societies Act 1874*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th July, 1882.

11. TRAMWAYS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

The Honorable R. S. Anderson moved, That the debate be now adjourned.

Question—That the debate be now adjourned—put and passed.

The Honorable Dr. Hearn moved, That the debate be adjourned until this day fortnight.

Debate ensued.

Question—put and passed.

12. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 1st August next.

Question—put and passed.

The Council adjourned at twenty-five minutes past six o'clock until Tuesday next at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 1ST AUGUST, 1882.

ORDERS OF THE DAY :—

1. SUPREME COURT BILL.—To be read a second time.
2. OLD COLONISTS' ASSOCIATION BILL.—To be considered in Committee.

TUESDAY, 8TH AUGUST.

ORDER OF THE DAY :—

1. TRAMWAYS BILL.—Adjourned debate on second reading.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 1ST AUGUST, 1882.

1. The Council met in accordance with adjournment.
 2. The President took the Chair.
 3. The President read the prayer.
 4. PAPER.—The Honorable Dr. Dobson presented to the Council the following Paper:—
State School Buildings—An Estimate of the Expenditure which the Minister of Public Instruction proposes to incur during the year ending 30th June, 1883, under Act No. 701.
Ordered to lie on the Table.
 5. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—
MR. PRESIDENT—
The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to remove doubts as to the meaning of the word ‘Tenant’ in ‘The Legislative Council Act 1881,’*” and acquaint the Legislative Council that the Legislative Assembly have disagreed with the several amendments made by the Legislative Council in this Bill.
PETER LALOR,
Legislative Assembly Chamber,
Melbourne, 1st August, 1882. Speaker.
 6. LICENSEES QUALIFYING BILL.—The Honorable Dr. Dobson moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday, 8th August instant.
Question—put and passed.
 7. POSTPONEMENT OF ORDER OF THE DAY.—On the motion of The Honorable Dr. Dobson, the Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 8th August instant:—
“*Supreme Court Bill.—To be read a second time.*”
 8. OLD COLONISTS’ ASSOCIATION BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, The Honorable J. Graham moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.
The Honorable J. Graham moved, That the adoption of the Report from the Committee be made an Order of the Day for Tuesday, 8th August instant.
Question—put and passed.
 9. ADJOURNMENT.—The Honorable Jas. MacBain moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 8th August instant.
Question—put and passed.
- The Council adjourned at fourteen minutes to five o’clock until Tuesday next at half-past four o’clock.

ORDERS OF THE DAY.

TUESDAY, 8TH AUGUST, 1882.

ORDERS OF THE DAY:—

1. TRAMWAYS BILL.—Adjourned debate on second reading.
2. LICENSEES QUALIFYING BILL.—Consideration of Message from Legislative Assembly.
3. SUPREME COURT BILL.—To be read a second time.
4. OLD COLONISTS’ ASSOCIATION BILL.—Adoption of Report.

JOHN BARKER,
Clerk of the Legislative Council.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 8TH AUGUST, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of a Message from His Excellency the Governor, which was read and is as follows :—

NORMANBY,
Governor.

Message No. 1.

The Governor transmits herewith to the Legislative Council a copy of a Despatch received from the Right Honorable the Secretary of State for the Colonies, relative to the Address of congratulation adopted by the Council for presentation to Her Most Gracious Majesty the Queen, on her happy preservation from the danger to which Her Majesty has been exposed by the recent attempt upon her life.

Government House,
Melbourne, 8th August, 1882.

Ordered to lie on the Table, and, together with the enclosure, to be printed.
5. PAPERS.—The Honorable James MacBain presented to the Council the following Papers :—

Penal Establishments and Gaols—Report of the Inspector-General, for the year 1881.
Statistical Register of the Colony of Victoria, for the year 1881. Part II.—Finance, &c.

Severally ordered to lie on the Table.
6. PETITION.—The Honorable P. Russell presented a Petition from the Mayor and Councillors of the City of Ballarat, under the corporate seal of the said city, praying the House would be pleased to pass the Bill now under consideration in this House, to facilitate the construction and to regulate the working of Tramways, with such amendments as to this House might seem fit.

Petition read by the Clerk, and ordered to lie on the Table.
7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to apply temporarily out of the Consolidated Revenue, or out of the Railway Loan Account 1878, certain sums of money for Rolling-stock, Railway Plant, Workshops, Permanent Surveys, the connection of the Spencer street and Flinders street Railway Stations, a second line of way from Essendon to Seymour, and for other Railway Works,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 8th August, 1882.
8. RAILWAYS TEMPORARY ADVANCEMENT BILL.—The Honorable James MacBain moved, That the Bill transmitted by the above Message, intituled “*An Act to apply temporarily out of the Consolidated Revenue, or out of the Railway Loan Account 1878, certain sums of money for Rolling-stock, Railway Plant, Workshops, Permanent Surveys, the connection of the Spencer street and Flinders street Railway Stations, a second line of way from Essendon to Seymour, and for other Railway Works,*” be now read a first time.

Question—put and passed.

Bill read a first time, and ordered to be printed, and the second reading be made an Order of the Day for to-morrow.
9. TRAMWAYS BILL.—The Order of the Day for the resumption of the debate on the second reading of this Bill being read, the debate was resumed.

The Honorable J. G. Dougharty moved, *as an amendment*, That all the words after the word “debate” be omitted, with a view to insert instead thereof the words “be now adjourned until Tuesday, 22nd August instant.”

Debate continued.

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

Question—That the words proposed to be inserted in the place of the words omitted be so inserted—put and passed.

Question—That the debate be now adjourned until Tuesday, 22nd August instant—put.
The Council divided.

Contents, 11.
The Hon. Jas. MacBain
Sir Chas. Sladen
N. Fitzgerald
Jas. Graham
C. J. Jenner
W. Ross
W. McCulloch
Dr. Hearn
W. A. Zeal
J. G. Dougharty
J. Lorimer (*Teller*).

Not Contents, 9.
The Hon. R. S. Anderson
P. Russell
F. Ormond
H. Cuthbert
R. Simson
G. F. Belcher
J. Buchanan
J. A. Wallace
J. Balfour (*Teller*).

The question was therefore passed.

10. LICENSEES QUALIFYING BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable James MacBain moved, That the Council do not insist on their amendments in this Bill.

The Honorable Sir Chas. Sladen moved as an amendment, That the word “not” be omitted from the above question.

Debate ensued.

The Honorable R. S. Anderson moved, That the debate be now adjourned.

Question—That the debate be now adjourned until to-morrow—put and passed.

11. POSTPONEMENT OF ORDER OF THE DAY.—On the motion of the Honorable James MacBain, the Council ordered that the consideration of the following Order of the Day be postponed until to-morrow:—
“*Supreme Court Bill.—To be read a second time.*”

12. OLD COLONISTS’ ASSOCIATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, The Honorable J. Graham moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of this Bill be made an Order of the Day for to-morrow.

The Council adjourned at twenty minutes to seven o’clock until to-morrow at half-past four o’clock.

ORDERS OF THE DAY.

WEDNESDAY, 9TH AUGUST, 1882.

Government Business.

ORDERS OF THE DAY:—

1. RAILWAYS TEMPORARY ADVANCES BILL.—To be read a second time.
2. LICENSEES QUALIFYING BILL.—Adjourned debate on consideration of Message from Legislative Assembly.
3. SUPREME COURT BILL.—To be read a second time.

General Business.

ORDER OF THE DAY:—

1. OLD COLONISTS’ ASSOCIATION BILL.—To be read a third time.

TUESDAY, 22ND AUGUST.

ORDER OF THE DAY:—

1. TRAMWAYS BILL.—Adjourned debate on second reading.

JOHN BARKER,
Clerk of the Legislative Council.

No. 21.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH AUGUST, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. RAILWAYS TEMPORARY ADVANCES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. MacBain moved, That this Bill be now read a second time.
 Debate ensued.
 Question—put and passed.
 Bill read a second time.
 The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.
 The Honorable J. MacBain, by leave of the Council, moved, That the Report be now adopted.
 Question—put and passed.
 The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and *passed*.
 The Honorable J. MacBain moved, That the following be the title of the Bill :—“ *An Act to apply temporarily out of the Consolidated Revenue, or out of the Railway Loan Account 1878, certain sums of money for Rolling-stock, Railway Plant, Workshops, Permanent Surveys, the connection of the Spencer street and Flinders street Railway Stations, a second line of way from Essendon to Seymour, and for other Railway Works.*”
 Question—put and passed.
 Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.
5. LICENSEES QUALIFYING BILL.—The Order of the Day for the resumption of the debate on the question—That the Council do not insist on their amendments in this Bill, and upon the amendment that the word “not” be omitted from the above question, having been read—
 Debate resumed.
 Question—That the word proposed to be omitted stand part of the question—put and negatived.
 Question—That the Council do insist on their amendments in this Bill—put and passed.
 Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council insist on their amendments in this Bill.
6. SUPREME COURT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Hearn moved, That this Bill be now read a second time.
 Debate ensued.
 Question—put and passed.
 Bill read a second time.
 The Honorable Dr. Hearn moved, That the Bill be now considered in Committee of the whole Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, 15th August instant.
 Question—put and passed.

7. OLD COLONISTS' ASSOCIATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. Graham, was read a third time and *passed*.
The Honorable J. Graham moved, That the following be the title of the Bill :—“*An Act to establish and regulate a Permanent Fund in connection with the Old Colonists' Association of Victoria.*”
Question—put and passed.
Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.
8. ADJOURNMENT.—The Honorable J. MacBain moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 15th August instant.
Question—put and passed.
- The Council adjourned at thirteen minutes to six o'clock until Tuesday next at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 15TH AUGUST, 1882.

ORDER OF THE DAY :—

1. SUPREME COURT BILL.—To be further considered in Committee.

TUESDAY, 22ND AUGUST.

ORDER OF THE DAY :—

1. TRAMWAYS BILL.—Adjourned debate on second reading.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 22.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH AUGUST, 1882.

- 1. The Council met in accordance with adjournment.
- 2. The President took the Chair.
- 3. The President read the prayer.
- 4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly desire a Conference with the Legislative Council on the subject matter of the amendments made and insisted on by the Legislative Council to the Bill intituled "An Act to remove doubts as to the meaning of the word 'Tenant' in the Legislative Council Act 1881," and acquaint the Legislative Council that they have appointed nine Members of the Legislative Assembly to be Members of the said Conference.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 15th August, 1882.

- 5. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor, the following Papers :—

Telegraph Department.—Messages to stations on Port Darwin line.
 Victorian Railways.—Report of the Board of Land and Works for the year ending 31st December, 1881.

Severally ordered to lie on the Table.

The Honorable Dr. Dobson presented—

Temporary Advances Act.—Estimate of expenditure which the Board of Land and Works proposes to incur during the year ending 30th June, 1883, under Act 729.

Ordered to lie on the Table.

- 6. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor :—

NORMANBY,
Governor.

Message No. .

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. —

- "An Act to amend 'The Building Societies Act 1874.'"
- "An Act to apply temporarily out of the Consolidated Revenue, or out of the Railway Loan Account 1878, certain sums of money for Rolling-stock, Railway Plant, Workshops, Permanent Surveys, the connection of the Spencer street and Flinders street Railway Stations, a second line of way from Essendon to Seymour, and for other Railway Works."
- "An Act to establish and regulate a Permanent Fund in connection with the Old Colonists' Association of Victoria."

Government Offices,
Melbourne, 14th August, 1882.

7. LICENSEES QUALIFYING BILL—CONFERENCE.—The Honorable Dr. Dobson moved, by leave of the Council, that a Committee be appointed, consisting of the following Members :—The Honorables James MacBain, Sir Charles Sladen, W. E. Hearn, R. S. Anderson, C. J. Jenner, J. Balfour, J. Lorimer, N. Fitzgerald, and the Mover, to confer with the like number of Members of the Legislative Assembly, on the amendments made and insisted on by the Legislative Council, and disagreed with by the Legislative Assembly, in the Licensees Qualifying Bill ; and name the South Library as the place, and fix half-past seven o'clock, on Tuesday, the 22nd August instant, as the hour of meeting of the said Conference.

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly, acquainting them with the above resolution.

8. SUPREME COURT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same with amendments.

The Honorable Dr. Dobson moved, That the adoption of the Report from the Committee be made an Order of the Day for Tuesday, 22nd August instant.

Question—put and passed.

Bill as amended to be printed.

9. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 22nd August instant.

Question—put and passed.

The Council adjourned at five minutes past five o'clock until Tuesday next at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 22ND AUGUST, 1882.

ORDERS OF THE DAY :—

1. TRAMWAYS BILL.—Adjourned debate on second reading.
2. SUPREME COURT BILL.—Adoption of Report.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 22ND AUGUST, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor, the following Paper:—

Employés in Shops Commission—Progress Report of the Commission of Enquiry into the best means of regulating and shortening the hours of employés in shops and wholesale and retail trading establishments.

Ordered to lie on the Table.

The Honorable Dr. Dobson presented to the Council the following Paper:—

Military Torpedo Corps—Regulations of the. And
Garrison Battery of Artillery—Establishment of.

Ordered to lie on the Table.

5. PETITION.—The Honorable H. Cuthbert presented a Petition from the Mayor and Councillors of the town of Ballarat East, under the corporate seal of the said municipality, praying the Council to refuse to pass any private Bill authorizing the making of street tramways; and that, in lieu thereof, this House would pass a general Act, similar in its provisions to the Tramways Statute 1870 of the Parliament of the United Kingdom of Great Britain and Ireland.
Petition received and read by the Clerk.
6. POSTPONEMENT OF ORDER OF THE DAY.—The Honorable H. Cuthbert moved, That the consideration of the following Order of the Day—
“*Tramways Bill.—Adjourned debate on second reading,*”
be postponed until this day week.
Debate ensued.
The Honorable W. A. Zeal moved, That the debate be adjourned until this day fortnight.
Question—That the debate be adjourned until this day fortnight—put.
Council divided.

Contents, 11.

The Hon. A. Bromell
F. Robertson
C. J. Jenner
W. McCulloch
W. Pearson
J. Lorimer
W. A. Zeal
N. Fitzgerald
Dr. Hearn
J. G. Dougharty
J. Graham (*Teller*).

Not Contents, 12.

The Hon. Sir C. Sladen
R. S. Anderson
P. Russell
T. F. Cumming
H. Cuthbert
R. Simson
Jas. MacBain
W. Ross
J. A. Wallace
J. Buchanan
J. Balfour
Dr. Dobson (*Teller*).

The question was therefore negatived.

Question—That the consideration of the following Order of the Day—“*Tramways Bill.—Adjourned debate on second reading,*” be postponed until this day week—put and passed.

7. PETITIONS.—The following Petitions praying the Council to pass the Bill, now under consideration of this House, to facilitate the construction and to regulate the working of Tramways, with such amendments as to this House might seem fit, were presented by the Honorable N. Fitzgerald, as under:—

From the Mayor and Councillors of the Borough of Creswick, under the corporate seal of the said borough.

From the Mayor and Councillors of the City of Sandhurst, under the corporate seal of the said city.

Severally received.

8. **POSTPONEMENT OF ORDER OF THE DAY.**—On the motion of the Honorable Dr. Dobson the Council ordered the consideration of the following Order of the Day to be postponed until Tuesday, 29th August instant:—

“Supreme Court Bill.—Adoption of Report.”

9. **LICENSEES QUALIFYING BILL—CONFERENCE.**—The time fixed for the meeting of the Committees of the Legislative Council and the Legislative Assembly appointed to confer on the amendments made in this Bill, and insisted on by the Legislative Council, having arrived, the Members proceeded to the South Library, and there met the Members of the Committee appointed by the Legislative Assembly; after some time spent therein the Members returned to the Legislative Council, and the Honorable Dr. Dobson reported to the House that the Members of the Conference had not been able to come to any satisfactory conclusion on the matter.

10. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 29th August instant.
Question—put and passed.

The Council adjourned at three minutes past ten o'clock until Tuesday next at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 29TH AUGUST, 1882.

ORDERS OF THE DAY:—

1. **TRAMWAYS BILL.**—Adjourned debate on second reading.
2. **SUPREME COURT BILL.**—Adoption of Report.

JOHN BARKER,
Clerk of the Legislative Council.

No. 24.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH AUGUST, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. LICENSEES' QUALIFYING BILL.—The Honorable Dr. Dobson brought up a Report of the Minutes of the Proceedings of the Conference between the two Houses on the subject-matter of the amendments made and insisted on by the Legislative Council in the Bill intituled "*An Act to remove doubts as to the meaning of the word 'Tenant' in the Legislative Council Act 1881.*"
Ordered to lie on the Table, and to be printed.
5. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor, the following Papers :—
 - Land Acts—Report of Proceedings taken under the Provisions of the Land Act 1869, the Land Act 1878, the Land Acts Amendment Act 1880, and the Land Act 1880, during the year ended 31st December, 1881.
 - Explosive Substances.—Regulations.
Severally ordered to lie on the Table.
6. PETITIONS.—The Honorable Sir Charles Sladen presented a Petition from the Mayor and Councillors of the Borough of Ararat, under the corporate seal of the said borough, praying the House to pass the Bill now before the House to facilitate the construction and to regulate the working of tramways, with such amendments as to this House might seem fit.
Petition received.

The Honorable J. Lorimer presented a Petition from the Town Council of Hotham, under the corporate seal of the said town, praying the House to pass the Bill to facilitate the construction and to regulate the working of tramways.
Petition received and read by the Clerk.
7. ALTERATIONS IN COUNCIL CHAMBER.—The Honorable J. MacBain moved, by leave of the Council, That a Select Committee be appointed to take into consideration what alterations (if any) are desirable to give the necessary accommodation for the proposed increase in the number of Members of the Council; such Committee to consist of the Honorables the President, Sir Charles Sladen, J. Lorimer, W. A. Zeal, C. J. Jenner, T. F. Cumming, and the Mover.
Debate ensued.
Question—put and passed.
8. POSTPONEMENT OF ORDER OF THE Day.—On the motion of the Honorable J. MacBain, the Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 5th September next:—
"*Tramways Bill.—Adjourned debate on Second reading.*"
9. SUPREME COURT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable Dr. Dobson moved, That the Order of the Day be discharged, with a view to the recommittal of the Bill.
Question—put and passed.
Question—That the Bill be now re-committed to the whole Council—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same with further amendments.
The Honorable Dr. Dobson moved, That the adoption of the Report from the Committee be made an Order of the Day for Tuesday, 5th September next.
Question—put and passed.

10. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Tuesday, 5th September next.
Question—put and passed.

The Council adjourned at twenty-five minutes past five o'clock until Tuesday next at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 5TH SEPTEMBER, 1882.

ORDERS OF THE DAY :—

1. TRAMWAYS BILL.—Adjourned debate on second reading.
2. SUPREME COURT BILL.—Adoption of Report.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 25.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH SEPTEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend 'An Act to define the Boundaries of Bailiwicks,'*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th September, 1882.

5. ACT NO. 518 (BAILIWICKS) AMENDMENT BILL.—The Honorable Dr. Dobson moved, That the Bill transmitted by the above Message intituled "*An Act to amend 'An Act to define the Boundaries of Bailiwicks,'*" be now read a first time.
Question—put and passed.
Bill read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday, 12th September instant.

6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to remove doubts as to the meaning of the word 'Tenant' in the 'Legislative Council Act 1881,'*" and acquaint the Legislative Council that the Legislative Assembly do not now insist in disagreeing with the amendments insisted on by the Legislative Council, but have amended one of the said amendments, with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th September, 1882.

7. LICENSEES QUALIFYING BILL.—On the motion of the Honourable Dr. Dobson, the said amendment, proposed to be added by the Legislative Assembly to the last amendment made by the Legislative Council in this Bill, was read, and is as follows :—"*And provided also that any joint owner joint lessee or joint assignee not being on the roll of ratepaying electors shall on applying for an elector's right sign before the same be issued to him a claim in the form of the Schedule to this Act, containing the particulars of the property in respect of which he claims to vote, and the nature of his interest therein. Such form when so signed shall be delivered to the registrar issuing the right, who shall forward the claim so signed to the clerk of the municipal district in which such property shall be rated in order to be filed by him.*"

NEW SCHEDULE.

I, _____, of _____, [farmer, or as the case may be] do hereby claim to be entitled to have an elector's right issued to me as joint [owner, lessee, or assignee, as the case may be] in respect of property situate at _____, in the municipal district of _____, rated at _____ per annum, in the occupation of _____, and known as [No. of street or of allotment or other description]; and I make this claim and furnish these particulars which are true in every respect to the best of my knowledge and belief.

Signed

Address

To the Electoral Registrar
of the

Division

of the

Province.

And, on the further motion of the Honorable Dr. Dobson, the Council agreed to the said amendment, and ordered a Message to be transmitted to the Legislative Assembly acquainting them that the Legislative Council had agreed to the said amendment.

8. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor, the following Papers, viz. :—
 Southon Board.—Report of the Board appointed to enquire into and report upon the various claims of compensation arising from the action of the sanitary authorities in connection with the recent small-pox case in Swanston street, Melbourne, and the alleged neglect to afford the patient proper attendance and treatment.
 Census of Victoria, 1881. Part III.—Religions of the People.
 University of Melbourne—Report of the Proceedings of the Council of the—during the year beginning on the 1st day of June, 1881, and ending on the 31st day of May, 1882.
 Railway Reserve, Cowie's Creek.—Report of the Board appointed to enquire into the circumstances of the sale of portion of the Railway Reserve at Cowie's Creek ; together with Minutes of Evidence and Appendices.
 Severally ordered to lie on the Table.
9. ALTERATIONS IN COUNCIL CHAMBER COMMITTEE.—The Honorable James MacBain, chairman, brought up a Report from this Committee.
 Ordered to lie on the Table, and to be printed.
10. RAILWAY ACCIDENT, JOLIMONT—COMMITTEE.—The Honorable W. A. Zeal, chairman, brought up the Report from this Committee.
 Ordered to lie on the Table, and, together with the Proceedings of the Committee, Minutes of Evidence, and Appendices, to be printed, and the adoption of the Report be made an Order of the Day for Tuesday, 12th September instant.
11. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—The Honorable Dr. Dobson, by leave of the Council, moved, That leave be given to introduce a Bill to further amend the law relating to the University of Melbourne.
 Question—put and passed.
 Bill brought in ; and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 12th September instant.
12. POSTPONEMENT OF ORDER OF THE DAY.—On the motion of the Honorable J. G. Dougharty, the Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 12th September instant :—
“Tramways Bill.—Adjourned debate on Second reading.”
13. SUPREME COURT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable Dr. Dobson moved, That the Report be now adopted.
 Question—put and passed.
 The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson was read a third time and *passed*.
 The Honorable Dr. Dobson moved, That the following be the title of the Bill :—
“An Act to improve the jurisdiction and procedure of the Supreme Court, and for other purposes connected therewith.”
 Question—put and passed.
 Ordered—That the Bill be transmitted to the Legislative Assembly, with a Message desiring their concurrence therewith.

The Council adjourned at twenty-seven minutes to six o'clock until to-morrow at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 12TH SEPTEMBER, 1882.

1. The Hon. G. F. BELCHER: To call attention of the House to the Report of the Board appointed to enquire into the circumstances of the sale of portion of the Railway Reserve at Cowie's Creek, and to make a personal explanation thereon.

ORDERS OF THE DAY :—

1. ACT NO. 518 (BAILIWICKS) AMENDMENT BILL.—To be read a second time.
2. RAILWAY ACCIDENT, JOLIMONT.—Adoption of Report of Select Committee.
3. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—To be read a second time.
4. TRAMWAYS BILL.—Adjourned debate on second reading.

JOHN BARKER,
Clerk of the Legislative Council.

No. 26.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH SEPTEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Eight hundred and twenty-five thousand pounds to the service of the year One thousand eight hundred and eighty-two and three,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th September, 1882.

5. CONSOLIDATED REVENUE BILL (2).—The Honorable James MacBain moved, That the Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Eight hundred and twenty-five thousand pounds to the service of the year One thousand eight hundred and eighty-two and three,*" transmitted by the above Message, be now read a first time.
Question—put and passed.
Bill read a first time.
The Honorable James MacBain, with leave of the Council, moved, That the Bill be now read a second time.
Question—put and passed.
Bill read a second time.
The Honorable James MacBain moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same without amendment.
The Honorable James MacBain moved, by leave of the Council, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable James MacBain, was read a third time and *passed*.
The Honorable James MacBain moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Eight hundred and twenty-five thousand pounds to the service of the year One thousand eight hundred and eighty-two and three.*"
Question—put and passed.
Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.
6. ADJOURNMENT.—The Honorable James MacBain moved, by leave of the Council, that the House, at its rising, adjourn until Tuesday, 12th September, instant.
Question—put and passed.

The Council adjourned at fifteen minutes to five o'clock until Tuesday next at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 12TH SEPTEMBER, 1882.

1. The Hon. G. F. BELCHER: To call attention of the House to the Report of the Board appointed to enquire into the circumstances of the sale of portion of the Railway Reserve at Cowie's Creek, and to make a personal explanation thereon.

ORDERS OF THE DAY:—

1. ACT No. 518 (BAILIWICKS) AMENDMENT BILL.—To be read a second time.
2. RAILWAY ACCIDENT, JOLIMONT.—Adoption of Report of Select Committee.
3. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—To be read a second time.
4. TRAMWAYS BILL.—Adjourned debate on second reading.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 12TH SEPTEMBER, 1882.

1. The Council met in accordance with adjournment.

2. The President took the Chair.

3. The President read the prayer.

4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor :—

NORMANBY,

Governor.

Message No.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“ *An Act to amend ‘ The Legislative Council Act 1881.’*”

“ *An Act to apply out of the Consolidated Revenue the sum of Eight hundred and twenty-five thousand pounds to the service of the year One thousand eight hundred and eighty-two and “ three.”*”

Government House,
Melbourne, 8th September, 1882.

Ordered to lie on the Table.

5. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor, the following Papers, viz. :—

Mining Surveyors and Registrars—Reports of the—Quarter ended 30th June, 1882.

Fisheries Acts Amendment Act—Notice of Proclamation of Close Season for Lake Terang and its tributaries.

Fisheries Acts—Notice of Proclamation to alter Close Season for English Trout.

Severally ordered to lie on the Table.

6. ACT NO. 518 (BAILIWICKS) AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. Lorimer moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable J. Lorimer moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.

The Honorable J. Lorimer, by leave of the Council, moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. Lorimer, was read a third time and *passed*.

The Honorable J. Lorimer moved, That the following be the title of the Bill :—“ *An Act to amend “ ‘ An Act to define the Boundaries of Bailiwicks.’*”

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council have agreed to this Bill without amendment.

7. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 19th September instant :—

“ *Railway Accident, Jolimont.—Adoption of Report of Select Committee,*”

“ *University of Melbourne Law further Amendment Bill.—To be read a second time,*”

“ *Tramways Bill.—Adjourned debate on second reading.*”

8. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Tuesday, 19th September instant.

Question—put and passed.

The Council adjourned at ten minutes past five o'clock until Tuesday next at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 19TH SEPTEMBER, 1882.

ORDERS OF THE DAY :—

1. RAILWAY ACCIDENT, JOLIMONT.—Adoption of Report of Select Committee.
2. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—To be read a second time.
3. TRAMWAYS BILL.—Adjourned debate on second reading.

TUESDAY, 26TH SEPTEMBER.

NOTICE OF MOTION :—

1. The Hon. T. F. CUMMING : To move for leave to introduce a Bill to amend “ *The Diseases in Stock Act 1872.*”

JOHN BARKER,
Clerk of the Legislative Council.

No. 28.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH SEPTEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.

4. ADDRESS TO HER MAJESTY THE QUEEN.—The Honorable Dr. Dobson moved, without notice, That a Select Committee be appointed to prepare an Address of Congratulation to Her Most Gracious Majesty the Queen on the brilliant victories that have attended the combined operations of Her Majesty's naval and military forces in Egypt; such Committee to consist of the Honorables N. Fitzgerald, W. McCulloch, C. J. Jenner, P. Russell, H. Cuthbert, J. A. Wallace, and the Mover, and that they do retire immediately.

Question—put and passed.

The Honorable Dr. Dobson, Chairman, brought up the Report from the Committee, which was read, and is as follows:—

To Her Most Gracious Majesty the Queen.

We, Your Majesty's faithful and dutiful subjects, the Members of the Legislative Council of Victoria in Parliament assembled, approach Your Majesty's Throne with feelings of loyalty, devotion, and attachment.

We assure Your Majesty that it is with feelings of pride we have heard of the brilliant victories that have attended the combined operations of Your Majesty's naval and military forces in Egypt.

On the motion of the Honorable Dr. Dobson, the Council agreed to the said Address, and ordered that it be forwarded to His Excellency the Governor, with a request that he will transmit the same to the Right Honorable the Secretary of State for the Colonies for presentation to Her Most Gracious Majesty the Queen.

5. PETITIONS.—The Honorable H. Cuthbert presented a Petition from John Mackiehan, styling himself Chairman of the Municipal Association of Victoria, praying that this House would, at its earliest convenience, consider the measure now before it relating to the construction of Tramways, and give assent to it with such amendments as might be deemed advisable, so that it may be sent to the Legislative Assembly in time to have it discussed and passed into law during the present session of Parliament.

Petition received.

Petition was read at the Table by the Clerk.

The Honorable H. Cuthbert presented a Petition from the President and Councillors of the Shire of Ballarat, under the corporate seal of the said shire, praying the House to pass the Bill, now under consideration, to facilitate the construction and to regulate the working of Tramways, with such amendments as to the Council might seem fit.

Petition received.

6. PARLIAMENT BUILDING COMMITTEE.—The Honorable J. Lorimer, on behalf of the Honorable the President, Chairman, brought up the Report from this Committee, and moved, That the Report be read.

Question—put and passed.

Report read, and ordered to be printed, and, on the motion of the Honorable J. Lorimer, the recommendations contained therein were agreed to by the Legislative Council.

7. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor:—

Public Library, Museums, and National Gallery of Victoria—Report of the Trustees of the—
with the Reports of the Sectional Committees, for 1881, and a statement of income and expenditure for the financial year 1880–81.

Ordered to lie on the Table.

The Honorable Dr. Dobson presented—

Supreme Court.—Regulæ Generales.

Ordered to lie on the Table.

8. LEGISLATIVE COUNCIL SUPPLEMENTARY ROLLS 1882 BILL.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to make provision for enabling licensees under Part II. of “*The Land Act 1869*,” and certain joint owners, joint lessees, and joint assignees to vote at the periodical elections for the Legislative Council in the year One thousand eight hundred and eighty-two.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 26th September instant.

9. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 26th September instant :—

“*Railway Accident, Jolimont.—Adoption of Report of Select Committee,*”

“*University of Melbourne Law further Amendment Bill.—To be read a second time.*”

10. TRAMWAYS BILL.—The Order of the Day for the resumption of the debate on the second reading of this Bill being read, the Honorable J. G. Dougharty moved, That the debate be adjourned until this day week.

Debate ensued.

Question—put and negatived.

Question—That this Bill be now read a second time—put and passed.

Bill read a second time.

The Honorable H. Cuthbert moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, 26th September instant.

Question—put and passed.

11. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Tuesday, 26th September instant.

Question—put and passed.

The Council adjourned at eleven minutes past five o'clock until Tuesday next at half-past four o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 26TH SEPTEMBER, 1882.

NOTICES OF MOTION :—

1. The Hon. T. F. CUMMING : To move for leave to introduce a Bill to amend “*The Diseases in Stock Act 1872.*”
2. The Hon. W. A. ZEAL : To move, That the following precautions, recommended by the Board of Trade in the working of British Railways, be adopted in the working of Victorian Railways :—
 - (1.) There should be a brake-vehicle with a guard in it at the tail of every train, this vehicle should be provided with a raised roof and extended sides glazed to the front and back ; and it should be the duty of the guard to keep a constant look-out from it along his train.
 - (2.) All passenger carriages should be provided with continuous foot-boards extending throughout the whole length of each carriage, and as far as the outer ends of the buffer castings.
 - (3.) There should be means of inter-communication between a guard at the tail of every passenger train and the engine-driver, and between the passengers and the servants of the Company, as required by the Legislature.
 - (4.) Continuous brakes under the control of the engine-driver and each guard should be employed with all passenger trains. In the opinion of the Board of Trade due security will not have been taken for the public safety unless some system or systems of continuous brakes has or have been universally adopted, instantaneous in action, capable of being applied by engine-drivers or guard, and automatic in case of accident.
 - (5.) The tyres of all wheels should be so secured to the rims of the wheels as to prevent them from flying open when they are fractured.
 - (6.) The engines employed with passenger trains should be of a steady description, with not less than six wheels, with a long wheel base, with the centre of gravity in front of the driving wheels, and with the motions balanced ; they should not be run tender or tank first.
 - (7.) Records should be carefully kept of the work performed by the wearing parts of the rolling-stock, to afford practical information in regard to them, and to prevent them from being retained in use longer than is desirable.
 - (8.) All lines should be worked on the block telegraph system. In case of junctions, the block system should be employed for preventing trains which can come into collision through over-running signals from approaching a junction simultaneously.

ORDERS OF THE DAY :—

1. LEGISLATIVE COUNCIL SUPPLEMENTARY ROLLS 1882 BILL—To be read a second time.
2. RAILWAY ACCIDENT, JOLIMONT—Adoption of Report of Select Committee.
3. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL—To be read a second time.
4. TRAMWAYS BILL—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

No. 29.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH SEPTEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor :—
 NORMANBY,
Governor.
 The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—
 “An Act to amend ‘An Act to define the Boundaries of Bailiwicks.’”
 Government Offices,
 Melbourne, 26th September, 1882.
 Ordered to lie on the Table.
5. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor—
 Railway Loan Act 1881.—Memorandum of Agreement entered into between the Government of Victoria and certain Banks for the sale in London of Debentures issued under the authority of Act No. 717.
 Ordered to lie on the Table.
 The Honorable Dr. Dobson presented, pursuant to Act of Parliament—
 Mining Statute 1865.—Order in Council.—Regulations relating to Mineral Leases.
 Ordered to lie on the Table.
6. PETITIONS.—The Honorable W. E. Hearn presented a Petition from Andrew Harper, styling himself Warden of the University of Melbourne, praying that this House would favourably consider the representations made in the Petition.
 Petition received.
 Petition was read at the Table by the Clerk.
 The Honorable H. Cuthbert presented a Petition from the President and Councillors of the Shire of Creswick, under the corporate seal of the said shire, praying the House to pass the Bill now under consideration in this House, “to facilitate the construction and to regulate the working of Tramways” with such amendments as to this House might seem fit.
 Petition received.
7. LEGISLATIVE COUNCIL SUPPLEMENTARY ROLLS 1882 BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That this Bill be now read a second time.
 Question—put and passed.
 Bill read a second time.
 The Honorable Dr. Dobson moved, That the Bill be now considered in Committee of the whole Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.
 The Honorable Dr. Dobson, by leave of the Council, moved, That the Report be now adopted.
 Question—put and passed.
 The Honorable Dr. Dobson moved, That the third reading of this Bill be made an Order of the Day for this day.
 Question—put and passed.

8. RAILWAY ACCIDENT, JOLIMONT.—The Order of the Day for the adoption of the Report from the Select Committee on the Railway Accident, Jolimont, having been read, the Honorable W. A. Zeal moved, That the said Report be now adopted.
Question—put and passed.
9. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 3rd October next :—
“ *University of Melbourne Law further Amendment Bill.—To be read a second time.*”
10. TRAMWAYS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, on Tuesday, 3rd October next, again resolve itself into the said Committee.
11. LEGISLATIVE COUNCIL SUPPLEMENTARY ROLLS 1882 BILL.—The Order of the Day for the third reading of this Bill being read, and The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.
The Honorable Dr. Dobson moved, That the following be the title of the Bill :—“ *An Act to make provision for enabling Licensees under Part II. of ‘ The Land Act 1869 ’ and certain joint owners, joint lessees, and joint assignees to vote at the periodical elections for the Legislative Council in the year One thousand eight hundred and eighty-two.*”
Question—put and passed.
Ordered—That the Bill be transmitted to the Legislative Assembly, with a Message requesting their concurrence therewith.
12. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Tuesday, 3rd October next.
Question—put and passed.
- The Council adjourned at fourteen minutes past six o'clock until Tuesday next at half-past four o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 3RD OCTOBER, 1882.

NOTICES OF MOTION :—

1. The Hon. T. F. CUMMING : To move for leave to introduce a Bill to amend “ *The Diseases in Stock Act 1872.*”
2. The Hon. W. A. ZEAL : To move, That, in the opinion of this House, it is desirable that the following precautions be adopted in the working of Victorian Railways :—
 - (1.) That there be a brake-vehicle with a guard in it at the tail of every train, this vehicle to be provided with a raised roof and extended sides glazed to the front and back ; and that it be the duty of the guard to keep a constant look-out from it along his train.
 - (2.) That all passenger carriages be provided with continuous foot-boards extending throughout the whole length of each carriage, and as far as the outer ends of the buffer castings.
 - (3.) That there be means of inter-communication between a guard at the tail of every passenger train and the engine-driver, and between the passengers and officials in charge of the train.
 - (4.) That continuous automatic brakes under the control of the engine-driver and each guard be employed with all passenger trains.
 - (5.) That the tyres of all wheels be so secured to the rims of the wheels as to prevent them from flying open when they are fractured.
 - (6.) That the engines employed with passenger trains be of a steady description, with not less than six wheels, with a long wheel base, with the centre of gravity in front of the driving wheels, and with the motions balanced ; and that no engines be run tender or tank first.
 - (7.) That records be carefully kept of the work performed by the wearing parts of the rolling-stock, to afford practical information in regard to them, and to prevent them from being retained in use longer than is desirable.
 - (8.) That all lines be worked on the block telegraph system ; and, in case of junctions, that the block system be employed for preventing trains, which can come into collision through over-running signals, from approaching a junction simultaneously.

ORDERS OF THE DAY :—

1. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL—To be read a second time.
2. TRAMWAYS BILL—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 3RD OCTOBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. VICTORIAN RAILWAYS.—The Honorable W. A. Zeal, in accordance with notice, moved, That, in the opinion of this House, it is desirable that the following precautions be adopted in the working of Victorian Railways :—
 - (1.) That there be a brake-vehicle with a guard in it at the tail of every train, this vehicle to be provided with a raised roof and extended sides glazed to the front and back ; and that it be the duty of the guard to keep a constant look-out from it along his train.
 - (2.) That all passenger carriages be provided with continuous foot-boards extending throughout the whole length of each carriage, and as far as the outer ends of the buffer castings.
 - (3.) That there be means of inter-communication between a guard at the tail of every passenger train and the engine-driver, and between the passengers and officials in charge of the train.
 - (4.) That continuous automatic brakes under the control of the engine-driver and each guard be employed with all passenger trains.
 - (5.) That the tyres of all wheels be so secured to the rims of the wheels as to prevent them from flying open when they are fractured.
 - (6.) That the engines employed with passenger trains be of a steady description, with not less than six wheels, with a long wheel base, with the centre of gravity in front of the driving wheels, and with the motions balanced ; and that no engines be run tender or tank first.
 - (7.) That records be carefully kept of the work performed by the wearing parts of the rolling-stock, to afford practical information in regard to them, and to prevent them from being retained in use longer than is desirable.
 - (8.) That all lines be worked on the block telegraph system ; and, in case of junctions, that the block system be employed for preventing trains, which can come into collision through over-running signals, from approaching a junction simultaneously.

Debate ensued.
Question—put and passed.
5. DISEASES IN STOCK ACT AMENDMENT BILL.—The Honorable T. F. Cumming, in accordance with notice, moved for leave to introduce a Bill to amend "*The Diseases in Stock Act 1872.*"
Question—put and passed.
Bill brought in, and, on the motion of the Honorable T. F. Cumming, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 10th October instant.
6. PAPERS.—The Honorable Dr. Dobson presented to the Council—
Yan Yean Water Supply.—Cash Statement and Balance Sheet, 30th June, 1882.
Ordered to lie on the Table.
7. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.
Debate ensued.
The Honorable James MacBain moved, That the debate be adjourned until Tuesday next.
Question—put and passed.
8. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 10th October instant :—
"*Tramways Bill.—To be further considered in Committee.*"
9. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Tuesday, 10th October instant.
Question—put and passed.

The Council adjourned at twenty minutes to seven o'clock until Tuesday next at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 10TH OCTOBER, 1882.

ORDERS OF THE DAY :—

1. DISEASES IN STOCK ACT AMENDMENT BILL—To be read a second time.
2. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL—Adjourned debate on second reading.
3. TRAMWAYS BILL—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 10TH OCTOBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. ABSENCE, LEAVE OF, TO—THE HON. SIR CHARLES SLADEN.—The Honorable the President having informed the Council that he had received a letter from the Honorable Sir Charles Sladen, acquainting him that, in consequence of ill health, he is unable to attend the sittings of this House, the Honorable Dr. Dobson moved, with leave of the Council, That leave of absence be granted to the Honorable Sir Charles Sladen until the end of the present session, or until he feels sufficiently recovered to attend the sittings of this House.
Question—put and passed.
5. MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to make provision for enabling Licensees under Part II of 'The Land Act 1869,' and certain Joint Owners, Joint Lessees, and Joint Assignees, to vote at the periodical elections for the Legislative Council in the year One thousand eight hundred and eighty-two,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the same without amendment.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 10th October, 1882.

MR. PRESIDENT—

The Legislative Assembly request the concurrence of the Legislative Council in adopting the following Additional Joint Standing Order :—

In any Joint Standing Rules and Orders of the Legislative Council and Legislative Assembly, the words "in writing," or "written," shall be deemed to mean and include "either written or printed, or partly written and partly printed."

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 10th October, 1882.
6. STANDING ORDERS.—The Honorable Dr. Dobson moved, That the above Message be referred to the Standing Orders Committee for consideration.
Question—put and passed.
7. W. H. STEVENSON.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That a gratuity, equal to nine months' pay of the late W. H. Stevenson, formerly Messenger of the Legislative Council, be paid out of the sum reserved by the Constitution Act for the "Clerk and Expenses of the Legislative Council" to the representatives of the late W. H. Stevenson.
Question—put and passed.
8. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 24th October instant :—
"*Diseases in Stock Act Amendment Bill—To be read a second time.*"
9. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read, Debate resumed.
The Honorable W. E. Stanbridge, moved, That the debate be further adjourned until Tuesday, 17th October instant.
Question—That the debate be further adjourned until Tuesday, 17th October instant—put and passed.

10. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor :—

NORMANBY,

Governor.

Pursuant to the provisions of Section 36 of the Constitution Act, the Governor transmits to the Legislative Council for their consideration the following amendment, which he desires to be made in the Bill intituled "*An Act to make provision for enabling Licensees under Part II. of 'The Land Act 1869,' and certain Joint Owners, Joint Lessees, and Joint Assignees, to vote at the periodical elections for the Legislative Council in the year One thousand eight hundred and eighty-two,*" which has been presented to him for Her Majesty's assent, viz. :—

For the words "Tenth day of October," occurring in Clauses 2 and 4 respectively, substitute the words "Fourteenth day of October."

The Honorable Dr. Dobson moved, That the Council agree to the amendment recommended by the above Message.

Question—put and passed.

Ordered—That the Message of His Excellency the Governor be transmitted to the Legislative Assembly, with a Message acquainting them that the Legislative Council have agreed to the amendment recommended by His Excellency the Governor, and desiring their concurrence therewith.

11. TRAMWAYS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again immediately.

Ordered.

12. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have agreed to the amendments recommended by His Excellency the Governor, and agreed to by the Legislative Council in the Bill intituled "*An Act to make provision for enabling Licensees under Part II. of 'The Land Act 1869,' and certain Joint Owners, Joint Lessees, and Joint Assignees to vote at the periodical elections for the Legislative Council in the year One thousand eight hundred and eighty-two.*"

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 10th October, 1882.

13. TRAMWAYS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable H. Cuthbert moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

14. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Thursday, 12th October instant.

Question—put and passed.

The Council adjourned at nineteen minutes past six o'clock until Thursday next at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 12TH OCTOBER, 1882.

NOTICE OF MOTION :—

1. The Hon. P. RUSSELL : To ask the Representative of the Government if it is the intention of the Government to extend the Telegraph to Snake Valley.

TUESDAY, 17TH OCTOBER.

ORDERS OF THE DAY :—

1. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL—Adjourned debate on second reading.
2. TRAMWAYS BILL—Adoption of Report.

TUESDAY, 24TH OCTOBER.

ORDER OF THE DAY :—

1. DISEASES IN STOCK ACT AMENDMENT BILL—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 12TH OCTOBER, 1882.

There being no quorum of Members present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and, without question put, adjourned the Council to the next sitting day.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 17TH OCTOBER, 1882.

NOTICE OF MOTION :—

1. The Hon. P. RUSSELL : To ask the Representative of the Government if it is the intention of the Government to extend the Telegraph to Snake Valley.

ORDERS OF THE DAY :—

1. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL—Adjourned debate on second reading.
2. TRAMWAYS BILL—Adoption of Report.

TUESDAY, 24TH OCTOBER.

ORDER OF THE DAY :—

1. DISEASES IN STOCK ACT AMENDMENT BILL—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 17TH OCTOBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR. — The President announced to the Council the receipt of the following Message from His Excellency the Governor :—

NORMANBY,

Governor.

Message No.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to make provision for enabling Licensees under Part II. of ‘The Land Act 1869’ and certain Joint Owners, Joint Lessees, and Joint Assignees to vote at the periodical elections for the Legislative Council in the year One thousand eight hundred and eighty-two.”

Government House,

Melbourne, 10th October, 1882.

Ordered to lie on the Table, and to be printed.

5. STANDING ORDERS COMMITTEE.—The Honorable W. E. Hearn, on behalf of the Honorable the President, Chairman, brought up a Report from this Committee, recommending the Council to agree with the Legislative Assembly in adopting a Joint Standing Order.

Ordered to lie on the Table, and to be printed.

On the motion of the Honorable W. E. Hearn, the proposed Standing Order was read by the Clerk, and is as follows :—

In any Joint Standing Rules and Orders of the Legislative Council and Legislative Assembly the words “in writing” or “written” shall be deemed to mean and include “either written or printed or partly written and partly printed.”

And, on the further motion of the Honorable Dr. Hearn, the Council adopted the said proposed Joint Standing Order, and ordered that a Message be transmitted to the Legislative Assembly acquainting them therewith.

Ordered—That the said Joint Standing Rule or Order be laid before His Excellency the Governor for his approval.

6. PETITION.—The Honorable W. Pearson presented a Petition from the Council of the Shire of Narracan, under the corporate seal of the said shire, praying that the Tramway Bill, which is of such serious importance to that part of Victoria, might receive the undivided support of this Honorable House.

Petition received.

The Petition was read at the Table by the Clerk.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to legalize Trades Unions,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,

Melbourne, 12th October, 1882.

8. TRADES UNIONS BILL.—The Honorable Dr. Dobson, on behalf of the Honorable H. Cuthbert, moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 24th October instant.

9. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—
- MR. PRESIDENT—
The Legislative Assembly transmit to the Legislative Council the Bill intituled “ *An Act to amend the Married Women’s Property Act,*” with which they desire the concurrence of the Legislative Council.
- PETER LALOR,
Speaker.
- Legislative Assembly Chamber,
Melbourne, 12th October, 1882.
10. MARRIED WOMEN’S PROPERTY ACT AMENDMENT BILL.—The Honorable J. Balfour moved, That this Bill be now read a first time.
Question—put and passed.
Bill read a first time, and, on the motion of the Honorable J. Balfour, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 24th October instant.
11. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor :—
Police Commission—*Ad interim* Report of the Royal Commission of enquiry into the circumstances of the Kelly Outbreak, the present State and Organization of the Police Force, &c.
Statistical Register of Victoria for the Year 1881. Part IV.—Vital Statistics, &c.
Census of Victoria 1881. Part IV.—Ages of the People.
Severally ordered to lie on the Table.
The Honorable Dr. Dobson presented—
Supreme Court—Regulæ Generales—dated 16th October 1882.
Ordered to lie on the Table.
12. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question—That this Bill be now read a second time—having been read, Debate resumed.
Question—put and passed.
Bill read a second time.
The Honorable Dr. Dobson moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
The President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, on Tuesday, 24th October instant, again resolve itself into the said Committee.
13. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until the next sitting day :—
“ *Tramways Bill.—Adoption of Report.*”
14. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Thursday, 19th October instant.
Question—put and passed.
- The Council adjourned at twenty-five minutes to six o’clock until Thursday next at half-past four o’clock.

ORDERS OF THE DAY.

THURSDAY, 19TH OCTOBER, 1882.

ORDER OF THE DAY :—

1. TRAMWAYS BILL.—Adoption of Report.
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TUESDAY, 24TH OCTOBER.

ORDERS OF THE DAY :—

1. DISEASES IN STOCK ACT AMENDMENT BILL.—To be read a second time.
2. TRADES UNIONS BILL.—To be read a second time.
3. MARRIED WOMEN’S PROPERTY ACT AMENDMENT BILL.—To be read a second time.
4. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—

JOHN BARKER,
Clerk of the Legislative Council.

No. 34.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 19TH OCTOBER, 1882.

There being no quorum of Members present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and, without question put, adjourned the Council to the next sitting day.

ORDERS OF THE DAY.

TUESDAY, 24TH OCTOBER, 1882.

ORDERS OF THE DAY:—

1. DISEASES IN STOCK ACT AMENDMENT BILL.—To be read a second time.
2. TRADES UNIONS BILL.—To be read a second time.
3. MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL.—To be read a second time.
4. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—
5. TRAMWAYS BILL.—Adoption of Report.

JOHN BARKER,
Clerk of the Legislative Council.

No. 35.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 24TH OCTOBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. JOINT STANDING ORDER.—The President announced that His Excellency the Governor had this day been pleased to approve of the Joint Standing Order agreed to by the Legislative Council on the 17th October instant.
5. PAPERS.—The Honorable Dr. Dobson presented to the Council by command of His Excellency the Governor—
Melbourne Harbor Trust.—The Accounts of the.—For the quarter ended 31st March, 1882.
Land Act 1869.—Order in Council.—Regulation.
Severally ordered to lie on the Table.
6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—
MR. PRESIDENT—
The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the construction of certain lines of Railway by the State and for other purposes,*" with which they desire the concurrence of the Legislative Council.
PETER LALOR,
Speaker.
Legislative Assembly Chamber,
Melbourne, 24th October, 1882.
7. RAILWAYS CONSTRUCTION BILL.—The Honorable Dr. Dobson moved, That the Bill intituled "*An Act to authorize the construction of certain Lines of Railway by the State and for other purposes,*" transmitted by the above Message, be now read a first time.
Question—put and passed.
Bill read a first time; and, on the motion of the Honorable Dr. Dobson, ordered to be printed and the second reading made an Order of the Day for Wednesday, 1st November next.
8. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Wednesday, 1st November next :—
"*Diseases in Stock Act Amendment Bill.—To be read a second time.*"
"*Trades Unions Bill.—To be read a second time.*"
9. MARRIED-WOMEN'S PROPERTY ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. Balfour moved, That the Bill be now read a second time.
Debate ensued.
Question—put and passed.
Bill read a second time.
The Honorable J. Balfour moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, on Wednesday, 1st November next, again resolve itself into the said Committee.
10. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will on Wednesday, 1st November next, again resolve itself into the said Committee.

11. **TRAMWAYS BILL.**—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable H. Cuthbert moved, That the Order of the Day be discharged, with a view to the recommittal of the Bill.
 Question—put and passed.
 Question—That the Bill be now recommitted—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with further amendments.
 The Honorable H. Cuthbert moved, That the adoption of the Report be made an Order of the Day for Wednesday, 1st November next.
 Question—put and passed.
12. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Wednesday, 1st November next.
 Question—put and passed.
- The Council adjourned at twenty-five minutes to seven o'clock until Wednesday, 1st November next at half-past 4 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 1ST NOVEMBER, 1882.

Government Business.

NOTICE OF MOTION :—

1. **HON. DR. DOBSON :** To move, in pursuance of the Act of Parliament numbered 502, That an Address be presented to His Excellency the Governor praying that the Court of General Sessions of the Peace in and for the Central Bailiwick may be held at Alexandra.

ORDERS OF THE DAY :—

1. **RAILWAYS CONSTRUCTION BILL.**—To be read a second time.
2. **UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.**—To be further considered in Committee.

General Business.

ORDERS OF THE DAY :—

1. **DISEASES IN STOCK ACT AMENDMENT BILL.**—To be read a second time.
2. **TRADES UNIONS BILL.**—To be read a second time.
3. **MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL.**—To be further considered in Committee.
4. **TRAMWAYS BILL.**—Adoption of Report.

CONTINGENT :—

On the Council going into Committee on the Railways Construction Bill—

1. **HON. R. S. ANDERSON :** To move, That it be an instruction to the Committee that they have power to examine witnesses and call for papers.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 36.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 1st NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PETITIONS.—The Honorable H. Cuthbert presented a Petition from the President, Councillors, and Ratepayers of the Shire of Creswick, under the corporate seal of the said shire, praying the House would take the question of the urgent necessity of constructing the whole line from Creswick to Daylesford (about 17 miles) without delay into the favorable consideration of the Council, and grant the request of the petitioners as set out in the Petition.
Petition received.
The Honorable H. Cuthbert presented a Petition from certain Attorneys, Solicitors, and Proctors of the Supreme Court of the colony of Victoria, practising at Sandhurst, praying that the House would take such speedy steps as to the House should seem necessary and proper to prevent the rule referred to in the Petition from becoming law, or take such steps as the circumstances of the case might require.
Petition received.
5. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor—
Constitution Act.—Statement of Expenditure under Schedule D to Act 18 and 19 Vic. cap. 55.—During the year 1881-82.
Education.—Report of the Minister of Public Instruction for the year 1881-82.
Echuca Land Commission.—Hearing of Appeals against the recommendations of the Royal Commission, before the Honorable Walter Madden, M.L.A., Minister of Lands.
Railway Loan Act 1881.—Correspondence respecting.
Severally ordered to lie on the Table.
6. COURT OF GENERAL SESSIONS OF THE PEACE AT ALEXANDRA.—The Honorable Dr. Dobson moved, pursuant to notice, That, in pursuance of the Act of Parliament numbered 502, an Address be presented to His Excellency the Governor praying that the Court of General Sessions of the Peace in and for the Central Bailiwick may be held at Alexandra.
Question—put and passed.
The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That a Message be transmitted to the Legislative Assembly requesting their concurrence in the above Address.
Question—put and passed.
7. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.
Debate ensued.
The Honorable R. S. Anderson moved, That the debate be now adjourned until Tuesday, 7th November instant.
Question—put and passed.
8. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.
The Honorable Dr. Dobson moved, That the adoption of the Report be made an Order of the Day for Tuesday next.
Question—put and passed.
9. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday next :—
“ Diseases in Stock Act Amendment Bill.—To be read a second time.”

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to validate calls and forfeitures of shares in certain registered mining companies,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 1st November, 1882.

PETER LALOR,
Speaker.

11. FORFEITURE OF SHARES VALIDATING BILL.—The Honorable Dr. Dobson moved, That the Bill intituled "*An Act to validate calls and forfeitures of shares in certain registered mining companies,*" transmitted by the above Message, be now read a first time.
Question—put and passed.
Bill read a first time, and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 7th November instant.
12. TRADES UNIONS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Cuthbert moved, That the Bill be now read a second time.
Question—put and passed.
Bill read a second time.
The Honorable H. Cuthbert moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, on Wednesday, 8th November instant, again resolve itself into the said Committee.
13. MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.
The Honorable J. Balfour moved, That the adoption of the Report be made an Order of the Day for Tuesday, 7th November instant.
Question—put and passed.
14. TRAMWAYS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. Cuthbert moved, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable H. Cuthbert, was read a third time and *passed*.
The Honorable H. Cuthbert moved, That the following be the title of the Bill :—"*An Act to facilitate the construction, and to regulate the working of Tramways.*"
Question—put and passed.
Ordered—That the Bill be transmitted to the Legislative Assembly with a Message requesting their concurrence therein.
15. ADJOURNMENT.—The Honorable James MacBain moved, by leave of the Council, that the House, at its rising, adjourn until Tuesday, 7th November instant.
Question—put and passed.
The Council adjourned at twenty-three minutes to seven o'clock until Tuesday, 7th November instant, at half-past 4 o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 7TH NOVEMBER, 1882.

ORDERS OF THE DAY :—

1. RAILWAYS CONSTRUCTION BILL.—Adjourned debate on second reading.
2. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—Adoption of Report.
3. DISEASES IN STOCK ACT AMENDMENT BILL.—To be read a second time.
4. FORFEITURE OF SHARES VALIDATING BILL.—To be read a second time.
5. MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL.—Adoption of Report.

WEDNESDAY, 8TH NOVEMBER.

General Business.

ORDER OF THE DAY :—

1. TRADES UNIONS BILL.—To be further considered in Committee.

CONTINGENT :—

On the Council going into Committee on the Railways Construction Bill—

1. Hon R. S. ANDERSON : To move, That it be an instruction to the Committee that they have power to examine witnesses and call for papers.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 7TH NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PETITIONS.—The Honorable J. A. Wallace presented a Petition from certain inhabitants of the district of Alexandra and others interested in Railway communication between Melbourne and Alexandra, praying the House would allow them to be heard at the Bar of the House by counsel, and evidence if necessary, in support of the views set forth in the Petition.
Petition received.
The Petition was read at the Table by the Clerk.
The following Petitions praying that the House would cause an investigation of their claims in respect to the proposed Railway from Warragul to Neerim, were presented by the Honorable J. G. Dougharty, as under:—
From certain residents of Neerim.
From certain residents of Jindivick.
Severally received.
The Honorable C. J. Jenner presented a Petition from the President, Councillors, and Ratepayers of the Shire of South Barwon, under the corporate seal of the said shire, praying this House to take the statements set forth in the Petition into favorable consideration, and direct that such steps as referred to in the Petition be taken for the early construction of the Railway line being extended from Hamilton to Terang.
Petition received.
Similar Petitions were presented by the Honorable G. F. Belcher, as under:—
From the President, Councillors and Ratepayers of the shire of Barrabool, under the corporate seal of the said shire.
From the President, Councillors and Ratepayers of the shire of Bellarine, under the corporate seal of the said shire.
From the Mayor, Councillors and Burgesses of the borough of Geelong West, under the corporate seal of the said borough.
From the Mayor, Aldermen, Councillors and Burgesses of the town of Geelong, under the corporate seal of the said town.
Severally received.
5. PAPERS.—The Honorable Dr. Dobson presented to the Council, by command of His Excellency the Governor—
Statistical Register of the colony of Victoria for the year 1881. Part III.—Population.
Ordered to lie on the Table.
The Honorable Dr. Dobson presented—
Court of Mines at Wodonga.—Order in Council appointing the Court of Mines within and for the Beechworth Mining District, to be held at Wodonga once at least in every six months.
Ordered to lie on the Table.
6. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time—having been read,
Debate resumed.
Question—put and passed.
Bill read a second time.
The Honorable Dr. Dobson moved, That the Bill be considered in Committee of the whole Council.
Question—put and passed.
The Honorable R. S. Anderson moved, in accordance with notice, That it be an instruction to the Committee that they have power to examine witnesses and call for papers.
Debate ensued.
Question—put and passed.
Question—That the Bill be now considered in Committee of the whole Council—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, on Tuesday, 14th November instant, again resolve itself into the said Committee.

7. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to provide for the erection of State School Buildings, for completing the Houses of Parliament and Law Courts, for extending the Geelong, Coliban, and Yan Yean Waterworks, for opening the Gippsland Lakes’ Entrance, and for improving the Warrnambool, Belfast, and Portland Harbors,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th November, 1882.

8. RAILWAY LOAN 1881 APPLICATION BILL.—The Honorable James MacBain moved, That the Bill intituled “*An Act to provide for the erection of State School Buildings, for completing the Houses of Parliament and Law Courts, for extending the Geelong, Coliban, and Yan Yean Waterworks, for opening the Gippsland Lakes’ Entrance, and for improving the Warrnambool, Belfast, and Portland Harbors,*” transmitted by the above Message, be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable James MacBain, ordered to be printed, and the second reading made an Order of the Day for to-morrow.

The Council adjourned at five minutes past seven o’clock until to-morrow at half-past four o’clock.

ORDERS OF THE DAY.

WEDNESDAY, 8TH NOVEMBER, 1882.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAY LOAN 1881 APPLICATION BILL.—To be read a second time.
2. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—Adoption of Report.
3. FORFEITURE OF SHARES VALIDATING BILL.—To be read a second time.

General Business.

ORDERS OF THE DAY :—

1. TRADES UNIONS BILL.—To be further considered in Committee.
2. DISEASES IN STOCK ACT AMENDMENT BILL.—To be read a second time.
3. MARRIED WOMEN’S PROPERTY ACT AMENDMENT BILL.—Adoption of Report.

TUESDAY, 14TH NOVEMBER.

ORDER OF DAY :—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

No. 38.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PETITION.—The Honorable W. McCulloch presented a Petition from certain Bankers, Merchants, Traders, and Farmers, praying the House to use its powerful influence in obtaining the construction of a railway from Elmore to Heathcote and Wandong, as a portion of a National Railway connecting Riverina with Melbourne.
Petition received, and ordered to lie on the Table and to be referred to the Committee on the Railways Construction Bill.
5. RAILWAY LOAN 1881 APPLICATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. MacBain moved, That this Bill be now read a second time.
Debate ensued.
Question—put and passed.
Bill read a second time.
The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.
The Honorable J. MacBain, by leave of the Council, moved, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and *passed*.
The Honorable J. MacBain moved, That the following be the title of the Bill :—“ *An Act to provide for the erection of State School Buildings, for completing the Houses of Parliament and Law Courts, for extending the Geelong, Coliban, and Yan Yean Waterworks, for opening the Gippsland Lakes' Entrance, and for improving the Warrnambool, Belfast, and Portland Harbors.*”
Question—put and passed.
Ordered—That a Message be transmitted to the Legislative Assembly, acquainting them that the Legislative Council have agreed to the Bill without amendment.
6. MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL. — The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. Balfour moved, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. Balfour, was read a third time and *passed*.
The Honorable J. Balfour moved, That the following be the title of the Bill :—“ *An Act to amend “ The Married Women's Property Act.”*”
Question—put and passed.
Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Legislative Council have agreed to the same with amendments, and desiring their concurrence therewith.

7. UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the following be the title of the Bill :—“ *An Act to further amend the law relating to the University of Melbourne.*”

Question—put and passed.

Ordered—That the Bill be transmitted to the Legislative Assembly with a Message requesting their concurrence therewith.

8. FORFEITURE OF SHARES VALIDATING BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That this Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable Dr. Dobson moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will, on Tuesday, 14th November instant, again resolve itself into the said Committee.

9. TRADES UNIONS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will on Tuesday, 14th November instant, again resolve itself into the said Committee.

10. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 21st November instant :—

“ *Diseases in Stock Act Amendment Bill.—To be read a second time.*”

11. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, that the House, at its rising, adjourn until Tuesday, 14th November instant.

Question—put and passed.

The Council adjourned at twenty-five minutes to seven o'clock until Tuesday next, at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 14TH NOVEMBER, 1882.

ORDERS OF THE DAY :—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
2. FORFEITURE OF SHARES VALIDATING BILL.—To be further considered in Committee.
3. TRADES UNIONS BILL.—To be further considered in Committee.

TUESDAY, 21ST NOVEMBER.

ORDER OF DAY :—

1. DISEASES IN STOCK ACT AMENDMENT BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

No. 39.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 14TH NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PETITIONS.—The Honorable R. S. Anderson presented a Petition from certain residents of the Mansfield district, praying that the line of railway from Yea to Mansfield might have the favorable consideration of this House.
Petition received, ordered to lie on the Table, and to be referred to the Committee on the Railways Construction Bill.
The Honorable H. Cuthbert presented a Petition from certain residents and electors of the district of Ballarat, praying that the Council would provide, in the Railway Construction Bill now being dealt with, for the extension of the line from Beeac to Scarsdale, thereby connecting the Ballarat Gold-fields with the Cape Otway Ranges.
Petition received, ordered to lie on the Table, and to be referred to the Committee on the Railways Construction Bill.
5. STATUTE OF TRUSTS AMENDMENT BILL.—The Honorable J. Balfour, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to amend "*The Statute of Trusts 1864.*"
Question—put and passed.
Bill brought in, and, on the motion of the Honorable J. Balfour, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, 21st November instant.
6. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, to-morrow, again resolve itself into the said Committee.
7. ABSENCE OF THE PRESIDENT.—The Clerk having informed the Council that the President was unavoidably absent, the Council, on the motion of the Honorable J. MacBain, and in accordance with the provisions of the Act No. 702, chose the Honorable Dr. Dobson to fill temporarily the office, and perform all the duties of the President during his absence.
8. MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The Acting President announced to the Council the receipt of the following Messages from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend 'The Married Women's Property Act,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 14th November, 1882.

PETER LALOR,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply temporarily out of the Consolidated Revenue or out of 'The Railway Loan Account '1878' certain sums of money towards the erection of the Houses of Parliament and the Law Courts, the extension of the Geelong and Coliban Waterworks, the erection of State School Buildings, and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 14th November, 1882.

PETER LALOR,
Speaker.

9. RAILWAYS TEMPORARY ADVANCES BILL (2).—The Honorable J. MacBain moved, That this Bill intituled “*An Act to apply temporarily out of the Consolidated Revenue or out of ‘The Railway Loan Account 1878,’ certain sums of money towards the erection of the Houses of Parliament and the Law Courts, the extension of the Geelong and Coliban Waterworks, the erection of State School Buildings, and for other purposes,*” be now read a first time.

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable J. MacBain, ordered to be printed, and the second reading made an Order of the Day for to-morrow.

10. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—

“*Forfeiture of Shares Validating Bill.—To be further considered in Committee.*”

“*Trades Unions Bill.—To be further considered in Committee.*”

The Council adjourned at eight minutes past ten o'clock until to-morrow at half-past four o'clock.

ORDERS OF THE DAY.

WEDNESDAY, 15TH NOVEMBER, 1882.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
2. RAILWAYS TEMPORARY ADVANCES BILL (2).—To be read a second time.
3. FORFEITURE OF SHARES VALIDATING BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY :—

1. TRADES UNIONS BILL.—To be further considered in Committee.

TUESDAY, 21ST NOVEMBER.

ORDERS OF THE DAY :—

1. DISEASES IN STOCK ACT AMENDMENT BILL.—To be read a second time.
2. STATUTE OF TRUSTS AMENDMENT BILL.—To be read a second time.

JOHN BARKER,
Clerk of the Legislative Council.

No. 40.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 15TH NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PETITIONS.—The Honorable C. J. Jenner presented a Petition from certain residents of the town and district of Colac, praying the House to take the statements set forth in the Petition into favorable consideration, and either give necessary directions and sanction to the inclusion of the line of railway between the city and district of Ballarat and the town and district of Colac as one of the Schedules of the Railway Construction Bill now before the Council, or alter the Oudit to Beeac line by striking out the word "Beeac," and inserting "Scarsdale" in lieu thereof.
Petition received, ordered to lie on the Table, and to be referred to the Committee of the whole Council on the Railways Construction Bill.
The Honorable J. Balfour presented a Petition from Thomas Davey, styling himself President of the Shire Council of Heidelberg, and Chairman of a meeting of the inhabitants, praying that the Council would examine witnesses at the bar of this House in reference to the two lines referred to in the Petition; feeling confident that the Council would do them justice, and place the terminus of the Heidelberg Railway in such a position as would be most conducive to the convenience and the interests of the mass of the population who are so deeply interested therein.
Petition received, ordered to lie on the Table, and to be referred to the Committee of the whole Council on the Railways Construction Bill.
The Honorable J. Balfour presented a Petition from the President, Councillors, and ratepayers of the Shire of Boroondara, under the corporate seal of the said shire, praying the House to hear counsel and witnesses at the bar of this House in support of the Camberwell Junction Railway.
Petition received, ordered to lie on the Table, and to be referred to the Committee of the whole Council on the Railways Construction Bill.
5. RAILWAYS TEMPORARY ADVANCES BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable J. MacBain moved, That this Bill be now read a second time.
Debate ensued.
Question—put and passed. Bill read a second time.
The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.
Question—That the President do now leave the Chair—put and passed.
The President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.
The Honorable J. MacBain, by leave of the Council, moved, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and passed.
The Honorable J. MacBain moved, That the following be the title of the Bill:—"An Act to apply temporarily out of the Consolidated Revenue or out of 'The Railway Loan Account 1878' certain sums of money towards the erection of the Houses of Parliament and the Law Courts, the extension of the Geelong and Coliban Waterworks, the erection of State School Buildings, and for other purposes."
Question—put and passed.
Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council have agreed to the Bill without amendment.

6. **DECLARATION OF MEMBER.**—The Honorable W. J. Clarke delivered to the Clerk of the Council a declaration, as hereunder set forth.

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM JOHN CLARKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of over One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the shire of Merriang, and the parishes of Kalkallo, Mickleham, and Merriang, in the county or reputed county of Bourke, the description of which lands and tenements are as follows:—Three thousand eight hundred and ninety-three acres of land, shire of Merriang, parishes of Kalkallo, Mickleham, and Merriang.

“And I further declare that such of the said lands or tenements as are situated in the municipal district of Merriang, are rated in the rate-book of such district upon a yearly value of Nine hundred and eighty pounds.

Name of Municipal District.	Owner.	No. on Rate-Book.	Situation and description of rated property.	Full nett annual value.
Shire of Merriang, Donnybrook riding	William John Clarke	74	Parishes of Kalkallo, Mickleham, and Merriang, 3,893 acres.	£980

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

“W. J. CLARKE.”

7. **RAILWAYS CONSTRUCTION BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will, on Tuesday, 21st November instant, again resolve itself into the said Committee.

8. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 21st November instant.

“*Forfeiture of Shares Validating Bill.*—To be further considered in Committee.”

“*Trades Unions Bill.*—To be further considered in Committee.”

9. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 21st November instant.

Question—put and passed.

The Council adjourned at twenty-four minutes to eleven o'clock, until Tuesday next at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 21ST NOVEMBER, 1882.

NOTICE OF MOTION:—

1. The Hon. W. Ross: To move, That a Message be transmitted to the Legislative Assembly requesting that leave be given to W. Anderson, Esq., a Member of that House, to attend, if he think fit, to be examined as a witness, and to give evidence before the Committee of the whole Council on the Railways Construction Bill.

ORDERS OF THE DAY:—

1. **DISEASES IN STOCK ACT AMENDMENT BILL.**—To be read a second time.
2. **STATUTE OF TRUSTS AMENDMENT BILL.**—To be read a second time.
3. **RAILWAYS CONSTRUCTION BILL.**—To be further considered in Committee.
4. **FORFEITURE OF SHARES VALIDATING BILL.**—To be further considered in Committee.
5. **TRADES UNIONS BILL.**—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

No. 41.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 21ST NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. WRITS—RETURN OF.—The President announced to the Council that he had received returns to Writs for the election of Members to serve for the several Provinces hereunder mentioned, issued by him on the sixth November instant, by which it appeared that the following Members had been returned for the several electoral Provinces set opposite their respective names :—

WILLIAM AUSTIN ZEAL, civil engineer, for the North Central Province.

NATHAN THORNLEY, surveyor, for the Western Province.

JAMES CAMPBELL, gentleman, for the Wellington Province.

WILLIAM PEARSON, gentleman, for the Gippsland Province.

FRANK STANLEY DOBSON, barrister-at-law, for the South-Eastern Province.

PATRICK HANNA, gentleman, for the North-Eastern Province.

5. SWEARING IN OF NEW MEMBERS.—The Honorables Dr. Dobson, Patrick Hanna, W. Pearson, W. A. Zeal, and N. Thornley, being introduced, took and subscribed the Oath required by the 32nd clause of the Constitution Act, and delivered to the Clerk declarations as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANK STANLEY DOBSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Three hundred and seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Hawthorn and Prahran, and are known as—

House, Yarra street, Hawthorn, in the occupation of Joseph Raleigh; land in Yarra street aforesaid, in my own occupation; house in Church street, Hawthorn, in the occupation of Mrs. M. A. Gilbert; and house in Darling street, Prahran, in my own occupation.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Hawthorn are rated in the rate-book of such district upon a yearly value of Two hundred and forty pounds, and that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of One hundred and thirty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council.

“F. STANLEY DOBSON.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, PATRICK HANNA, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the yearly value of Five hundred and seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of Melbourne, and are known as—

Houses, lands, and tenements, in William street, LaTrobe street, and Little Lonsdale street, in the occupation of myself and other persons.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of Five hundred and seventy pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

“PATRICK HANNA.”

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM PEARSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the yearly value of Two thousand nine hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rosedale, and are known as—

"The Kilmany Park, near Sale, containing 14,741 acres more or less, freehold land.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Rosedale are rated in the rate-book of such district upon a yearly value of Two thousand nine hundred pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

"WM. PEARSON."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM AUSTIN ZEAL, of Melbourne, civil engineer, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the yearly value of Three hundred and twenty pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Emerald Hill, and are known as—

"Crown allotment 4 sec. 1, and Crown allotment 5 sec. L, and numbered 1296, 1297, 1298, 1299, 1300, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, and 1325, in the rate-book of the said municipality; also part of Crown portion 18 parish of Prahran, and numbered 553 in the rate-book of the city of Prahran.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Emerald Hill, are rated in the rate-book of such district upon a yearly value of Three hundred and thirteen pounds; and that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Thirty-four pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

"WILLIAM AUSTIN ZEAL."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, NATHAN THORNLEY, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and thirty pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal districts of Kew, Colac, Hamilton, and Portland, and are known as—

"Part of Crown portion 71, parish of Boroondara, county of Bourke.

"Part of Crown portion 17, parish of Cundare, in the county of Grenville.

"Crown allotments 1, 2, 3, 4, 10, 10A, 51, 52, 55, 56, 57, 73, 74, 75, and 76, South Hamilton, in the county of Normanby.

"Allotment 1 of sec. 7, township of Portland, county of Normanby.

"And I further declare that such of the said lands or tenements as are situated in the municipal district of Kew, are rated in the rate-book of such district upon a yearly value of Eighty pounds; and that such of the said lands or tenements as are situate in the municipal district of Colac are rated in the rate-book of such district upon a yearly value of Twenty-five pounds; and that such of the said lands and tenements as are situate in the municipal district of Hamilton are rated in the rate-book of such district upon a yearly value of Twenty pounds; and that such of the said lands or tenements as are situate in the municipal district of Portland are rated in the rate-book of such district upon a yearly value of Five pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

"N. THORNLEY."

6. PETITIONS.—The Honorable N. Fitzgerald presented a Petition from certain settlers and others at Swan Hill, and between Swan Hill and Sandhurst, praying the House to take such steps as it might deem necessary to replace the line Kerang to Swan Hill in the Railway Bill, and so do justice to the North-western District and to the colony generally.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on "*The Railways Construction Bill.*"

A Similar Petition was presented by the Honorable W. A. Zeal, from certain residents of the City of Sandhurst, selectors, and others, in the County of Bendigo.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on "*The Railways Construction Bill.*"

The Honorable R. Simson presented a Petition from the President and Councillors of the Shire of Ripon, under the corporate seal of the said shire, praying the House to give consideration to the petition, with the view of causing the proposed line of tramway from Beaufort to Mount Cole Forest to be included in the Railways Construction Bill now before Parliament.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on "*The Railways Construction Bill.*"

The Honorable W. Pearson presented a Petition from certain residents at and around Narracan West, praying that the line of railway proposed to be made from Moe to Narracan might be extended about four or five miles to McDonald's Track.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on "*The Railways Construction Bill.*"

The Honorable J. Balfour presented a Petition from certain landowners, visitors, and residents of Phillip Island, also fishermen and others interested in the prosperity of those inhabiting the shores of Western Port Bay, praying the House would provide for the extension of the line of railway from Frankston to low-water mark at Hastings to Crib Point.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on "*The Railways Construction Bill.*"

The Honorable H. Cuthbert presented a Petition from certain Directors and Registered Managers of Mining Companies in the district of Ballarat, praying the House that, in passing the Act to validate calls, &c., to expunge Clause No. 7 therefrom.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on "*The Forfeiture of Calls Validating Bill.*"

The Honorable W. McCulloch presented a Petition from certain residents of the Alexandra district, praying the House to pass the Railway Bill as already scheduled from Yea to Mansfield.

Petition received, and referred to the Committee of the whole on "*The Railways Construction Bill.*"

7. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Messages from His Excellency the Governor, which were read, and are as follow :—

REPLY TO ADDRESS FROM THE LEGISLATIVE COUNCIL TO HER MAJESTY THE QUEEN
ON THE SUCCESSFUL TERMINATION OF THE WAR IN EGYPT.

NORMANBY,

Governor.

Message No. 2.

With reference to the Address conveying to Her Majesty the Queen the congratulation of the Legislative Council on the brilliant victories that have attended Her Majesty's combined forces in Egypt, the Governor acquaints the Legislative Council that he has received from the Right Honorable the Secretary of State for the Colonies a Despatch commanding him to inform the House that Her Majesty the Queen is much gratified at receiving this loyal and kind congratulation, and at the same time to convey Her Majesty's thanks to the Legislative Council for the same.

Government House,

Melbourne, 15th November, 1882.

Ordered to lie on the Table and to be printed.

NORMANBY,

Governor.

Message.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Act of the present session, presented to him by the Clerk of the Parliaments, viz. :—

"An Act to provide for the erection of State School Buildings; for completing the Houses of Parliament and Law Courts; for extending the Geelong, Coliban, and Yan Yean Waterworks; for opening the Gippsland Lakes Entrance; and for improving the Warrnambool, Belfast, and Portland Harbors."

Government House,

Melbourne, 14th November, 1882.

Ordered to lie on the Table.

8. PAPERS.—The Honorable Dr. Dobson presented to the Council by command of His Excellency the Governor—

Land Act 1869.—Order in Council—Regulation.

Supply of Water to the Northern Plains.—Irrigation.—First Report.

Southon Board.—Minutes of evidence taken by the Board appointed to enquire into the cases connected with the recent outbreak of smallpox.

Severally ordered to lie on the Table.

9. RAILWAYS CONSTRUCTION BILL.—The Honorable W. Ross moved, in accordance with notice, That a Message be transmitted to the Legislative Assembly requesting that leave be given to W. Anderson, Esq., a Member of that House, to attend, if he think fit, to be examined as a witness, and to give evidence before the Committee of the whole Council on "*The Railways Construction Bill.*"

Question—put and passed.

10. STATUTE OF TRUSTS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. Balfour moved, That this Bill be now read a second time.

Debate ensued.

Question—put and passed.—Bill read a second time.

The Honorable J. Balfour moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will, on Tuesday, 28th November instant, again resolve itself into the said Committee.

11. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will, to-morrow, again resolve itself into the said Committee.

12. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to apply out of the Consolidated Revenue the sum of Six hundred and fifty-three thousand seven hundred and eighty-five pounds to the service of the year One thousand eight hundred and eighty-two and three,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 21st November, 1882.

PETER LALOR,
Speaker.

13. CONSOLIDATED REVENUE BILL (3).—The Honorable J. MacBain moved, That the Bill intituled “ *An Act to apply out of the Consolidated Revenue the sum of Six hundred and fifty-three thousand seven hundred and eighty-five pounds to the service of the year One thousand eight hundred and eighty-two and three,*” transmitted by the above Message, be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable J. MacBain, with leave of the Council, moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.

The Honorable J. MacBain, with the leave of the Council, moved, That the Report be now adopted.

Question—put and passed.

The President, having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and passed.

The Honorable J. MacBain moved, That the title of the Bill be “ *An Act to apply out of the Consolidated Revenue the sum of Six hundred and fifty-three thousand seven hundred and eighty-five pounds to the service of the year One thousand eight hundred and eighty-two and three.*”

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.

14. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have given permission to William Anderson, Esq., a Member of the Assembly, to give evidence before a Committee of the Legislative Council on the Railways Construction Bill.

Legislative Assembly Chamber,
Melbourne, 21st November, 1882.

PETER LALOR,
Speaker.

15. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed as under :—

“ *Diseases in Stock Act Amendment Bill.—To be read a second time*”—until Tuesday, 28th November instant ;

“ *Forfeiture of Shares Validating Bill.—To be further considered in Committee*”—until to-morrow ;

“ *Trades Unions Bill.—To be further considered in Committee*”—until to-morrow.

The Council adjourned at five minutes past eleven o'clock until to-morrow at half-past four o'clock.

ORDERS OF THE DAY.

WEDNESDAY, 22ND NOVEMBER, 1882.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.

2. FORFEITURE OF SHARES VALIDATING BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY :—

1. TRADES UNIONS BILL.—To be further considered in Committee.

TUESDAY, 28TH NOVEMBER.

1. The Hon. W. A. ZEAL : To ask the Honorable the Solicitor-General if the Government contemplate the removal of the present Railway Falls Bridge, adjacent to the Flinders street station, and the re-erection of a new bridge in its place.

ORDERS OF THE DAY :—

1. DISEASES IN STOCK ACT AMENDMENT BILL.—To be read a second time.

2. STATUTE OF TRUSTS AMENDMENT BILL.—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

No. 42.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 22ND NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. **SWEARING IN OF NEW MEMBER.**—The Honorable James Campbell being introduced, took and subscribed the Oath required by the 32nd clause of the Constitution Act, and delivered to the Clerk the declaration hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES CAMPBELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and seventy-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of the Shire of Bairnsdale, and are known as—

“Clifton Park Estate.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of the Shire of Bairnsdale are rated in the rate-book of such district upon a yearly value of One hundred and seventy-two pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council.

“JAMES CAMPBELL.”

5. **PETITIONS.**—The Honorable W. Ross presented a Memorial from William Crowe, styling himself Chairman of the conference of the Villiers Railway League (constituted of representatives from the Borough of Koroit, the Borough and Shire of Warrnambool, and the Shire of Belfast), praying the House would take the resolutions set forth in the Memorial into most favorable consideration, and retain the Koroit Railway as scheduled in the Railway Bill now before the House.

Petition received, and read by the Clerk.

The Honorable H. Cuthbert presented a Petition from certain ratepayers and inhabitants of the Shire of Creswick, residing in the vicinity of the proposed line of railway from Creswick to Daylesford, praying that the House would, seeing the urgency of the case, take the matter referred to in the Petition into serious consideration, and, if possible, take such steps as would result in the whole of the line referred to in the Petition, from Creswick to Daylesford, being passed by the Legislature during the present session of Parliament.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on “*The Railways Construction Bill.*”

The Honorable W. A. Zeal presented a Petition from certain citizens, merchants, tradesmen, miners, farmers, vigneron, and other residents of Sandhurst, Eaglehawk, Bendigo, and neighbouring districts, praying the House to insert in the Railway Bill now before this House the Sandhurst and Heathcote line, with the view to its being passed into law, which line, the petitioners respectfully urged, is highly necessary to the prosperity and advancement of the large, populous, and rapidly progressing districts through which it would run.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable T. F. Cumming presented a Petition from M. C. Nott, styling himself Chairman of a public meeting held at Ararat, praying the House would take into favorable consideration certain resolutions set out in the Petition adopted at such meeting.

Petition received, and referred to the Committee of the whole on “*The Railways Construction Bill.*”

6. **PAPER.**—The Honorable Dr. Dobson presented, by command of His Excellency the Governor—
Australasian Statistics for the Year 1881.
Ordered to lie on the Table.

7. **FORFEITURE OF SHARES VALIDATING BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

The Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

The Honorable Dr. Dobson moved, That the third reading of the Bill be made an Order of the Day for Tuesday, 28th November inst.

Question—put and passed.

8. **PETITION.**—The Honorable J. Graham presented a Petition from certain landowners, ratepayers, and residents of the Township of Templestowe and shire of Bulleen, praying the House to reject any Bill by which the terminus of the Heidelberg Railway might be placed in such an extraordinary situation as mentioned in the Petition; and that this House would examine witnesses at the Bar in the matter, that justice might be done.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on "*The Railways Construction Bill.*"

9. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the raising of money for the Redemption or Payment of certain Debentures,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1882.

10. **VICTORIAN DEBENTURES REDEMPTION BILL.**—The Honorable J. MacBain moved, That the Bill transmitted by the above Message intituled "*An Act to authorize the raising of money for the Redemption or Payment of certain Debentures,*" be now read a first time.

Question—put and passed.—Bill read a first time, and ordered to be printed.

The Honorable J. MacBain moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.—Bill read a second time.

The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and agreed to the same without amendment.

The Honorable J. MacBain moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and *passed*.

The Honorable J. MacBain moved, That the following be the title of the Bill:—"*An Act to authorize the raising of money for the Redemption or Payment of certain Debentures.*"

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council have agreed to the same without amendment.

11. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the creation of Victorian Government Inscribed Stock, and for the Inscription and Transfer thereof in London,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1882.

12. **VICTORIAN GOVERNMENT INSCRIBED STOCK BILL.**—The Honorable J. MacBain moved, That the Bill transmitted by the above Message intituled "*An Act to provide for the creation of Victorian Government Inscribed Stock, and for the Inscription and Transfer thereof in London*" be now read a first time.

Question—put and passed. Bill read a first time, and ordered to be printed.

The Honorable J. MacBain moved, That the Bill be now read a second time.

Question—put and passed.—Bill read a second time.

The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill, and agreed to the same without amendment.

The Honorable J. MacBain moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and *passed*.

The Honorable J. MacBain moved, That the following be the title of the Bill "*An Act to provide for the creation of Victorian Government Inscribed Stock, and for the Inscription and Transfer thereof in London.*"

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.

13. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the Redemption and Payment of certain Debentures by increasing the amount of Victorian Government Stock,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1882.

14. HOBSON'S BAY AND BENDIGO DEBENTURES BILL.—The Honorable J. MacBain moved, That the Bill transmitted by the above Message intituled "*An Act to provide for the Redemption and Payment of certain Debentures by increasing the amount of Victorian Government Stock,*" be now read a first time.

Question—put and passed. Bill read a first time, and ordered to be printed.

The Honorable J. MacBain moved, That the Bill be now read a second time.

Question—put and passed.—Bill read a second time.

The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same without amendment.

The Honorable J. MacBain moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and *passed*.

The Honorable J. MacBain moved, That the following be the title of the Bill :—"*An Act to provide for the Redemption and Payment of certain Debentures by increasing the amount of Victorian Government Stock.*"

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.

15. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will, on Tuesday, 28th November instant, again resolve itself into the said Committee.

16. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 28th November instant :—

"*Trades Unions Bill.—To be further considered in Committee.*"

17. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, That the House at its rising, adjourn until Tuesday, 28th November instant.

Question—put and passed.

The Council adjourned at five minutes to eleven o'clock until Tuesday next at half-past four o'clock.

ORDERS OF THE DAY.

TUESDAY, 28TH NOVEMBER, 1882.

1. The Hon. W. A. ZEAL : To ask the Honorable the Solicitor-General if the Government contemplate the removal of the present Railway Falls Bridge, adjacent to the Flinders street station, and the re-erection of a new bridge in its place.
2. The Hon. P. RUSSELL : To ask the Honorable the Solicitor-General if it is the intention of the Government to deal with the Land Tax this Session, by substituting poundage of value instead of carrying capabilities of landed property.

ORDERS OF THE DAY :—

1. DISEASES IN STOCK ACT AMENDMENT BILL.—To be read a second time.
2. STATUTE OF TRUSTS AMENDMENT BILL.—To be further considered in Committee.
3. FORFEITURE OF SHARES VALIDATING BILL.—To be read a third time.
4. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
5. TRADES UNIONS BILL.—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

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Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 28TH NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Messages from His Excellency the Governor, which were read and are as follow :—

NORMANBY,

Governor.

Message No. .

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“ *An Act to amend ‘ The Married Women’s Property Act.’* ”

“ *An Act to apply temporarily out of the Consolidated Revenue or out of ‘ The Railway Loan Account 1878 ’ certain sums of money towards the erection of the Houses of Parliament and the Law Courts, the extension of the Geelong and Coliban Waterworks, the erection of State School Buildings, and for other purposes.* ”

Government House,
Melbourne, 22nd November, 1882.

NORMANBY,

Governor.

Message No. .

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“ *An Act to apply out of the Consolidated Revenue the sum of Six hundred and fifty-three thousand seven hundred and eighty-five pounds to the service of the year One thousand eight hundred and eighty-two and three.* ”

“ *An Act to authorize the raising of money for the Redemption or Payment of certain Debentures.* ”

“ *An Act to provide for the creation of Victorian Government Inscribed Stock, and for the Inscription and Transfer thereof in London.* ”

“ *An Act to provide for the Redemption and Payment of certain Debentures by increasing the amount of Victorian Government Stock.* ”

Government House,
Melbourne, 23rd November, 1882.

5. WRITS—RETURN OF.—The President announced to the Council that he had received a return to the Writ he had issued for the election of Two Members to serve for the Electoral Province of South Yarra, by which it appeared that James MacBain, landowner, and Frederick Thomas Sargood, warehouseman, had been duly elected in pursuance of the Writ.
6. SWEARING IN OF NEW MEMBERS.—The Honorable J. MacBain and the Honorable Frederick Thomas Sargood, being introduced, took and subscribed the Oath required by the 32nd clause of the Constitution Act, and delivered to the Clerk the declarations as hereunder set forth :—

“ In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES MACBAIN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Three hundred and eighty pounds above all charges and incumbrances affecting the same,

other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as—

“Land containing 7 acres 2 roods and 5 perches or thereabouts, part of Crown portion 27 in parish of Prahran, county of Bourke, with dwelling-house, out-houses, stable, &c., &c., erected thereon, in my own occupation.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Three hundred and eighty pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council.

“JAS. MACBAIN.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, FREDERICK THOMAS SARGOOD, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the yearly value of Six hundred and five pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Caulfield, and are known as—

“Forty-five acres of land and dwelling-house in East St. Kilda, known as Ripon Lea.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield, are rated in the rate-book of such district upon a yearly value of Six hundred and five pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

“F. T. SARGOOD.”

7. PETITIONS.—The Honorable James Lorimer presented a Petition from the Mayor, Councillors, and Citizens of the City of Richmond, under the corporate seal of the said City, praying that in the consideration of the Glen Iris Line of Railway, this House would make it a condition that no extra level crossings be made on this line within the City of Richmond.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable P. Hanna presented a Petition from James MacKenzie, styling himself Vice-President, and William Bodkin, styling himself Secretary of the United Railway League of Picola and Yalca, praying the House would take the Petition into favorable consideration, and allow and direct that evidence as to the lines of railway included in the Railways Construction Bill, from Numurkah towards Picola *via* Nathalia and a line due north from Numurkah along the proposed line to Tocumwal for seven miles, thence towards Picola and their several claims to superiority might be taken at the Bar of this House.

Petition received.

The Honorable T. F. Cumming presented a Petition from the Mayor, Councillors, and Burgesses of the Borough of Hamilton, under the corporate seal of the said Borough, praying the House to take the statements set forth in the Petition into favorable consideration, and to so decide as to provide for the alteration of the Railway line from Koroit, and the early construction both of that line and the line of railway towards Coleraine.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable W. A. Zeal presented a Petition from certain residents in the Parishes of Baringhup East, Neereman, Eddington, Laanecoorie, and Maldon, praying the House to take such steps as it might think fit to cause the information referred to in the Petition to be laid before the Council prior to the final passing of the Railways Construction Bill, in which the line of Railway from Maldon to Laanecoorie is included as would enable the Council to judge for itself.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on the Railways Construction Bill.

The Honorable W. A. Zeal presented a Petition from certain residents of Spring Hill, Kingston, Smeaton, Ullima, and other portions of the mining and agricultural district stretching from Creswick to Carisbrook and Newstead respectively, praying that the House would, in dealing with the Railway Bill, include such a line as the Petitioners suggest, or some Railway Line giving similar accommodation.

Petition received.

The Petition was read at the Table by the Clerk, and referred to the Committee of the whole on the Railways Construction Bill.

8. PAPERS.—The Honorable Dr. Dobson presented, by command of His Excellency the Governor—

Public Charities—Report of Inspector for the year ended 30th June, 1882.

Savings Banks—Statements and Returns, for the year ended 30th June, 1882.

Severally ordered to lie on the Table.

The Honorable Dr. Dobson presented—

Act No. 737—An Estimate of the Expenditure which the Board of Land and Works proposes to incur during the year ending 30th June, 1883, under Act 737, for the purposes mentioned in the Schedule to this Act.

Ordered to lie on the Table.

9. **STATUTE OF TRUSTS AMENDMENT BILL.**—The Order of the day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.
The Honorable J. Balfour moved, That the adoption of the Report be made an Order of the Day for to-morrow.
Question—put and passed.
10. **FORFEITURE OF SHARES VALIDATING BILL.**—The Order of the Day for the third reading of this Bill being read, the Honorable Dr. Dobson moved, That the Report be now adopted.
Question—put and passed.
The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.
The Honorable Dr. Dobson moved, That the following be the title of the Bill:—*An Act to validate Calls and Forfeitures of Shares in certain Registered Mining Companies.*
Question—put and passed.
Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Legislative Council have agreed to the Bill with amendments, and desiring their concurrence therewith.
11. **RAILWAYS CONSTRUCTION BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, to-morrow, again resolve itself into the said Committee.
12. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow:—
“*Diseases in Stock Act Amendment Bill.—To be read a second time.*”
“*Trades Unions Bill.—To be further considered in Committee.*”
- The Council adjourned at nineteen minutes to eleven o'clock until to-morrow at half-past four o'clock.

ORDERS OF THE DAY.

WEDNESDAY, 29TH NOVEMBER, 1882.

1. The Hon. W. A. ZEAL: To ask the Honorable the Solicitor-General if the Government contemplate the removal of the present Railway Falls Bridge, adjacent to the Flinders street station, and the re-erection of a new bridge in its place.
2. The Hon. P. RUSSELL: To ask the Honorable the Solicitor-General if it is the intention of the Government to deal with the Land Tax this Session, by substituting poundage of value instead of carrying capabilities of landed property.

Government Business.

ORDER OF THE DAY:—

1. **RAILWAYS CONSTRUCTION BILL.**—To be further considered in Committee.

General Business.

ORDERS OF THE DAY:—

1. **DISEASES IN STOCK ACT AMENDMENT BILL.**—To be read a second time.
2. **STATUTE OF TRUSTS AMENDMENT BILL.**—Adoption of Report.
3. **TRADES UNIONS BILL.**—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 44.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 29TH NOVEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PETITIONS.—The Honorable Francis Robertson presented a Petition from James Moodie, styling himself President of the Costerfield Railway League, praying the House would cause the line from Heathcote to Sandhurst to be reinstated in the Railways Construction Bill.
Petition received.
The Honorable T. F. Cumming presented a Petition from certain residents of the Belfast district, praying the House would take the statements set forth in the Petition into favorable consideration, and grant such relief as to the House might seem fit.
Petition received.
Petition read by the Clerk, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.
5. RAILWAYS CONSTRUCTION BILL.—The Honorable James Balfour, with the leave of the Council, moved, without notice, That a Message be transmitted to the Legislative Assembly requesting that leave be given to Robert Harper, Esq., a Member of that House, to attend, if he think fit, to be examined as a witness, and to give evidence before the Committee of the whole Council on the Railways Construction Bill.
Question—put and passed.
6. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, on Tuesday, 5th December next, again resolve itself into the said Committee.
7. MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—
MR. PRESIDENT—
The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to validate Calls and Forfeitures of Shares in certain Registered Mining Companies,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.
PETER LALOR,
Legislative Assembly Chamber,
Melbourne, 29th November, 1882. Speaker.
- MR. PRESIDENT—
The Legislative Assembly acquaint the Legislative Council that they have given permission to Robert Harper, Esq., a Member of the Assembly, to give evidence before a Committee of the Legislative Council on the Railways Construction Bill.
PETER LALOR,
Legislative Assembly Chamber,
Melbourne, 29th November, 1882. Speaker.
8. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 5th December next :—
“*Diseases in Stock Act Amendment Bill.—To be read a second time.*”

9. **STATUTE OF TRUSTS AMENDMENT BILL.**—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. Balfour moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. Balfour, was read a third time and *passed*.

The Honorable J. Balfour moved, That the following be the title of the Bill :—“*An Act to amend the Statute of Trusts 1864.*”

Question—put and passed.

Ordered—That the Bill be transmitted to the Legislative Assembly with a Message requesting their concurrence therewith.

10. **TRADES UNIONS BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman reported progress, and asked leave to sit again.

Resolved—That this House will, on Tuesday, 5th December next, again resolve itself into the said Committee.

11. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, by leave of the Council, That the House, at its rising, adjourn until Tuesday, 5th December next.

Question—put and passed.

The Council adjourned at quarter past ten o'clock until Tuesday next at half-past four o'clock.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 5TH DECEMBER, 1882.

NOTICE OF MOTION :—

1. The Hon. J. A. WALLACE : To move, That there be laid on the Table of this House a Return showing the following particulars :—The amount of money lent, advanced, or given for Waterworks or Water Supply purposes to each of the shires, boroughs, and other local or public bodies or trusts (except the Yan Yean Water Supply) in the colony, the amount each has agreed to pay, has paid, balance of principal due, amount of interest on each such loan or advance, the interest paid, the interest due, in each case, with names and amounts respectively ; the aggregates of the above details respectively.

ORDERS OF THE DAY :—

1. **RAILWAYS CONSTRUCTION BILL.**—To be further considered in Committee.
2. **DISEASES IN STOCK ACT AMENDMENT BILL.**—To be read a second time.
3. **TRADES UNIONS BILL.**—To be further considered in Committee.

JOHN BARKER,
Clerk of the Legislative Council.

No. 45.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH DECEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. WRITS—RETURN OF.—The President announced to the Council that he had received returns to Writs for the election of Members to serve for the several Provinces hereunder mentioned, issued by him on the 6th November last, by which it appeared that the following Members had been returned for the several Electoral Provinces set opposite their respective names :—

CORNELIUS JOB HAM, for the Melbourne Province.
 DONALD MELVILLE, grain broker, for the Southern Province.
 GEORGE MEARES, for the North Yarra Province.
 FRANCIS EDIS BEAVER, for the North Yarra Province.
 FRANCIS ORMOND, for the South-Western Province.
 DAVID CHAPLIN STERRY, for the Northern Province.

The President also announced that he had received from the Returning Officer for the Nelson Province a telegram stating that he had declared James Williamson duly elected for such Province ; and also from Charles Dicker, Returning Officer for the North-Western Province, a telegram stating that the Writ issued for the election of Three Members to serve in the Legislative Council for such Province had been endorsed with the names of James Bell, merchant ; David Coutts, farmer ; and George Young, auctioneer, as the Members elected in pursuance of said Writ.

5. SWEARING IN OF NEW MEMBERS.—The Honorables C. J. Ham, F. E. Beaver, D. Melville, F. Ormond, G. Meares, C.M.G., D. C. Sterry, and James Williamson, being introduced, took the Oath required by the 32nd clause of the Constitution Act, and delivered to the Clerk the declarations as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, CORNELIUS JOB HAM, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Five hundred pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further that such lands or tenements are situated in the municipal district of Prahran, and are known as—

“Dwelling house and premises (known as ‘Lalbert’) situated in the Orrong road, Prahran, with about 11 acres of land in my own occupation.

“And I further declare that such of the said lands or tenements as are situated in the municipal district of Prahran, are rated in the rate-book of such district upon a yearly value of Four hundred and fifteen pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

“C. J. HAM.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANCIS EDIS BEAVER, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the yearly value of One hundred and forty pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of the shire of Jifka, and are known as—

“Thirty acres of freehold land, more or less, with residence and out-offices erected thereon, situated at High street, Northcote, and in my own occupation.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of the shire of Jika are rated in the rate-book of such district upon a yearly value of One hundred and forty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

"F. E. BEAVER."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, DONALD MELVILLE, of Albion street West Brunswick, grain broker, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the yearly value of One hundred and fifty-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Brunswick and Pyalong, and are known as—

"House and land situate in Albion street west, house and land situate in Hope street, and land situate in Duckett street, all in the borough of Brunswick, and land containing (206) two hundred and six acres, situate in the shire of Pyalong."

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Brunswick are rated in the rate-book of such district upon a yearly value of One hundred and thirty pounds, and that such of the said lands or tenements as are situate in the municipal district of Pyalong are rated in the rate-book of such district upon a yearly value of Twenty-eight pounds, and that the said lands or tenements consist of house and land in Albion street west, house and land in Hope street, and land in Duckett street, all in the borough of Brunswick, and land containing 206 acres situate in the shire of Pyalong.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

"D. MELVILLE."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANCIS ORMOND, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, county of Bourke, and are known as—

"Five acres three roods and thirty perches of land, part section 29 said parish, together with the dwellings thereon, and known as 'Egdleen.'

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Four hundred and fifty pounds, and are in my own occupation.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council.

"FRANCIS ORMOND."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE MEARES, C.M.G., do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the yearly value of One hundred and sixty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Melbourne, and are known as—

"Grosvenor House, Walsh street, South Yarra. Citizens' Roll, Albert Ward—Walsh street, House, Freehold.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of One hundred and sixty pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

"GEO. MEARES."

"In compliance with the provisions of the Act 45 Victoria No. 702, I, DAVID CHAPLIN STERRY, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the yearly value of one hundred and eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Sandhurst, and are known as—

"The Gold Mine's Hotel, Inglewood Road.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Sandhurst are rated in the rate-book of such district upon a yearly value of one hundred and eight pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

"D. C. STERRY."

"In compliance with the provisions of the Act 45 Victoria No. 702, I, JAMES WILLIAMSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of Prahran, and are known as—

" 'Tintern,' Toorak.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran, are rated in the rate-book of such district upon a yearly value of Four hundred pounds.

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

" JAS. WILLIAMSON."

6. PETITIONS.—The Honorable N. Thornley presented a Petition from certain residents of the Borough of Warrnambool and district, praying the House would take the statements set forth in the Petition into favorable consideration, and grant the line referred to in the Petition with the extension to the Port of Warrnambool.

Petition received.

Petition read by the Clerk, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable R. S. Anderson presented a Petition from Robt. Topping, styling himself Mayor, and R. Geoghegan, styling himself Town Clerk, of the Borough of Sale, praying the House would take the statements in the Petition into favorable consideration, and determine that the railway to Bairnsdale should be extended from Sale *via* Stratford as originally proposed.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable J. Balfour presented a Petition from certain persons praying the House to substitute Oakleigh for Ringwood as the starting point for Fern Tree Gully line.

Petition received.

Petition read by the Clerk, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable J. Balfour presented a Petition from certain landowners and residents of the Shires of Oakleigh and Berwick, North Riding, and of others interested therein, praying the House would so amend the Railway Bill as to substitute Oakleigh or some point on the Gippsland line near to Oakleigh as the starting point for the line to Fern Tree Gully, and that the same might be made as nearly direct as possible from thence to the terminus.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable J. Buchanan presented a Petition from certain inhabitants, ratepayers, owners of land, &c., at Gembrook, praying the House to take into favorable consideration, and in the Railway Bill now before the House, to provide for a horse tramway from the railway station, Pakenham, to Gembrook, a distance of about nine miles.

Petition received and read at the Table by the Clerk.

The Honorable W. E. Stanbridge presented a petition from the Mayor, councillors, and burgesses of the Borough of Daylesford, under the corporate seal of the said borough, praying the House to order that the line of railway from Creswick to Spring Hill, now in the Railways Construction Bill before the House, might be extended so that it might terminate in the town of Daylesford.

Petition received.

Petition read at the Table by the Clerk, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable W. A. Zeal presented a Petition from certain ratepayers and inhabitants of the Borough of Daylesford and vicinity, praying the House to take such action as might be necessary to have the continuation of a line of railway from Creswick to Daylesford included in the Railway Bill now before the House.

Petition received and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

7. WATERWORKS OR WATER SUPPLY FOR SHIRES, &C.—LOANS TO.—The Honorable J. A. Wallace moved, in accordance with notice, That there be laid on the Table of this House a Return showing the following particulars:—The amount of money lent, advanced, or given for Waterworks or Water Supply purposes to each of the shires, boroughs, and other local or public bodies or trusts (except the Yan Yean Water Supply) in the colony, the amount each has agreed to pay, has paid, balance of principal due, amount of interest on each such loan or advance, the interest paid, the interest due, in each case, with names and amounts respectively; the aggregates of the above details respectively.

Question—put and passed.

8. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will, this day, again resolve itself into the said Committee.

9. SWEARING IN OF NEW MEMBERS.—The Honorables James Bell and David Coutts, being introduced, took and subscribed the Oath required by the 32nd clause of the Constitution Act, and delivered to the Clerk the declarations as hereunder set forth:—

"In compliance with the provisions of the Act 45 Victoria No. 702, I, JAMES BELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One

hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of Borough of Dunolly, and are known as—

“Allotments 4, 5, 6, 7, and 9, section 26, Town of Dunolly.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Borough of Dunolly are rated in the rate-book of such district upon a yearly value of One hundred and twenty pounds, and that such of the said lands or tenements as are situate in the municipal district of _____, are rated in the rate-book of such district upon a yearly value of _____ hundred and _____ pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

“JAMES BELL.”

“In compliance with the provisions of the Act 45 Victoria, No 702, I, DAVID COUTTS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the yearly value of Four hundred and twenty-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment, and further that such lands or tenements are situated in the municipal districts of East Loddon and Korong shires, and are known as—

“‘Elmswood,’ and in the parish of Salisbury West.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of East Loddon shire are rated in the rate-book of such district upon a yearly value of Three hundred and eighty-six pounds; and that such of the said lands or tenements as are situate in the municipal district of Korong shire are rated in the rate-book of such district upon a yearly value of Thirty-six pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.

“DAVID COUTTS.”

10. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will, to-morrow, again resolve itself into the said Committee.

11. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—

“*Diseases in Stock Act Amendment Bill.—To be read a second time,*”

“*Trades Unions Bill.—To be further considered in Committee.*”

The Council adjourned at one minute to eleven o'clock until to-morrow at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 46.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH DECEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. WRITS—RETURN TO.—The President announced to the Council that he had received returns to Writs for the election of Members to serve for the several Provinces hereunder mentioned, issued by him on the 6th November last, by which it appeared that the following Members had been returned for the several Electoral Provinces set opposite their respective names, viz. :—

JAMES WILLIAMSON, Esq., for the Nelson Province.	}	For the North Western Province.
JAMES BELL, merchant,		
DAVID COUTTS, farmer,		
GEORGE YOUNG, auctioneer,		

5. SWEARING IN OF NEW MEMBER.—The Honorable George Young, being introduced, took the Oath required by the 32nd clause of the Constitution Act, and delivered to the Clerk the declaration hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE YOUNG, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and fifty-four pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Wimmera and Ballaarat, and are known as—

“Lands in the parish of Kewell, and land and buildings in the city of Ballaarat, in my own occupation.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Wimmera are rated in the rate-book of such district upon a yearly value of Eighty-four pounds, and that such of the said lands or tenements as are situate in the municipal district of Ballaarat are rated in the rate-book of such district upon a yearly value of Seventy pounds.

“And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council.

“GEORGE YOUNG.”

6. PETITIONS.—The Honorable J. A. Wallace presented a Petition from the Council of the Shire of Buln Buln, under the corporate seal of the said shire, praying the House would take into favorable consideration the claims of the residents of Neerim and Jindivick to have the proposed Railway constructed where the Petitioners desire, and where it would be a permanent benefit to them and to the district at large.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable J. A. Wallace presented a Petition from certain residents and persons directly interested in the proposed line of Railway from Warragul towards Neerim, praying the House would leave the Schedule to the Railways Construction Bill unaltered as regards the Warragul to Neerim Railway, and take such evidence as the Council might deem necessary to determine the most eligible route of the proposed line to Poowong.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable D. Melville presented a Memorial from Thomas Davey, styling himself President of the Heidelberg Shire Council, praying the House to give effect to the opinion expressed in the Memorial by providing that the line in the Railways Construction Bill, referred to in the Memorial, be described as a line from Alphington, passing through the village of Ivanhoe, and terminating at a point between the Austin Hospital and the New road, Heidelberg, with such limit of deviation as to this House should be deemed advisable.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable J. A. Wallace presented a Petition from the President and members of the Shire of Avon in council assembled, under the corporate seal of the said shire, praying connection by railway from Sale to Stratford direct, which would place Bairnsdale and beyond in communication with Sale.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable J. A. Wallace presented a Petition from certain residents of the Town of Stratford and neighbourhood, in the district of North Gippsland, praying the House would give consideration to the views expressed in the Memorial.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable J. A. Wallace presented a Petition from certain ratepayers, residents of the King River district, in the shire of Oxley, praying that the Council would have inserted in the Railway Bill now before the House, a short branch line from the North-Eastern to Moyhu, a distance of 13½ miles of level country, there being no engineering difficulties in the way.

Petition received.

Petition read at the Table by the Clerk, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

7. PAPER.—The Honorable Dr. Dobson presented, by command of His Excellency the Governor—Melbourne Harbor Trust—The Accounts of the—for the Quarter ended 30th June, 1882.
Ordered to lie on the Table.

8. RAILWAYS CONSTRUCTION BILL.—The Honorable J. Bell moved, by leave of the Council, without notice, That a Message be transmitted to the Legislative Assembly, requesting that leave be given to Thomas Langdon, Esq., a Member of that House, to attend, if he think fit, to be examined as a witness, and to give evidence before the Committee of the whole Council on the Railways Construction Bill.

Question—put and passed.

9. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman reported progress, and asked leave to sit again.
Resolved—That this House will, to-morrow, again resolve itself into the said Committee.

10. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have given permission to Thomas Langdon, Esq., a Member of the Legislative Assembly, to give evidence before a Committee of the Legislative Council, on the Railways Construction Bill.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th December, 1882.

11. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—

“ *Diseases in Stock Act Amendment Bill.*—*To be read a second time,*”

“ *Trades Unions Bill.*—*To be further considered in Committee.*”

The Council adjourned at twenty-five minutes past eleven o'clock until to-morrow at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 7TH DECEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor, which was read, and is as follows :—

NORMANBY,

Governor.

Message No.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“*An Act to validate Calls and Forfeitures of Shares in certain registered Mining Companies.*”

Government House,

Melbourne, 6th December, 1882.

Ordered to lie on the Table.

5. NAVAL AND ARTILLERY FORCES.—The Honorable F. T. Sargood moved, pursuant to notice, That there be laid before this House Returns in the following form—

I. A RETURN of all Officers of the Victorian Naval Forces (exclusive of the Naval Reserve) giving—

Name.	Rank.	Length of service in the Royal Navy.	Rank while in the Royal Navy.	Date of retirement from the Royal Navy.	Date of appointment or transfer to Colonial Service.	If passed through the course of instruction as carried out at Portsmouth and Chatham.	Date of such passing.	If qualified in gunnery.	Date of so qualifying.

II. A RETURN of all the Officers of the paid Artillery Force, giving—

Name.	Rank.	Length of Service in the Royal Artillery.	In which branch—Horse, Field, or Garrison.	Rank while in the Royal Artillery.	Date of Retirement from the Royal Artillery.	If passed through a course of gunnery at the school of gunnery at Shoeburyness or Woolwich.	Date of passing.

Question—put and passed.

6. GIPPSLAND TRAMWAYS AND RAILWAYS COMMITTEE.—The Honorable J. Campbell moved, pursuant to notice, That a Committee be appointed to enquire into and report upon the proposed Beaconsfield, Drouin to Poowong, Warragul to Neerim, and Moe to Narracan lines of Railway, and upon the relative merits of Tramways and Railways for the special requirements of those districts ; such Committee to consist of the Honorables F. T. Sargood, W. A. Zeal, W. Ross, J. A. Wallace, N. Thornley, and the Mover, three to form a quorum ; with power to send for persons, papers, and records, to move from place to place, and to sit on days on which the Council does not meet.

Debate ensued.

The Honorable J. A. Buchanan moved, That the debate be now adjourned.

Question—That the debate be now adjourned until this day week—put and passed.

7. **RAILWAYS CONSTRUCTION BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman reported progress, and asked leave to sit again.
Resolved—That this House will, on Wednesday next, again resolve itself into the said Committee.
8. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, by leave of the Council, without notice, That the House, at its rising, adjourn until Wednesday, 13th December instant.
Question—put and passed.
9. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until Wednesday, 13th December next :—
“*Diseases in Stock Act Amendment Bill.—To be read a second time,*”
“*Trades Unions Bill.—To be further considered in Committee.*”

The Council adjourned at twenty-one minutes to eleven o'clock until Wednesday next at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 48.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 13TH DECEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. RESIGNATION OF SEAT BY THE HONORABLE SIR C. SLADEN.—The President announced that he had received from His Excellency the Governor's Private Secretary the resignation by the Honorable Sir C. Sladen of his seat as Member for the Electoral Province of Nelson.
5. PETITIONS.—The Honorable C. J. Ham presented a Petition from the Mayor of Melbourne, under the corporate seal of the said City, praying the House would take the resolution set out in the Petition into immediate and serious consideration, and, with as little delay as possible, pass such a measure as might be necessary to place the railways of the country under safe and efficient management.

Petition received, and read at the Table by the Clerk.

The Honorable W. A. Zeal presented a Petition from certain ratepayers and inhabitants of the Shire of Mount Franklin, praying the House would take such action as might be necessary to have the construction of a line of railway from Creswick to Daylesford included in the Railway Bill now before the House.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

The Honorable D. C. Sterry presented a Petition from certain chairmen and directors of various mining companies, duly authorized by resolution, managers of banks and other public institutions, praying the House to re-insert in the Railway Bill the Sandhurst and Heathcote line.

Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.

6. ADJOURNMENT.—The Honorable Dr. Dobson moved, by leave of the Council, without notice, That the House, at its rising, adjourn until Tuesday, 19th December instant.

Question—put and passed.

The Council adjourned at six minutes to five o'clock until Tuesday next at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

No. 49.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH DECEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. **PETITIONS.**—The Honorable James Balfour presented a Petition from certain residents of the township of Alexandra, praying the House to amend sub-section 56 (Yea to Mansfield) of the Railways Construction Bill, so as to meet the requirements of that township; and that the deviation be such as to bring the line of railway into Alexandra; that such line of deviation commence near Molesworth, coming into Alexandra, thence by way of Doon to Mansfield; and that the delegate, Mr. G. Whiting, sent by the petitioners to advocate the views set out in the petition, might be heard at the Bar of this House.
 Petition received.
 Petition read by the Clerk, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.
 The Honorable James Williamson presented a Petition from certain farmers, graziers, freeholders, leaseholders, storekeepers, and others resident in the shires of Hampden, Mortlake, and Warrnambool, praying the House to endeavour to secure the inclusion of a line from Camperdown to Lintons in the present Railway Bill.
 Petition received, and ordered to be referred to the Committee of the whole on the Railways Construction Bill.
5. **PAPERS.**—The Honorable Dr. Dobson presented, by command of His Excellency the Governor:—
 Mining Surveyors and Registrars—Reports of the—for the Quarter ended 30th September, 1882.
 Catalpa Speciosa Tree—Reports on the—by the Curator of Botanic Gardens and the Inspector of State Forests and State Industries.
 Severally ordered to lie on the Table.
 The Honorable Dr. Dobson presented:—
 State School Buildings—Estimate of Expenditure under Act 737.
 Ordered to lie on the Table.
6. **AMENDED DECLARATION BY MEMBER.**—The Clerk acquainted the Council that there had been handed to him a declaration as hereunder set forth:—
 “In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE YOUNG, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and fifty-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of Wimmera, and are known as—firstly, part of allotment 5 of section 1, town and parish of Horsham, county of Borung; secondly, allotment 3, parish of Kewell West, county of Borung. And I further declare that such of the said lands or tenements as are situate in the municipal district of Wimmera are rated in the rate-book of such district upon a yearly value of One hundred and fifty-two pounds. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to be returned a member of the Legislative Council.
 “GEORGE YOUNG.”
7. **RAILWAYS CONSTRUCTION BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

8. **ABSENCE OF THE PRESIDENT.**—The Clerk having informed the Council that the President was unavoidably absent, the Council, on the motion of the Honorable T. F. Cumming, and in accordance with the provisions of the Act No. 702, chose the Honorable Dr. Dobson to fill, temporarily, the office, and perform all the duties of the President during his absence.

9. **RAILWAYS CONSTRUCTION BILL.**—The Chairman of Committees reported progress, and asked leave to sit again.

Resolved—That this House will, to-morrow, again resolve itself into the said Committee.

10. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—

Diseases in Stock Act Amendment Bill.—*To be read a second time.*

Trades Unions Bill.—*To be further considered in Committee.*

Gippsland Tramways and Railways Committee.—*Resumption of debate.*

The Council adjourned at fourteen minutes past eleven o'clock until to-morrow at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH DECEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. **THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.**—The following Warrant appointing Members of the Committee of Elections and Qualifications was laid upon the Table by the President:—

VICTORIA.

Pursuant to the provisions of "*The Electoral Act 1856*," I do hereby appoint—

The Honorable Robert Stirling Anderson
and

The Honorable Frank Stanley Dobson

to be Members of "The Committee of Elections and Qualifications" for the present session, in the place of the Honorable Sir Charles Sladen and the Honorable Frank Stanley Dobson.

Given under my hand, this twentieth day of December, One thousand eight hundred and eighty-two.

W. H. F. MITCHELL,
President.

5. **PAPER.**—The Honorable Dr. Dobson presented, by command of His Excellency the Governor :—
The Observatory—Seventeenth Report of the Board of Visitors to—together with the Annual Report of the Government Astronomer.
Ordered to lie on the Table.
6. **STANDING ORDERS COMMITTEE.**—The Honorable Dr. Dobson, in accordance with notice, moved, That the Honorables R. S. Anderson and the Mover be appointed members of the Standing Orders Committee.
Question—put and passed.
7. **PARLIAMENT BUILDINGS COMMITTEE.**—The Honorable Dr. Dobson, in accordance with notice, moved, That the Honorables H. Cuthbert, F. T. Sargood, and J. MacBain be appointed members of the Parliament Buildings Committee.
Question—put and passed.
8. **PRINTING COMMITTEE.**—The Honorable Dr. Dobson, in accordance with notice, moved, That the Honorables F. Ormond and W. Pearson be appointed members of the Printing Committee.
Question—put and passed.
9. **RAILWAYS CONSTRUCTION BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, to-morrow, again resolve itself into the said Committee.
10. **ADJOURNMENT.**—The Honorable Dr. Dobson moved, by leave of the Council, without notice, That the House, at its rising to-morrow, adjourn until Tuesday, 13th February 1883.
Debate ensued.
Question—put and passed.
11. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—
Diseases in Stock Act Amendment Bill.—To be read a second time.
Trades Unions Bill.—To be further considered in Committee.
Gippsland Tramways and Railways Committee.—Resumption of debate.

The Council adjourned at eleven o'clock until to-morrow at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

No. 51.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 21ST DECEMBER, 1882.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Warrant appointing members of the Committee of Elections and Qualifications was again laid upon the Table by the President.
5. PAPERS.—The Honorable Dr. Dobson presented, by command of His Excellency the Governor :—
 - Homeward Mails by P. & O. Steam Navigation Co.'s Vessels.—Further correspondence relative to the recent alteration of the Time-table between Melbourne and Galle.
 - Aborigines—Eighteenth Report of the Board for the Protection of.
 - The Fisheries Act 1873 and The Fisheries Act Amendment Act 1878—
 - Notice of Proclamation respecting the Mouth of the River Yarra.
 - Notice of Proclamation respecting the Mouth of the Yarram Creek.
 - Education Report—Appendices to—for the Year 1881–82.
 Severally ordered to lie on the Table.
6. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to apply out of the Consolidated Revenue the sum of Six hundred and forty thousand pounds to the service of the year One thousand eight hundred and eighty-two and three,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st December, 1882.
7. CONSOLIDATED REVENUE BILL (4).—The Honorable J. MacBain moved, That the Bill intituled “*An Act to apply out of the Consolidated Revenue the sum of Six hundred and forty thousand pounds to the service of the year One thousand eight hundred and eighty-two and three,*” transmitted by the above Message, be now read a first time.

Question—put and passed.
Bill read a first time.

The Honorable J. MacBain, with leave of the Council, moved, That the Bill be now read a second time.
Debate ensued.

Question—put and passed.
Bill read a second time.

The Honorable J. MacBain moved, That the Bill be now considered in Committee of the whole Council.
Question—put and passed.

Question—That the President do now leave the Chair—put and passed.
The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.
The Honorable J. MacBain, with the leave of the Council, moved, That the Report be now adopted.
Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and *passed*.

The Honorable J. MacBain moved, That the title of the Bill be “*An Act to apply out of the Consolidated Revenue the sum of Six hundred and forty thousand pounds to the service of the year One thousand eight hundred and eighty-two and three.*”
Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.

8. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the first three Orders of the Day be postponed until after the consideration of the fourth Order for to-day.
9. **GIPPSLAND TRAMWAYS AND RAILWAYS COMMITTEE.**—The Order of the Day for the resumption of the debate on the question—That a Committee be appointed to enquire into and report upon the proposed Beaconsfield, Drouin to Poowong, Drouin to Neerim, Warragul to Neerim, Warragul to Poowong, and Moe to Narracan lines of Railway, and upon the relative merits of Tramways and Railways for the special requirements of those districts; such Committee to consist of the Honorables Jas. Buchanan, T. F. Cumming, W. Ross, J. A. Wallace, N. Thornley, F. T. Sargood, and the Mover, three to form a quorum; with power to send for persons, papers, and records, to move from place to place, and to sit on days on which the Council does not meet—having been read,

Debate resumed.

Question—put.

Council divided.

Contents, 9.

The Hon. Dr. Dobson,
 „ R. S. Anderson,
 „ F. T. Sargood,
 „ T. F. Cumming,
 „ N. Thornley,
 „ J. Lorimer,
 „ J. Campbell,
 „ J. A. Wallace,
 „ Sir W. J. Clarke, Bart. (*Teller*).

Not Contents, 16.

The Hon. D. Melville,
 „ C. J. Ham,
 „ F. E. Beaver,
 „ C. J. Jenner,
 „ F. Ormond,
 „ J. Williamson,
 „ W. E. Stanbridge,
 „ J. Graham,
 „ J. Bell,
 „ J. G. Dougharty,
 „ P. Hanna,
 „ W. A. Zeal,
 „ F. Robertson,
 „ W. McCulloch,
 „ D. C. Sterry,
 „ J. MacBain (*Teller*).

The question was therefore negatived.

10. **RAILWAYS CONSTRUCTION BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
 The Chairman of Committees reported progress, and asked leave to sit again.
 Resolved—That this House will, this day, again resolve itself into the said Committee.

11. **MESSAGE FROM THE LEGISLATIVE ASSEMBLY.**—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to continue various Expiring Laws,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
 Melbourne, 21st December, 1882.

PETER LALOR,
 Speaker.

12. **EXPIRING LAWS CONTINUANCE BILL.**—The Honorable Dr. Dobson moved, That the Bill transmitted by the above Message intituled “*An Act to continue various Expiring Laws*” be now read a first time.

Question—put and passed. Bill read a first time and ordered to be printed.

The Honorable Dr. Dobson moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.—Bill read a second time.

The Honorable Dr. Dobson moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

Question—That the President do now leave the Chair—put and passed.

The President left the Chair.

The Chairman of Committees reported that the Committee had gone through the Bill and agreed to the same without amendment.

The Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the following be the title of the Bill :—“*An Act to continue various Expiring Laws.*”

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council have agreed to the Bill without amendment.

13. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they concur with the Legislative Council in the Address to His Excellency the Governor, praying that the Court of General Sessions of the Peace in and for the Central Bailiwick may be held at Alexandra.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st December, 1882.

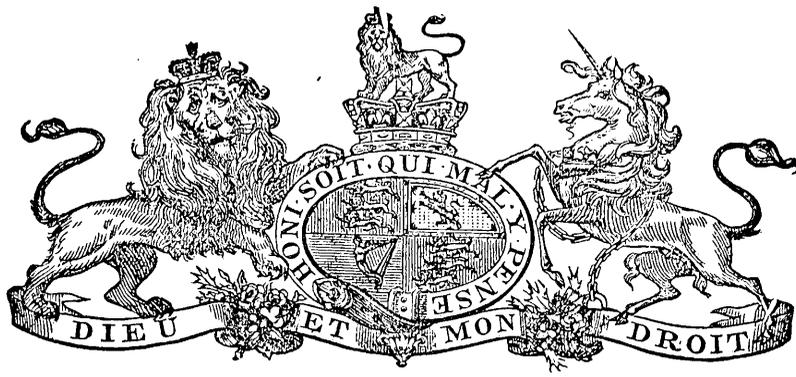
14. RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again.
Resolved—That this House will, on Tuesday, 13th February next, again resolve itself into the said Committee.

15. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 13th February next :—

Diseases in Stock Act Amendment Bill.—To be read a second time.
Trades Unions Bill.—To be further considered in Committee.

The Council adjourned at ten minutes to ten o'clock until Tuesday, 13th February next, at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.



VICTORIA
GOVERNMENT GAZETTE
EXTRAORDINARY.

Published by Authority.

No. 9.]

TUESDAY, JANUARY 30.

[1883.]

PROROGUING THE PARLIAMENT OF VICTORIA.

PROCLAMATION

By His Excellency the Most Honorable George Augustus Constantine, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom ; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland ; a Member of Her Majesty's Most Honorable Privy Council ; 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, &c., &c., &c.

WHEREAS by *The Constitution Act* it is amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he may think fit ; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he shall deem it expedient : And whereas it is expedient to prorogue the said Council and Assembly called the Parliament of Victoria : Now therefore I, the Governor of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation prorogue the said Council and Assembly called the Parliament of Victoria until Thursday the fifteenth day of February next.

Given under my Hand and the Seal of the Colony, at Melbourne, this thirtieth day of January, in the year of our Lord One thousand eight hundred and eighty-three, and in the forty-sixth year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,

J. M. GRANT.

GOD SAVE THE QUEEN !

SELECT COMMITTEES, APPOINTED DURING THE SESSION 1882-3.

No. 1.—STANDING ORDERS.

Appointed 25th April, 1882.

The Hon. The President C. J. Jenner Sir C. Sladen		The Hon. W. E. Hearn Dr. Dobson * R. S. Anderson.†
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* Re-appointed (after re-election) 20th December, 1882. † Appointed (20th December, 1882) *vice* Hon. Sir C. Sladen, resigned.

No. 2.—PARLIAMENT BUILDINGS.

Appointed 25th April, 1882.

The Hon. The President Sir C. Sladen J. Lorimer Jas. MacBain *		The Hon. J. Balfour H. Cuthbert † F. T. Sargood.†
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* Re-appointed (after re-election) 20th December, 1882. † Appointed 20th December, 1882.

No. 3.—LIBRARY.

Appointed 25th April, 1882.

The Hon. The President W. McCulloch F. Robertson		The Hon. J. Graham W. E. Hearn.
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No. 4.—PRINTING.

Appointed 25th April, 1882.

The Hon. J. Balfour T. F. Cumming J. G. Dougharty		The Hon. F. Ormond * W. Pearson.*
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* Re-appointed (after re-election) 20th December, 1882.

No. 5.—REFRESHMENT ROOMS.

Appointed 25th April, 1882.

The Hon. W. E. Stanbridge G. F. Belcher P. Russell		The Hon. J. Buchanan J. A. Wallace.
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No. 6.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 25th April, 1882.

The Hon. F. Ormond Sir C. Sladen H. Cuthbert J. Lorimer		The Hon. J. MacBain G. F. Belcher Dr. Dobson W. E. Stanbridge.
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No. 7.—ELECTIONS AND QUALIFICATIONS.

Appointed 2nd May, 1882.

The Hon. George Frederick Belcher Henry Cuthbert William Edward Hearn James Lorimer		The Hon. Sir Charles Sladen Frank Stanley Dobson* Caleb Joshua Jenner Robert Stirling Anderson.†
--	--	---

* Re-appointed (after re-election) 20th December, 1882. † Appointed (20th December, 1882) *vice* Hon. Sir C. Sladen, resigned.

No. 8.—ADDRESS TO HER MAJESTY THE QUEEN.

Appointed 2nd May, 1882.

The Hon. Sir C. Sladen
J. MacBain
W. E. Hearn
J. Buchanan

The Hon. C. J. Jenner
T. F. Cumming
Dr. Dobson.

No. 9.—RAILWAY ACCIDENT, JOLIMONT.

Appointed 6th June, 1882.

The Hon. J. Buchanan
Dr. Dobson
J. Graham
W. McCulloch

The Hon. F. Ormond
J. A. Wallace
W. A. Zeal.

No. 10.—LICENSEES QUALIFYING BILL.—(CONFERENCE).

Appointed 15th August, 1882.

The Hon. J. MacBain
Sir C. Sladen
W. E. Hearn
R. S. Anderson
C. J. Jenner

The Hon. J. Balfour
J. Lorimer
N. Fitzgerald
Dr. Dobson.

No. 11.—ALTERATIONS IN COUNCIL CHAMBER.

Appointed 29th August, 1882.

The Hon. The President
Sir C. Sladen
J. Lorimer
W. A. Zeal

The Hon. C. J. Jenner
T. F. Cumming
J. MacBain.

No. 12.—ADDRESS TO HER MAJESTY THE QUEEN.

Appointed 19th September, 1882.

The Hon. N. Fitzgerald
W. McCulloch
C. J. Jenner
P. Russell

The Hon. H. Cuthbert
J. A. Wallace
Dr. Dobson.

LEGISLATIVE COUNCIL.

SESSION 1882.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 10TH OCTOBER, 1882.

No. 1.—TRAMWAYS BILL.—Clause 2.—For the purposes of this Act the terms hereinafter mentioned shall have the meanings assigned to them (that is to say):—

The words "local rate" shall have the same meaning as general rates made under the provisions of "*The Local Government Act 1874.*"

The words "local authority" shall include the corporation "*of*" every city, town, borough, shire, and road district, and also the Corporation of the City of Melbourne and the Corporation of the Town of Geelong.

The term "prescribed" shall mean prescribed by any rule made in pursuance of this Act.

Motion made—That the words "the town of Geelong and" be inserted in the fifth line of the above clause after the word "*of*"

Question—That the words proposed to be inserted be so inserted—put.

Committee divided.

Contents, 9.

The Hon. Dr. Dobson
W. E. Stanbridge
W. A. Zeal
N. Fitzgerald
W. Ross
J. A. Wallace
J. G. Dougharty
W. McCulloch
J. Graham (*Teller*).

Not-Contents, 7.

The Hon. J. Lorimer
R. Simson
T. F. Cumming
P. Russell
J. Balfour
J. Buchanan
H. Cuthbert (*Teller*).

1882.

VICTORIA.

ADDRESS TO HER MAJESTY THE QUEEN.

LAI'D ON THE LEGISLATIVE COUNCIL TABLE AND ORDERED BY THE COUNCIL TO BE PRINTED,
8TH AUGUST, 1882.

NORMANBY,

*Governor.**Message No. 1.*

The Governor transmits herewith to the Legislative Council a copy of a Despatch received from the Right Honorable the Secretary of State for the Colonies, relative to the Address of Congratulation adopted by the Council for presentation to Her Most Gracious Majesty The Queen on Her happy preservation from the danger to which Her Majesty has been exposed by the recent attempt upon Her life.

Government House,
Melbourne, 8th August, 1882.

VICTORIA.
GENERAL.

Downing street,
26th June, 1882.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's Despatch, No. 45, of the 5th of May, and to request that you will inform the Legislative Council of Victoria that their Address has been laid before the Queen, and that Her Majesty thanks them for their congratulations on Her escape and for their prayers for Her future welfare.

I have, &c.,

(Signed)

KIMBERLEY.

Governor

The Most Honorable
The Marquis of Normanby,
G.C.M.G.,
&c., &c., &c.



1882.

VICTORIA.

TERMINATION OF WAR IN EGYPT—ADDRESS
TO HER MAJESTY THE QUEEN.

LAI'D ON THE LEGISLATIVE COUNCIL TABLE AND ORDERED BY THE COUNCIL TO BE PRINTED,
21st NOVEMBER, 1882.

REPLY TO ADDRESS FROM THE LEGISLATIVE COUNCIL TO HER MAJESTY THE
QUEEN ON THE SUCCESSFUL TERMINATION OF THE WAR IN EGYPT.

NORMANBY,

Governor.

Message No. 2.

With reference to the Address conveying to Her Majesty the Queen the congratulation of the Legislative Council on the brilliant victories that have attended her Majesty's combined forces in Egypt, the Governor acquaints the Legislative Council that he has received from the Right Honorable the Secretary of State for the Colonies a Despatch commanding him to inform the House that Her Majesty the Queen is much gratified at receiving this loyal and kind congratulation, and at the same time to convey Her Majesty's thanks to the Legislative Council for the same.

Government House,
Melbourne, 15th November, 1882.



1882.

VICTORIA.

LICENSEES QUALIFYING BILL.

REPORT

OF THE

MINUTES OF THE PROCEEDINGS

OF THE

CONFERENCE

BETWEEN THE TWO HOUSES ON THE SUBJECT-MATTER OF THE AMENDMENTS MADE AND INSISTED ON BY THE LEGISLATIVE COUNCIL IN THE BILL INTITULED "AN ACT TO REMOVE DOUBTS AS TO THE MEANING OF THE WORD 'TENANT' IN THE LEGISLATIVE COUNCIL ACT 1881."

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 29TH AUGUST, 1882.

By Authority:

JOHN FERRIS, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 15TH AUGUST, 1882.

4. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly desire a Conference with the Legislative Council on the subject-matter of the amendments made and insisted on by the Legislative Council to the Bill intituled "*An Act to remove doubts as to the meaning of the word 'Tenant' in the Legislative Council Act 1881,*" and acquaint the Legislative Council that they have appointed nine Members of the Legislative Assembly to be Members of the said Conference.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 15th August, 1882.

7. LICENSEES' QUALIFYING BILL.—CONFERENCE.—The Honorable Dr. Dobson moved, by leave of the Council, That a Committee be appointed, consisting of the following Members:—The Honorables James MacBain, Sir Charles Sladen, W. E. Hearn, R. S. Anderson, C. J. Jenner, J. Balfour, J. Lorimer, N. Fitzgerald, and the Mover, to confer with the like number of Members of the Legislative Assembly on the amendments made and insisted on by the Legislative Council and disagreed with by the Legislative Assembly in the Licensees' Qualifying Bill; and name the South Library as the place, and fix half-past seven o'clock on Tuesday the 22nd August instant as the hour of meeting of the said Conference. Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them with the above resolution.

TUESDAY, 22ND AUGUST, 1882.

9. LICENSEES' QUALIFYING BILL.—CONFERENCE.—The time fixed for the meeting of the Committees of the Legislative Council and the Legislative Assembly appointed to confer on the amendments made in this Bill, and insisted on by the Legislative Council, having arrived, the Members proceeded to the South Library, and there met the Members of the Committee appointed by the Legislative Assembly; after some time spent therein, the Members returned to the Legislative Council, and the Honorable Dr. Dobson reported to the House that the Members of the Conference had not been able to come to any satisfactory conclusion on the matter.

MINUTES OF THE PROCEEDINGS OF THE CONFERENCE.

MINUTES OF PROCEEDINGS OF THE CONFERENCE BETWEEN THE
SELECT COMMITTEES OF THE LEGISLATIVE COUNCIL AND
LEGISLATIVE ASSEMBLY ON THE LICENSEES QUALIFYING
BILL.

TUESDAY, 22ND AUGUST 1882.

Members present :

The Hon. Dr. Dobson, M.L.C.,
The Hon. Sir C. Sladen, M.L.C.,
The Hon. J. MacBain, M.L.C.,
The Hon. Dr. Hearn, M.L.C.,
The Hon. J. Lorimer, M.L.C.,
The Hon. C. J. Jenner, M.L.C.,
The Hon. J. Balfour, M.L.C.,
The Hon. R. S. Anderson, M.L.C.,
The Hon. N. Fitzgerald, M.L.C.

The Hon. Sir Bryan O'Loughlen, M.L.A.,
The Hon. T. Bent, M.L.A.,
The Hon. H. T. Wrixon, M.L.A.,
A. Deakin, Esq., M.L.A.,
The Hon. C. H. Pearson, M.L.A.,
The Hon. Sir John O'Shanassy, M.L.A.,
The Hon. G. B. Kerferd, M.L.A.,
The Hon. J. G. Francis, M.L.A.,
The Hon. D. Gillies, M.L.A.

Mr. MacBain.—I beg to move that the press be admitted.

Sir Bryan O'Loughlen.—There can be an understanding upon that; it is agreed to—generally agreed. Sir Charles and gentlemen: There are two points before this Conference, the first as to the form of the Act which has brought about the difference. The difference arises upon the preamble—"Whereas doubts have arisen as to whether licensees under Part II. of the Land Act, or any enactment amending such part, are tenants within the meaning of the Legislative Council Act of 1881." I wish to point out how the doubts arose. Under the 20th section "Every such male person as aforesaid, if he occupy as tenant any lands or tenements," is to have the franchise, provided he is rated at a yearly value of not less than £25. And then, on turning to the 3rd section, we have a definition—the "occupying tenants shall mean any male person entitled to any lands or tenements for any period less than five years." So that the doubt arises upon the words "if he occupies as tenant," whether that is covered by the words "occupying tenant" in the 3rd section. If the words "if he occupy as tenant" are to be interpreted by the definition of occupying tenant in the 3rd section, then there would be no cause why this Act should be laid before Parliament at all, and, in fact, under this Act, as it exists, the licensee would have the right to the franchise; but a doubt arising, and after consideration, I gave it as my opinion that "occupy as tenants" was specific. The tenancy there referred to was something otherwise than what was meant by the words "occupying tenant" in the definition clause. And on that opinion the House decided then, to settle doubts, to bring in this Bill, and that is the origin of the form of the Bill to remove doubts. The second point is this question of the alteration of the proviso to clause 21, and the alteration goes so far only as this, as substituting the words "claiming to vote as ratepaying electors" for the words "so entitled to vote," and the effect of that, as far as it can be seen, is this, that all joint owners, joint lessees, and joint assignees would be entitled to take out an elector's right, whether their names appeared upon the rate book or not. The rate book is a different thing from the rate roll, and any number of owners, or lessees, or assignees may appear on the rate book, though none of them need appear upon the rate roll.

Sir Charles Sladen.—The voters' roll.

Sir Bryan O'Loughlen.—Yes; because the occupying tenant may be upon the ratepayers' roll, and then the effect of this amendment would be that all joint owners, joint lessees, and joint assignees will have the power, by taking out an elector's right, without being on the rate book, of obtaining the franchise. I wish to point out that all the Bills that were brought down successively (I have got them, they were introduced into the Assembly in 1878, 1879, and 1880), the three Bills, prior to the one that was passed, as they came from the Council, contained this exact proviso, it was not a proviso that was put in.

Sir Charles Sladen.—Which proviso?

Sir Bryan O'Loughlen.—The proviso as it exists now—"Provided that the names of the persons so entitled to vote shall appear in the rate book." The three Bills that came down to be considered from the Council (I have them here) in 1879, 1880, and 1881 all contained the proviso exactly in the words annexed to this clause.

Sir Charles Sladen.—Quite so.

Sir Bryan O'Loughlen.—And this Bill, before it came to us, had been passed by the Council three times, and this is the fourth time the Bill was so passed by the Council, containing this proviso, and the effect of the proviso is to give this security to the general public, that there shall be nothing in the shape of fictitious additions to rolls.

Sir Charles Sladen.—Yes.

Sir Bryan O'Loughlen.—And the person's name must be on the rate book; and I would point out to the Council that any number of names may be put upon the rate book, though it does not take away any one's right, he has only got to see that his name is put at the proper time upon the rate book, and then he can go and take out an elector's right. There may be 100 persons entitled from one individual property to be upon the rate book as joint owners, joint lessees, or joint assignees, and if they see that their names are on the rate book in the proper time, they can then go and take out an elector's right. But it is merely preventing an elector's right being taken out when once the rate books are settled, and there is provision, it is

not much used, but there is a provision in the Local Government Act by which parties who choose can, if they are left out, apply and have their names inserted—the 264th and 266th sections provide that parties can apply and have their name inserted if they are left out of the rate book ; but as it stands at present it is to the public a certain protection that there will be no system of fictitious additions to the roll of voters. No person's right is affected, because he has only got to see that his name is in the rate book. He cannot get on the rate roll. If he was a ratepaying elector upon the rate roll the Act prevents him from taking out his elector's right, but he has only to see that his name is upon the rate book as a joint owner, lessee, or assignee, and then he can go and take out an elector's right. So I would submit, on behalf of the Assembly, to the Council that, as there was this doubt under the 20th section of the Reform Act combined with the 3rd section, the interpretation section (because, though I gave an opinion upon that, I gave it of course with doubt, I saw there were arguments the other way), where those doubts exist it would be the proper form to frame a Bill to remove the doubts. And then, as to the clause itself, I submit that the Council having three times brought it down containing this exact proviso, this being the fourth time it has come to the Assembly, and no one's right being affected, it is not a matter that affects any one's privilege of voting; it is simply a precedent that seems to have been taken by the Council itself in the amendments originated in the Council, and it was taken I suppose with due prevision of its consequences by the Council, which I believe considered the Bill several times, and it has been several times before the Council, and it came down to the House, and the House adopted it. Taking the view that this was the view acceptable to the Council that it would have the consequence of preventing any fictitious rolls being, at a later period than the making of the rate book, being made, the House adopted it too ; and I would submit to the Council that the best course would be not to insist on its amendments, but to let the Bill which the Assembly has passed unanimously take its course, for practically it is to remove doubts, and as to this amendment which the Council proposed, the House in its wisdom seems to think it might lead to evil consequences. I do not apprehend myself there would be any evil consequences, still the House apprehends it, and I suggest that the Council should withdraw their amendments.

Sir Charles Sladen.—Sir Bryan O'Loughlen and Gentlemen : With regard to the first objection, that is as to the form of the Bill, the preamble, and the title, it was agreed in the Council that it could not be a Bill to remove doubts, in their estimation, because they had already discussed the subject of licensees being allowed to vote, and they had determined against it in one of the Bills, I daresay one of the Bills that are there. I think it is the Bill of 1879–80. You will find in the interpretation clause a definition of selectors—licensees, a definition of licensees, and that clause was, after discussion, struck out, and it never appeared in any other Bill which went from the Legislative Council subsequently, and therefore the Council considered, in dealing with a measure of this kind to introduce licensees, so as to give them the power of voting, that the form of the Bill was wrong, inasmuch as they themselves had no doubt, as they had decided the very question. And also this, from their point, was considered, that a defect had been detected in the Reform Bill, which was undoubtedly a mistake, and it was quite clear if they had allowed that Bill to remain in that form, exactly as it came from the Assembly, we should have debarred ourselves from the right to make an amendment, because of course we could not make an amendment to a Bill to remove doubts by introducing another subject, and therefore, as it was desirable to cure what was considered a patent defect, and an evident mistake, it was thought that a Bill of this kind would be the best one to use for the purpose, and therefore the amendments were made to make it an amending Bill. But before I go away from this I may state this distinctly on the part of the Council: that they are not at all wedded to any particular form of a Bill ; that so long as they get the grain of corn which they wish to see in it, they do not care at all about all its superfluities ; and if the gentlemen of the Assembly think it is desirable to call this a Bill to remove doubts, the Council have no objection to that, provided they can get their defect cured. So I mean to say upon that point there cannot be any difficulty. With regard to the proviso at the end of the 21st section of the Act of 1881, I was in hopes it would be admitted, and I thought Sir Bryan O'Loughlen had admitted, until the last few words which fell from him, that the clause, as it stands now, imposes a disability or restriction upon the voting powers of joint owners ; that joint owners, although they were conceded the power both in the 18th section, or, at least, owners in the 18th and joint owners in the 21st section, were given the power of voting to the extent of the rateable value, still had the power taken away from them in this proviso, which certainly never was intended, which was distinctly, I do not hesitate to say, an oversight. Sir Bryan O'Loughlen has rightly stated that the proviso was originally put in to prevent an improper number of votes being claimed for either joint owners, or joint assignees, or joint lessees, in the same way that in the following clause, 22, a similar proviso also imposes certain restraints upon the voting power of joint tenants, that is, their names must all appear in the rate book. Now Sir Bryan argued that an owner has equal power of putting his name upon the rate book (I understood that to be the case) that the ratepayer has, that the person in occupation has.

Sir Bryan O'Loughlen.—Yes.

Mr. Wrixon.—By law it is bound to be there, every owner.

Sir Bryan O'Loughlen.—It is bound to be there by law.

Sir Charles Sladen.—I think that is capable of argument, and, if you will permit me, as briefly as I can, I will state why I think that that has been misapprehended. I say it with all respect. Under the Local Government Act, clause 262, it appears, speaking of the rate, that every such rate shall contain the particulars set forth at the head of the respective columns, so far as they can be ascertained. There is no doubt that in the 15th schedule one of the columns has the name of the owner inserted ; but the name of the owner is inserted not from any information given by the owner, not at the request of the owner, not with the privity of the owner, but the collector in the corporations, or the valuer in a municipal district, is required to ask certain questions from the person in occupation, and from the person in occupation he gets the particulars which are inserted in this 15th schedule ; and in that information, amongst other things, the name of the owner is required to be put in if it can be found. What I maintain is that the tenant may not know ; he may possibly know the name of an owner, but he may not know the name of any owner ; and if he knows the name of any owner, he may not know the names of all the owners, and in all probability would not. I will put an extreme case. A tenant in occupation holds under an assignee of a lease, who again derives his title through the lessee, who again derives his from the owner. Now what can a joint tenant who takes from

an assignee, or at least a tenant, be supposed to know of the owner who has filtered through those three sources? He may, I do not mean to say he does not, know, or that he will not know, and I do not mean to say but what it is possible that the information may be perfectly right; but what I contend is, that the owner is not brought into consideration at all. There is no privity between the owner and the municipal council, there is no privity between the owner and the valuer or the collector necessarily. The only privity between the owner and the municipal council is when the tenant in possession fails to pay his rate, and the council falls back upon the owner, and it is for that purpose that his name is put on the schedule which gives the form of the rate book, and I have struggled through the Local Government Act with a view to see if there is any other possible relation which he can have under that schedule than that of being responsible for the defaults of the tenant, and I cannot find that he is any way whatever concerned to be on that roll, and, as the information which is put upon that schedule is not derived from himself, it may be faulty. Now Sir Bryan argues that under the 264th section he may get his name put on whenever he pleases. Now I, with very great respect and deference, beg to differ *in toto* from that, and I will briefly state why. If the gentlemen will look at the clause they will see that, in the very commencement of it, it says "The council may from time to time amend any rate made or to be made by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier." That is for the purpose of the rate. The council is bound to entertain any claim which may be made by a person who says "I ought to have been put there as a ratepayer, and I am not, and I claim to have my name put there as a ratepayer," whether he be the owner or merely a tenant. But it is only for the purpose of making a rate that they can do this. But I have heard it said, "Oh, the council will be only too glad to have the owner's name if he will only go and say he wishes to have it put on." But I wish to call members' attention to this fact, that if the council is not so complacent, it appears to me that there is no power on earth to compel them to undertake it, and no court could grant a mandamus to compel them to put an owner's name on merely because he is the owner, unless he be a ratepayer. If he is a ratepayer, I admit it all; but the case upon which the argument rests now is where the owner is not a ratepayer, and every person to support his right has some power to fall back upon; but here I maintain that the owner, unless he is concerned for the rate, unless he wishes his name to be put on as a ratepayer, has no power to compel the council to put his name on the rate book as one of those who have been returned by the valuer as the owner of rateable property. Therefore I maintain, if I am right in the law there, that disposes of the whole case. I believe I am right in the law there. I believe that a man has a right; he can fall back upon the court to support him in carrying out that right. I maintain here there is a particular power in the 264th section, but it is merely to amend the rate. An owner who merely wants to be put on there for his convenience, for some convenience of supporting his right to vote, which is quite different from that of making a rate, or of contributing to a rate, has no power to enforce that right. And therefore I maintain that the 264th section, so far as the owner is concerned, entirely fails. The contention of the Council was with regard to the present clause that the proviso in the Act as it stands was in restraint of the voting power of joint owners, that is if there was more than one. Of course joint owners must be two at least. One clearly, I take it, would be able to vote (but that, perhaps, may be immaterial), under the power given to him under the 18th section; but it is quite clear that wherever there are more than one or more than two, if the name of the owner does not happen to be upon the rate book, he would be precluded from voting, and it is quite possible that his name might not be upon the rate book. When it is admitted that the owner is there merely as a convenience to the council, for no purpose of making a rate, to enable the council to have some one to fall back upon as a guarantee that their rates shall be paid, under those circumstances it was thought that this was a convenient occasion for setting right what was clearly and manifestly a mistake, because the 21st clause so clearly gives a full power to any number of joint owners who could qualify under their £10 qualification; whereas, the proviso at the end says, but you shall not exercise it unless you have your name upon the rate roll; and there is no power, as I have endeavored to show, to get the name upon the rate roll. I do not mean to say that the name may not be got upon the rate roll by some contrivance, by some complaisance, some acquiescence upon the part of the municipal council; but certainly the owner has no power to enforce that; and, therefore, under the circumstances, it was considered that the proviso that appears to clause B in the Bill which is now before the two Houses would meet that defect, provided that the names of the persons claiming to vote as ratepaying electors shall appear in the rate book; that is confining the operation of that proviso to those only who voted as ratepayers, and who, as a matter of course, had a full opportunity of being on the books. There the information with regard to ratepayers is obtained from one of themselves. A joint tenant who is there is consulted about who are joint tenants with him, and he says "So-and-so, and So-and-so, and So-and-so, and So-and-so," and any number that would be within the limits proposed by the clause of the £25 qualification. But in the case of an owner it is quite different. He is away; he is perhaps out of the colony; he is perhaps totally ignorant of all that is going on about the rate book. It is not the time of year when persons are getting their votes registered and put on the rolls, and it is imposing a double task and double penalty upon him to get his vote from what anybody else bears. An owner, one would think, ought to have quite as great a facility for voting as any tenants claiming through him in the several grades which are laid down in the Act. And for those reasons the Council thought that the Assembly would readily agree with them when it was pointed out that a mistake had occurred, and would willingly agree with them in allowing that proviso to pass.

Sir John O'Shanassy.—May I ask Sir Charles if there is any real difference between the Assembly's view and the Council's view? If not, the matter is very simple of rectification—namely, both sides agree to the object, and there is only the method of carrying it out.

Mr. Deakin.—There may be some dissensions as to the object.

Sir John O'Shanassy.—If it was intended in the commencement that ratepayers should be put on for the purpose of voting because they were ratepayers, and that joint owners were to be put on, but through the machinery the Act failed to be put on, would not it work fairly to both sides. If that is the view, does not the matter appear to be very simple?

Sir Charles Staden.—It is a question of disfranchisement, that is what I look at.

Sir John O'Shanassy.—Yes; but if the intention was not to disfranchise, and the disfranchisement arises as I understand the argument from both sides this evening (and I have not taken any part in it before) from the erroneous mode of drawing the Act—

Sir Charles Sladen.—Quite so.

Sir John O'Shanassy.—If that be so, you return to the original position, and there is no gain or loss on either side, and you both keep possession of what you had at the beginning. As I understand the original Act drawn by Mr. Ireland, the case you refer to was cured by a man simply applying for a non-residential qualification (those are the words used). I applied for one the other day. I am not in possession of the property; the tenants are in possession; but I got it, and I am in possession of my franchise. If that is what you want to cure, what objection is there on either side?

Mr. Lorimer.—Is your name on the rate book? If it is not, you had no right to get the elector's right.

Sir Charles Sladen.—Perhaps Sir John does not notice that this proviso would prevent a person getting the elector's right.

Sir John O'Shanassy.—Is it called an elector's right now, or a non-residential qualification—which is it called?

Sir Bryan O'Loghlen.—It is the same.

Dr. Hearn.—It comes to the same thing.

Dr. Dobson.—You are put upon the general roll instead of the ratepayers' roll.

Sir John O'Shanassy.—I imagine there is scarcely any owner who would enquire at the right time to see whether he was on the rate book. He may look at the roll to see if he is upon the ratepayers' roll, but that would be made out before he could apply for a non-residential qualification, and therefore he is disfranchised.

Sir Charles Sladen.—That is the Council's contention.

Mr. Wrixon.—I may be allowed to suggest, as it is a matter of technical law, I do not think there can be any doubt that, according to the Act, every owner of property is entitled and bound to be upon the rate book.

Sir Charles Sladen.—Not bound to be.

Mr. Lorimer.—What about lessees and licensees?

Mr. Wrixon.—Every owner of property is bound to be upon the rate book, except in the one case of a lessee.

Sir Charles Sladen.—Under what?

Mr. Wrixon.—Under the 262nd section, which says (in fact, Sir Charles has read it, and I may read it again), "Every such rate shall be fairly transcribed in a book to be called the 'rate book' to be kept for that purpose, and may be in the form given in the fifteenth schedule or as near thereto as the circumstances of the case will permit; and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained." Therefore, as we turn to the fifteenth schedule, one of the headings is the owner, and that, of course, would include the owners; and, therefore, as far as ever they can ascertain, the owners are bound to be by law in the rate book; and that being so, by section 262, if any owner is omitted, he may, under section 264, insist upon his name being put there, because, with great deference, I cannot quite follow the arguments of Sir Charles Sladen upon that point. He is entitled by section 262 apparently to have his name there if it can be found out.

Sir Bryan O'Loghlen.—It is imperative.

Mr. Lorimer.—What about the lessees and assignees?

Mr. Wrixon.—That one case is not provided for I admit. I myself think the true remedy is to strike out the proviso.

Mr. Lorimer.—That would cure the whole thing.

Mr. Wrixon.—That, I believe, would be the short remedy; but, even if the proviso is allowed to stand as it is, I do not see that it effects much practical difficulty. The man is bound to be upon the rate book by law. Assuming he is not, it is his duty to go and see that it is put there, and that includes every case except the one case of lessees or assignees.

Mr. Balfour.—Lessees and assignees, and that may be the large bulk of them, but the striking out of the clause would cover the whole.

Mr. Lorimer.—Strike out the proviso, and the thing is done.

Dr. Hearn.—I have been just going to say that the whole argument which the learned Attorney-General put to this Conference was that there was, as the case stood, no ground of exclusion, no person disfranchised. Now Mr. Wrixon has just pointed out what I was intending to say, a very material case of very distinct disfranchisement in the case of a lessee or assignee, not to speak of several other persons, such as mortgagees and *cestuis que* trusts and others who are mentioned in the previous section, because under no circumstances whatever (no matter how anxious he might be, or careful or diligent he might be) can a lessee get his name put upon the rate book. In schedule 15, to which Mr. Wrixon referred, it distinctly points out that you have first to have the name of the occupier and then the name of the owner, and there is no place left in that 15th schedule for the name of the lessee, and for a very good reason, because the municipal council does not want the lessee, he is of no use to them. The whole of this difficulty has arisen, in my mind, from not taking into account the difference that exists between the Local Government Act and its objects and this Reform Act of ours. The Local Government Act is, I conceive, perfectly clear, distinct, and quite right. It provides that the occupier shall be the person rated; failing the occupier, in comes the owner; that is to say, the franchise under the Municipal Bill is given for its own purposes, as far as it is a franchise, is given to the occupier, or failing the occupier, to the owner. Under this Reform Bill of ours the franchise is given to the occupier, and to the owner, and to the lessee, and to several other persons besides. If you attempt to put all the persons upon that rate book and the voters' list, the more trouble and confusion you will cause in the working of the Local Government Act; and I think it is a very great pity that any use should be made of that Act, other than its obvious one of determining the value of the property which is to be rated and the names of those occupiers who are actually so rated. But in this present case before us it is quite clear that if this proviso continues as it now stands, it does most effectually disfranchise several classes of persons who are mentioned as being objects of a franchise in section 21. If you take a case—suppose this plain case, the case of an owner in fee; lease for twenty-one years; the value of the property being, say, £50; sub-lease to some occupying tenant; the occupying tenant appears on the rate book; the owner may or may not appear; it is a duty upon the municipal officers to put

him there; but if they fail in that duty, I do not know whether the owner has the right as against them to claim to be placed upon it. It is their business to put him there, but not for his benefit or for his advantage, but for their own purposes. In those circumstances, you can hardly say that he has the right. The public had the right against them, and they may be required, for certain purposes, to put his name upon the rate book, but that direction and duty is cast upon them, not for the benefit of the owner, but for a totally different class of purposes. Well then the owner may appear or may not appear, according as it seems good to the pleasure of the Council, that is in other words as they may really do practically at their discretion, for I suppose people would not frequently go to law about it; he may or may not appear on the rate book, but in no circumstance whatever is there any possibility for the Council, however well disposed they may be, to put in the name of the lessee, or assignee, or any of the other classes mentioned upon that book.

Sir Bryan O'Loghlen.—I doubt that.

Dr Hearn.—Look at Schedule 15; under what head is he to go, he is not occupier and not the owner.

Sir Bryan O'Loghlen.—The definition of owner in the Local Government Act is the owner of any property for the time being entitled to receive, or if the same were let to a tenant, would be entitled to receive the rack rent thereof, and therefore the lessee or assignee would go in as the owner.

Dr. Hearn.—No, pardon me, he is the man who pays the rack rent.

Sir Bryan O'Loghlen.—No, entitled to receive and at the time being entitled to receive, or if the same were let to a tenant, would be entitled to receive the rack rent thereof.

Dr. Hearn.—Exactly so, that is the very case; therefore I say that the reason of the thing is clear, you want to get for the local government and do not care about getting anything but the man who has to pay; and hitherto, in fact, that is what it comes to, their whole object is this, to get some person to pay the rates, they get the occupier and failing him the owner. But what machinery or contrivance is there if you have already the owner in fee, what contrivance is there, or what object is there in placing the lessee a second party's name there? The lessee cannot go down there as the owner, nor can it be for a moment contemplated that the local governing body, the municipal body, is to take notice of all the various interests that may be created in land. There may be any amount of lessees in such a case, and it is not to be supposed that the local government has to deal with them. That is the difficulty in my mind, the real fundamental difficulty in the whole question, a far greater difficulty than any we are debating upon this proviso to-night, and it is this, that the matter becomes so complicated by reason of endeavoring to work this Council franchise in connection with the Local Government Act, that carrying it out exceeds the care and intelligence, no doubt, of the class of officers who have to deal with it. The result therefore is, I suppose, that at some future time, probably not very far off, some further alterations will be found absolutely essential to the proper working of this Bill; but in the present case I think, as Sir John O'Shanassy well put it, we are not disputing now upon any question of principle, we are all agreed in sense upon the general principles contained in this Bill. It is a mere question of carrying out the principle and giving effect by proper machinery to what Parliament has already decided on, and I do not think there is any desire on either side to depart from those principles in any degree, either on the one side to gain any victory or on the other to curtail any right already granted. It is only to see the most convenient manner of giving effect to certain arrangements. It appears that a section has slipped in (I do not say slipped in), but was introduced inadvertently, and that certain grave consequences may follow from that, amounting to disfranchisement in some cases certainly of a number of persons whom the Legislature thought it right should have the right to vote. I certainly think that that proviso is capable, as it now stands, of two very different interpretations; but I imagine that very much the easiest way to deal with it, far the simplest, and I think without any possible bad effect, would be that already suggested, strike it out altogether. No doubt that is the simplest and plainest way; it removes any amount of difficulty, and it takes away all question of disfranchisement from that particular class of persons.

Mr. Anderson.—If they will take the trouble to enfranchise themselves.

Dr. Hearn.—Exactly, if they will take the trouble to enfranchise themselves; if they will do what other people ought to do, and have to do, and what doubtless they would do but for the proviso. Let them take out their rights, their electoral rights, and there is no more trouble about it. But as the case stands now they are prevented in effect from doing so by another section, because the 23rd section provides that "No person who is or who under the provisions of this Act is entitled to be included in any roll of ratepaying electors for any division of a province shall take out an elector's right for such province." You see there would be a grave question there, whether those persons being put upon the rate book might not be held to be, or be entitled to be, in some instances at least put upon the roll of ratepaying electors. Mind you it is not a voters' list, but a roll of ratepaying electors under section 28; and in that case a man would not in any case be able to vote at all, and would be neither one thing nor the other. If there is danger of any such consequence as that, or even danger of any grave doubts arising in the minds of the persons who had to administer this Act (which is really a most difficult Act, depending upon the construction not merely of the Act itself, but of the Local Government Act, and also of the Electoral Act), under those circumstances I think every facility should be given to persons who have to administer the Act, and for that reason this clause, which is nothing but a stumbling block, and which really gains nothing practical to any persons, should be, I think, omitted. I imagine it is the shortest and easiest way of removing the difficulties.

Sir Bryan O'Loghlen.—If you omit the proviso that is in effect accepting Sir Charles Sladen's amendment.

Dr. Hearn.—No.

Sir Bryan O'Loghlen.—Yes, if you omit the proviso you practically accept Sir Charles Sladen's amendment.

Mr. Anderson.—Will you look, Sir Bryan, at clause B. It is proposed to retain the first part of the clause. "The proviso at the end of the 21st section of the Legislative Council Act 1881 is hereby repealed," and stop there; strike out the rest.

Sir Bryan O'Loghlen.—Yes, but the effect of the repeal is to have a larger effect than actually Sir Charles Sladen's amendment. It will operate to a larger extent.

Sir Charles Sladen.—I admit it will.

Mr. Anderson.—The effect would be simply that each joint owner would have to take out an elector's right, that is the effect of it. If he did not take out an elector's right he would have no vote.

Sir Charles Sladen.—What is the objection to the proviso of the amendment, that the names of all persons claiming to be ratepaying electors shall appear in the rate book. That does away with the disability complained of in the first instance, and it imposes upon those persons who choose to vote as ratepaying electors, or wish to do so, or are in a position to vote as ratepaying electors the duty of appearing in the rate book. There is no hardship in that.

Sir Bryan O'Loghlen.—There is no hardship in that for this simple reason that they would have votes, and would be, in fact, in occupation of the land, and would pay the rates—if that was the opinion on both sides that this amendment ought to be accepted. I think there ought to be a proviso, something similar to the proviso in the Local Government Act, and I drafted this as an addition to the amendment. "And that not more than three persons claiming to be entitled to vote as joint owners, joint lessees, or joint assignees of any land or tenement occupied by tenants, shall be entitled to take, or have issued to them electors' rights in respect to such lands and tenements." It would limit the number of joint owners assignees and lessees to three, in fact, it would have the same effect (while they would not be disfranchised) as no doubt the Assembly considered the proviso has now—that is to be a check upon any fictitious additions to the rolls.

Dr. Hearn.—It would be much more than that, it is a substantial alteration of the franchise.

Sir Charles Sladen.—Suppose there were six joint owners, and you limit them to three, you would be taking away the actual right which is conferred by the 18th and 21st sections.

Mr. Balfour.—It alters the Reform Act.

Mr. Deakin.—It appears to me, with all diffidence, that this is exactly where there is a principle involved, and that principle, so far as discussed in the Assembly, is that of giving the votes on the one hand to properties and on the other hand to persons, because, as the Hon. Dr. Hearn has observed, the local bodies do not recognise all the interests in landed properties. Neither surely does the Legislature intend to recognise all the various interests in landed properties by giving a vote to each individual interested, because the argument as put forward by Dr. Hearn appeared to be that for one particular property, for instance the occupying tenant has a vote, the owner has a vote, the lessee has a vote, and so on, I suppose *ad infinitum*—at all events only so far as is limited by the value set down in the Act. The question raised is whether after all the limitation of this particular clause as it refers to joint owners, is a disfranchisement in the proper sense of the word. Certainly, any limitation in the number of joint owners who may vote, so far as it is a limitation, will probably in some cases deprive some joint owners of votes for that particular property; but the question is, are not joint owners a class of persons who are almost certain in ninety-nine cases out of a hundred to be already represented elsewhere. They would have votes, perhaps not for that particular constituency—that may or may not be—at all events for the House, in this way, that the joint owner if not the occupier himself and not voting for the property of which he is joint owner is certain in ninety-nine cases out of a hundred to be the occupier of a property which will under another section of the Act enable him to have a vote, truly only one vote, for the Legislative Council. And this is where the question of principle with certain members of the Assembly comes in—the principle that is against plural voting—each individual person should have only one vote for the one Chamber. Now, as I have endeavored to point out, this particular clause, while it disfranchised in the sense of taking away a vote from a man for the Council, could not deprive him in all reasonable probability of his vote altogether. It may take away his second, third, fourth, or fifth vote.

Dr. Hearn.—That is disfranchisement—he cannot vote in the same province.

Mr. Deakin.—He has a vote for the body, but the question is a question of principle with some, whether an individual shall have more than one vote for one body.

Mr. Lorimer.—That is not the question we are considering.

Mr. Deakin.—Not directly.

Mr. Fitzgerald.—Why attack it in an indirect manner?

Dr. Dobson.—It should have been settled in the Reform Act itself.

Mr. Deakin.—It should have been settled in the Reform Act itself.

Mr. Balfour.—It is too late to raise that question now.

Mr. Deakin.—It was contended in the Assembly by one of the authors of the Act that that was introduced to limit the power of voting of joint owners.

Mr. Anderson.—No.

Mr. Lorimer.—It does not do it.

Sir John O'Shanassy.—Was it the intention of Sir Charles Sladen in introducing it?

Mr. Lorimer.—It was to prevent roll stuffing.

Mr. Deakin.—Of course it is not my desire to detain the Conference at any length at all, or make any attempt to argue this question. I simply wish to point out that that is a question of principle with some members as to whether this limitation is in that spirit, and according to the definition of Sir Charles Sladen, which, I think, has very great weight, whether it is a limitation of the power of joint owners at present, and whether it should not be retained, inasmuch as the persons who are referred to as disfranchised are not actually disfranchised as to their votes for that body, but only as to that particular province. The limitation in the next section as to joint occupying tenants might not be defended with anything like the same force, because if the person is in occupation it is almost certain that he can vote, and that that is his only vote, but in this case it is almost certain that the persons who by this clause might be deprived of their votes would not be deprived of their first votes, but only of their second, third, or fourth votes, and in this respect Sir Bryan O'Loghlen's argument has not been answered.

Mr. Bent.—Sir Charles, I have listened very closely to your argument, and the bearing it has upon this particular question, and if members will be kind enough to remember that the Local Government Act has been used not only for its original purposes, the collecting of rates, but for political purposes.

Sir Charles Sladen.—I do not know that.

Mr. Bent.—Well, for the purpose of putting on votes; it imposes on the council that it shall, first of all, appoint a valuer sworn to do his duty. He calls at the various places, and places the names upon the roll. After those names are placed upon the roll, at a certain time of the year, the public have the right to object. A person himself has the right to apply; and I understood Sir Charles to bear particularly

upon section 264 of the Local Government Act, to show that a person could not possibly get his name on, or it was not incumbent upon the council to place the owner's name upon the roll.

Sir Charles Sladen.—If he was not a ratepayer.

Mr. Lorimer.—The rate book.

Mr. Bent.—First of all he gets upon the rate book, and as a matter of fact, I think, by nearly every council in the colony, at a certain time of the year, the rate is amended by inserting the names, or taking out the names. I will take a case in point; say a valuation is made in October, the rate perhaps is struck the following February, and if the rate is struck three months before the 10th of June the rate is bound to be paid, though the name is not placed upon the roll; that is, for the local government purposes. But for the purpose of the Parliamentary elections, whether the rate is paid or not, the name is placed upon the Legislative Assembly roll; and very often in this colony, especially in a district like that which I represent, the person valued, whose name appeared upon the valuation book first, is not the person who pays the rate at all; and as a matter of fact, under clause 264, the council amends the rate and places the proper person upon the roll, whether occupier or freeholder, to take his position upon the rate book; and his name appears upon the 10th June, or rather the 7th July, when the roll is made up. Upon that date the name appears, and then the person, whether owner or occupier (occupier has been the policy, because he is the person rated), first of all appears upon the roll. After that, if the occupier has not paid, then, of course, the council comes upon the owner in the first case, and subsequently his name appears upon the roll. Now if the contention of the Council is that, under section 264 (and it appeared to me that Sir Charles Sladen argued more upon that section), the Council will observe that full powers are given for the council to amend the rate; as a matter of fact it does, if the council have the power, and not only have the power, but exercise it. Is it necessary for us to amend the clause, as suggested by the Council to-night, because the principal objection, I understand, is that, under Schedule 15, the word "owner" appears, but that owner, at any time, if he is left off the roll, can make application to the council, and upon making application to the council, as a matter of fact, the rate is amended and the name is inserted there.

Sir Charles Sladen.—It is my contention that it cannot be done.

Mr. Bent.—But, as a matter of fact, it is done.

Mr. Lorimer.—But you are talking about the roll.

Dr. Dobson.—Section 264 simply speaks of amending the rate, not the rate book.

Mr. Bent.—I say that, as a matter of fact, it is the rate book.

Dr. Dobson.—That is a matter of practice, not a matter of law.

Mr. Bent.—Both law and practice.

Mr. Anderson.—That is a breach of the law.

Mr. Bent.—I can refer to several cases where, if it had not been the law, it would not have been done.

Mr. Wrixon.—Surely Dr. Dobson does not contend that "rate roll" does not mean "rate book"?

Mr. Bent.—Section 264 of The Local Government Act says:—"The council may from time to time amend any rate made or to be made by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier." I say that for this purpose we will say that upon any day you like in March, a person originally upon the valuation book as the occupier leaves, the council are bound to put in that occupier or owner, as the case may be, and it is done as a matter of fact; "or by inserting the name of any person who ought to have been rated, or by striking out the name of any person who ought not to have been rated, or by raising or reducing the sum."

Mr. Lorimer.—That all applies to the roll, not to the book.

Mr. Bent.—I assure the Hon. Mr. Lorimer that that is the rate book. Supposing there is a blank there, they fill it up with the owner's name; if there is a name there of a person who has left the district they erase it and put in the occupier's name or the owner's name. It is done frequently.

Mr. Lorimer.—Whoever looks at the book, people only go to the roll to inspect.

Mr. Bent.—Every year in the district in which the Hon. Mr. Balfour lives the shire council insists upon the valuer or collector bringing up the name of the person who has left the district, and they place upon the roll the name of the person who pays the rates under that section.

Mr. Balfour.—You are overlooking Sir Charles's objection. He does not say the name of the owner cannot be put upon the rate book, but there is no mandamus to compel the council to do it where there are joint owners.

Mr. Bent.—I am not a lawyer, but I have heard that "may" reads "shall." But to go further, I remember that Act being passed, and the whole object was to provide for cases where the names of persons were left out.

Mr. Balfour.—To make them pay their rates.

Mr. Bent.—Not merely for paying rates, but for the rate book from which the town clerk makes out his roll.

Mr. Lorimer.—What about lessees or assignees?

Dr. Hearn.—It is the person who ought to have been rated, you see.

Mr. Bent.—Or by striking out the name of any person who ought not to have been rated—that is, supposing the wrong occupier or owner's name were given?

Sir Charles Sladen.—The owner does not profess to be rated, when he is rated there is no difficulty.

Mr. Bent.—Take a case where the land is unoccupied, and I am dealing now with clause 264. You have not touched that part of it.

Mr. Lorimer.—Tell us how the lessees and assignees are to be dealt with?

Mr. Balfour.—Take six joint owners.

Mr. Bent.—Joint owners, only three can get upon the roll.

Dr. Hearn.—It is only the owner who ought to have been rated who goes on. You do not put on the owner when you know the occupier.

Mr. Bent.—Yes. The schedule provides for the occupier first. The occupier primarily because the occupier must pay, and even you can follow his goods for rates.

Dr. Hearn.—But pardon me, I wish to call your attention to section 264, that you were reading. It is "owner or occupier, or by inserting the name of any person who ought to have been rated." It is the

test of his being put on by the council, is he liable to rating, and that is provided in the same way all through.

Mr. Bent.—He is liable. If the occupying tenant does not pay, he must pay; that is well known.

Dr. Hearn.—Yes.

Mr. Bent.—And it goes on to say that they can raise or reduce “the sum at which any person has been rated, if it appear to them that such person has been underrated or overrated, or by making such other amendments therein as will make such rate conformable to any Act under which the same is payable; and no such amendment shall be held to avoid the rate; and no alteration or amendment in such rate book shall be valid unless the same be initialed by the chairman of the municipality in the presence of the council, and the date of such alteration or amendment be also inserted. Provided nevertheless that the council shall not alter the municipal roll after the revision thereof hereinbefore provided for.” That cannot be done after the 10th of June, according to other sections of the Act.

Mr. Anderson.—And the amendments are only for rating purposes all through.

Mr. Bent.—“Provided also that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate, and no such alteration had been made; and as respects such person the rate shall be considered to have been made at the time when he received notice of such alteration; and every person whose rates are altered shall be entitled to receive seven days’ notice of such alteration before the rate shall be payable by him: Provided further that the council may from time to time, upon the complaint of any person liable to the payment of any rate, remit or excuse the payment thereof, or any part thereof, on account of the poverty of the person liable to pay the same.” So that under that section a person, whether owner or occupier, is placed in the same position as if he appeared originally upon the valuation book. That valuation book is altogether different to the schedule of the rate book. A person’s name may be upon the valuation book and not upon the rate book.

Mr. Lorimer.—How does that affect the rate book?

Mr. Bent.—He can get upon the rate book, and only three persons can be there under this Act.

Mr. Lorimer.—How do the lessees and assignees under the 21st clause get upon the rate book.

Mr. Bent.—Sir Bryan read a definition of the word “owner”—the person receiving the benefits.

Sir John O’Shanassy.—Would it come to a point by moving a resolution. I think we all understand the subject now. I will move, “That the proviso at the end of the 21st section of the Legislative Council’s Act is hereby repealed” and end there.

Mr. Lorimer.—I beg to second that motion.

Professor Pearson.—I should like to ask if Sir Charles Sladen would not accept the proposal made by Sir Bryan O’Loughlen, which seems to me a very preferable one. These words which he has proposed, expresses, I am quite certain, the feeling that the Assembly had when the Reform Bill was passed; but if it is impossible that the Council should accept that, then I would say that I think a great deal of the feeling in the Assembly arises from the fact that we sent up a Bill of a very simple kind, hoping it to pass as a matter of form—a Bill to correct a mere error—and we got it back completely changed and with clauses put in which the ablest lawyers appear to differ about. I think the discussion to-night will convince the public that those who best know the meaning of legal phraseology cannot show us the exact purport of any one of those clauses. Under those circumstances, I would ask whether the Council do not see their way to drop those clauses for a time and to send us down in some future Bill, as the fruit of their mature reflection, such changes as they think necessary in order to embody their own views upon the question of owners. I think that would remove the difficulty, though I think Sir Bryan’s amendment is really an extremely good one.

Sir Charles Sladen.—I understand Mr. Pearson to ask whether the council would accept the proposition to give up all their amendments. Is that the case?

Mr. Pearson.—No.

Sir Charles Sladen.—To accept the limitation of three voters?

Mr. Pearson.—Yes; that expresses the original feeling, and failing that, if they will postpone the question of these amendments and send them down to be dealt with in another Bill.

Sir Charles Sladen.—I beg your pardon. I may say, with regard to the proposition of Sir Bryan, that it is entirely *ultra vires*. Here is a law which gives as many votes as the property will provide that number of qualifications for, and it would not do for a committee of the Council to say that we will curtail that power by limiting it to three. I do not know what powers the joint owners may have of voting. It is impossible to say, but if they are ratepayers I take it that there is a qualification. There is a restraint upon their voting power, and it appears to me that the amendment as it stands now, “Provided that the names of all persons claiming to vote as ratepaying electors shall appear in the rate book.”

Mr. Bent.—Is it intended by the Council that you multiply the votes by ten?

Dr. Dobson.—Yes.

Mr. Bent.—That for £500 you get fifty votes?

Dr. Dobson.—That is the interpretation of the Act.

Sir Charles Sladen.—I take it that, if the property were valued at £500 and without any fiction or impropriety there are fifty joint owners, surely they are all entitled to vote? I think it would be a very rare case indeed if such a thing existed, but I have no doubt in my own mind. If I had any doubt I should not have raised the question at all.

Mr. Kerferd.—May I ask you, Sir Charles Sladen, as to the 21st section, whether you put the same construction that it appears to me ought to be placed upon it, and that is, that the general proposition stated in the body of the section is cut down by the proviso?

Sir Charles Sladen.—I do. I think it is limited by the proviso; in fact, I think a joint owner is disfranchised by it unless by accident.

Mr. Kerferd.—That that proviso discharges the functions of a proviso, that is, to limit something that went before it; that is to say, they must be upon the rate book.

Mr. Anderson.—And that they cannot get upon the rate book unless they pay rates.

Mr. Wrixon.—I quite differ from that.

Mr. Anderson.—You say the joint owner must go upon the rate book, which is an impossibility; that is, you take away from him the power of voting just given to him by the section.

Mr. Wrixon.—Why is that impossible?

Mr. Anderson.—Because it is not for the purpose of amending the rate, which is the only purpose the Act says it shall do.

Mr. Wrixon.—The law says it shall be on.

Mr. Anderson.—Simply for the purpose of enabling the council of the municipality to fall back upon him when the person in possession does not pay.

Dr. Dobson.—The second name to a ratepaying bill.

Mr. Kerferd.—You have rated A, and you ought to have rated B, therefore you substitute B.

Mr. Gillies.—Are we all agreed, may I ask, as to what the 21st section does without the proviso? If we are all agreed, then if the insertion of this proviso accomplishes something different from what was intended, there may be no difficulty in altering it; but if we are not agreed upon that, we must start at the beginning. If we agree that the 21st section means that joint owners (no matter what their number may be) and lessees and assignees shall have votes if they are liable, and have to pay a certain amount of rate; and if the value of the property be such that, divided by the amount of a single qualification, it would entitle them to a vote each. If that is the principle, and the proviso was not intended to deprive them of it, we do not want to perpetrate a farce, we want to carry out the real intention of the Legislature. Allow me to say that it strikes me a great deal of this is owing to the Legislative Council itself. I cannot help remembering that a great many people were anxious to give advantages to owners that they did not previously possess, and that was, that instead of taking out non-residential electors' rights, they wanted to put them in the position of not taking that trouble at all, and to put their names into the rate book, and to carry their names thence into the roll at once; and that proviso was put in with that object.

Sir Charles Sladen.—There was no such object, no such idea. Allow me to explain the object of the proviso; it seems to my mind so perfectly clear. If it is admitted that the proviso imposes a restraint, or limitation, or disability upon joint owners who are not occupiers, and therefore not ratepayers, the amended proviso would leave them to their original right to take out an elector's right; that would simply require that the names of persons whose votes were to be recorded under this section as ratepayers should all appear upon the rate book, whether they voted by electoral right or under the ratepayers' roll. It was with that object, to prevent an improper use.

Mr. Gillies.—I am afraid that is too scientific, but in addition to that, with great respect I venture to express the opinion that the proviso proposed to be inserted in lieu of the proviso to be struck out, would not place you one foot further upon your road than the proviso in the Bill. All the alteration you make is, that instead of "so entitled" you have "claiming to vote as ratepaying electors."

Sir Charles Sladen.—Yes, but the owner does not claim as a ratepaying elector; if he does, and comes under it, it is all right enough; but he does not claim as long as the tenant is in possession.

Mr. Anderson.—The jointowner would not claim, he would simply take out a right. The only man who would claim would be the owner who is a ratepayer; it would be limited to the occupying owners.

Sir John O'Shanassy.—It was never contemplated by any section of the Assembly in the Reform Bill to limit joint ownership to three votes. If that was set out in the original contract I would not depart from it to-night, but I know the origin of it. I put four votes into the Local Government Act for the simple reason that as there was only one House in the municipal body, it was necessary to give a balancing power to property in rating matters; that has nothing whatever to do with this matter, it was entirely a municipal question. Why should we go back to that position; it was afterwards reduced to three.

Mr. Deakin.—The exact contrary position was taken up by Mr. Berry.

Mr. Gillies.—It was never contemplated ever to do away practically with that section.

Sir Bryan O'Loughlen.—It is quite evident that the Council and Assembly were looking at this from a different point of view, and therefore I proposed what might be thought to be a compromise that might suit both parties, for it is perfectly evident, as far as the Assembly is concerned, that this proviso having come in three Bills from the Council, year after year, and now being in this Bill, was accepted by a large number of the Assembly as a proviso limiting the operation of this duplicating clause. I held a view very strongly, which was quite opposite to the view held by the Council; I merely suggest this as a compromise, not as my own view upon the matter.

Mr. Anderson.—But the effect of the proviso was not seen till the rolls were being compiled the other day, and upon the compilation of the rolls, complaints were made by the collectors and persons whose duty it was to compile the rolls, that there was no provision by which they could carry out the proviso that the names should appear upon the ratepayers' roll, and there was no possibility of putting them there except in that 15th schedule, from which they did not compile the voters.

Sir Bryan O'Loughlen.—But you see, as far as the compilers of the ratepayers' roll go, they have nothing at all to do with joint owners, for the joint owners could only get on by taking out an elector's right.

Sir Charles Sladen.—Except as a ratepayer.

Sir Bryan O'Loughlen.—A ratepayer while he is in occupation.

Mr. Anderson.—The intention was that he should not vote except he was upon the rate book; that should be a test of his *bona fides*; that was the intention; but we found that practically our desire to carry it out has accomplished a very undesirable point, that he is not able to go on at all.

Mr. Bent.—You have hardly an owner on at all now.

Mr. Anderson.—We put an impediment; we said, "You must go upon that rate book to vote, and we provide that it is impossible you shall get on."

Mr. Bent.—And now we propose to give you three instead of none.

Sir John O'Shanassy.—May I ask how is the question put—who puts the question?

Mr. Fitzgerald.—I believe that the way is that Sir Bryan puts it to the members of the Assembly, and Sir Charles to the members of the Council.

Mr. Balfour.—It is quite right that you have called attention to the fact that each of the Bills that came down from the Council contained the proviso, but that very fact contains a strong reason why the Council should have something to say about the withdrawal of the proviso if it is unworkable. If it had been put in to limit the voting powers by the Assembly, I could understand the Assembly standing out for it, but we now know from Sir Charles's admission that it was put in by him to prevent a possible roll-stuffing. He finds now that while it will not practically do that, and will not act as a preventive, it

actually does disfranchise those entitled to vote by that clause, and also entitled to vote under previous Constitution Acts.

Sir Bryan O'Loughlen.—It is a fact that it was unfortunately put in it. It was accepted by a large number of members of the Assembly as a guarantee against any improper addition to the rolls.

Mr. Balfour.—We are perfectly willing to have that carried into effect so long as that does not disfranchise other persons; but in passing the first clause sent up by the Assembly, this Council is giving voting powers to those whom many of the Council believed were not entitled under the old Constitution Act, whereas they merely here ask to replace upon the roll those who were all along entitled both under the old Constitution Act and this Act.

Sir Bryan O'Loughlen.—Then you must remember that many lawyers in the House and out of the House conceive my opinion to be wrong.

Mr. Bent.—Do you think that when that Reform Bill came down to the Assembly, if it were thought that any property could put twenty, or even ten votes on, the Assembly would have passed that Bill?

Mr. Balfour.—I cannot understand the Assembly possibly misunderstanding that point. It is not likely that any properties would have even five votes, but the principle has been there, and is there all through every Constitution Act.

Mr. Lorimer.—And the same principle applies to the law of the Assembly. Now I submit, with all deference to the opinion of lawyers, that the whole question can be got over in the way suggested by Sir John O'Shanassy. If that provision is repealed, the law can stand as it is. If that person is entitled to vote, he goes and takes out an elector's right; if he does not put himself to the trouble of taking out that right, namely a non-residential qualification, we are quite content that he should go without his vote; we do not ask that he should be saved any trouble, and therefore if the proviso be struck out, it will assimilate the practice to the practice of the Assembly.

Mr. Fitzgerald.—It puts on the same platform the joint tenants and joint owners.

Sir John O'Shanassy.—I remember that the question was pressed in the Assembly upon Mr. Berry to raise the question of plural voting, and he declined to do it upon a question of that kind; therefore the question was not raised.

Mr. Lorimer.—Never thought of and never discussed?

Sir John O'Shanassy.—No.

Mr. Anderson.—And it is not fair to raise it now.

Mr. Lorimer.—We are unanimous on this side to let the proviso go. Will the Assembly agree to that, as proposed by Sir John O'Shanassy?

Mr. Francis.—I respectfully suggest that in trying to cure one evil you may create a greater one. I have that strong opinion. Sir Charles Sladen premised that, assuming the franchise to be a £10 qualification, in which I think I am correct, the owner may have a vote, and the lessee may have a vote, and the sub-lessee may have a vote, and the assignee may have a vote.

Sir Charles Sladen.—No, the lessee.

Mr. Francis.—Five classes. You would have such a multiplication of voters that it is not only a substantial property in itself, and its proper representation in the first instance, but every subsidiary interest in it which might be arranged, not the property alone as a freehold qualification, but all the subsidiary interests which can spring up and will spring up as properties improve. The owner has an interest to begin with, and then all the varying interests that older countries and larger populations show would have an increasing interest in the one House as against the other. I should like to ascertain if there is any estimate of the result of the proposition unanimously adopted by the Council, as I understand Mr. Lorimer, that after this Qualifying Act, as it is called, there will be to the ratepayers' roll a comparative accession of power advanced and almost unanimously assented by the representatives of the Council. In this case you have the old ratepayers' roll as it was, the ratepayers' roll as it is now being hastily, as some may say, proffered to the Upper House, and accepted by them in the qualification in the Act of 1881. But I estimate that under those circumstances, if all the powers conceded or claimed by the Council were admitted, you would have a whole army.

Sir Charles Sladen.—Perhaps Mr. Francis is not aware that precisely the same clauses are in the Electoral Act of 1865, with regard to the Assembly.

Mr. Francis.—I am not prepared to say there was not that objection to it.

Mr. Anderson.—We may point out that only one man is rated upon the £10 rating. That is the owner; the tenant is upon £25; so is the assignee.

Mr. Francis.—There may be a differential qualification. I admit all that, but it is not only property represented, but almost going down to the very shadows of property before you are satisfied.

Mr. Anderson.—Do not you think we are making a mistake to go into the Constitution Act instead of the Bill before us?

Mr. Francis.—It may be a mistake in the amendment. I do not say anything about that. In the meantime I think it is our duty to try to understand the question before we proceed to vote upon it. I say it appears to me that by the question as now submitted the Upper House would not only have property represented, but property multiplied as you get nearer to its source; that is to say, you put £10 as the owner, but you require £25 for the lesser qualification. I should like to know how many votes that would give. I, for one, should like to see. I think legislation would be undesirable, if not impossible, if property were represented in the Upper House altogether. It would lead almost to confusion if not conflicts between the two branches of the Legislature. I am told it might give twenty votes for a property of £100. I have not checked if it is a fact as stated just now by Mr. Deakin; I hold him responsible. I ask for a return to show the result of the proposal in the Qualifying Act. It appears to me that if twenty votes are squeezable, if I may use the expression, out of a £100 qualification, the Upper House would be too absolute, even for its own desires.

Sir Charles Sladen.—But the Legislative Assembly has precisely the same law affecting it. It is not peculiar to the Legislative Council, I assure you.

Mr. Lorimer.—The only difference is the qualification.

Mr. Bent.—How many votes may a man have for the Assembly?

Dr. Hearn.—There is no maximum.

Mr. Lorimer.—Where will you get ten joint owners of a £100 property?

Mr. Bent.—As a joint occupier how many votes can a man have?

Dr. Hearn.—There is no limit.

Mr. Pearson.—The amendment would give clubs votes for the Council.

Dr. Dobson.—The Melbourne Club has about fifty votes, I should think.

Mr. Fitzgerald.—There are only two in the colony that have any proprietary rights.

Mr. Francis.—We are not now amending the Legislative Assembly or interfering with it at all. If we were, it might be pertinent to the amendment. It is not the practice hitherto yet. But on the other hand one thing is quite certain, every odd-fellows hall and every combination and coffee palace and all those kind of institutions, would multiply votes till it is almost impossible either to trace their genealogy or count their number.

Mr. Balfour.—All registered companies are corporations.

Mr. Francis.—Those clubs are not corporations.

Mr. Fitzgerald.—Only two in the colony with proprietary rights.

Mr. Francis.—They could soon make them—make them by the faggot.

Mr. Bent.—Mr. Lorimer, do I understand you to say that in the Assembly now you can obtain more than three votes for one property?

Mr. Lorimer.—Undoubtedly you can.

Mr. Bent.—Not outside of Melbourne.

Mr. Lorimer.—I have no doubt there are other properties besides those in Melbourne. It is the law, at all events. There is not one law for Melbourne and another for the rest of the colony.

Mr. Bent.—I understand it is a partial law, applying to the city of Melbourne only.

Mr. Deakin.—And exactly the same limitation of the number that can be placed upon the municipal roll as the limitation that prevents more than three property owners being placed upon the roll for one property—the proviso which is now desired to be struck out.

Mr. Pearson.—It should be borne in mind that any number of conservative clubs might buy land for that express purpose of manufacturing votes. Now, do we want that kind of thing here?

Dr. Dobson.—It is not likely to be.

Mr. Anderson.—We do not ask a change in the law.

Mr. Pearson.—You do ask us to change what you sent down to us.

Sir Bryan O'Loghlen.—I propose that the members of the Assembly confer in private, and we can return.

The members of the Legislative Assembly withdrew, and after some time returned.

Mr. Lorimer.—Sir Bryan, will you allow me to say a word of explanation. There was a conflict of opinion between Mr. Deakin and myself as to what the law is just now, as regards the right to vote for the Legislative Assembly. It is most important that there should be no mistake in the public mind as to what the law is. I would like to call attention to the Act to Amend the Electoral Act. The 9th section fixes the freehold property qualification at £50, or a yearly value of £5. Clause 12 proposes no restriction whatever in regard to the number who can take out rights. Mr. Deakin stated that whereas in Melbourne there was no limitation as to number, there was such a limitation in all other parts of the colony. Now clause 12 is as follows:—“Where two or more such male persons as aforesaid shall be seised as aforesaid of any such lands and tenements, or where any such lands or tenements shall be jointly held by two or more such persons as such lessees or assignees, or as such occupiers and tenants as aforesaid each of such persons shall be qualified to vote as aforesaid in respect of such lands and tenements in case the clear value or clear yearly value or clear yearly rent thereof as the case may be shall be of an amount which when divided by the number of such persons shall give a *bonâ fide* value or rent of not less than the amount in that behalf hereinbefore required for each and every such person but not otherwise.” So I merely wish to state that I was perfectly correct in what I said, and Mr. Deakin is altogether wrong.

Mr. Deakin.—I should like to say that Mr. Lorimer has misunderstood me. Mr. Lorimer may be clearly right, but yet I say I am not wrong. What I say is a fact, that upon the ratepaying roll of electors—

Mr. Lorimer.—That is not the question.

Mr. Deakin.—The question raised by Mr. Bent was, that the roll used for the Assembly was the roll of ratepaying electors, and that only three persons could be upon that roll for any one property. Of course anyone knows that if there are more than three owners, every one of those beyond three can take out a non-residential right or qualification. We all know that.

Mr. Lorimer.—You said that could only be done in Melbourne.

Mr. Deakin.—No.

Sir Bryan O'Loghlen.—Sir Charles Sladen and gentlemen, the Committee of the Assembly have considered the matter most anxiously, and come to the conclusion that they cannot agree. They regret it very much that they cannot agree with the Council in the amendment proposed.

Sir Charles Sladen.—I am really sorry that our meeting should have been without result. I do not know that we can help the matter in any way.

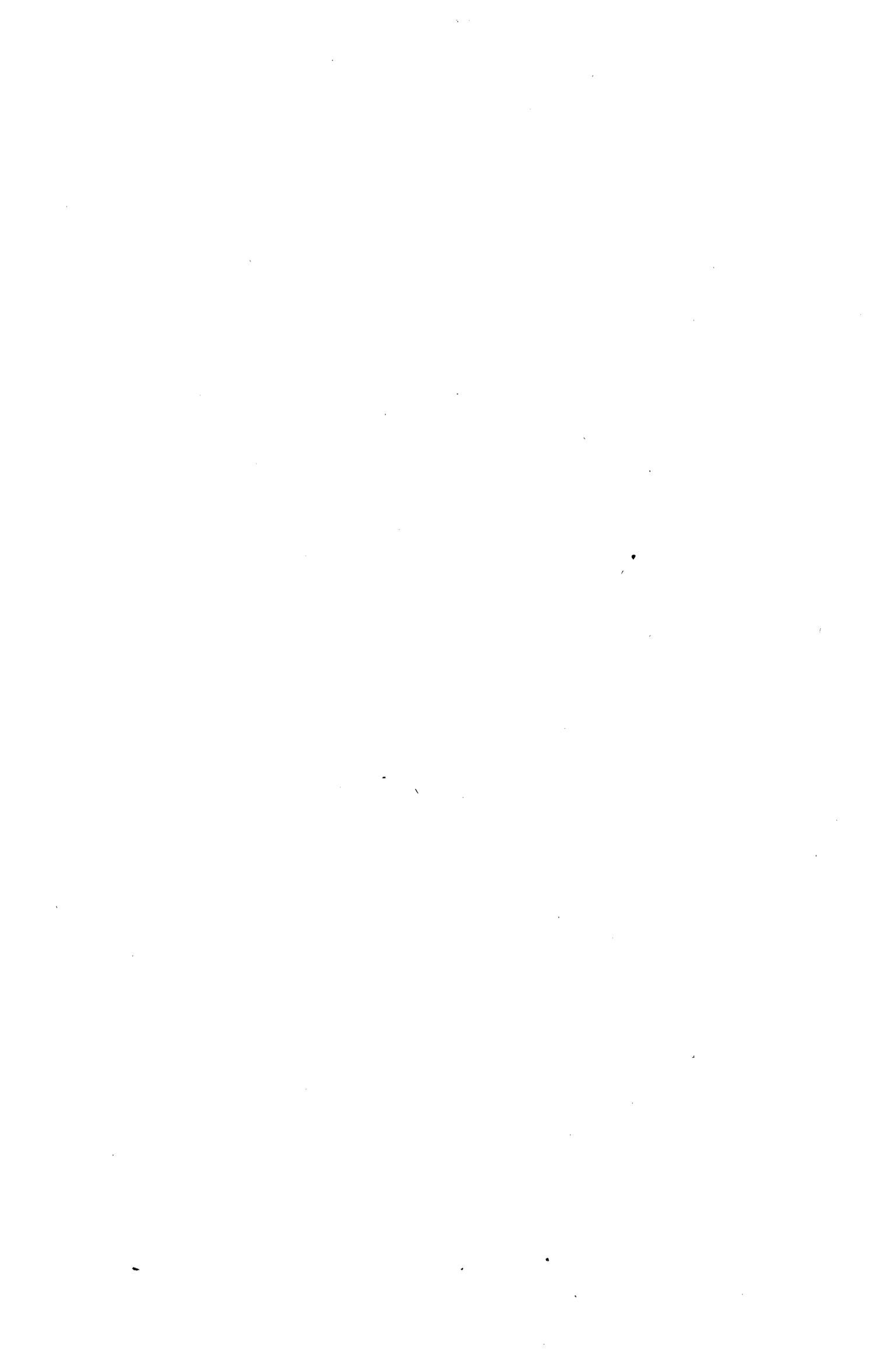
Sir Bryan O'Loghlen.—I am afraid not.

Sir John O'Shanassy.—Is the understanding clear that the members of the Assembly could not agree amongst themselves, and not that they disagree with the Council. They are two very different things?

Sir Bryan O'Loghlen.—I put it on behalf of the Committee of the Assembly that they could not agree.

Sir John O'Shanassy.—They did not agree amongst themselves.

Adjourned.



1882.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

ALTERATIONS IN COUNCIL CHAMBER;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 5TH SEPTEMBER, 1882.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 29TH AUGUST, 1882.

7. ALTERATIONS IN COUNCIL CHAMBER.—The Honorable J. MacBain moved, by leave of the Council, That a Select Committee be appointed to take into consideration what alterations (if any) are desirable to give the necessary accommodation for the proposed increase in the number of Members of the Council ; such Committee to consist of the Honorables the President, Sir Charles Sladen, J. Lorimer, W. A. Zeal, C. J. Jenner, T. F. Cumming, and the Mover.

Debate ensued.

Question—put and passed.

REPORT.

THE COMMITTEE appointed by Your Honorable Council "to take into consideration what alterations (if any) are desirable to give the necessary accommodation for the proposed increase in the number of Members of the Council" has the honor to report as follows :—

1. That the gas pedestals in the Council Chamber be removed.
2. That the corridors be closed by baize or other doors.
3. That the new seats for members be furnished with drawers ; and
4. That additional letter-boxes be provided.

JAS. MACBAIN,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 5TH SEPTEMBER, 1882.

Members present :

The Hon. The President
Sir C. Sladen
J. MacBain
W. A. Zeal

The Hon. T. F. Cumming
J. Lorimer
C. J. Jenner.

The clerk read the extract from the Minutes of the 29th August appointing the Committee.

The Honorable J. MacBain was appointed Chairman.

The Committee deliberated, and agreed to recommend the following alterations :—(1) The gas pedestals in Council Chamber to be removed. (2) The corridors to be closed by baize or other doors. (3) The new seats for Members to be furnished with drawers ; and, (4) Additional letter-boxes to be provided.

The Chairman was directed to report to the House.

1882.
—
VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

RAILWAY ACCIDENT, JOLIMONT;

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE, MINUTES OF EVIDENCE
AND APPENDICES.

ORDERED BY THE COUNCIL TO BE PRINTED, 5TH SEPTEMBER, 1882.

By Authority:
JOHN FERRIS, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 6TH JUNE, 1882.

8. RAILWAY ACCIDENT, JOLIMONT.—The Honorable W. A. Zeal, in accordance with *amended* notice, moved, That a Committee be appointed to enquire into and report upon the cause of the accident on the South Suburban Railway at Jolimont on the 30th August, 1881, and the manner in which the traffic on such railway had been conducted; such Committee to consist of the Honorables James Buchanan, Dr. Dobson, James Graham, W. McCulloch, Francis Ormond, J. A. Wallace, and the Mover, three to form a quorum; with power to call for persons, papers, and records, and to have leave to meet on days on which the House does not sit, and to report the evidence from day to day.

Question—put and passed.

R E P O R T.

YOUR COMMITTEE have the honor to report that, acting under the authority of your Honorable House, they have made an inquiry into the cause of the deplorable accident at Jolimont, on the 30th August, 1881, on the South Suburban Railway, and have examined all available witnesses who were able to afford your Committee reliable information thereon.

Your Committee regret to state that they have failed to secure the attendance of the late general manager (Mr. Elsdon), who left the colony immediately after your Honorable House had appointed your Committee; and although your Committee have requested that gentleman to attend, he has not done so. Your Committee are informed that he is at present residing in Sydney, and has intimated to his representatives here that he has no intention of returning to Victoria.

Your Committee invite the attention of your Honorable House to the correspondence which has taken place between the representatives of the late general manager and your Committee, and in view of the apparent disinclination of that gentleman to give evidence before your Committee, they consider that no good purpose would be gained by any further delay, and have resolved to bring their labors to a close by reporting on the evidence obtained.

Your Committee find that prior to the Jolimont accident a very defective system of supervision was observed in maintaining the works and rolling stock on the South Suburban railways; that most important directions were verbally given by superior to subordinate officers, and that as a rule subordinate officers were left to the exercise of their individual judgment in discharging their duties.

Your Committee regret to have to report that, although repeated applications have been made to the Railway Department for the two reports of Mr. Elsdon prior to the purchase of the Melbourne and Hobson's Bay United Railway, and again in June, 1879—on the state of the Hobson's Bay rolling stock—these documents are not forthcoming, and your Committee are informed they are either mislaid or lost. Your Honorable House will appreciate the importance of these documents, on learning that your Committee were informed they contained Mr. Elsdon's opinion on the condition of the engines and rolling stock prior to and also after the purchase of the Melbourne and Hobson's Bay United Railway by the Government. If these reports had been available, your Committee believe that valuable evidence would have been obtained as to the condition of the engines and rolling stock before the accident, and the manner in which the repairs and maintenance have been carried on.

Your Committee have examined the foremen and other witnesses engaged in the fitting shops at Sandridge, and find that nearly all those officers allege that a deceased locomotive foreman (Mr. Higgins) was the officer responsible for the proper repairs to the engines and rolling stock; but your Committee, in justice to the memory of the deceased, feel it their duty to place on record that no documents or written instructions from Mr. Elsdon have been produced in which he delegated his authority to the late Mr. Higgins. On the contrary, they have the testimony of the General Traffic Manager (question 48) that "Mr. Elsdon was in full charge of the line and works," and of the Locomotive Superintendent (question 116) that "Mr. Elsdon was the responsible officer."

The evidence elicited by your Committee as to the condition of the carriage stock disclosed an alarming state of affairs, and warrants your Committee in asserting that the lives of passengers travelling over the South Suburban Railways were in constant peril, and that only a combination of fortunate circumstances prevented an entire breakdown of engines and carriages. In confirmation thereof, your Committee draw attention to Mr. Mirralls's evidence, where he says that the broken tire (causing the accident) was worn from its original state (2 inches in thickness) till it had become only $\frac{5}{8}$ ths of an inch thick—the minimum thickness of tires of the wheels running on the Government lines being $1\frac{1}{8}$ th of an inch. Also to question 156, that he "condemned

the wheels and axles of every carriage" immediately they were placed under his control. Mr. Miris further asserts (question 163) that all the wheel tires were "very dangerous," and to question 194 he replies, "When I saw the rolling-stock it made my blood almost run cold."

Your Committee consider any observation of theirs condemnatory of such negligence unnecessary.

Your Committee, on reviewing the evidence and Mr. Elsdon's recent statement that he has nothing to add to his Report of the 11th October, 1881, find :—

- 1st. That Mr. Elsdon was the officer responsible for the control of the works and safe condition of the engines and rolling-stock at the date of the accident (30th August, 1881) at Jolimont, on the South Suburban Railway.
- 2nd. That nearly all the wheels of the passenger carriages on that railway were unserviceable, and should have been removed from under those carriages, and that their use involved great risk to the passengers travelling on that railway.
- 3rd. That the accident at Jolimont was caused by the breaking of a wheel tire of a first-class smoking carriage, forming part of the train, such tire being both unsound and dangerous.
- 4th. That the position of the brake-van of the train at the time of the accident, viz., in front of the carriages and next to the engine, is directly opposed to the recommendations of the Board of Trade and the usual practice of railway companies; and that the application of the guard's brake (after the accident was discovered), caused the rear carriages of the train to overrun those disabled, thus aggravating the results of the accident, and causing a greater loss of life than might have been the case had the brake-van been in its proper position.
- 5th. That, had the Brighton express train which was so completely wrecked at Jolimont on the morning of the 30th August, 1881, been fitted with a continuous automatic brake, no loss of life would probably have taken place, and that train would have been stopped soon after it had passed through the Swan-street station and immediately the wheel tire broke.

Your Committee recommend that every passenger train be forthwith fitted with a continuous automatic brake; and until such brakes are available, no passenger train be allowed to leave any terminal station unless an ordinary brake-van is attached to the rear carriage.

That instructions be given to all guards to keep a constant oversight of their trains when *in transitu*, and especially of express trains passing intermediate stations.

That a system of signalling between the passengers and guards be applied to all except Suburban trains.

That the block system of working railways be at once adopted on all lines, where practicable, and be rigidly enforced.

In conclusion, your Committee feel gratified, in reporting to your Honorable House, that the evidence shows that, since the date of the accident at Jolimont, a careful and systematic supervision of all the railway rolling-stock has been exercised, and that all defective carriages have been either repaired or removed from the lines on which they were running.

Committee Rooms,
Legislative Council, 29th August, 1882.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 13TH JUNE, 1882.

Members present :

The Hon. W. A. Zeal Francis Ormond James Graham		The Hon. Dr. Dobson James Buchanan.
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Extract from the Minutes of date 6th June, 1882, appointing the Committee, read by the Clerk.
 The Honorable W. A. Zeal was appointed Chairman.

The Committee deliberated.
 The Honorable W. McCulloch took his seat.

The clerk was instructed to apply to the Railway Department for the following, viz.:—(1.) Copies of all rules and regulations and instructions from the late Board of Directors of the Melbourne and Hobson's Bay Railway Company, or their late secretary, engineer, traffic manager, or locomotive superintendent, to the principal officers of the company, defining their functions ; and any additional orders issued by the department since the purchase by the Government of the railway. (2) List of the names and addresses of the principal officers of the late company. (3) A general plan of the railway. (4) Drawings and description of the brake-van, carriages, and engine forming the 8.30 express train running on the 30th August between Brighton and Melbourne. (5) All reports, plans, and memoranda made by officers on the cause and extent of the accident at Jolimont ; and (6) Names of officers in a position to give information to the Committee on the late accident.

The clerk was directed to summon Mr. Elsdon, late Engineer-in-Chief of Railways, to give evidence before the next meeting.

The Committee adjourned.

TUESDAY, 20TH JUNE, 1882.

Members present :

The Hon. W. A. ZEAL, in the Chair ;		
The Hon. James Graham J. A. Wallace	|	The Hon. J. Buchanan.

The Chairman read the following communications from Messrs. Malleson, England, and Stewart, with reference to Mr. Elsdon :—

John Barker, Esq., Clerk of the Legislative Council.	24 Queen street, Melbourne, 14th June, 1882.
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SIR,
 Your letter of the 13th June, requesting the attendance of Mr. Elsdon at the Legislative Council Chambers on Thursday the 15th June, has been handed to us to reply to. We have the honor to inform you that Mr. Elsdon is absent in Sydney on private affairs, and we have written to him to know when he will return to Melbourne.

We have the honor to be, Sir, yours obediently,
 MALLESON, ENGLAND, & STEWART.

To the Clerk of the Legislative Council. DEAR SIR,	24 Queen street, Melbourne, 20th June, 1882.
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Will you please inform the Select Committee of the Legislative Council appointed to enquire into the causes of the Jolimont accident, that we have received a telegram from Mr. Elsdon, in which he states that he is unable to say when he will get back, as he has important business to look after, and which business may necessitate his going on to Queensland.

We have the honor to be, Sir, yours obediently,
 MALLESON, ENGLAND, & STEWART.

The Chairman read a report from Mr. Elsdon on the railway accident at Jolimont.—[*Vide Appendix B.*]

Mr. John Anderson, Traffic Superintendent, Victorian Railways, was examined.
 Mr. Solomon Miris, Locomotive Superintendent, Victorian Railways, was examined.
 The clerk was instructed to summon Mr. Francis and Mr. Miris for the following day.

The Committee adjourned until Wednesday 21st, at 2 p.m.

WEDNESDAY, 21ST JUNE, 1882.

Members present :

The Hon. W. A. ZEAL, in the Chair ;		
The Hon. James Graham James Buchanan	|	The Hon. J. A. Wallace.

Mr. S. Miris was further examined.
 Mr. Francis was examined.

Ordered—To summon Mr. Smiles, Acting Locomotive Superintendent ; Mr. Johnson, carriage examiner ; and John Maud, guard of the train on the 30th August.

The Committee adjourned until Tuesday, 27th inst., at 3 o'clock.

TUESDAY, 27TH JUNE, 1882.

Members present :

The Hon. W. A. ZEAL, in the Chair ;	
The Hon. J. Buchanan	The Hon. James Graham
Dr. Dobson	J. A. Wallace
W. McCulloch	F. Ormond.

The Chairman read a note received from the Secretary for Railways relative to the papers asked for in connection with the accident at Jolimont.

Mr. S. Mirs was re-examined, and produced a drawing of the tires of wheels and the mode of fastening adopted under the Hobson's Bay Railway Company, and on the Government Railways.—[*Vide* Appendix A.]

Mr. Smiles (shop foreman), was examined.

Ordered—To summon the following witnesses for next meeting :—Messrs. Joseph Turner, wheel turner, and James Wilson, carriage-builder, both of Sandridge.

The Committee adjourned until Wednesday the 28th inst., at 2 o'clock.

WEDNESDAY, 28TH JUNE, 1882.

Members present :

The Hon. W. A. ZEAL, in the Chair ;	
The Hon. James Graham	The Hon. J. A. Wallace.

Mr. Henry Johnson, carriage inspector, was examined.

Mr. James Wilson, carriage builder, was examined.

The Honorable J. Buchanan took his seat.

Mr. Joseph Turner, wheel turner, was examined.

Mr. James Wilson was examined.

The Honorable Wm. McCulloch took his seat.

John Maud, railway guard, was examined.

Ordered—That the following persons be summoned to give evidence at next meeting :—Messrs. Charles Crang, carriage-lifter, Sandridge, with instructions to bring with him the "Carriage Repairs Book"; Thomas Backhouse, Inspector of Permanent Way; and Christopher Jones, Chelsea Cottage, Dover street, Richmond.

The Committee adjourned until 3 o'clock the following Tuesday.

TUESDAY, 4TH JULY, 1882.

Members present :

The Hon. W. A. ZEAL, in the Chair ;	
The Hon. James Graham	The Hon. Wm. McCulloch
James Buchanan	F. Ormond.

Mr. Christopher Jones was examined.

Mr. C. Crang was examined.

Mr. T. Backhouse was examined.

The Honorable Dr. Dobson took his seat.

The Chairman read a letter from Mr. Mirs, enclosing certificate from the foreman blacksmith who tested pieces of old steel tires.

The clerk was directed to make renewed application to the Railway Department for the following documents :—

1. Mr. Elsdon's Report on the state of the Rolling Stock of the Hobson's Bay Railway prior to its purchase by the Government.
2. Report from Mr. Elsdon, dated June, 1879, supplying particulars with reference to the Rolling Stock.

The Committee adjourned.

TUESDAY, 1ST AUGUST, 1882.

Members present :

The Hon. W. A. ZEAL, in the Chair ;	
The Hon. James Graham	The Hon. Francis Ormond.

The following letters were submitted :—

SIR,

Railway Department, Secretary's Office,
Melbourne, 5th July, 1882.

I have the honor to acknowledge the receipt of your letter of yesterday, renewing the application already made on behalf of the Jolimont Accident Select Committee for (a) Mr. Elsdon's report on state of Hobson's Bay Company's rolling-stock prior to purchase, and (b) the same gentleman's report, dated June, 1879, supplying particulars with reference to the rolling-stock.

2. In reply, I beg to inform you that, acting upon a verbal intimation previously received, I had diligent search made, not only in this office, but in those at Flinders street and Sandridge, for the missing documents, but as yet without success.

3. I beg to enclose for your perusal a correspondence which I have had on the subject with Messrs. Wakefield and Brady, the two principal officers of the late company.

4. I can only now hope that Mr. Elsdon will, on his return to Melbourne, be able to produce the required papers or copies.

I have the honor to be, Sir,
Your most obedient servant,

P. P. LABERTOUCHE,
Secretary.

John Barker, Esq.,
Clerk of the Legislative Council, &c., &c., &c.

John Barker, Esq.,
Clerk of the Legislative Council.

24 Queen street, Melbourne, 25th July, 1882.

SIR,
Referring to our letter of the 14th June, we have the honor to inform you that our Mr. England has since heard from Mr. Elsdon relative to his absence in Sydney, and herewith we send you a copy of his letter on the subject.

We have the honor to be, Sir,
Yours obediently,

MALLESON, ENGLAND, & STEWART.

DEAR SIR,

(Copy.)

Petty's Family Hotel,
Church Hill, Sydney, 20/7/82.

I have yours of the 12th inst. (having just received same on my return to Sydney), and, in reply, have to inform you that my present and future business and professional engagements, with the probability of such becoming permanent, will preclude my return to Victoria for some considerable time. I may, however, observe that my report furnished the Commissioner of Railways at the time of the accident, when all the circumstances were fully before my mind, dealt (in my opinion) with the whole case.

Presuming the present enquiry is for the purpose of eliciting more information (if possible) regarding the accident which occurred some twelve months ago, I will be glad to furnish, in writing, any information that I may be able to give upon any points that are specified to me by the Committee.

You can furnish the Committee with a copy of this letter.

I am yours faithfully,

WILLIAM ELSDON.

E. England, Esq.

After some deliberation, the Committee ordered that Mr. Mirls be summoned for further examination on Tuesday.

The Committee adjourned until Tuesday, the 8th inst. at 3 p.m.

TUESDAY, 8TH AUGUST, 1882.

Members present:

The Hon. W. A. ZEAL, in the Chair ;

The Hon. James Buchanan
James Graham

The Hon. J. A. Wallace.

Mr. S. Mirls was further examined.

The Committee deliberated.

The Honorables F. Ormond and W. McCulloch took their seats.

Committee adjourned until Tuesday, 15th inst.

TUESDAY, 15TH AUGUST, 1882.

Members present:

The Hon. W. A. ZEAL, in the Chair ;

The Hon. James Graham
J. A. Wallace
J. Buchanan

The Hon. F. Ormond
W. McCulloch.

Resolved—That all the available evidence having been taken, and Mr. Elsdon having signified his inability to attend, the Chairman be directed to prepare a Draft Report, and have it printed and circulated amongst the members of the Committee before their next meeting.

Resolved—That the sections of the tire of the wheel which caused the accident, and the sections of the tires of the wheels at present used by the Railway Department, laid before the Committee by Mr. Mirls, be lithographed and attached as an Appendix to the Report.

The Committee adjourned until 3.30 on Tuesday, 29th inst.

TUESDAY, 29TH AUGUST, 1882.

Members present:

The Hon. W. A. ZEAL, in the Chair ;

The Hon. J. Graham
J. A. Wallace

The Hon. J. Buchanan
W. McCulloch.

The Chairman brought up a Draft Report, which was read paragraph by paragraph and adopted, with amendments.

The Chairman was instructed to report to the House on Tuesday, 5th September.

TUESDAY, 5TH SEPTEMBER, 1882.

Members present:

The Hon. W. A. ZEAL, in the Chair ;

The Hon. J. A. Wallace
F. Ormond

The Hon. J. Graham.

The Committee deliberated on the last paragraph but one of the Draft Report, "That the block system of working railways be at once adopted on all lines and be rigidly enforced."

On the motion of the Honorable J. A. Wallace, the words "where practicable," were inserted after the word "lines".

The Committee adjourned.

MINUTES OF EVIDENCE.

WITNESSES EXAMINED.

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MINUTES OF EVIDENCE

TAKEN BEFORE SELECT COMMITTEE OF THE LEGISLATIVE
COUNCIL ON THE RAILWAY ACCIDENT, JOLIMONT.

TUESDAY, 20TH JUNE, 1882.

Members present :

The Hon. W. A. ZEAL, in the Chair;
The Hon. J. Buchanan, | The Hon. J. Graham,
The Hon. J. A. Wallace.

The Chairman read a report by Mr. Elsdon.—[*Vide Appendix.*]

John Anderson examined.

1. *By the Hon. the Chairman.*—You are the General Traffic Manager on the Victorian Railways? John Anderson,
20th June 1882.
- Yes.
2. How long have you filled that appointment?—Since the 1st of October last.
3. What was your position previous to that?—I was Traffic Manager of the Northern and Western systems.
4. Before Mr. Higinbotham's time?—Traffic manager of the Victorian lines.
5. How many traffic superintendents are there?—Three.
6. Will you state their names?—Mr. O'Malley, in charge of the Western lines; Mr. Cadwallader, in charge of the Northern lines; Mr. Francis, in charge of the Southern and Gippsland suburban lines.
7. The lines in question?—Yes.
8. In your judgment, do those officers exercise a proper supervision over the traffic?—They have done so.
9. Can you inform the Committee when the Government took over the Hobson's Bay Railways?—The sale was made on the 30th June 1878, I think.
10. Nearly three years and a quarter before this accident?—Yes; there was no change in the management whatever.
11. Who had charge of the traffic and management of the line from the date of the purchase up to the merging more particularly into the Victorian Railways?—I believe first it was divided between Mr. Finlayson and Mr. Elsdon. After Mr. Finlayson died, Mr. Elsdon was solely in charge, as far as my information goes.
12. What was the date of Mr. Finlayson's death?—I really cannot remember.
13. Some time after the line was sold?—Yes.
14. Do you know if the system of working the Hobson's Bay line was the same as that adopted on the Victorian Railways?—I am not aware.
15. Do you know who were the officers responsible for the safe condition and repairs of the rolling-stock?—I do not.
16. Whom should they be responsible to—each officer to his immediate superior?—Yes, and Mr. Elsdon, of course, in charge of the whole.
17. If there were any shortcomings, it would be the duty of the subordinate officer to report to his immediate superior, until it arrived at head-quarters?—Yes.
18. Had the station-master any control of the rolling-stock on the Hobson's Bay line?—None at all.
19. If the station-master saw a carriage in a dangerous condition on the station, he would have power to order its removal from the train?—The station-master had no responsibility as to the running gear, that is, wheels, axles, and body of the carriage.
20. Can you suggest any additional precautions to those already taken, to provide for the safety of travellers?—No more than there are at present, than what I have recommended.
21. Could you shortly state the principal ones?—Since they came into my charge, I have recommended a van at each end of the train, and additional precautions in regard to signals, additional station accommodation, and more powerful engines.
22. This is specially with reference to the Hobson's Bay line?—Yes.
23. Do you approve generally of the construction of the rolling-stock on the Hobson's Bay line?—Not for modern requirements.
24. Do you approve of four or six-wheeled carriages for such traffic?—Six wheels are safer than four.
25. Four would not be unsafe if a proper system of supervision was exercised?—No.
26. Do you consider there should be means of communication between the passengers and guard and engine-driver?—Yes, most advisable. I may also mention, I have recommended additional brake power.
27. Would you inform the Committee what you propose in that way?—We have two brakes now under consideration—the Woods and Westinghouse. The Westinghouse has not yet been tried here; the Woods has.

28. Can you give the Committee any particulars as to the difference in the working of the brakes, and the superior control which this automatic brake would give over the ordinary brake?—The action is instantaneous, and applies to each wheel in the whole train.

29. Supposing the train was travelling at the rate of thirty miles an hour, with the ordinary brake-power, on the Hobson's Bay lines, it would take, say, three-eighths of a mile to pull it up. In what distance would it be pulled up by the continuous automatic brake?—I should say one-sixteenth of a mile. It depends to some extent on the gradient.

30. What system of brake-power is used on the Victorian railways?—On the Williamstown and Essendon lines, and some trains on the main lines, we have the Woods brake.

31. The Woods brake is a continuous automatic brake?—Yes.

32. Where should the van be placed in the train?—With the continuous brake it is not a matter of so much moment.

33. I am speaking more particularly with reference to this accident?—My opinion is, that it should be at the tail end of the train.

34. Is it safe if the train has only one brake, to place it immediately behind the engine?—Not so safe as at the tail end of the train.

35. It has been stated that it is as safe to run the train with a brake next the engine as with a brake at the tail. Do you concur in that?—I do not.

36. No doubt you are aware of the regulations of the Board of Trade, which have not got the force of law; but they are regulations to railway companies as to the position of the brake. I will read one or two extracts:—"There should be a brake vehicle, with a guard in it, at the tail of every train. This vehicle should be provided with a raised roof and extended sides, glazed to the front and back; and it should be the duty of the guard to keep a constant look-out from it along his train." Do you consider that a necessary regulation?—Yes.

37. "There should be means of intercommunication between the guard at the tail of every passenger train and the engine-driver, and between the passengers and the servants of the company." Do you agree with that?—Yes.

38. "There should be at least one brake vehicle to every three or four carriages in a passenger train"?—On the Victorian lines there is one in six. I think this has reference to long journey trains.

39. You agree with those regulations?—Yes, I do.

40. What is the effect on a train running at a speed of say twenty-five miles an hour, when the brakes of the engine and van are put on, that is in the position of the brake van on the day of the accident?—The van being close to the engine will be almost no help at all.

41. What I want to get at is, how does it affect the carriages in the rear, putting the two brakes on in front?—The carriages at the tail end will go on top of the engine.

42. The carriages become the propelling power and the engine and van are the retarding power?—Yes.

43. Would not such an arrangement give the rear carriages a tendency to lift themselves on to the disabled carriages in front?—Yes.

44. When the engine is in full steam every carriage is in tension. If the retarding power is placed in front it must naturally turn the carriages into propelling power and increase the result of the accident?—That is my opinion.

45. In the event of a break down of the leading carriages in the train, what would be the effect on the train if the brake was applied to the rear?—It would stop the rear carriages from coming on top of the rest.

46. Do you think, from what you have read, that if there had been a sufficiently powerful brake van on the rear of that train, those carriages would have run over each other in the way they did and telescoped?—I do not think so, to the same extent.

47. You remember the date of the accident?—Yes.

48. Did you examine the wreck of the train and enquire into the cause?—No, I had no charge over that portion of the line at all. Mr. Elsdon was in full charge.

49. Presuming the tire of the wheel of the smoking carriage broke near the Hoddle-street bridge—that is the bridge on the railway near Richmond—and that the disabled carriage ran to Jolimont on three wheels, the train being all the while in tension, what would be the effect had the brake van been in the rear and the brake been properly applied?—The effect would not have been so disastrous.

50. Would the engine-driver have discovered something wrong?—Decidedly he would. The driver would have felt the brake on, and naturally would have looked round.

51. Have you given any attention to the construction of tires for railway wheels?—I have not.

52. Only in a general way?—Only in a general way.

53. You are not able to speak as to what would be a safe or unsafe thickness?—I am not. That is entirely under the control of the Locomotive Superintendent.

54. If you were told that on the Victorian Railways the minimum thickness of the tire was one inch and a half below which it should not be used, would you think it safe to allow a tire of five-eighths of an inch to be used on a railway where there were hundreds of passenger trains a day?—Certainly not.

55. Have you read the evidence given by the railway *employés* and others on the inquest?—I read it at the time.

56. What was the general impression left on your mind?—There was not proper supervision of the running gear.

57. Do you know the state of the Hobson's Bay rolling stock at the time of the purchase?—No.

58. Do you know the name of any person who could give that information to the Committee?—I think the former locomotive superintendent made a report to the Government.

59. Who was he?—Mr. Meikle.

60. Do you know how many carriages were condemned by the Railway Department after the accident?—I cannot remember the number. Mr. Miris can give you the whole of that information.

61. Can you direct the attention of the Committee to any clause in your bye-laws regulating passenger traffic which were not enforced on the Hobson's Bay line?—There is that one demanding one brake van to every six carriages.

62. *By the Hon. J. Graham.*—I think you said you have not had anything to do with the Southern branch of the railways?—Not in October 1881.
63. Therefore you cannot give the Committee any information about the state of the rolling stock when it was taken over?—No.
64. There was no officer that you know of sent from your branch of the service to inspect the rolling stock?—I think not. As I said, the Locomotive Superintendent made a report to the Government, and Mr. Higinbotham made a report. There was a report of the line being bought some time before it was bought. There were long reports from the Locomotive Superintendent and the Engineer-in-Chief.
65. Was that previous to the 30th of June 1878?—I think, if my memory serves me, June 1876 was the date when it was first spoken of.
66. It was stated here, the other day, that there was a certificate of the state of the rolling stock given to the Government; did you ever see that?—No.
67. Did you ever hear of it?—I did not.
68. *By the Hon. J. A. Wallace.*—You mentioned that there were a great many carriages actually taken off the line as useless after the accident?—Yes.
69. Were there many taken off before the accident?—I am not aware of any at all; I had no charge whatever of it.
70. Before the accident?—Not for long after it.
71. Referring to the different brake powers, it takes a longer time with the old ordinary brake to pull up a train than with the new brake?—Yes.
72. Is there much difference in the wear and tear?—There must be a considerable difference.
73. *By the Hon. J. Graham.*—What are the duties of the carriage examiner?—He is supposed to be responsible for the safety of each vehicle.
74. How often does he examine each vehicle?—On the main Victorian lines there are examining stations, where examiners are placed. On the suburban lines they are examined more frequently.
75. You do not know that they are examined, as a rule, every morning before they go out?—They should be, and frequently during the day.
76. *By the Hon. J. Buchanan.*—Suppose the automatic brake had been attached to this train, such as is used on the Williamstown line, could such an accident have happened?—I think not; as soon as the tire broke, the continuous brake would come into operation.
77. Such an accident could not have happened with that brake?—I do not think so.
78. Do you know any reason why the automatic brake has not been adopted sooner?—There has been a lot of discussion about it for some years past, but we seem as far off now as we were before.
79. *By the Hon. J. Graham.*—There has only been one tried?—Only one. They have the Westinghouse brake in New South Wales.
80. Is it not contemplated to try it here?—Yes; a train is now being fitted up.
81. *By the Hon. J. A. Wallace.*—Is there not a German brake?—There are a great many brakes. The two most prominent are the Woods and the Westinghouse; the third is a German one; and there is an electric brake also, by a man named Milligan.
82. *By the Hon. J. Graham.*—The automatic brake would only require one brake to each train, no matter what the length of the train?—That is all.
83. *By the Hon. J. Buchanan.*—You mentioned that if the brake-van had been at the tail end of the train, the accident might have been less; would it have made any difference in the case, unless the brake had been put on? Was there any evidence of the brake being put on?—The guard said he put it on.
84. There would be no advantage in its being at the tail end unless it was applied?—No.
85. *By the Hon. J. A. Wallace.*—Was the brake put on at the time the accident took place?—I think the guard swore it was put on.
86. How are the vans placed now—are they placed in the end part of the train?—We are obliged to continue the same system for want of vans; we have not enough vans. We are building new vans, but we have not enough yet.
87. *By the Hon. J. Buchanan.*—Would you advise building more brake vans, if the automatic brake is so much safer?—We want every van we have got; they will be always useful on the new lines.
88. *By Hon. the Chairman.*—You say there is more wear and tear on the automatic brake than there would be on the ordinary brake. In giving that answer, do you take into consideration that each wheel is a brake put on, and the strain is diffused over a number of points instead of over a dozen or thirteen?—That is what I referred to; the friction would be more general.
89. In other words, with the ordinary brake-van, the brake is applied to fourteen parts, six wheels on the engine, four on the tender, and four on the brake-van?—We have some six-wheeled brake-vans.
90. If a train was composed of twelve carriages and the automatic brake was used, there would be sixty-four parts to which the brake would be applied?—Yes.
91. Therefore although the strain would be great, it would be diffused over a larger number of wheels?—Yes.
92. *By the Hon. J. A. Wallace.*—It would still create a greater jar?—More friction—more tear and wear.
93. *By the Hon. the Chairman.*—I understand you to recommend to the Committee that an automatic continuous brake of some patent should be used?—Most decidedly.
94. *By the Hon. J. Graham.*—Is there more necessity for it on the suburban than on the main lines?—Going down the main lines, as at Beechworth, where the gradient is 1 in 30, and Castlemaine, where it is 1 in 40, the automatic brake is much wanted.
95. *By the Hon. J. Buchanan.*—You think it would be safer in all passenger trains?—Decidedly.
96. *By the Hon. the Chairman.*—If an accident happens, the automatic brake is at once applied?—Yes, to the whole train.
97. Therefore it is the best means of communicating between the passengers and the guard?—Yes, and by far the safest.
98. *By the Hon. J. A. Wallace.*—The principal means of safety is the guard van being the last?—With the automatic brake that does not matter—each carriage is a brake itself.

John Anderson,
continued,
20th June 1882.

99. *By the Hon. the Chairman.*—Have you any suggestion you can make to the Committee with reference to the working of these lines, which you desire to place before them in the shape of a letter or a report?—I have made several reports on the subject; I can forward them to you. There have been various reports made both by myself and the Locomotive Superintendent as to providing additional means of safety on these lines.

100. *By the Hon. J. Graham.*—Since the accident?—Yes.

101. *By the Hon. the Chairman.*—I should like to get you to speak more definitely as to the question of neglect by the carriage inspector?—I can hardly answer that. I do not not know what the orders or regulations were.

102. The carriage inspector said in his evidence that he had no written instructions, before the coroner's jury?—He certainly ought to have written instructions.

103. How far would he, in the exercise of his individual judgment, be able to determine if the carriages were unsafe, if he had no written instructions?—It would be a mere matter of uncertainty.

104. For instance, the late General Manager says three-quarters of an inch is perfectly safe for a tire—the practice of the Victorian Railways is, that tires should be condemned if they get below $1\frac{1}{8}$ inch?—I consider that is enough.

105. Do you think the carriage examiner, not having written instructions, and knowing the General Manager's opinion that the wheel was safe at $\frac{3}{4}$ ths of an inch, would be justified in ordering a carriage off the line if it approached that standard?—I think he should do so.

106. *By the Hon. J. Graham.*—Is the duty of carriage examiner referred to in this book—(*Railway Regulations*)?—I think not; you will find that in another book.

107. *By the Hon. the Chairman.*—You think it is the duty of the carriage examiner not to let a carriage go out in the morning until it is examined?—Certainly not.

108. I see there are two reports of yours in this bundle—one of the 18th March 1882, the other of the 22nd March 1882—would there be any others?—There was a report long before that. I made reports in October and November 1881, immediately after the accident. I made no report on the accident—I simply reported on the appliances necessary to ensure safety. I had nothing to do with the line for three months after the accident happened.

The witness withdrew.

Solomon Miris examined.

Solomon Miris,
20th June 1882.

109. *By the Hon. the Chairman.*—What are you?—Locomotive Superintendent of the Victorian Railways.

110. How long have you occupied that position?—Since April, 1877—my present position.

111. How long have you been in the Service?—Twenty-one years.

112. Has your time been taken up wholly by the supervision of the locomotives and rolling-stock on the Victorian Railways?—Yes, the manufacture and repair of rolling-stock, and the working of the lines generally.

113. You recollect the date of the accident at Jolimont?—Yes.

114. Did you make any report upon the cause of the accident?—No, but after the inquest I was requested to amalgamate the Locomotive Department of the Hobson's Bay Railway with that of the Victorian Railways, and I proceeded to do so at once.

115. Previous to that time, although it was a portion of the Victorian Railway system, it was under a management independent of yours?—I had nothing whatever to do with it—it was worked virtually under the old company's management.

116. Who was the responsible officer on the Hobson's Bay line?—Mr. Elsdon.

117. And who was the officer immediately under him?—There was nobody. The Locomotive Superintendent was dead for some considerable period, I believe, and there was a fitter placed in charge.

118. Are you speaking from hearsay evidence?—I am speaking of when I took possession of the place; there was no Superintendent there; it was in charge of a fitter.

119. No proper responsible officer?—No.

120. Did you examine the wreck of the train at the time?—Yes, that was after I took charge; I did not examine the wreck of the train at the time of the accident. I saw the remains when I took charge of the locomotive branch of the Hobson's Bay line.

121. From your experience as a Locomotive Superintendent, and the evidence which was given at the time, which I presume you have read, can you give the Committee any idea as to the causes which led up to the accident?—Undoubtedly the thin tire, improperly secured to the rim of the wheel.

122. Have you measured this broken tire—I have brought a small piece of it with me—[*The witness handed the same to the Hon. the Chairman.*]

123. *By the Hon. J. Graham.*—Is that steel?—Yes; I can test its quality if you like. I gave it in my evidence at the inquest, looking at the fracture, which was clean and bright, that I thought it was good steel. I think so still, but I do not think it was made by the maker attributed to it; it was taken to be made by Krupp.

124. *By the Hon. J. A. Wallace.*—What was the original thickness of that when it was new?—Two inches. This is a section of our tires—[*producing the same*]—ours are fastened differently.

125. *By the Hon. the Chairman.*—Would you explain to the Committee the mode in which your tires are fastened on to the spokes of the wheel?—Yes; this is a section of the rim of the wheel—[*pointing to the same*]. The tire is first shrunk on; the tire is a big ring of solid cast steel; it is put in the tire furnace and heated to a blood-red heat. It is then taken out and put on to a table inside a large trough of water; then the wheel is lowered by a crane, and dropped into it thus—[*explaining the same*]—the wheel and tire is then dipped in water. Then there is a circular ring which goes round the wheel, and is fastened on here, and this part of the tire is hammered over on the ring, so that if the tire broke it could not get off this way on account of the solid steel, and it cannot get off that way on account of the key or ring—[*explaining the same*]. There are no holes in the tire at all.

126. How do you explain the way in which that tire that was broken was secured?—It was simply secured by screw bolts.

127. When that wheel was new, was not there a certain thickness of metal between the end of the screw and the outside of the tire?—Yes.

128. Would you explain how much that tire has been worked down before it came to show the screw?—Under no circumstances, when this was new, would it have been less than 1 inch from tread of tire to top of screw. This one—[pointing to a tire]—has been turned up many times.

129. Every revolution that wheel made would give a blow when it was turned down so as to expose the screw?—Yes.

130. Would that not have a tendency to fracture the tire?—Certainly; the tire is weakened under any circumstances.

131. Suppose that is a portion of the wheel, and the carriage repairer has this in view, would it be possible, unless this wheel was taken to pieces, for an ordinary workman to see the exact state in which this wheel was, from just an ordinary view of it?—No; the train examiner could not tell, nor would it be his duty at all.

132. Unless the carriage was put in dock, he could not see?—No.

133. *By the Hon. J. A. Wallace.*—Supposing he was sounding the wheels, what would he learn?—He would tell if it is cracked. The examiner is simply a machine; he performs duties he is told to do. He has to see that the tire is not cracked; to see that the axle-boxes have got oil; to see that there are no deficient bolts or nuts in the running gear; to see that proper brake-blocks are on the vans, and to examine the running gear generally. I do not consider him in any way responsible for the thinness of tires.

134. Who should be held responsible for a thing of that sort?—The man that turned it down last; the workshops should be responsible. A steel tire will turn down many times before it gets that thinness—[pointing to the piece of broken tire]. It is turned in a lathe.

135. Do they always send them into the workshops to be turned?—The tire gets worn in this way—groved on account of the width of the rail. When it does that, the carriage examiner should send it into the shop to get trued up. Then, if the shop foreman, after a series of turnings, finds it too thin, he should cut it off.

136. Then there is no particular thickness, no restriction as to thickness, before they are put to one side?—Yes, there is, in the workshop, by the turner. We have a gauge; this is the gauge that every wheel-turner has got—[producing the same]. When the thickness comes below that he must reject it; the gauge is branded "Last time of turning."

137. *By the Hon. the Chairman.*—Will you follow out that question of responsibility; you say the carriage examiner could not know the exact thickness of a tire from an ordinary inspection at the yard?—No.

138. Do you think each officer should have a written schedule of his duties, so that he would know exactly what to do?—It is not necessary in all cases to give written instructions.

139. Not necessarily important?—I do not consider it important; it is the workshop duty that is important. It is the workshop that is to blame for that thin tire.

140. Then presuming the carriage inspector is not alive to the thinness of these tires, ought he not to have some regulations which would enable him to take a carriage off the line and hand it over to the Locomotive Department?—He belongs to the Locomotive Department; I will give the instructions to my own examiners.

141. Explain the plan adopted on the Victorian Railways?—I have already done so—he inspects all the running gear—sees that bolts and nuts are safe, that the axle boxes are oiled, and so on: and if any wheels are shifted on their axles, he rejects them; or if tires are loose, he sends them into the shop. He has nothing to do with the thinness of the tire unless the tires spread; if the steel is soft they will spread. We invariably take the tires out of carriages when they are $1\frac{1}{2}$ in. thick and put them under trucks.

142. Is that your minimum?— $1\frac{1}{8}$ in. is the minimum.

143. When the tire of a wheel gets $1\frac{1}{8}$ in. thick it is condemned?—Yes, it is cut off the wheel when below that.

144. Do you consider that a reasonable and proper precaution to be observed?—It has been practised for many years. When I was in Sydney I made inquiries, and the practice is the same there, $1\frac{1}{8}$ in.

145. Do you think the Government err on the side of safety, in adopting such a thick minimum?—Yes, we could go thinner.

146. When does it become dangerous?—It is the system of fastening that makes it safe.

147. Take your system?—With our system, I would not be frightened to go to $\frac{7}{8}$ ths, because if a tire broke, it could not come off. If it broke in three, I would run her fifty miles an hour. It could not get off.

148. It is shrunk on?—Yes, and secured with a circular retaining ring.

149. This is bolted on?—Yes.

150. As to this section of a tire which is $\frac{3}{8}$ ths thick, what would you consider its state as a tire of a wheel?—It should not have been allowed to run on anything, trucks or anything else.

151. Would you consider it dangerous?—Certainly, especially with that mode of fastening.

152. What would you consider safe with that mode of fastening?—I do not consider it safe at all.

153. Taking the thing as you found it?—I am taking them all out; I will not have them at all.

154. If you were placed in charge of a large establishment, and you found certain carriages constructed in a certain way, and you had to adopt those as you found them, what would then, in your judgment, be the proper thickness of the tire it would be safe to use?—If I was compelled to use them, I should not use them under $1\frac{1}{4}$ inch.

155. You disagree with the late general manager that $\frac{3}{4}$ inch would be a safe thickness for such a tire?—Certainly, it is not safe, especially with that system of fastening; it is dangerous.

156. How many carriages did you condemn after this accident?—Every one, as regards the wheels and axles.

157. The whole of the rolling stock?—No, not the stock, the wheels.

158. It has been given in a report that, on the Melbourne and Hobson's Bay line, at the time of the accident, there were 124 carriages belonging to the Hobson's Bay system, 24 supplied by the Victorian Railways, and 2 vans supplied by the Victorian Railways. You say the 124 carriages which formed the rolling stock of the company, so far as the wheels were concerned, were unsound and dangerous?—No, I do not say that. I say I am removing them.

Solomon Miris,
continued,
20th June 1882.

159. Why?—Because I want our own system.
160. That may be a particular fancy of a particular man; I want to know if they were safe?—There were a large number not safe.
161. How many?—I made a report once.
162. In reference to this accident?—Yes, I made a report to the Minister.
163. Do you remember the date?—This is it:—“Of the very dangerous tires on wheels underneath the 68 vehicles alluded to, there were, in addition to those in the Jolimont carriage, two 11-16ths thick. one tire spreading, one $\frac{3}{4}$ inch thick, with another 15-16ths thick fixed upon the same axle.” That is two different thicknesses on one axle—“Two $\frac{3}{4}$ inch thick, two 13-16ths thick, two $\frac{7}{8}$ inch thick, four 15-16ths thick—one wheel having a dangerously thin flange—and four 1 inch thick.”
164. *By the Hon. J. Graham.*—You said it was not part of the duty of the examiner to report upon the thickness?—Certainly not.
165. Is there any rule about carriages going to be properly inspected in the workshops at certain periods, otherwise they might go on running?—The carriage inspector should receive the order from his superior officer, the Locomotive Superintendent, or the carriage foreman, to send certain carriages into the shop. Every carriage that goes into the shop is entered in a book. There is a carriage foreman who executes repairs under the direction of the superintendent; all the repairs to the carriage are booked against the number of the carriage. The wheels are renovated, and the carriage is turned out in first-class condition. She should remain out about two years, if properly repaired. Then she should be called in again by the carriage foreman of the workshop. The wheels will last much longer than the body. A tire of this thickness with several turnings will run about fourteen or fifteen years, the body would not run nearly that length.
166. As a rule, they come in nearly every two years for overhaul?—They should do, otherwise they would go to pieces.
167. When they come in, everything is inspected?—Everything; that is, if the workshop people do their duty efficiently.
168. *By the Hon. the Chairman.*—I will read an extract from carriage-examiner Johnson's evidence. He states—“With the experience I have had, if there had been any defect in any of the wheels, I must have discovered it. The smoking carriage had four wheels. If there had been any defect in them, I would have got the carriage taken out of the train?”—That shows he knew nothing about the thinness of the tire. He says he did not see anything wrong with that tire. That bears out what I say, that the carriage examiner is a machine for doing certain work, but he is not a scientific man.
169. As far as those wheels are concerned, you condemn the whole of them?—I condemned the whole of them, for many reasons.
170. Especially the mode of construction?—There was a lot in the mode of construction. They had cast-iron centres, or “bosses,” which is an obsolete style of wheel. The tires were all secured either by bolts, screws, or rivets.
171. *By the Hon. J. Buchanan.*—Were they counter-sunk?—Some counter-sunk, some screwed, some bolted with a nut inside. The axles had different sizes of journals—no uniformity.

The witness withdrew.

Adjourned to next day, at Two o'clock.

WEDNESDAY, 21st JUNE, 1882.

Members present:

The Hon. W. A. ZEAL, in the Chair;
The Hon. J. Graham, | The Hon. J. Buchanan,
The Hon. J. A. Wallace.

Solomon Miris further examined.

172. *By the Hon. the Chairman.*—We were asking you yesterday some questions about the tires, and perhaps it would be better to exhaust that portion of the enquiry. Could you prepare for the Committee a full-sized sketch and section of the tire produced; also of the wheel as it was when first placed on the axle?—Yes; I will do so at once.

173. Also a full-sized drawing of the tires used on the passenger carriages on the Victorian Railways?—Yes.

174. And a section of the tires at the point when they are condemned?—Yes.

175. That will enable the Committee to see the state of affairs?—I may state that, at your request, I have sent a portion of this tire to be tested in a tensile machine at the Williamstown shops. That is with a view of giving the quality of the steel. You will have them to-morrow; it will give the tensile strength of the material.

176. Have you read the evidence given by the carriage repairer before the coroner?—I read it casually in the newspapers.

177. He says that, if there was any defect in the wheel of the carriage, he would be able to discover it by tapping it—do you concur in that?—Tapping would only give if it was cracked, by the sound—tapping is only an indication by sound, to see that the tire is not cracked or fractured. He would observe from his own eye whether the tire was spread, that is, if the steel had worn so that it would be dangerous to go through points and crossings.

178. Taking the average position of stations and the light which comes down upon the wheels of the rolling stock, is it possible for the carriage inspector to give that supervision which is necessary for the safety of the public?—The carriage inspector's examination of wheels can only be as to the wheels shifting on their axles or spreading tires, in which case he would knock the carriage off. The thinness of tires he would have no knowledge of whatever.

Solomon Miris,
21st June 1882.

179. Should there not be some minute inspection of carriages at stated times—say, at intervals of ten days or a fortnight—to see the condition of the carriages?—The steel tire when turned up will run 80,000 to 100,000 miles before it wants turning up again; it will run for two years. The only fault might be, that during that two years the steel might be soft, and might spread and make it injurious to points and crossings at high speed.

180. The man supervising the carriages in the yard might be doing it hurriedly, because he has other business to do, and it is just possible the skin of the tire might be the best of material, and there might be other steel under that not so good; the tire might be turned, and it might come down to the inferior material. Would the inspection that an inspector could give be a sufficient guarantee to the public that the rolling stock was properly supervised?—The carriage examiner would know nothing of that whatever. I would suggest the practice which is in vogue, to abandon them at a certain thinness.

181. You would not suggest the carriages should come into the shed to be overhauled at stated periods?—That is done.

182. At what intervals?—About every two years.

183. Not more frequently?—No. I am speaking of long journeys, when carriages are exposed to the weather without any shelter. The carriages get damaged by the sun and rain, and require re-varnishing and repainting. In that case the inspector would send it in on his own account. The internal trimmings might require renewing, and tires will always run out the bodies by eight or ten times over.

184. *By the Hon. J. Graham.*—If there was any mischief at this point where the bolt goes through, would the examiner tapping discover anything wrong there?—No, it would be beyond his knowledge or function. Train examiners are generally carpenters, they are not engineers. This man Johnson is a carpenter. He has to attend to the bodies, to make the windows good, and so on.

185. Is a carpenter a competent man to tap steel tires?—There are tappers under him. He is competent to see that the coach is in good order and condition.

186. In your evidence yesterday, you laid a good deal of stress upon the weakness of that tire. If there was any mischief going on, this man would not discover it by tapping?—No, he would discover nothing, except if it was cracked. It ought to sound like a bell.

187. Would not there be a certain percussive force on the head of that bolt when the tire was worn down to expose it—would it not be like the action of a stonebreaker's hammer?—The screw is of a different material to the tire—softer. The screw is iron and the tire is steel. When it comes through the tire the bolt wears quicker than the tire. There are a number of locomotive engines fastened on with bolts. The heads of the bolts often get loose.

188. You do not think, from the fact of the bolt being softer than the tire, any immediate danger would result?—No; the only thing is, the hole itself weakens the strength of the tire.

189. *By the Hon. J. A. Wallace.*—The bolts are entered from the inside?—Yes, with a nut or head inside the rim of the wheel. Some have conical heads through the tire and bolted underneath the rim of the wheel.

190. *By the Hon. the Chairman.*—In this case, when the wheel was new, there would be an inch of metal above the head of the screw?—Yes, about that. I may state, that it is a common practice to fasten tires in this way, but it has been condemned many years by the inspecting engineers of the Board of Trade. This is the report of a Royal Commission in England in 1877 upon the causes of railway accidents.—[*The witness produced the same*].—Captain Tyler, who was one of the inspecting engineers of the Board of Trade, said—“It is probably impossible, in the manufacture of tires and in applying them to the wheels of locomotive engines or of railway vehicles, to provide against their occasional failure in this manner”—he is speaking of bolted tires,—“but it is possible, as I have frequently and during many years had occasion to point out, *almost absolutely to prevent danger* to the passengers and the servants of railway companies, in the event of their failing, by attaching them to the rims of the wheels by methods which will prevent them from flying off the wheels.” After describing the process, and stating that all the great companies agree in adopting some form of safety-fastening, Captain Tyler, in reference to the London and North-Western and the South-Eastern, says—“These two companies no doubt honestly believe, from their own experience, that by means of the precautions which they adopt, they may safely continue to employ the old method of fastening by bolts or rivets flat tires to flat rims, and the Midland Company were, until recently, of the same opinion. It would, I venture to submit, be wise on the part of the London and North-Western and South-Eastern Companies, *without waiting for such examples of the necessity of it* on their own particular lines, now to re-consider the subject, and, looking to the experience and practice of other lines, to select some superior mode of fastening; or, if they are able, to devise some modification, or such improvement on the existing systems as may appear to them best adapted to meet the object in view.” Some of those accidents occurred from the failure of tires others from other causes.

191. Captain Tyler's views and yours coincide as to the mode of fastening the tires?—Yes; the Commission itself was composed of great railway authorities, including Lord Aberdeen, Lord Belmore, Sir William Seymour Fitzgerald, Sir John L. Simmons, Thomas E. Harrison, and William Galt, the two latter being the greatest railway engineers in Great Britain; and in the report they called great attention to this. Since this, the Board of Trade themselves, through their engineer, have this last year issued notices in regard to precautions to be adopted in railways. Amongst other things, they recommend the railway companies to adopt the continuous mode of fastening the rims of wheels, so that, in the event of fracture, the tires will not fly off.

192. I presume you think this mode of fastening would have answered the purpose, if the tire had not been worn down so much—if the thickness had not been reduced below an inch?—I could not say, because we are not subject in this country to the fracture of tires, as they are in cold countries. Where there is frost and so forth, a tire will crack without any apparent cause at all. I should take it to be by contraction; metal will expand or contract according to the degree of heat or cold, therefore that method of fastening is bad. By adopting the circular ring, the tire will not fly off in the event of fracture from any cause.

193. *By the Hon. J. A. Wallace.*—I understand that, even supposing the tire had given way, according to your present mode of fastening, it would have run perhaps 50 miles?—It could not come off. I say I would run a tire with a circular ring 100 miles myself after it was broken; it could not come off. It is simply a mechanical improvement; it is not absolute compulsion upon railway companies to adopt this circular mode of fastening, but it is safer.

194. *By the Hon. the Chairman.*—Supposing you had been placed in charge of this Hobson's Bay line—(I wish you to consider yourself not a Government officer)—had that rolling stock been handed over to you in the condition it was in when the Government took it over, what proportion would you have continued on the line, and what proportion would you have condemned?—I think I would have done exactly what I did. I do not want to state particulars, unless you exact them from me. When I saw the rolling stock, it made my blood almost run cold.

195. Did you consider the condition of it absolutely dangerous?—There were many parts very defective, in addition to the tires.

196. I think you had better state to the Committee what you do know about the rolling stock?—I can tell you what I have done.

197. *By the Hon. J. Graham.*—Did the rolling stock come under your notice before the accident?—No; I had nothing to do with the line then. I very seldom went near it during the many years I had been in the colony.

198. You do not know who inspected on behalf of the Government?—There was an inspection by my predecessor, but this was long before the purchase. Negotiations then fell off.

199. *By the Hon. J. Buchanan.*—Who was your predecessor?—Mr. Meikle, he is now in England.

200. *By the Hon. J. A. Wallace.*—Who was in charge previous to you on the Hobson's Bay line?—A man named Higgins, previously employed in the Williamstown workshops as a fitter; he was taken to be locomotive superintendent of this line. He is dead now.

201. He had sole charge?—Certainly.

202. *By the Hon. the Chairman.*—Do you know if any report on the rolling-stock was made by Mr. Elsdon at the time of purchase by the Government?—I could not say—there are some papers coming up to you from the Secretary's office containing all the official reports.

203. Are you satisfied that the accident at Jolimont was caused by the fracture of a tire from ordinary wear and tear?—It was caused by the fracture of a tire through weakness.

204. Not from any defect in the permanent way?—No, I do not see what the permanent way had to do with it.

205. Did you examine the permanent way between Swan street and Jolimont?—I did not. That is another branch of the service.

206. You are not in a position to inform the Committee what the state of the permanent way was?—No, except from what I have read of the evidence given before the Coroner.

207. It was stated before the Coroner, that the jolting and shaking of the carriage occurred immediately after its passing the railway bridge at Hoddle street, and continued until the period of the accident. Does not that indicate that the tire broke there?—Yes.

208. The carriage must have been running on two wheels?—No, it was still, I should think, on its wheels, but the tire had not flown off—the tire had not cleared itself from the wheel. After that the rim of the wheel broke as well, and then it travelled on the spokes.

209. The engine would be under steam from Swan street station until it arrived at the Jolimont gates?—She did not stop at Swan street—she was running all the way express—she would not stop from Windsor to Melbourne.

210. What would be the result on the train—the train being under steam, would not all the carriages be in tension, the engine would be dragging them along?—Yes, there would be a shake on the footplate.

211. The couplings would be taut?—Yes, there would be a greater tension on the draw-bars between the engine and that particular carriage—the tension would be increased before the coupling broke.

212. In that case the disabled carriage would be supported by the carriage in front and in the rear?—Yes; supported by the draw-bar hooks and the couplings—that would tend to keep it up.

213. The engine-driver when he arrived, say, opposite the Melbourne cricket ground, would shut off steam and put on the brake?—Not if nothing happened.

214. Coming into the Melbourne station?—Nearer to Melbourne than that.

215. It was stated he shut off steam before he came to the Jolimont gates—he would shut off steam at some point between Swan street and Jolimont crossing?—A little to the Melbourne side, I think.

216. That being the case, what would be the effect of the engine-driver shutting off steam, and the fireman putting on the brake—what would be the effect on that disabled carriage?—The carriage would be partly carried by the coupling.

217. When the engine-driver shuts off steam and the fireman puts on the brake, there is a different force at work; the carriages then are the propelling power, and the engine is the retarding power—what effect would that have?—The rear of the train would act as the momentum, and shove the train forward.

218. What effect would that have on the disabled carriage?—It would tend to mount it, or turn it over.

219. Would not that precipitate the accident?—My opinion is, that the couplings were weak and nearly worn through. I have made over 150 new ones lately, and the coupling breaking, and the carriage having virtually only three legs, it toppled over. The coupling was not strong enough, and the drag-hooks not strong enough to keep the train in line. If you had a strong system of coupling and no wheels at all under the carriage, the strength of the coupling and the hooks would tend to keep the carriage up.

220. It would be only till the carriage sank to the level of the horn-plates; when they struck the permanent way, what would happen?—The wheel would leave the rail and topple the whole affair over. I fancy the wheels would leave first.

221. It is clear that from Swan street to Jolimont the carriage ran safely, though there was great shaking and jolting; but when the engine-driver shut off steam, and the fireman put on the brake, and the guard put on his brake, the greater result happened?—That was by the momentum from behind.

222. Do you think the front of the train is the proper place to put the van in?—No; it should be at the rear of the train, but it is very inconvenient in working to have it always in the rear.

223. I am speaking as to the effect; supposing the van had been at the rear of the train in this instance, and the accident happened at Swan street, would not the guard in all probability have discovered it?—If the van had been properly constructed, with a look-out, and the guard had been attending to his duties, there can be no doubt he would have seen it; but the vans on those lines, till I took charge, had no raised look-outs; the guard could not see along the train at all.

224. The general manager stated that the reason for that was, that the bridges were so low, the vans would not go under them?—That was some years ago, but the low bridge has been raised; that is the Princes Bridge. That was raised three or four years ago.

225. You agree with the Board of Trade regulations as to the placing of the van at the rear of the train?—Yes, if properly constructed.

226. In reference to the working, do you think the ordinary brakes a proper plan, or would you recommend the automatic continuous brake?—All passenger trains should have the continuous brake instantaneous in action.

227. Then in the event of any accident happening to a train, the brake on that particular carriage is immediately put into operation?—If it is an automatic brake, it would.

228. Can you give the Committee any information in reference to Woods's Automatic Brake, that is now in use on the Williamstown line?—It is automatic in action, and complies with the requirements of the Board of Trade. It is instantaneous in action, enabling you to run at a high rate of speed and pull up quickly at stations. It has been working for a long period.

229. Supposing a train was going along between Swan street and Jolimont, with the automatic continuous brake in perfect order, and an accident happened, in what distance could the driver pull up a train proceeding at the rate of 30 miles an hour?—The speed is also calculated by the gradients.

230. I am speaking of the line between Swan street and Jolimont, there is a slight fall?—At the speed you speak of it ought to be pulled up in 200 or 300 yards.

231. *By the Hon. J. Buchanan.*—The brake would pull up the train without any action of the engine-driver at all?—If the connection broke.

232. In case of an accident?—The driver or guard should be able to apply the continuous brake; it is applied to every wheel throughout the train. At the speed mentioned, on a level line, a light train of that description I think should be pulled up in 200 or 300 yards.

233. In an accident, without any action on the part of the engine-driver, could it be pulled up in the same distance?—If the brake is an automatic brake, it could.

234. Without his knowledge?—Yes. Sometimes the brake goes on of its own accord through one of the couplings bursting. It would pull the train up in spite of the driver, even if he had full steam on.

235. Then it is the best intimation you can have of danger?—Yes, it is a retarding power in the train.

236. *By the Hon. the Chairman.*—It gives the greatest amount of safety to the public?—In passenger trains—yes. The Royal Commission I alluded to just now recommended that all passenger trains be fitted up with continuous brakes, capable of stopping any passenger train, at the highest speed at which it should run, in a distance of 500 yards.

237. Would that be on any gradient?—Yes. They say, "We confine ourselves, therefore, to expressing our decided opinion that no train can be considered properly equipped which is not furnished with sufficient brake-power to bring it, at the highest speed at which it will be running upon any gradients within its journey, to an absolute stop within 500 yards."

238. I suppose that would mean any ordinary gradient—not an extraordinary gradient like the Beechworth line?—They allude to the gradients of England, but on any gradient there should be sufficient power to pull the train up to an absolute stop within 500 yards.

239. We have some gradients on our lines of 1 in 50?—In accordance with that, you would limit your speed to enable you to pull up within 500 yards.

240. Taking your time table and proceeding from Woodend to Melbourne, the driver has to keep up a certain amount of speed—he could not go below that rate, at which the department says he must travel.

241. I think that condition could hardly apply to those steep gradients?—It means, that if you have long inclines as we have in Victoria, such as Chewton bank, you should reduce your speed in the time-table, so that if anything happens, you have sufficient brake-power to pull up in 500 yards.

241a. Would you recommend that condition to be observed in our lines?—I would recommend that all passenger trains should be fitted up with sufficient brake-power to do that.

242. That would mean reducing the speed?—Only on inclines.

243. *By the Hon. J. Buchanan.*—Has that recommendation also been made by the traffic manager?—I could not say; there has been no particular recommendation made by any railway officer at all. That brake has been employed on all the suburban lines throughout the Victorian railways, and also on the main lines.

244. Is it on all passenger trains?—On all suburban lines it has been running for four years; and also on the Sandhurst line.

245. Has a case occurred like this accident at Jolimont on any of the other lines, where it has saved life?—We have had no broken tires in this country before.

246. A broken axle would be the same thing?—That can hardly be put in the same category—that is a misadventure, a broken axle is an excusable accident, to a certain extent.

247. You have had no accident to try the automatic brakes?—They have saved many accidents; they have saved people from being killed, and saved collisions.

248. Have you reports of that kind in print?—No. There are departmental reports of engine-drivers and others, where they have stopped the trains and saved collisions. There are such reports in the department.

249. Suppose such a thing had happened on any of the Government lines where the automatic brake was in use as a tire breaking, could such a result as this accident have followed?—I think the carriage would have had a better chance of remaining on the line.

250. *By the Hon. the Chairman.*—Would the carriages have run on and toppled over each other in the same way?—No, I think not.

251. *By the Hon. J. Buchanan.*—Would there have been telescoping?—There is a brake on every wheel; every wheel has an equal retarding power; every vehicle is an equal retarding power in itself, and is slowly stopping.

252. The power is equal all over the length of the train?—Yes.

253. Then the ordinary brake-van would be of little use if the automatic brake was applied?—Yes, the brake-van has many other uses besides brake power—for instance, the guard's look-out. It is available for carrying luggage and many other things. There are many railway accidents caused through collisions from behind, one train running into another; the brake-van will offer greater resistance than the carriages.

Solomon Mills,
continued,
21st June 1882.

254. There is a recommendation, I think, that no train should be without a brake-van at the rear?—The Board of Trade say there should be a brake-van upon every passenger train at the rear of the train.

255. *By the Hon. the Chairman.*—To every six carriages?—No, not the Board of Trade—that is our regulation.

256. *By the Hon. J. Graham.*—In the short lines, it would be necessary to have a brake-van at each end?—Yes, to save time in shunting.

257. *By the Hon. the Chairman.*—I think you are wrong about the brake-van. The Board of Trade Regulation says there should be at least one brake-vehicle to every three or four carriages in a passenger train?—Brake vehicle, not brake-van. I am speaking of a van with a raised look-out, so as to give the guard a view of the train. That would apply to ordinary trains, where continuous brakes are not in use.

258. The Committee are informed that the Westinghouse brake has been applied to some of the trains—is that the case?—It is now being fitted up; it will not be ready for three or four weeks yet.

259. Can you give the Committee any information as to the Westinghouse brake?—I have not brought you any returns; there are many brakes, all aiming at the same object—automatic and non-automatic.

260. Confine yourself just now to the two brakes, one in use and one to be tried—Woods's automatic and Westinghouse's automatic. Have you had any experience as to the working of the Westinghouse brake?—Yes, I have seen it at work on the New South Wales railways.

261. What portion of the railways is it used on there?—It was worked all the way in the train I went in, from Albury to Sydney.

262. Do you know if it is worked on the Western line?—It was worked from Sydney to Lithgow Valley, but that was a special train. I have not had much experience in ordinary passenger trains there.

263. You are aware the gradients there are 1 in 30?—That is on the Zig Zag.

264. After you get to the top of the Penrith incline there are still some very heavy inclines?—Yes; but not 1 in 30 to my memory.

265. Have you observed the working of it on that line?—Yes; I observed the working of it throughout.

266. It is also at work, I believe, on the South Australian railways?—Yes, but I have never been in South Australia.

267. Which would you give the preference to of the two systems, the Westinghouse or the Woods—have you had sufficient experience with the Westinghouse to speak?—Yes; I have sufficient knowledge of it. There are many more working parts with the Westinghouse, and I think it is much more costly, both in first cost and maintenance.

268. Could you describe to the Committee the difference between the two systems—the plan of applying the motive power?—The Westinghouse is an air-pressure brake; the air is worked by a pump on the locomotive, driven by the locomotive boiler, and is forced into accumulators, first under the engine, and then into smaller accumulators under each carriage.

269. Can you speak generally as to the principles of the brake; such as would be a popular description of the working of the two systems?—They are both very instantaneous in their action.

270. *By the Hon. J. Buchanan.*—Have you seen Smith's Vacuum brake in New South Wales?—I believe that is the brake that is applied to the street tramway cars; I think it is commonly called Smith Vacuum brake; it belongs to the Smith Brake Company; it is a combination of two others.

271. I mean the brake that was brought under Mr. Higinbotham's notice when he came from home, and as to which he reported that, in Canada and the United States, they had discarded the Westinghouse brake and taken to the Smith Vacuum?—They are great rivals. Some companies prefer Smith's, and some Westinghouse's, and some their own brake; there is no particular rule. Railway companies are left to do what they think proper as to the application of the brake.

272. Can you give any reason why this colony was so long adopting a brake of this kind?—A good many of the leading railway companies in England are just the same—amongst numerous brakes, they will not decide what brake to adopt. In some companies they have six different brakes.

273. *By the Hon. J. A. Wallace.*—Have some of them the same appliances as we have at the present time—the hand brakes?—Yes, some of the companies are working trains without the continuous brakes. The matter has been receiving very great attention at home amongst railway engineers. It is left to the companies themselves to adopt any particular system.

274. *By the Hon. the Chairman.*—With reference to these railway carriages, nearly all the railway carriages of the colony have four wheels; what is your opinion as to four or six-wheeled carriages being the best?—We have had the middle wheels taken out of a number of six-wheeled carriages, to reduce the friction on curves. There is no doubt that, for carriages of the size we have, which is not very large, four wheels is ample. If you have a larger carriage, with more spacious compartments—a heavier and longer carriage—six wheels would be safer.

275. *By the Hon. J. A. Wallace.*—Is it as safe with four wheels as six?—It all depends, as I say, upon the size and weight of the carriage. On the ordinary small carriages we have here, four wheels is ample.

276. As safe as six?—Yes, if not safer, because they go round the curves better at a high speed. With the momentum of the train against the curve, although a six-wheeled carriage will go round, it will grind; but if the coach is heavy, such as those now coming from England, it should have six wheels.

277. *By the Hon. J. Graham.*—How many wheels have the American carriages?—Those in the colony have eight, but some have twelve.

278. *By the Hon. the Chairman.*—Do you not consider it an absolute necessity that there should be communication between the passengers, guard, and driver?—Not on a suburban railway.

279. Where the stoppages are so frequent?—The subject has received great attention from the authorities previously quoted, such as the Board of Trade and the Royal Commission, and they only recommend it where trains do not stop for twenty miles; there they say it is a necessity; but here you stop every mile, and I do not see any use for it.

280. The passengers who were not injured gave it as their opinion that, if there had been means of communicating with the engine-driver and guard, the accident would have been far less severe; do you agree in that?—I do not think it would have prevented the accident.

281. Would it have mitigated the accident?—I scarcely think so; it might to a small degree.

282. What objection could there be to having the means of communication, if it was based on a proper regulation, and could not be abused, except by the person abusing it paying the penalty?—My experience is that, on a suburban railway, communication with the passengers would have many disadvantages, where the trains are running so thick and the stoppages are so often. At the same time, I think it would be a good thing to adopt on a long journey. Intercommunication in trains is recommended, as I say, where trains do not stop for twenty miles, not only on the ground of accident, but for many other reasons, such as assaults in trains, fire, and other causes; but where you have a station every mile, I think it would amount to a nuisance. I would not like to see it brought into use on the South suburban lines.

Solomon Miris,
continued,
21st June 1882.

283. At home, where these connections have been made between passengers, guard, and driver, the signals are placed under such restriction, that if a man gives the signal without justifiable reason, he is liable to fine?—Yes, and imprisonment too.

284. Is that not sufficient precaution to prevent its being used needlessly?—I still think it would be used on the suburban lines. We have so many penalties for offences, and yet the offences are committed.

285. If the signal was placed in such a way that the person using it could be discovered, would it not prevent its improper use?—Yes; there is no doubt it is practicable, and you could find out the person who stopped the train; but I cannot see its relative value on the suburban line, where the stoppages are so frequent.

286. *By the Hon. J. A. Wallace.*—I understand your objection to be this, that if any person wished to carry out a joke where the trains are so frequent, the train might be run into from behind; even if you catch the man, I do not see what good that would do?—Yes, that is my opinion.

287. *By the Hon. the Chairman.*—The passengers on the inquest swore, if there had been a means of communication between them and the driver, the accident might have been prevented?—I quite agree in the recommendation of the Royal Commission, which speaks of the risk of allowing this power in the hands of passengers. They say—"The risks of travelling are so much increased by stopping trains at unusual times and places, that we do not think it desirable to give passengers the means of interfering directly for this purpose; but we recognize the importance of establishing a proper communication between passengers and guards, and between guards and drivers. We recommend, therefore, that the above cited provisions be continued, but with amendments in two respects. First, we think the 20 miles' limit should be reduced to eight miles, the exception being extended to include also all trains which stop at every station; and, secondly, we disapprove of the proviso requiring that the Board of Trade must sanction the means of communication to be adopted by the companies." That is, that the Board of Trade need not have the power of sanctioning what means should be adopted. I think eight miles is quite short enough to allow any power to passengers to pull up the train. Perhaps I may be prejudiced in speaking from a working point of view. The public point of view might be very different from my own.

288. *By the Hon. J. Buchanan.*—Have you any further objections of your own to state against giving that power to passengers?—I think it would be used pretty frequently. Supposing there was a timid woman stopped the train, what would you do? You could not hang her or prosecute her, if she said she was frightened; and perhaps you stop some half dozen trains. That is the only objection I see in short journeys.

289. *By the Hon. J. Graham.*—You said you had nothing to do with the rolling stock before the accident?—No, nothing whatever.

290. I see that, among the papers brought up to-day, on the 25th of March, 1879, you applied for a statement showing the condition of the Hobson's Bay rolling stock. Did you get that?—I think the reason that was applied for was, in reference to the annual report of the Board of Land and Works. There is an annual report published of the Victorian Railways for Parliament. In this report I had to give a return of all rolling stock and its condition. As I had nothing to do with the Hobson's Bay line, I asked for it to be furnished, to send in with my own.

291. Did you get it?—I do not remember getting it. The only object I could possibly have would be to allow it to be sent with my report.

292. The 25th of March, 1879, is the date upon which you applied for a statement showing the condition of the Hobson's Bay line?—I had no authority to ask for it; my only reason for asking for it was, to put in the report of the Board of Land and Works.

293. Did you get it?—Not to my knowledge.

294. *By the Hon. the Chairman.*—If such a report has been sent in it can be found, I presume?—It ought to be found. I could have only asked for it to be printed in the Board of Land and Works report. I am always requested to make my report for the report to Parliament.

295. If there is such a report, you will try and find it?—Yes.

296. Who has the custody of those papers?—The report, if it is in existence, should be in the Secretary's office.

The witness withdrew.

Richard H. Francis examined.

297. *By the Hon. the Chairman.*—What is your position in the Public Service?—District Traffic Superintendent of the South Suburban lines and the Gippsland line.

R. H. Francis,
21st June 1882

298. That embraces the Eastern system?—Yes.

299. How long have you occupied that position?—First of all I was appointed as traffic manager in May 1881; since October last district superintendent—about that time, I forget now, without referring to the *Gazette*. It was at the time Mr. Elsdon was relieved of the general managership.

300. You remember the time at which the Government purchased the Hobson's Bay Railways?—No; I was not in the position I am now. I recollect the period.

301. Were you engaged in any investigations connected with the taking over of the Railway by Government?—No; I was not in Melbourne at the time.

302. Were you in the Government service?—Yes; I was not stationed in Melbourne at the time.

303. Have you any knowledge of the state of the Hobson's Bay rolling-stock about that time?—No.

R. H. Francis,
continued,
21st June 1862.

304. Has your attention been called to the state of the rolling-stock at the time of the accident and since?—Yes, subsequent to the accident.

305. Will you state what you saw of the accident and the condition of the rolling-stock at the time?—I was present within six minutes after the carriages rolled over the embankment, and assisted to remove the passengers, &c. I examined the road from the position of the accident to beyond the Botanical Bridge, and saw this piece of tire—[*producing the same*].

306. Do you think the accident was the result of the improper working of the trains, or the breaking of the tire?—Undoubtedly, all the evidence goes to prove it was a defective tire. The tire was worn too thin.

307. I presume you have read the evidence given before the coroner?—Yes.

308. You also took part in that investigation yourself?—Yes.

309. It was stated on that investigation, that jolting was observed when the train passed the Swan-street station, and that the train proceeded in that crippled condition to Jolimont when the accident took place. Do you think that accident could have been prevented by any appliances at the command of the Department?—No, not at their command then.

310. Would any system of brake-power have prevented that accident?—Yes, I believe the continuous brake would have done so.

311. Have you any experience as to the state in which carriages should be removed from the wearing down of the tires to a particular thickness?—No, that is left to the locomotive branch.

312. Do you know what thickness the tire should be when it ought to be removed?—Mechanically I could not, but from years of experience I could tell when the tire was not fit to run.

313. Would you think the tire was safe at $\frac{3}{4}$ of an inch?—No, I should say not, from what I have seen and read.

314. Do you know what thickness the tires originally were on the Hobson's Bay line?—I do not.

315. It has been stated, they are upwards of two inches thick on the Government lines, and they are condemned when they are reduced to $1\frac{1}{4}$ inch—do you think that is a prudent and wise provision, or is it erring on the side of caution?—No doubt it is on the side of caution. It would bear probably a quarter of an inch off, and then be safe, especially with the material of which they are made now.

316. This tire is stated to be $\frac{5}{8}$ of an inch in thickness, and it has been given in evidence by carriage-repairer Johnson that he examined the wheels of this carriage before the train left Flinders street—do you think, after his examination, he could have known the thickness of the tire by tapping the wheel?—No, I do not. He could only tell that by gauge or examining closely. He could only tell by the ring whether it was sound.

317. What course would you suggest to enable carriage-repairers to arrive at a reliable conclusion as to the state of the tire?—A man with any experience can tell by looking at the wheel. The wheel of every vehicle that we have is supposed to be tapped once, twice, or three times a day.

318. You observe the surface of that tire is worn into a concave shape?—Yes.

319. Could the carriage repairer, looking down upon that wheel, have seen the state in which it was?—Yes.

320. *By the Hon. J. A. Wallace.*—How could he?—Supposing that to be the circle of the wheel, he would pass along the side of the boxes to sound them this way—[*explaining his meaning*].

321. *By the Hon. the Chairman.*—He could only see the outside section?—Passing this way, he could see the whole of the wheel.

322. He passes at right angles to the tire—how could a man passing along with his hammer get to know the thickness of the tire?—He could tell by looking at it whether it was worn thinner than it should be, I mean the bearing portion on the rail. You could not look at it this way, because this is thicker than this portion—[*describing his meaning*].

323. Would not that tend to confuse him rather?—The examination would not be for thickness of tire at that time, it would be for sounding.

324. Would not any such cursory examination as is given to a carriage by a carriage examiner enable him to report upon the safety of the tire?—No; certainly not.

325. What would you recommend?—Periodical examinations, once a month, taking the carriages as they stand in the sheds and sidings, and giving them a general overhaul.

326. Is the carriage repairer provided with any callipers for measuring the tires?—I could not say for certain; they are on the Victorian Railways; I presume they are on the suburban lines. They are not under the Traffic Branch, the examiners; they are under the Locomotive Branch.

327. Presuming that carriage-repairer Johnson examined this wheel, and discovered it to be thin, should he have ordered the carriage off the line?—Certainly.

328. Has he the power to remove a carriage without consulting the station master?—He must consult the station master, but his request would be obeyed in all cases.

329. It has been stated by the late general manager that he considered $\frac{3}{4}$ of an inch would be a tire consistent with safety. Presuming that the carriage inspector had no written instructions, and was aware of what the general traffic manager's views were, would he be justified in ordering off the carriage without some written instructions, or some definite expression of opinion from his superior officer?—Certainly; he could do it at the $1\frac{1}{2}$ in., supposing that to be over the gauge.

330. Would he run the risk of losing his appointment?—No; he would err on the side of safety. There are many reasons besides thickness of tire why carriages are removed.

331. How are instructions given to subordinate officers from the superior officer?—I should say, in writing.

332. Do you imagine that Johnson received written instructions?—It was said so at the inquest, but they could not be produced.

333. Do you approve of the design of the railway carriages in use on the Hobson's Bay line?—Yes, I do—for suburban traffic.

334. Do you consider four-wheel carriages safe for suburban traffic?—Not as safe as six.

335. *By the Hon. J. A. Wallace.*—Do you refer to length of carriage?—Any length of carriage, No doubt six wheels are the safest in the case of any breakage of this kind.

336. *By the Hon. the Chairman.*—Are there any portions of the Victorian railways where six-wheel carriages would not work on the curves?—Yes, Castlemaine to Maryborough.

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continued,
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337. Then it would be necessary to adopt four wheels?—Yes.

338. On the suburban lines, there is no reason why six-wheeled carriages should not be used?—We could not work them at present in the Flinders street station. They would not stay on the road, the compound curves are so short.

339. Do you consider there should be means of communication between passengers and guard?—Not on suburban lines.

340. Generally speaking?—Yes, on country lines.

341. Would you state what you think should be adopted?—I am not in a position to say. I have seen a cord, and also an electric connection, but that is not furnished on the Hobson's Bay lines. We have one fitted, but it has never been used—that is the electric connection.

342. You were present when Mr. Miris gave his evidence about the communications with the driver?—Yes.

343. Do you agree generally with what he said?—I think so. I am totally opposed to their use on suburban lines, especially with the class of travellers we have. We should have every second train stopped out of curiosity, or wantonness, or something or other.

344. What description of brake-power would you recommend for suburban lines?—The continuous brake. I am not acquainted with the different brakes.

345. Would you prefer the continuous automatic, or simply continuous?—Automatic is the best, no doubt.

346. Why do you recommend that system of brake?—Because you get power on every vehicle.

347. Can you state to the Committee any great advantage which has accrued to the Department by the use of that brake?—Yes. Saving of time, pulling up the train rigidly at the platform, and preventing passengers from falling between the platform and the carriage, and also safety at junctions and points of danger in case of check at any time.

348. Do you think, if the automatic continuous brake had been in use on the train on the day of the accident, the results would have been serious?—I do not.

349. Presuming the automatic continuous brake had been applied to that train when the tire broke at Swan street, what would have been the result?—If separated, the train would have stopped instantaneously.

350. The tire breaking and the coupling giving way, what would have been the result?—There would have been no check, unless the connection were broken.

351. Would that connection have been severed by the breaking of the coupling?—Certainly.

352. Would it have put the brake into immediate force?—Immediate force on every vehicle.

353. What would have been the result?—The majority of the vehicles would have remained on the line, with the exception of the one with the broken tire.

354. The Board of Trade recommend that brake-vehicles should be placed at the rear of the train; generally speaking; is that your view?—Yes.

355. The traffic manager, Mr. Anderson, stated that was his opinion also, but the Department had not sufficient brake-vans to carry that out; do you concur in that?—I do.

356. What is the system of brake-power on the suburban lines?—The ordinary screw brake.

357. It was stated by the late general manager, that it was as safe to run the brake-van next to the engine, as at the tail of the train on the suburban lines; do you agree with that?—I disagree as to the amount of safety.

358. Why?—Because you have more power at the tail of the train than if it were all concentrated at one place.

359. Is it not a fact, that the train is in tension when the steam is applied from the locomotive and that each of the couplings are taut?—Yes, and the draw-bar drawn out half an inch with the weight of each vehicle.

360. When steam is shut off, the carriages are the propelling power and the engine the retarding power?—Yes.

361. If the brake van is at the rear of the train, would not that act as a retarding power?—Yes, as far as its power would be felt, say for eight or ten carriages. Its weight would be felt—that is entirely a matter of the weight of the van and length of the train.

362. Do you know if the late general manager gave a report on the state of repair and condition of the rolling stock at the time of its purchase by the Government?—No, that was before my time.

363. You have never seen it?—No.

364. Have you ever heard of such a report?—Yes, I did hear such a report was sent in.

365. Have you any means of finding it?—No; I believe all the company's papers are transferred to the secretary's office; they are not in my office.

366. It has been stated, that the accident at Jolimont was caused by the breaking of a tire; do you think the state of the permanent way had anything to do with it?—No.

367. Did you examine it?—I walked from Swan street to Jolimont.

368. Were there any traces of damage to the permanent way?—No; there was the mark of the spoke striking every second sleeper as it went along, from beyond the Botanical bridge.

369. *By the Hon. J. A. Wallace.*—Do you think the accident would have happened if that rim had been fixed in the same way as you are fixing your rims now?—No, I do not. It could not have flown off the way they fasten them now.

370. Is the tear and wear much greater in the automatic brake than with the present screw brake?—Yes, certainly; but not to any appreciable extent. You have blocks on every wheel. They are applied at great speed and with great power. That is a very small matter compared with the safety and speed with which trains can be pulled up at the platforms.

371. *By the Hon. J. Buchanan.*—Would the tire be liable to be hollowed out as much as that one is with the continuous brake?—No, that is simply ordinary wear and tear with the rail.

372. Would the brake have the effect of wearing it any more than that?—No, it would wear evenly.

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continued,
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373. The examiner would have a better chance of seeing if the tire was thin?—Yes, but there is no difficulty in seeing without a gauge. When it gets near the thinness, it is simply a matter of an experienced man walking round and examining the tires.

374. *By the Hon. J. Graham.*—The examiner is not under you?—No.

375. *By the Hon. J. A. Wallace.*—I understand that the brake when put on would cause that to be worn even?—Yes, supposing it started with the same thickness of tire from there to there—[*describing the same*].

376. If the rail has done that, the break would not make it all even alike?—No, but I mean, it would not cause a channel or dent in this and not in any other part. That wheel, very likely, has been turned two or three times.

377. *By the Hon. J. Buchanan.*—Suppose the brake was applied to that, would it catch the highest part of the wheel?—Yes, but it does not touch the flange. It is applied outside the flange. It is not used often enough to affect the wear of this; the running on the rail does it.

378. It would have the effect of keeping it straight?—Yes, but still the blocks used on a brake of that kind would run a very long time before it would affect the tire.

379. *By the Hon. the Chairman.*—As to the wear and tear of the different systems—hand brake and continuous brake—can you give us any information?—I have had no experience of the continuous brake. We have the Woods's brake on the suburban lines occasionally, and then it is off again.

380. You cannot speak as to the wear and tear?—No, I can speak as to its utility, because I believe in them for suburban traffic.

381. *By the Hon. J. Graham.*—The wear and tear must be very considerable, the automatic brake being so often used?—Yes, no doubt.

382. *By the Hon. J. Buchanan.*—Has an automatic brake ever been worked on lines that you have been managing?—Only Woods's brake on the Brighton line at holiday times, when we have to re-distribute the rolling-stock.

383. *By the Hon. the Chairman.*—What kind of brake do you use on the Beechworth line?—The screw brake and the brake on the engine, as well as the tender.

384. Is there any suggestion or information you can afford to the Committee upon which you have not given evidence?—No, not that I know of.

385. If you think you can give the Committee any further information, you might draw it up in the shape of a report?—Nothing more pertaining to the accident. All I should like to have is, more room and more stock.

386. *By the Hon. J. Graham.*—When you came on to the Hobson's Bay Railway line, did you examine the stock?—No, except as to its carrying capacity.

387. You did not make any written report to the Government?—Yes, as to the suitability of the carriages for passenger work, subsequent to the Jolimont accident.

388. Not at the time you came?—No; I was then under Mr. Elsdon. I did not report to my superior officer who was there before me, and was the general manager. I did subsequently to the present Minister of Railways, after the accident, as to the suitability of the carriages, and the vans being too low and badly fitted.

389. *By the Hon. the Chairman.*—I understood you to say, you reported upon the rolling stock?—Yes, a month after the accident. It has nothing to do with the running gear or condition of the rolling stock; it was simply as to the condition of the carriages.

390. *By the Hon. J. Graham.*—Who has charge of the locomotive department on the Hobson's Bay lines?—Mr. Mirls is the chief officer now, but there is a running foreman at Prince's Bridge and a running foreman at Sandridge.

391. *By the Hon. J. Buchanan.*—Can you tell us if the Hobson's Bay Company had a staff of mechanics for repairing their own engines?—Yes.

392. *By the Hon. J. Graham.*—What are the rules as to the time the carriages are allowed to run on the line without being examined?—The coroner wanted to know too, but he could not ascertain. There were no records of when they went into the shops and when they came out.

393. *By the Hon. the Chairman.*—There was a record that the carriage had been into the shops some seventeen months previously?—Yes; but nothing to show whether the tire was turned or not.

The witness withdrew.

Adjourned to Tuesday next, at Three o'clock.

TUESDAY, 27TH JUNE, 1882.

Members present:

The Hon. W. A. ZEAL, in the Chair;

The Hon. Dr. Dohson,
J. Buchanan,
J. Graham,

The Hon. W. McCulloch,
F. Ormond,
J. A. Wallace.

Solomon Mirls further examined.

Solomon Mirls,
27th June 1882.

394. *By the Hon. the Chairman.*—You produce a full-sized drawing of a section of the tire that was broken, and also of the tire as first placed upon the wheel?—Yes.

395. And also a drawing of a Government railways tire when fixed upon the wheel, and when it has done its duty?—Yes, a carriage tire—[*handing in the same*].

396. These are full sized?—Full sized, and showing the method of fastening.

397. *By the Hon. J. Graham.*—How long does a tire run after the last time of turning?—If a wheel comes into the shop, and the tire is below the steel gauge, it is cut off; if it is above, it is turned to this—[*pointing to the plan*]—and put under a truck, it is never allowed to go under a carriage. As a rule,

we take them out much thicker than that from a carriage, and put them under a truck. At $1\frac{1}{4}$ in., we would transfer them to a truck.

398. *By the Hon. the Chairman.*—When you take the condemned wheels from passenger carriages and place them on goods trucks, as being below the standard which you think it necessary to have for passenger vehicles, I presume you keep a special supervision of those tires?—Yes.

399. What do you do?—When a tire requires to be turned up it has worn about $\frac{1}{8}$ in. or $\frac{3}{16}$ in. of metal on the tread; it then gets trued up again in the workshops. Very likely it is trued up five or six or seven times before it comes down to $1\frac{1}{4}$ in. thick. It then gets taken out and put under a truck.

400. *By the Hon. J. Graham.*—What supervision do you exercise then?—The truck must come into the shop again before the tire is worn another $\frac{1}{8}$ in. The truck will fall to pieces before the tire wears $\frac{1}{8}$ in. or $\frac{3}{16}$ in.

401. *By the Hon. the Chairman.*—Have you any special examination of those goods' tires which are below the standard of thickness?—No special examination of the thickness, except as to spreading. If it is of bad quality of steel it spreads, and the flanges get thin; but it is not so important in trucks as in carriages; even if the tire breaks, it cannot get off the wheel.

402. Presuming an accident was to happen to a wheel, and the tire was to fracture, what means would you have of knowing?—The sound would tell.

403. You have a periodical examination?—Every day every train that leaves the Melbourne yard, or any large station, is examined. The wheels are tapped and examined by the examiner before the train leaves any large centre, such as Ballarat, Sandhurst, Benalla, or Melbourne.

404. Have you ever considered the probability of this accident being caused by a defect in the rail somewhere near Richmond?—The cause, in my mind, was undoubtedly the tire being fractured. I cannot see that any defect in the rail or permanent way would fracture the tire.

405. Supposing a piece had broken off and left an abrupt angle, would not that be likely to damage a thin tire like that?—I think it would. At the same time, the rail would show the defect. The tire would tear the rail.

406. Has any report come to the department wherein a defective rail was mentioned as being found in the permanent way at Richmond?—No; I never heard of such a thing.

407. Did you never read an account in the local paper, in which it was said that some spectators had observed a defective rail near Swan street, and that the inspector removed that rail?—No. I know the rails have been defective, but not broken. Rails have been worn, and have been removed, but not in consequence of their being broken.

408. In the Richmond local paper, there was a paragraph speaking of a very defective rail, and it went on to say this rail was removed immediately after the accident?—I do not know anything about that. There were a lot of worn-out rails, but not sufficiently so to break the tires.

409. *By the Hon. Dr. Dobson.*—Do I understand that you judge by the average life of a tire when it is necessary to inspect the tire? Suppose we start with a new carriage turned out of the yard to-day, with a new steel tire, when would the first inspection take place?—She would run until she came in for repairs.

410. No investigation is made as to the tires until the carriage itself wants repairing?—Unless the tire spreads, through soft or bad steel.

411. But for thickness alone?—No, there is no necessity for it; the tire is two inches thick when new.

412. Are the tires so much of the same quality that you can depend upon that—will not one wear out quicker than another?—A steel tire should last sixteen years, and stand eight turnings up.

413. Might there not be flaws in the casting, which would not be shown until they were opened up by wear?—That would be shown by the tapping.

414. There might be an air-bubble?—That does not matter. When you hammer a tire, it should sound like a bell.

415. A bell might have an air-hole in it, and yet sound equally well?—That would not make any necessity for an examination.

416. Then with regard to the duration of those tires, it is a matter of chance?—Certainly not. The first thing is the quality of the material, the second is the method of fastening, and the third is the number of times the tire has been turned up until it comes to the minimum thickness.

417. Is it possible to tell the quality of the material by looking at it?—No.

418. Then where is your test of quality—supposing a carriage is turned out of the yard to-day, six months hence you assume the thickness of the tire, and do not test it unless the carriage is in want of repair?—My practice for some years past has been, that all the wheels and axles are taken from under all the carriages.

419. At what intervals?—Altogether, and put under trucks.

420. Take the case of a carriage leaving the yard to-day with a new pair of wheels?—I would not bother my head about them, except for sound, until the vehicle comes into the shop again.

421. When would that be?—Two years; then, if she had been running much, we would find the tire grooved a little, about one-eighth of an inch.

422. *By the Hon. the Chairman.*—What test have you of the quality of metal when the tire first comes to you?—I followed out the practice of my predecessors, and depended very much upon the credit of the manufacturer. We order from three firms, and the orders are for the best that can be made.

423. But you have no test?—No.

424. Do the makers have any?—Krupp is the great maker of Prussia, and Vickers and Cammell of Sheffield, and in their workshops they have the drop test with a falling weight. The test is by a weight at different heights falling on the tire. You gauge the bending or breaking of the steel tire after a repetition of the falling weight upon it, and afterwards test it for tenacity—that is, pulling it to get the power taken to break it per square inch—and stretching.

425. You think the test used in the construction of those tires is ample for all requirements?—I prefer to trust to the repute of the manufacturers.

426. Do you consider their tests sufficient?—Yes, providing you specify the mode of manufacturing the tire. The crucible cast steel is the best steel for tires; it has a greater tenacity than Siemens' or Bessemer.

427. *By the Hon. J. A. Wallace.*—This section you have produced shows the size of the tire when broken, but it does not say what size the tires were generally, when turned out of the shop on the Hobson's Bay line?—I had nothing to do with the Hobson's Bay line. The information I can give you is that that will be the minimum thickness in future—[*pointing to the section of a Victorian Railways tire*].

428. *By the Hon. J. Graham.*—If this scale is correct, this screw has been considerably worn down?—Yes.

429. *By the Hon. F. Ormond.*—What was the thickness of that tire when new?—Two inches.

430. Are all new tires of a uniform thickness?—Some are $1\frac{3}{4}$ inch, some 2 inches, some $2\frac{1}{4}$ inches.

431. If you buy a 2-inch tire do you measure it to see that you have got a 2-inch tire?—In ordering for the Victorian Railways we generally send the drawing home. We have many tires—engine tires, tender tires, and carriage tires.

432. Do you check the size when it arrives, to see that it is the full measure?—We send steel gauges home, because they must be dead true to the diameter of the wheel.

433. *By the Hon. the Chairman.*—Do you observe any rules to see you get what you pay for?—They would not go on the wheel if they were not the proper size. They must be exactly drawn; the internal diameter must be dead true.

434. *By the Hon. Dr. Dobson.*—But do you gauge them yourselves afterwards when they come out?—Yes.

435. *By the Hon. the Chairman.*—In other words, if you had a locomotive coming out that was ordered with 14-inch cylinders, you would measure to see that they were 14 inches?—I should think so. There is a female and male gauge, showing the internal and external diameter.

436. You were asked to supply the Committee with some information respecting the tensile strength of the steel in that broken tire, and the steel in a Victorian Railways tire?—I have them here—[*producing some bars of steel*].

437. The steel in that bar—[*pointing to the same*]—is a portion of the actual tire that was broken?—Yes, it is a bit of the tire itself. Tests are usually made with bars 1 in. square, but this tire not being an inch thick, we could not do it, so it was made an inch by half an inch. It broke with a weight of 17 tons 5 cwt., and stretched 1-8th inch in five inches.

438. *By the Hon. J. A. Wallace.*—If that had been an inch thick, it would have taken 34 tons 10 cwt. to break it?—Yes. It shows a good fracture, but it has not taken the proper strain for the best quality of steel.

439. *By the Hon. the Chairman.*—Now explain what your own samples of steel have done?—Here is a piece of steel, of a similar size, made by Krupp, of Prussia—[*handing the same to the Hon. the Chairman*]—an old worn-out tire of our own. It stood 29 tons, and stretched 7-16ths inch in five inches, or nearly twelve tons more tensile strength than the other. Here is another piece of worn-out tire of similar size, by Vickers, of Sheffield. It broke at 29 tons 12 cwt., and stretched half an inch in five inches.

440. *By the Hon. F. Ormond.*—You have to trust entirely to the houses that you get the steel from for the report that they make—you cannot tell the quality from looking at the steel?—No.

441. Looking at them, one appears equal to the other?—Yes.

442. Yet one stands a strain of 12 tons more?—Yes.

443. *By the Hon. J. Graham.*—That last one you mentioned is equal to Krupp's?—It stretched more.

444. *By the Hon. the Chairman.*—What is your opinion of the quality of the Jolimont tire since the test?—It appears to be a brittle tire, not fit for passenger carriages; it is fine steel, but not fit for tires. I do not know who was the maker of it, but the machine cannot possibly give a wrong test.

445. *By the Hon. J. Graham.*—Is there no name on it?—No, there is a name on the opposite tire, on the same axle; there is no name on this tire.

446. *By the Hon. the Chairman.*—Are you of opinion that the quality of steel used in that tire was such as should not have been used?—It is too brittle for tires, and will not stand sufficient tensile strain; that is independent of thickness—that is as to quality of steel.

447. *By the Hon. Dr. Dobson.*—A tire made of that steel would become dangerous sooner than a tire made of Vickers' or Krupp's steel?—Yes.

448. Are you aware whether there are many tires of the same kind running on the Hobson's Bay lines?—I have taken them nearly all out.

449. Independent of thickness?—Independent of thickness.

450. *By the Hon. the Chairman.*—Have you those in stock now?—Yes, some of them.

451. Where do they lie?—Some at Sandridge, and some at Yarra Bank.

452. Could they be seen by the Committee?—Yes. One of the chief reasons for taking them out, was the method of fastening, and also the want of uniformity in the axles—different sizes of journals.

453. If the screw was exposed as it is shown to be there—[*pointing to the sketch of the fractured tire*]—a defective rail would have a much greater influence over that tire than it would have over a Government tire?—No doubt of that, from the constant jar. You must have a tire that, in the event of fracture, could not come off.

454. If there was a broken rail at every revolution of the wheel, it would strike against this screw?—It would not do it any good. It is a dangerous mode of fastening.

455. Do you think the system of signalling is perfect, or could you suggest any alteration?—When a train passes through Swan street, is the signalling kept up so that Melbourne is duly advised?—The signalling is now being very much improved, both by semaphore and otherwise.

456. You are aware that, in the principal London signal-boxes, the greatest care is exercised by the signalman after the train leaves a particularly dangerous point in the line, and there is also an observer kept in the box with the signalman for the purpose of observing what the train does after leaving that point. The observer records what the signalman has done; he enters it in a book. Is that a plan that you would recommend for a dangerous point?—No, I would not.

457. What proof have you that the man does his duty?—The inspector should go and see him every few hours.

458. A train passes every few minutes, and has to give the signal, say, to point A—how do you know that signal does its duty?—The interlocking system is a good check. For instance, the man

in the signal-box cannot give the incoming train the signal unless the road is clear ; therefore he wants no check beyond visits from an inspector.

459. Is it not a great check upon the man, and an assurance to the public, when this man records everything the signalman does, and sees that he is up to his duty?—It is a matter of supervision and expense. I think it is sufficient to go into the box every few hours, and see that the man is not asleep.

460. Is there anything further you can suggest that would ensure the safety of the public, from your own observation?—Your question is directed to suburban traffic?

461. Yes?—I think means are now being provided that will do all that can be desired. We are having the interlocking apparatus, preparing semaphores, duplicating lines, and so on. I do not think more can be done than what is at present in view.

462. A train leaving Swan street is signalled towards Melbourne. Would it not be an advantage if the telephone were used, and the gatekeeper at Jolimont apprised?—He will be apprised. Everything will be communicated by electric bell from Richmond to Jolimont gates. There is a new box going up at Jolimont, in which there will be an electric bell, and it will have an electric bell to Prince's Bridge junction, and from there to Flinders street.

463. If the train had been damaged when passing Swan street station, the station master might have advised the signalman that the train was damaged, and he might have stopped the engine-driver?—The telephone would be the thing for that—this is simply an electric bell—the telephone is a speaking instrument.

464. Would you recommend that for suburban traffic?—It would be a very good thing, no doubt, in addition to the electric bell.

465. Having the wire there already, it would not be much cost?—I do not know if you could work the two on the same wire ; if you could, it would be a very good thing. We have telephones in Spencer street, but that is to facilitate traffic ; it is not for safety in working trains.

The witness withdrew.

George Smiles examined.

466. *By the Hon. the Chairman.*—What are you?—An engineer.

467. What is the particular name by which your office is designated?—Shop foreman.

468. Where are you working?—Sandridge.

469. In the railway workshops there?—Yes.

470. How long have you been employed on the Hobson's Bay lines in this capacity?—I have been acting as foreman for a number of years.

471. When were you appointed by the company?—I have only had the appointment since the Victorian and Hobson's Bay Railway were amalgamated.

472. When did you enter the service?—In 1870.

473. What were your duties then?—Engine fitter.

474. And after that?—In Mr. Higgins's time, I was foreman in his absence. I never had the appointment, but I used to act when he was away.

475. You were never definitely appointed?—Not during Mr. Higgins's lifetime.

476. Were you appointed subsequent to the line being purchased by the Government, during Mr. Higgins's lifetime?—No.

477. Who nominated you?—Mr. Elsdon.

478. Did he at the time of nominating you to this office give you any instructions?—No, he did not. I went down and saw him on the morning of Mr. Higgins's death, and asked him what was to be done in the shop. He told me to go and look after the shop until he put some one over my head ; those were the instructions I got from him—that was all the appointment I had.

479. How long is it since the line was purchased by the Government?—The line was purchased four years ago.

480. *By the Hon. J. A. Wallace.*—How long is it since Mr. Elsdon put you in that position?—That was on the 3rd of August last.

481. *By the Hon. Dr. Dobson.*—Before the accident?—Yes, the accident took place on the 30th.

482. *By the Hon. the Chairman.*—When you were placed in that office, how did you know what to do, if you had no instructions?—I knew my duties as engineer.

483. What I want you to explain is, how you obtained that knowledge that enabled you to carry on the duties of your office, if Mr. Elsdon told you nothing?—I knew the duties required to be done there. I had been long enough in the place.

484. But what I want you to explain to the Committee is, what responsibilities you considered you undertook when you entered upon that office?—Keeping the rolling-stock going until there was an appointment over my head, as Mr. Elsdon stated.

485. You considered you had to look after the rolling-stock, and keep it going. In the matter of those tires, had you anything to do with the supervision of them?—Never before that ; they never had been in the shop through my hands. I could not go and look over the line for tires.

486. Some wheels are sent in with tires which require turning up—what would you do with reference to those tires?—If they wanted turning, I would do it.

487. What was the test?—No test, except the thickness of them. If they were $1\frac{1}{8}$ inch, I would not send them out.

488. Have you, in point of fact, sent any out below $1\frac{1}{8}$ inch?—I have not.

489. During the time you have been there, has no tire gone out of the shop less than $1\frac{1}{8}$ inch?—That I would not say, because Mr. Higgins would not let me interfere.

490. But after his death?—Not after his death ; but he would not let me interfere when he was there.

491. When did he die?—On the 2nd August last.

George Smiles,
continued.
27th June 1882.

492. It has been given in evidence that all the wheels have been condemned as below Government requirement—how could that be?—A great many have been taken off on account of the fastenings.

493. And the thickness as well?—Yes.

494. The Committee only want to get from you what has been done in the workshops, and what your duties were?—My duties were, not to interfere with the carriages in Mr. Higgins's lifetime.

495. I am speaking of the time when you had charge?—The accident happened so shortly after I took charge, that I had no time to do anything; it was only twenty-six or twenty-seven days after I took charge. I had no time to see or do anything.

496. Have you ever seen a tire brought into the shop of the thickness stated by the late General Manager—three-quarter of an inch?—Yes, plenty have come in, and been taken off at that.

497. It was sworn before the Coroner, by Mr. Elsdon, that he would allow wheels with tires $\frac{3}{4}$ in. thick to be used?—He would not allow them to go out of the shop; they might go out thicker, and run down to that.

498. That was not Mr Elsdon's answer; it was pointed out that this tire had gone down at $\frac{5}{8}$ in., and he was asked what would be the minimum thickness; he said $\frac{3}{4}$ in. Have you ever turned out carriages with tires $\frac{3}{4}$ in. thick?—Never.

499. How long will a carriage take to run down $\frac{1}{8}$ in.?—60,000 or 70,000 miles.

500. What time would that be?—It would depend upon whether it was running four or six days a week; some of the Hobson's Bay carriages are running sixteen hours out of the twenty-four.

501. What is the average time?—I would not like to say that, because the carriages are in one train one trip, and another on another trip; they keep changing carriages off the trains, and making up trains; sometimes they are booked as running so many miles.

502. *By the Hon. F. Ormond.*—Do you keep a record of the mileage done by the wheels?—It is kept in the office.

503. *By the Hon. J. A. Wallace.*—Do I understand that all the wheels taken off are lying in the yard?—Yes.

504. I understood Mr. Mirs to say that most of them were taken and put in the goods trucks?—Yes, I am using them for the goods trucks as fast as I can, and putting the thin ones on one side.

505. *By the Hon. J. Graham.*—When a carriage comes in for repairs, is there any record kept of what is done to it?—Yes, both with carriages and engines, by their numbers.

506. What is the number of the carriage that was wrecked?—No. 5, a smoking carriage.

507. Can you tell us when she was in the workshop?—I think seventeen months before the accident she was in.

508. Did she leave the shop in a thorough state of repair?—I believe she did, but I could not say, I was not in charge.

509. *By the Hon. J. A. Wallace.*—It does not say what the size of the tire is?—It does not.

510. *By the Hon. Dr. Dobson.*—Do those people who keep a record of the mileage that each carriage has done have any communication with you or instructions from your department, as to when they ought to take a carriage off, when it has run its proper number of miles?—I cannot say.

511. Supposing, instead of 60,000 miles it had run 120,000 miles, there is no system adopted by which it would be sent back to the workshops?—None that I am aware of.

512. *By the Hon. F. Ormond.*—It would depend very much upon the line whether a tire was worn in 50,000 or 60,000 miles, according to the friction?—Yes.

513. *By the Hon. J. A. Wallace.*—The condition of the rails has a great deal to do with the condition of the tire?—Yes, and the material of the tire.

514. *By the Hon. the Chairman.*—Have you any means of knowing what the thickness of the tire of that carriage was when it was last repaired?—I have not. At that time there was no record kept of them.

515. Supposing that carriage was overhauled seventeen months previously, 60,000 miles would be equivalent to the carriage running 180 miles a day before the tire would be worn down. Would you imagine the tire to be the proper thickness originally if it had worn down in that time?—I do not think it would be of the proper thickness to be reduced to the size it was.

516. How did you know what your duty was, or how to act in case of emergency, if you had no written instructions—how did you know what responsibility to take?—All I supposed my duty to be was, to do the work sent to the shop.

517. If you had no instructions, it was throwing the responsibility on you?—If I had got the appointment I was responsible.

518. Would you consider Mr. Elsdon's telling you to go to the shop sufficient instructions—should he not have given you more definite orders in writing?—Certainly, if I had got the appointment, I should have asked for something else.

519. Were there any written instructions given to you?—No.

520. Nor to any one else?—No, not so far as I know.

521. *By the Hon. W. McCulloch.*—When were you appointed?—I never got an appointment.

522. Never from any one?—I got it from Mr. Mirs on the 3rd October.

523. *By the Hon. J. A. Wallace.*—I understand that you got instructions from Mr. Elsdon to look after the shop until he appointed some one else?—He said "Go and take charge of the shop."

524. *By the Hon. J. Graham.*—If a carriage came in, you would be responsible that it did not leave the shop if it was not in a perfectly safe condition?—Yes, that was my duty.

525. *By the Hon. the Chairman.*—What enabled you to arrive at a decision whether the wheels of a carriage were right or wrong? how did you arrive at the conclusion that a particular thickness of tire was safe, unless you had some instructions from your superior officer?—I do not understand the question.

526. Supposing Mr. Elsdon says $\frac{3}{4}$ inch is sufficient, and you say $1\frac{1}{4}$ inch, would you let the carriage go out with $\frac{3}{4}$ -inch tires?—I would not take the responsibility; if it was ordered out I would let it go, but I would not take the responsibility. If I get written instructions to do anything I think is not right, I would do it, but I would not take the responsibility of it.

527. *By the Hon. J. Buchanan.*—You are a mechanic?—Yes.
528. You worked your way up from being a mechanic to being an overseer?—Yes.
529. You have been in the workshop a considerable number of years?—Yes, I have been thirty-three or thirty-four years at the trade.
530. Usage gives experience in everything?—Yes; I got no instructions.
531. *By the Hon. W. McCulloch.*—You have no instructions?—I have instructions now.
532. When did you get them?—I got them, I think, about last October.
533. When you got the appointment from Mr. Mirls?—Yes.
534. *By the Hon. J. A. Wallace.*—When would you turn out those tires now?—I think if you go to Mr. Poole you will find what I said before the coroner's inquest. I gave him my thickness, $1\frac{1}{8}$ in.
535. *By the Hon. J. Buchanan.*—Were you supplied with a steel gauge?—I was not, but I made them, I made a pair for the shop myself.
536. *By the Hon. W. McCulloch.*—Your duty was all inside the shop?—Yes.
537. Whose duty was it to inspect them outside?—I do not know.
538. *By the Hon. J. A. Wallace.*—You do not know if there is an inspector outside the shop?—There was a carriage inspector at the Flinders street station.
539. *By the Hon. W. McCulloch.*—Is he still there?—Yes.
540. In the same position?—Yes.
541. *By the Hon. the Chairman.*—You say, "I am not aware that anyone had the duty of examining the tires of carriages; I did not do it"?—Yes, Johnson was the carriage inspector.
542. *By the Hon. J. A. Wallace.*—Would not the carriage inspector inspect the tires?—Yes.
543. *By the Hon. the Chairman.*—You said in your evidence before the jury, that Mr. Johnson had written instructions, and you could prove it?—No, when they questioned me upon it, I qualified that by saying Johnson had told me, but his instructions were verbal.
544. You say, "I have no proof of that statement"; I have examined the books, and can find no proof that any were given to him. "I did not give any when I became his superior officer. I am not aware that anyone had the duty of examining the tires of carriages; I did not"?—Yes. I do not know whether I was asked the thickness at the inquest. I know I made a statement to Mr. Poole, at the Crown Law offices, about the thickness.
545. Had you anything to do with the examination of locomotives?—Yes.
546. Were they properly tested?—Yes, that was always my special duty, with the locomotives more than the carriages.
547. As an efficient engineer, could you say of your own knowledge that those locomotives were always in a good state of repair, that the boilers were sound?—They were sound enough to carry the pressure that was put on them.
548. What pressure would that be?—From 80 lbs. to 120 lbs.
549. *By the Hon. J. A. Wallace.*—How do you test them?—By hydraulics.
550. *By the Hon. J. Graham.*—In your evidence before the coroner, you said the broken tire was made by Krupp?—Yes.
551. How do you know that—by any name on it?—Yes, there was a name on it; I have found out it is not Krupp, I discovered that afterwards. The one pair of wheels was Krupp's, and the other pair was Taylor's. There were two pairs of different wheels in the same carriage. I took the Taylor wheels for the Krupp's.
552. You are satisfied now it was not Krupp's?—Yes, I discovered that the same day I made the statement.
553. *By the Hon. J. A. Wallace.*—Where is the tire branded?—All tires are branded on the rim. It was covered with dirt and you could not see the brand, but the other pair had got Krupp's brand on them.
554. *By the Hon. W. McCulloch.*—Mr. Mirls said that pair had no brand on them?—They had Taylor's brand.
555. Are you positive?—I am nearly positive. I have not seen the tire since the inquest, but I am almost certain of it. I have got both pairs of wheels down in the shed now. The other pair that was not broken I have got, and it has got the Taylor brand on it.
556. If Mr. Mirls told us there was no name on it, you would not contradict him?—I would not like to contradict him, because I have not seen the tire since the inquest was held.
557. *By the Hon. the Chairman.*—Do you know what is usual in English shops—when a man is appointed to any position, does he not receive definite instructions?—I never knew it in the English shops I worked in.
558. You worked there in a subordinate capacity. Had not the superior officers some instructions?—I never heard of it, and I was well acquainted with some of them.
559. You do not know that they have none?—No.
560. You are speaking of some years ago?—Fourteen or fifteen years ago.
561. *By the Hon. J. Graham.*—I think I understood from you, that that carriage No. 5 had been through your hands seventeen months before the accident?—Not through mine; it was through the shop.
562. Were you not foreman of the shop?—No, not unless Mr. Higgins was absent.
563. Did you not say it left the shop in perfect order?—The carriage fitter produced his book showing what he had done to it; it was stated in the book that it left in perfect order.
564. You were not foreman then?—No, only in Mr. Higgins's absence.
565. You said it left the shop in perfect order?—The carriage-fitter said it left in perfect order, and what else could I say?
566. *By the Hon. J. Buchanan.*—Can you give the name of the mechanic who turned the wheels on that occasion?—We have only had one wheel-turner in the shop, and he is there now; his name is Turner.
567. *By the Hon. the Chairman.*—Does he keep any record?—No; I am sure he does not.
568. *By the Hon. J. Buchanan.*—Do you remember the carriage repairer?—Yes; James Wilson.
569. *By the Hon. the Chairman.*—What is Turner's position?—Wheel-turner in the Sandridge shop.

George Smiles,
continued,
27th June 1882.

570. Both these men had to do with the carriage in question?—If the wheels had to be turned, Turner would turn them, and Wilson said he did the carriage up.

571. *By the Hon. J. Graham.*—Would there be no record kept?—No; when I took possession, there was no record kept.

572. *By the Hon. W. McCulloch.*—Is any record kept now?—Yes.

573. *By the Hon. J. Graham.*—What was the check on the wheel-turner's work?—There was no check.

574. *By the Hon. W. McCulloch.*—Were you appointed after Mr. Elsdon left the department?—Yes.

575. How long were you in charge before you were permanently appointed after Mr. Higgins's death?—Six weeks or two months, I think. It was about a month after the accident I got the appointment.

576. Had Mr. Elsdon left the department then?—Yes; because I got the appointment from Mr. Mirs, and he was never there till Mr. Elsdon left—I mean, left the Locomotive Department; he was general manager after that.

The witness withdrew.

Adjourned to to-morrow at Two o'clock.

WEDNESDAY, 28TH JUNE, 1882.

Members present :

The Hon. W. A. ZEAL, in the Chair ;

The Hon. J. Graham
J. A. Wallace

The Hon. J. Buchanan
W. McCulloch.

Henry Johnson examined.

Henry Johnson,
28th June 1882.

577. *By the Hon. the Chairman.*—What is your position in the public service?—Carriage inspector.

578. Where?—At Flinders street and Prince's bridge.

579. How long have you occupied that position?—Since the 3rd of March, 1882.

580. That is, under the Government?—Yes.

581. What were you before that?—Carriage repairer in the Melbourne yard.

582. Under the old Hobson's Bay Company?—Yes.

583. When did you enter the service of the Hobson's Bay Company?—March 1870.

584. What had you been doing from March 1870 to the time of the accident?—I was in the workshop for four years; I was then sent to Melbourne, to look after the running of the carriages, on the 12th March, 1874.

585. When you were sent up to Melbourne, who gave you instructions?—I got no instructions; I was just sent up to Melbourne.

586. Who sent you up?—Mr. Warkman.

587. He gave you no written instructions?—No.

588. What instructions did he give you verbally?—I was just sent up; the carriages were running very badly at the time I was sent up. He told me he was about to make a change in Melbourne, and he was going to send me to Melbourne.

589. He told you what you would have to do?—That I would have to do the repairs of the carriages in Melbourne.

590. What do you mean by "running badly"?—The bearings were running hot. When I was in the shop, I was lifting carriages for two years, and two years general repairs; that would bring me to 1874.

591. Lifting and re-mounting them?—Yes.

592. What time were you engaged on that?—Two years.

593. That would take you to 1876; how long did you occupy that position of carriage repairer at Melbourne?—Up to the time of the Jolimont accident.

594. You were carriage repairer up to that time?—Yes.

595. Did your duties include the examining of the carriages composing trains?—Yes.

596. Will you tell the Committee what those duties were; what you did generally?—I had got to do all the temporary repairs of the carriages inside, repair window-frames, put in glasses, and examine the carriages generally as to the linings, and so on.

597. With reference to the under portion of the carriage—the wheels, and so on?—I would have to try them every morning, once or twice in the morning; every train was examined again after three o'clock.

598. What orders were given to you as to looking after those carriages?—I was just told to try them, and if there were any loose or broken tires, to send them to the shop. I had nothing to do with the thickness of the tires.

599. Had you any instructions from your superior officers as to removing a carriage off the line, if the tire was thin?—None whatever.

600. Did you consider it a part of your duties to examine the tires to see if they were thin?—Not as to the thickness of the tires.

601. Have you ever reported a thin tire to your superior officers?—Yes, verbally; I have told them a tire was thin, and they have told me, it was not my duty to interfere with thin tires.

602. Who said that?—Mr. Higgins.
603. What do you consider a thin tire—that is assuming, as it has been given in evidence, that the tire was originally from 2 inches to 2½ inches thick?—I would not run them now under 1½ inch.
604. That is the Government regulation, but previous to knowing that, what would you consider a thin tire, speaking as a mechanic?—I would not run it under 1½ inch, any way by my own judgment.
605. Speaking of those carriages, what do you consider those tires were, that you complained of to Mr. Higgins?—Just about the same as the tire that broke, 1 inch outside. I could not measure a tire until it was broken; I could not tell the thickness until it broke.
606. It has not been an unusual thing to run tires of this gauge on the line?—No.
607. Have you noticed that frequently?—Yes, for years. When I was lifting the carriages, I spoke to Mr. Warkman about the tires. I asked him if I should put in new tires. He said, "Yes;" but he had nothing else to put in; he had no other wheels to put in. I asked him, if it would not be better to take the wheels that were under the waggons and put them under the carriages. He sent me out of the shop to pick out the best wheels under the waggons.
608. In point of fact, the rolling stock was so reduced in quantity and useful running gear, that you had to go to the trucks to take wheels for the passenger carriages?—Yes.
609. Was Mr. Higgins aware of this?—Mr. Warkman was locomotive superintendent at the time.
610. Was he aware of this?—Yes.
611. Was the general manager, Mr. Elsdon, aware of it?—I could not say.
612. Did you ever come into communication with him?—No, I never spoke to him but once.
613. He never gave you any instructions?—No, never.
614. What are your duties now in the Melbourne yard?—I am held responsible for all rolling stock on the South Suburban and Gippsland lines going out of Flinders street and Prince's Bridge. I examine all wheels, tires, and everything in connection with the carriages before the train leaves the yard.
615. Have you instructions, if you see a tire of a particular thinness, to do anything?—Everything under 1½ in. I am to report.
616. Would you order it off the line?—Yes, at once.
617. Supposing it was a train standing at the platform?—The train would not start until that carriage was taken out.
618. The public have some assurance now that nothing thin will be used?—There will be never anything under 1½ in. or 1⅝ in. while I am there.
619. *By the Hon. J. Graham.*—Do you know how the tires are fastened on the Victorian lines?—Yes.
- 619a. It is somewhat different from the fastenings of the tires on the Hobson's Bay lines?—Yes.
620. Which do you consider the best mode of fastening on the tires?—I believe that the Victorian Railways plan is the best.
621. Have you come to that opinion lately?—Yes; I never saw any of them, until I got the new wheels from the Victorian Railways.
622. At one time you thought the screwing was the best?—Yes; it was better than the old counter-sunk rivet.
623. Now you think this plan on the Victorian Railways is better?—Yes.
624. Do you remember the No. 5 carriage going out on the morning of the accident?—Yes.
625. It came under your personal supervision?—Yes.
626. You tapped the wheels?—I tapped the wheels of the train. I remember it standing on No. 2 road at the time.
627. Do you go over the carriages every morning?—I go round every train that comes into the yard.
628. I saw in your evidence before the coroner, that you said you tapped this carriage twice; why did you do that?—It was dark when she went out for the first trip. I always liked to go round that particular train by daylight. I had no suspicion, but I generally made it a rule to go round that train twice, as she started when it was dark.
629. If this screw was loose when you tapped it, would you detect it?—No.
- 630-1. *By the Hon. J. A. Wallace.*—What was your occupation before you entered the Hobson's Bay Company's service?—I was a carpenter.
632. I suppose you had had no experience of those carriages before you entered the service?—No, none whatever.
633. *By the Hon. J. Graham.*—I asked a previous witness if it was usual for a carpenter to tap steel tires—are you perfectly competent to do that?—Yes, I could tell a loose tire or a broken tire at once. I would not be afraid to be tried with my eyes shut. If I had any doubt about a tire, I would go underneath and see if I could detect anything in it.
634. *By the Hon. the Chairman.*—Did you go along the line after the accident?—I went along to see if I could find the broken pieces of tire.
635. How far did you go along the line?—As far as the Jolimont bridge.
636. Not to Swan street?—No.
637. It has been stated, that there was a damaged rail in the line near the Hoddle street bridge—did you see any indications of a damaged rail?—I never had anything to do with the permanent way.
638. Did you observe any?—No, I did not look at the rails; I only looked for the tire.
639. What indications did the line present as you went along? Was the ballast ploughed up in any portions?—Where the wheel had been off, the rim had marked the sleepers right along.
640. Was that the damaged wheel?—Yes.
641. *By the Hon. J. A. Wallace.*—I understand from you, that in future you would never allow anything to go out of the shop less than 1⅝ inch, or 1½ inch. You were in the habit of examining those tires previous to this accident?—Yes.
642. Did you not take any notice of some of those tires being so thin?—They had been running them that gauge for years.
643. Who told you not to interfere?—Mr. Higgins told me it was not part of my duties to interfere with thin tires.
644. Is he alive?—No, he is dead.

Henry Johnson,
continued,
28th June 1882.

645. You were accountable to him?—Yes.

646. Whom are you accountable to now?—Mr. Thompson; he is locomotive foreman at Prince's Bridge.

647. *By the Hon. J. Graham.*—You cannot give us any information about what time the No. 5 carriage was last repaired?—She was in the shop about sixteen months before the accident.

648. Did she leave your hands as repaired?—I was not in the shop at that time.

649. *By the Hon. J. A. Wallace.*—Who was in the shops at that time?—Mr. Wilson was in charge of the carriages.

The witness withdrew.

James Wilson examined.

650. *By the Hon. the Chairman.*—What are you?—Carriage builder.

651. In the employment of the Victorian Government?—Yes.

652. How long have you held your present position?—Nearly eighteen years.

653. Under the Victorian Government?—Yes, and in the Hobson's Bay Company previously.

654. When did you enter the service of the Hobson's Bay Company?—It is eighteen years since I entered first.

655. What did you enter as?—As having charge in the carriage department.

656. Repairing the carriages?—Yes, repairing, lifting, and so on; everything connected with the carriages.

657. During the time you were in the Hobson's Bay Company's employment, and up to the time of the accident, where were you stationed?—In Sandridge, in charge of the carriage department there.

658. The whole time?—The whole time.

659. Whom were you responsible to?—There have been changes there. I have been responsible to those in charge in the engineering department.

660. Will you name one?—I was under Mr. Bennett first; then I came under Mr. Warkman; then Mr. Higgins.

661. And now whom are you under?—Mr. Smiles; of course he does not interfere, but I am under him.

662-3. Did you receive any written instructions from any of your superior officers as to your duties?—No, never.

664. Have you received any written instructions since you have been under the Victorian Government?—Never.

665. What are you supposed to do when a carriage is sent into the shops?—I am supposed to see that it is properly turned out; my work is principally in the wood department, although there are painters and cleaners and lifters; but still all are under my charge in the carriage department.

666. Would you examine the wheels and springs?—They come principally under the wheels department; I do not interfere with them.

667. Have you ever examined, during the time you were in the Hobson's Bay Company's employment, any tires which were sent in to the shops as being thin?—Yes.

668. Can you give the Committee any information as to the thickness of those tires?—I have seen them go out all thicknesses, and various grades.

669. Would you state what they were?—Do you allude to thin tires?

670. Yes?—I think the thinnest I have seen cut out was about $1\frac{1}{2}$ inch, from that to $1\frac{1}{8}$ inch; that was about the thinnest.

671. Was that during the time the Hobson's Bay Company had the line?—Yes, not under the Government.

672. It has been sworn in evidence by the late general manager, that he would allow a tire to go out $\frac{3}{4}$ -in. thick; it has been also stated by many witnesses that the tires were thinner than that; a tire $1\frac{1}{4}$ in. in thickness is not a thin tire?—I am taking the outside of the tire; there is a recess in them.

673. What would be the thinnest part of the tire?—I should say an inch, to the best of my knowledge, that I have seen going out; it possibly might have been thinner.

674. Your observation would be only guided by seeing the edge of the wheel?—Yes.

675. You would not measure it by any calliper?—No; but still we ought to tell the thickness of a tire by the eye.

676. *By the Hon. J. A. Wallace.*—Without applying the calliper?—Yes.

677. How would you decide?—You see the thickness of the outside of the tire, and you allow for the recess—that is $\frac{1}{8}$ in.; if the tire is worn down, you can tell whether it is $\frac{1}{8}$ in. or $\frac{1}{4}$ in., and arrive at what the thickness of the tire inside would be.

678. *By the Hon. the Chairman.*—How do you account for the tire on this carriage being $\frac{5}{8}$ in. in thickness, if it has been the rule for the tires to be over an inch?—I could not account for it. The carriage went out of the shed, to the best of my knowledge, seventeen months previous to the accident. When a carriage goes out those that are in the shed know nothing more about it.

679. Would not that indicate that your observation is not very minute, if a tire is found $\frac{3}{8}$ in. thinner than you speak of—that would indicate that you had merely taken a general observation?—Yes; to the best of my belief, that is the thinnest—about an inch.

680. Referring to this carriage, to which the accident happened, did you examine the wheels after the accident?—Yes; I saw the wheels after the accident.

681. Do you recognise that as being like the wheel of the carriage you saw—[*handing a piece of broken tire to the witness*]?—Yes.

682. It has been shown that that is the shape of the Hobson's Bay Company's tires when new, and that is the shape of the tire on the day of the accident—[*pointing to two drawings*]?—Yes.

683. That being so, is not this tire worn dangerously thin—the tire worn down upon the screw?—Yes.

684. As I understand you, your duties are not with reference to the tires, but with reference to the wood work?—Yes; although I have occasion to see them, my duties are not in reference to the tires.

685. *By the Hon. J. Graham.*—You are in charge of the shop?—Yes.

James Wilson,
28th June 1882.

686. Are you not responsible for the state of the carriage when it goes out?—The wheels are kept quite apart from the other parts of the carriage; the engineer in connection with the shop takes charge of the wheels. James Wilson,
continued,
28th June 1882.

687. You consider yourself only responsible for the wood part?—Yes, the wood part, painting, cleaning, and so on.

688. The ironwork you do not consider yourself responsible for?—No, I do not.

689. If you had any suspicion as to the thinness of the tire of a wheel, or its want of safety generally, to whom would you report?—If I had any suspicion at all, I would not allow it to run.

690. You said you had not charge of the ironwork?—I have not charge of the ironwork, but I have charge of the carriage. I look to them every morning.

691. You said the wheels, the iron part, were in another branch?—I would draw the attention of the engineer to them.

692. If he differed from you, what then?—I would have to submit.

693. Would you not report to the Engineer-in-Chief?—I could not do that.

694. *By the Hon. J. Buchanan.*—You have nothing to do with the turning?—No.

695. You know the usage of the shop?—I do.

696. In turning a tire, is it turned until it is perfectly true on the face?—It is.

697. This tire must have worn very considerably since it left the shop?—Yes.

698. The rim of it now should be the same thickness as it was when it left the shop?—Seventeen months' wear would bring it down considerably. From the appearance of it, it looks as if it had run much more than that.

The witness withdrew.

Joseph Turner examined.

699. *By the Hon. the Chairman.*—What position do you occupy?—I am a wheel turner.

700. Where?—At Sandridge.

701. How long have you been in the Government service?—I entered the service in 1872.

702. That is, the Hobson's Bay Company's service?—Yes.

703. You remained in that employment until the date of the purchase by the Government?—Yes.

704. And since that time you have been in the Government service?—Yes.

705. Who appointed you in 1872?—Mr. Warkman, one of the locomotive superintendents.

706. What were your duties then?—As a wheel and axle turner.

707. Did he give you any instructions what to do?—No written instructions.

708. Any verbal instructions?—No.

709. Suppose a wheel came into the shop in one of the carriages out of true—the tire had got dished—what would be your duty then?—To turn the wheel.

710. And make it true?—Yes.

711. Had you any instructions given to you as to the thickness a tire should be consistent with safety?—No, I had no instructions. If a wheel is sent to me I have to turn it.

712. What was the minimum thickness of a tire allowed to go out of the shop—supposing a tire to be worn down to a certain thickness, when would you consider it to be unserviceable?—I should say $1\frac{1}{8}$ in.; it is not fit to be run thinner than that.

713. Have you known any tires going out less than that?—I could not say for certain.

714. Do you not keep any record of the thickness of the tires—do you not test them by measuring with a calliper?—They are sent in to me from the coach shop by the foreman. I would turn them according to instructions, and if I thought the tires too thin, I would call Mr. Higgins's attention to it.

715. Did you ever call his attention to it?—Several times.

716. At what thickness would you call his attention?—When they got down to $1\frac{1}{8}$ in.; when I could see the bolt heads through I would call his attention to them. If he said they were good enough I would let them go.

717. Did he pass them when the bolt was through?—Yes.

718. It has been stated in evidence, that it was a common thing for tires to go out on to the line worn very thin; are you able to say anything about that?—Yes, I have seen them go out far too thin.

719. During how long a time?—Within the last four or five years.

720. Before the accident?—Yes.

721. Did you ever complain about it?—Yes, I have. As I said, I have called Mr. Higgins's attention to it. I have said—"Look here, Mr. Higgins, these tires are very thin; are they to be turned?" "Yes, you turn them." As they have been going round the lathe, I have drawn his attention to them. I have said—"There are the bolt heads standing through here; are they to go out?" "Oh, yes."

722. With reference to this carriage, No. 5, the wheel of which broke in the Jolimont accident, do you remember anything with reference to that wheel?—I am sure I do not.

723. Do you think you have turned it up some time or other?—If I have, it is a long time since.

724. It is stated in evidence that the wheels were turned seventeen months previously?—If that carriage was in the shops seventeen months before the accident, those tires should never have been put under it, because they must have been too thin when they were put in; it is no time since then.

725. *By the Hon. J. Graham.*—Do you remember this carriage No. 5 being in the sheds for repairs?—I could not say; the wheels come to me from the coach department; I have no business in there.

726. *By the Hon. the Chairman.*—Your opinion is, that the tires on the wheels of that carriage were too thin?—Far too thin, they never should have been put under; they never could have worn to that thinness by the time the accident happened.

727. Did you examine the tire of the wheel after the accident?—No.

728. That is stated to be a portion of the tire—[handing the same to the witness]—do you see how it is dished in the centre?—Yes.

729. *By the Hon. J. Buchanan.*—Did you turn them over till the face was perfectly true?—Yes, I turned them to the bevel $\frac{1}{8}$ in. in three inches.

730. *By the Hon. the Chairman.*—You dished them?—No, not dished them.

Joseph Turner,
28th June 1882.

Joseph Turner,
continued,
28th June 1882.

731. That is concave ; you would dish it out in a right line ; your bevel would be like that—
[*explaining the same*]—in a straight line, and you would give it a bevel on that?—Yes.

732. *By the Hon. J. Buchanan.*—What would you suppose the thickness of that tire was when it was last turned?—Not above an inch when it was last turned.

733. Has it worn any at the outer edge since it was turned?—This tire, in my opinion, is cast steel, which wears a long time, is very hard and very brittle. I have no idea when that tire was turned ; but it would take a long time to wear like this.

734. *By the Hon. the Chairman.*—Have you any reason to doubt that that carriage was overhauled previous to the accident?—If the carriage was overhauled, the wheels were never turned then, I am sure. I am almost certain it would never wear to that state in that time. These cast steel tires are very hard, and would take a long time to wear like that. Krupp's steel is of a softer nature than this.

735. *By the Hon. J. Buchanan.*—Were you supplied with any gauge to turn them down to?—I had no gauge whatever.

736. You had no gauge when you were in the Hobsons Bay Company's employment?—None whatever as regards thickness. I had other gauges as to width and breadth.

737. Have you any gauge from the Government?—Yes, the gauge I have now is $1\frac{1}{4}$ in. on the outside.

738. And the same bevel?—Yes.

739. So that the wearing part would be still less than the $1\frac{1}{4}$ inch?—The wearing part could not be $1\frac{1}{4}$ inch—the gauges we have are for the outside $1\frac{1}{4}$ inch. It is my opinion, that when that carriage was overhauled, if it was overhauled then, the wheels were never turned up—it would never have worn like that in the time.

The witness withdrew.

James Wilson further examined.

James Wilson,
28th June 1882.

740. *By the Hon. J. Graham.*—When a carriage came in to the sheds for repair, had you any books that you made a record in of what was done to the carriage?—Yes.

741. There was a book in which you entered all that was done to the carriage?—Yes.

742. Is that book in existence now?—I believe it is.

743. The witness who was here before was under the impression that that tire was not turned when the carriage was in before?—It was turned ; my book tells that. [*Witness subsequently found, upon further inquiries, that such was not the case.*]

744. *By the Hon. the Chairman.*—Where is that book now?—I believe it is in Sandridge, in the workshop. I have not got it, but it is there.

745. *By the Hon. J. Graham.*—Were the entries made by yourself?—No, the lifter is supposed to take the wheels out, fit up the brasses, and renew the wheels, and the man that lifts it puts it down.

The witness withdrew.

John Maud examined.

John Maud,
28th June 1882.

746. *By the Hon. the Chairman.*—What is your occupation?—Guard.

747. On the Victorian Railways?—Yes.

748. On passenger trains?—Yes.

749. You were the guard of the train on the morning of the accident at Jolimont?—Yes.

450. How long have you been guard on passenger trains?—Close on nine years now.

751. You were in the service of the Hobson's Bay Company previous to the purchase of the line?—Yes ; I have been altogether employed, as porter and guard, about thirteen years.

752. Do you remember the morning of the accident?—Yes.

753. Will you describe to the Committee what took place when the train left Swan street, when your attention was called to the accident?—We left Balaclava about ten minutes past nine. Everything went all right ; we passed all the semaphores and all the stations with everything right. My attention was engaged getting the train under control about the Melbourne cricket ground—

754. What generally happens when you come to the Melbourne cricket ground?—They shut off steam and challenge the semaphore. There is a distance semaphore there for the Gippsland junction. Shortly before coming to the gates the porter with me called out that there was a carriage off. He was on the other side of the van. He ran over and helped me on with the brake. I looked out and saw there was something wrong with the train, and I called to the driver and put the brake on hard, and stopped the train. I got out and looked back, and saw the upset. I then took means to protect the road, to prevent any other trains coming.

755. *By the Hon. J. Graham.*—Where was the van?—Next the engine, in front.

756. *By the Hon. the Chairman.*—Has that been the usual practice on the Hobson's Bay lines, to have the vans occasionally in front of the trains?—They are always in front coming up.

757. You have no vans in the rear?—No.

758. From your experience as a guard, which do you think is the most useful place for the brake to be, front or rear?—Behind, most decidedly.

759. On the day of that accident, had the brake been at the rear of the train, do you think you would have discovered the break-down of the carriage?—Not with the van that we had. There is no provision made for the guard to look out.

760. It is stated that there was jolting and the carriage was oscillating a good deal ; would that have caused any unusual motion in the van that would have directed your attention to it?—It was in the middle of the train, and there was a great weight behind ; I could not say.

761. You know nothing, I presume, about the thickness of the tires?—No, that is not in my line.

762. On the morning of the accident was your attention directed to any defect in the permanent way?—No, nothing unusual. Certainly, the line has been much smoother lately.

763. There was a letter in the local paper, stating that a defective rail had been removed on the the Melbourne side of Hoddle street ; do you know anything of that?—No, I do not.

764. There is a regulation in reference to the working of the trains. Clause No. 363 of the Hobson's Bay Company's bye-laws says, That no engineman shall pass any station or junction where there is a level crossing, or run through any points at such station or junction at a speed exceeding four miles an hour, nor run through any facing points elsewhere, or any leading points at any other station or junction at a greater speed than eight miles an hour. Is that observed?—Not exactly.

765. What speed do you generally go through Swan street station at, with an express train?—Twenty miles an hour sometimes.

766. Is that safe for the public, seeing that the Hawthorn junction is there, and that there is a level crossing?—Yes, if you have the train under control. You get both semaphores down before you come to the station, and the gates are closed.

767. You challenge the signal before you arrive?—Yes, 400 yards off we are supposed to challenge the semaphore.

768. This rule is not observed then?—No, not literally.

769. Do you imagine that everything was done on the morning of the accident, after you discovered the carriages were off the line, to prevent any further damage?—Yes.

770. You could not have remedied the accident?—No.

771. Do you not think that putting on the brake rather aggravated the accident?—Putting it on suddenly it would. There is a great weight in eight carriages full of passengers. When they come against the brake, with the engine reversed, they must go somewhere; some went this way and some that.

772. The fact of the two brakes being in front of the train aggravated the other?—It did; a brake, to be of any use at all, must be behind the train. We have got great improvements in the vans now; we can see all along the trains. The sides might be extended a little more.

773. Have you side lights?—No.

774. You say you have means of looking along the train; how is that?—The roof is raised, and there is a sliding window; if you want to look along, you can put your head out.

775. You could not have those till the Prince's Bridge was raised?—No, I believe not.

776. *By the Hon. J. Graham.*—Was the train up to time at the different stations that morning?—It was about two minutes late leaving Balaclava.

777. You were not travelling unusually fast?—No, nothing unusual; just the ordinary rate.

778. You do not know of anything that would cause the fracture of the tire; there was nothing you know of or saw that occurred that morning?—No.

779. *By the Hon. the Chairman.*—Are there any suggestions you can make to the Committee as the result of your experience as guard, to ensure the safety of passengers in a train?—Do you mean by communication?

780. Yes, or any suggestions as to the working of the line?—I think a train with an ordinary brake ought to be limited to a certain number of carriages; for anything over that, they ought to have extra brake power.

781. How many carriages do you think should be controlled with an ordinary brake?—About eight with the present brake.

782. You think a single brake would control eight carriages?—Yes, a good ordinary brake at the end of the train.

783. Have you had any experience of the automatic brake?—I have had charge of Woods's brake when it was down there.

784. Does it pull the train up quicker than the ordinary brake?—Yes, as soon as the brake is put on, every wheel is gripped at the same time, and when running into a station it keeps the carriage steady—there is no running back, they pull up and are held in that position.

785. Supposing a train is proceeding at the rate of thirty miles an hour from Swan street to Melbourne, what length of time would it take to pull up the train with the ordinary brake, with the van in front?—A minute and a half to get her under control, but there is a great difference in the state of the rails; sometimes the harder you put your brake on the less it will hold.

786. Take an ordinary morning such as the morning of the accident?—That would take longer, because the rails were wet. It would take a minute and a half or two minutes. The driver has to shut off steam at the Melbourne Cricket Ground to run into Melbourne.

787. The train would run nearly half a mile before it could pull up?—Yes.

788. With the automatic brake how long would it take?—Much sooner; I should say at that rate, with the automatic brake, it could be pulled up in 300 yards.

789. Do you speak from experience?—Yes, from what I have seen of it. In fact, from what I have seen, and can learn of it, in wet weather the brake holds better than in dry.

790. Then the automatic brake is a much better one than the old system?—Decidedly.

791. Giving the guard and engine-driver better control of the train?—Yes. Sometimes the trains are following one another in less than three minutes.

792. Is there anything in reference to signalling that you can suggest?—The signalling is in very good order now. As soon as a train passes Richmond a man touches a bell for whichever train it is, Hawthorn, Brighton, or Oakleigh, and they know where the train is. I do not think that can be much improved upon.

793. It has suggested itself to me, that the telephone might be used to signal level crossings that the train is coming; do you think that would be an advantage?—I hardly think it would; the gateman has got to be outside, he would have to be called and would have to put his ear up to hear the message.

794. Suppose a train was damaged without the knowledge of the engine-driver and was seen by the station-master at Swan street to be damaged, could he not then send forward a signal by telephone, and warn the signalman of the danger?—The train would be past before he could get the man's attention, he would be looking after his gates.

795. In such a short distance you do not think it would be an advantage?—I think not.

796. *By the Hon. J. Graham.*—If the train was leaving Balaclava and coming to Windsor, and the station-master saw there was damage to a carriage not known to the driver or guard, he could telephone down the line, and somewhere he would be stopped?—Yes, he could do that perhaps.

John Maud,
continued.
28th June 1882.

797. *By the Hon. J. Buchanan.*—From your experience in working the automatic brake, do you think the accident would have happened if the train had been fitted with one?—It would not have been so bad, because as soon as the wheel broke down those carriages behind would have been gripped at the same time, and they would have held this carriage, and the one in front would have held it steady.

798. You think it would never have left the line?—I do not think it would.

799. *By the Hon. the Chairman.*—When the train was at speed the carriages were taut, but directly you put on the brake the tension ceased and the carriage fell?—That is with the ordinary brake?

800. Yes, but with the automatic brake the train would have pulled up?—Yes, because all the wheels would have been gripped at the same time—the three wheels of the carriage that was disabled.

801. *By the Hon. J. Buchanan.*—The engine would have gripped as well?—No, the engine has an ordinary screw brake. What made the coupling break was the two brakes being on in front, and the great pressure behind.

802. *By the Hon. J. A. Wallace.*—You believe, if the van had been behind, this accident would not have taken place?—It would not have been so bad.

803. Even with the ordinary brake?—Even with the ordinary brake. When the two carriages shot off they shot off the opposite way to those running down the bank, because there was no check on them, and the last one was left on the rails. As to communication, I would not advise having it between the passengers and the drivers on the suburban lines. As soon as the alarm went the train would have to be stopped, and at night the guard would have to take his lamp and go back and stop any other train; the train would be standing there without anyone in charge. When you stop that train, the guard would have to go and stop the next train, and the whole line would be blocked from one end to the other; but with trains running a long distance, I think it would be very advisable.

The witness withdrew.

Adjourned to Tuesday next, at Three o'clock.

TUESDAY, 4TH JULY, 1882.

Members present:

The Hon. W. A. ZEAL, in the Chair:

The Hon. J. Graham,
J. Buchanan,
W. McCulloch,

The Hon. F. Ormond,
Dr. Dobson.

Christopher Jones examined.

C. Jones,
4th July 1882.

804 *By the Hon. the Chairman.*—Will you state your occupation and residence?—Carpenter and contractor, Dover street, Richmond.

805. It has been stated to the Committee that probably you might be able to give evidence with reference to a statement which appeared in a local journal as to a damaged rail being seen in the line near the Swan street station—Will you state if you did see such a thing?—To put you in a position in which you can ask me questions, I will read some notes I made at the time—"On Tuesday the 6th or Wednesday the 7th of September, I was awoke before the first train by men cutting a rail and said to my wife, 'They are taking up the battered rail that I had seen on the crossing for the last month.' I saw they had put in a new rail. On Friday the 9th I read the *Age* account of the inquest where the Line Inspector said he inspected the line the day after the accident and there were no defects." It was in consequence of that statement that I called the attention of the local paper to that rail. "I called Mr. Asher's attention and showed him the battered rail. The paragraph appeared the next day. James Parsons, sen., and others were at the gates that morning and saw them put in the new rail. When the men took out the old rail Sam Man, the foreman, said, 'This rail has not been turned.' One of the men said, 'This is a better and broader one; as we have cut it, we may as well put it in.' They took the old rail and laid it on the south side of the south-west wicket-gate; it remained there till I went to town on Wednesday at half-past nine. I saw in the evening it was removed." That was my reason for calling Mr. Asher's attention to it. I saw that this rail had been battered and split; as near as I can say, about a month before the accident the rail was split, battered, and flanged out through heavy traffic. Being on the south side of the line, it seems the brakes had worn the rails; in fact, at the present moment, there is one of the rails going the same way, the next one.

806. Assuming this to be the top of the rail—[*explaining his meaning*]*]*—had any portion of the rail gone?—The rail is round when it is first laid—it was flattened right down, the flanges spread out, and split in the middle.

807. None of the outer face of the rail had gone—it had been worn down by wear?—Yes, the outer edge of both sides was spread. I believe the old rail remains there yet—it was laid at the south side of the wicket gate. There is a heavy traffic in Swan-street, and the rails are above the level of the road; the traffic helps to wear the rail down—this is just where the wheels catch it. Mr. Elsdon said the flange of the wheel was worn concave. A concave wheel passing over a flat surface, the bearings would be on the two edges—there is no doubt of that in my mind.

808. That is a part of the tire which broke on the day of the accident—[*pointing to the same*]. Will you explain your meaning—that is where the bolt came through?—I do not think a bolt if it was loose, unless it was running very close on this side, could have caught the flange, but there is no accounting for things.

809. From what you saw of the rail, did you think it was in a dangerous state?—It was defective, and in my opinion dangerous, especially with a thin tire.

810. This rail you speak of was one of the rails at the crossing of Swan-street?—Yes, where the traffic goes over.

811. Do you think the grooves between the rail and the guard rail were raked out?—That depends upon the weather—I have seen it after a flood, when the men have had to clean it out. The expense of clearing and repairing that crossing would have paid the Government long ago for a viaduct.

812. Did you ever notice any metal in those grooves?—Repeatedly—you will see metal and stones crushed up in them—there is a large stream of traffic in Swan-street and stones get into the grooves.

813. I understand you to say, that all the damage you saw to this rail was its being flattened out and split?—Yes.

814. No part of it had gone?—No, flattened out.

815. Your theory, after having heard the statement that the wheel had worn concave, is that the thin tire rested on the outer and inner edges, and that caused it to crack?—Yes, that was the opinion I formed.

816. Was there anyone else who saw the rail?—Mr. Asher.

817. He says he could only corroborate what you say?—There is the fact, it was taken out shortly after the adjournment of the inquest—it was taken out before daylight in the morning, and a new rail put in.

818. *By the Hon. J. Graham.*—When was your attention first directed to this rail?—As near as I can say, about a month before the accident. Sometimes I go through the wide gates, and sometimes through the wicket gates. I have gone over this rail and put my foot on it, and have seen the rail battered; but I took no notice of it till I heard of the accident.

819. Did you notice it from time to time after your attention was first directed to it?—Yes.

820. Was it getting worse?—Yes, there is a rail now getting worse in the same place. It seems as if it was the place where they put on the brake.

821. You did not direct the attention of the railway officials to the rail?—No, I did not consider it my duty to do so; if they saw the rail was deficient, it was their duty to see to it. It was when I heard the passengers say, they felt a bumping when passing the station that I guessed where it came from.

822. Could you tell the Committee, from your own observation, as a rule what rate the express trains pass through the station—do they run slow or fast?—Very rapidly some of them; from my experience in travelling on the Sandhurst line, they run from thirty to forty miles an hour over that crossing.

823. There is a regulation in the bye-laws, that no train shall run through junction stations at a greater speed than eight miles an hour—do you think they exceed that?—Every express that goes past that station exceeds that. I have lived there twenty-eight years. I saw the line built from the first sod being turned to the finish of it. I have been living within 100 yards of the station, and I have seen a great deal of this fast travelling. Before the Government bought the lines there was a man named Watt at the gate, and I said—“Do you call that four miles an hour?” He said—“I have received orders to report every driver going beyond that speed, but I might take the time-table and report the lot, they all do it.”

824. *By the Hon. W. McCulloch.*—Do they still do it?—Yes, trains very often pass at forty miles an hour, cattle trucks from Gippsland, and express trains coming into town.

825. *By the Hon. the Chairman.*—The Committee think you have over-estimated the speed in saying forty miles an hour—if it is stated that the trains barely exceed thirty miles an hour, would you not think you were deceived?—I have travelled sixty miles an hour, and I judge from the speed—I have timed the trains.

826. On the suburban lines, have you travelled sixty mile an hour?—No.

827. If you are standing, and a train passes you very rapidly, it may deceive you into thinking it passes faster than it does. If they exceed the time set down in the Regulations, whether it is fast or slow, the engine men are not following their orders?—Is the Regulation eight miles on hour?

828. Four miles an hour for some places and eight miles for others?—I have seen a running man go ten miles an hour, and I am sure he could not show a face to the train—If it is not forty miles an hour, it is not far from it.

The Witness withdrew.

Charles Crang examined.

829. *By the Hon. the Chairman.*—What are you?—I am engaged lifting and repairing carriages.

830. How long have you been stationed at Sandridge?—Three years and three months.

831. What experience have you had of railway rolling-stock?—I was a short time at carriage lifting previously to that—about eight years back.

832. Before that were you a carriage-builder?—No, I was in the fitting shop, I was an engine fitter.

833. Will you state how long you have been in the employment of the late Hobson's Bay Company altogether, as near as you can recollect?—Thirteen years.

834. I presume you have had considerable experience in the repair of rolling-stock during the time you have been in the employment of the Hobson's Bay Railway Company?—Yes, I had the carriages to lift.

835. It has been stated, that the carriage to which the accident happened—No. 5 smoking carriage—came into the shops some seventeen months previous to the accident, and underwent a thorough overhaul, and that the wheels were turned—Is there any record of that, or do you know anything of the repairs to this carriage of your own knowledge?—The wheels were not turned according to the statement in my book—that is all the recollection I have, according to what I put down.

836. Will you turn up the record of the carriage coming into the shop?—Yes.—[*The witness handed in a book.*]

837. “No. 5 first-class smoking. Lifted old wheels six-inch journal, new oil boxes, pads, and washers, raised on blocks to proper height. Originally nine-inch grease buffers, new guide plates, horn plates set and lengthened two inches, springs cleaned and buckles bolts straightened, the rods set.” It appears the wheels were not turned?—No.

838. Those are all the repairs the carriage underwent?—Yes.

839. That is 17th April, 1880?—Yes.

Charles Crang,
continued,
4th July 1882.

840. The accident was on the 30th August of the following year?—Yes.

841. *By the Hon. J. Graham.*—Is there any record in any book when the tires of that No. 5 carriage were last turned?—No, I think there is no record kept. I merely kept it so as to know when the carriages came in what I had done to them previously.

842. Have you looked back in that book to see if there was anything more about No. 5?—Yes.

843. Is that the only entry in that book about No. 5?—Yes I think so. There is a second-class No. 5 and likewise a first-class No. 5, but I have not had that carriage in before.

844. *By the Hon. F. Ormond.*—This No. 5 first-class smoking carriage has only been once through your hands?—Yes.

845. How far does that book go back?—20th August, 1879.

846. *By the Hon. the Chairman.*—That is about when you entered upon your duties?—Yes.

847. *By the Hon. J. Graham.*—Did you keep another book previous to that?—When I was in the shops before I kept a small book, but that of course has been destroyed long since.

848. But when you entered upon the duties of a lifter that is the first book you had?—Yes.

849. And the only book?—Yes.

850. *By the Hon. the Chairman.*—Who supplied you with that book?—It is my own private book.

851. You have no official book?—Nothing at all. I had no direction to keep anything of the sort.

852. What were your duties when a carriage came into the shop—had you to see it was thoroughly repaired?—Mr. Higgins told me what I had to do. When a carriage came in, I would point out what was required, and he would say whether it was to be done or not.

853. Mr. Higgins was the responsible officer?—Yes.

854. It has been stated, it was a common occurrence for thin tires to go out of the shop—can you say anything about that?—There were certainly many thin tires going out.

855. One of the witnesses stated that he remonstrated with Mr. Higgins, and was told to mind his own business—do you remember any thin tires coming under your notice?—I have seen a great number of very thin tires on the line.

856. *By the Hon. J. Graham.*—Did you ever report any to Mr. Higgins as being unsafe to go out?—Mr. Higgins examined the tires and picked them out for me—we had only a few spare tires in the siding.

857. When a carriage came in in the first instance, you would see what was required to be done, and point it out to Mr. Higgins?—Yes.

858. Was your attention ever directed to the thinness of the tires?—No, not by the men.

859. To your own knowledge did you ever point out thin tires to Mr. Higgins?—Yes.

860. What did he say, when you drew his attention to the thinness of the tires?—He examined those tires, and said—“We cannot help ourselves—I cannot have any more wheels tired.” I remarked, it would be better to have some new tires put on, and he said he had orders not to have any new tires put on.

861. Who gave him the orders?—I do not know, only from imagination—there is only one party who could give him the orders—that would be Mr. Elsdon, but that is a mere matter of surmise.

862. *By the Hon. the Chairman.*—Your duties principally were to look after the repairs of the carriage, not the turning of the wheels and axles?—No.

863. That was the wheel and axle turner's duty more especially?—Yes.

864. You saw that the fittings and furniture of the carriages were all right?—Yes. I spoke to a man named Tarrant about the tires, and he helped me get the wheels out. We were looking at them, and Higgins said—“They must remain in for the present.”

865. *By the Hon. W. McCulloch.*—Did you consider them dangerously thin?—Not at the time—a good many of the tires running were thin.

866. Was any remark made by you as to the condition of them—that you thought they were dangerously thin?—I merely made the remark that they were thin, and Mr. Higgins said he could not possibly have them changed.

867. *By the Hon. the Chairman.*—You had no written instructions yourself as to your duties?—No.

868. When you went into the shop, who gave you instructions—what instructions were given to you—what did you suppose your duties would be?—To lift the carriages.

869. Your orders were verbal?—That is all. If anything was wanted, I was to apply to Mr. Higgins.

870. Do you think there are any other books having reference to repairs besides that one?—I have never seen any.

871. Do you send any official report after you have turned a carriage out in good running order?—No.

872. The mere fact of the carriage having undergone repair, and being fit to be re-instated on the line, would be proof of your passing it?—I passed it to Mr. Higgins.

873. And he would pass it on to the line?—Yes.

The Witness withdrew.

Thomas Backhouse examined.

874. *By the Hon. the Chairman.*—You are Inspector of Permanent Way?—Yes.

875. Where is your district?—My district extends over the Hobson's Bay lines, including Brighton, Hawthorn, Sandridge, and St. Kilda.

876. Do you remember the date of the Jolimont accident?—I do.

877. It was stated in the local paper, that a damaged rail had been found on the crossing at Swan Street, and some remarks were made in the locality, that probably the accident might have arisen through this damaged rail—do you know anything in reference to a damaged rail?—I made a careful inspection some days previous to the accident; and the day of the accident I made an inspection right through. I received a telephonic message from the Engineer-in-Chief, with reference to this paragraph—that was the first time I became aware of it. I had carefully inspected the line, and was not aware of the

T. Backhouse,
4th July 1882.

slightest defect. If I had found a rail defective, I would have stopped the whole of the trains until the rail was removed. This message was on the 14th or 15th of the month I think—it was “urgent” for immediate answer—I went down to Richmond to make inquiries. I may state, that it is a daily occurrence to remove rails, and with regard to its being in the morning, that is the only time we have to do it in with safety. It is a common thing for the men to turn out at four o'clock; but now we have got to do nearly all our extraordinary repairs on Saturday night, because we have engines and trains starting on Sunday night and working right through till the following Saturday night. Immediately the passenger trains cease running, the ballast trains start on the duplication of the Hawthorn line, so the line is never clear in the morning.

878. *By the Hon. J. Graham.*—We would like to know the result of your examination on the day of the accident?—It was a careful examination right through.

879. Did you find any damaged rail right through?—I did not.

880. Do you know the particular spot in which the damaged rail was supposed to be?—There was no damaged rail.

881. I say the “supposed” damaged rail. We have had a witness who said there was a damaged rail for, I think, a month before the accident. Did you carefully examine the crossing?—I did. I carefully examined all the crossings.

882. Did you find anything wrong there?—I did not.

883. *By the Hon. the Chairman.*—He says the damaged rail was at the crossing of the street, where it is covered by a guard-rail. Do you think it would be possible for you to pass along that crossing and miss seeing that damaged rail?—I could not have missed it. I might state that, in making these inquiries, I found there had been a rail taken out—there was a skelp from the outside; but when we take a rail out we must have some purpose to take it for.

884. This witness's theory was, that the rail was flattened out to a great extent on the top, and had become split; and, seeing the account in the papers that the tire was worn in a concave shape, he thought the flat rail had probably caused the tire to break. Do you know if the rail was flat?—I did not notice any defect; but, even when this rail was taken out it was some days after the accident, and some hundreds of trains must have passed over it. I have seen them spread right out, more particularly on a level crossing, where there is so much dirt—that is why we inspect them so particularly, with iron rails especially; there is no fear of steel rails.

885. The permanent way, from Swan street, in fact from Windsor, was in good repair on the day of the accident?—Yes.

886. From your judgment, you can say no defect was observable?—None whatever. If I had found any defects, I would have suspended the foreman.

887. *By the Hon. J. Graham.*—How are the examinations conducted?—Every day by the foreman, and there are inspections also by myself, though not every day.

888. How often?—The most important points are inspected more often, such as the junctions and the points and crossings.

889. It was your duty to go over the line at certain periods—how often did you go?—The line is inspected in the morning, before a train runs.

890. You are the principal inspector?—Yes.

891. How often do you go over the lines?—I have an assistant now, he sees as well as I do—there is a double supervision.

892. I want to know how often you go over the line personally to see that those below you are attending to their duties?—I nearly go over the whole of them every week.

893. In your district?—Yes, I walk more or less over the whole of them, and ride every day; if there is the slightest thing wrong in the permanent way, I could detect it.

894. *By the Hon. J. Buchanan.*—How much does the ganger in that particular place where the accident occurred inspect?—He has got from Melbourne to Peel-street—about a mile and a half.

895. What is his name?—Dockery.

896. Is he in the railway employment yet?—Yes.

897. *By the Hon. Dr. Dobson.*—Was he suspended after the accident?—No.

898. No blame was suggested as attaching to him?—No.

899. *By the Hon. J. Buchanan.*—Is he present when any rail is taken out—any defective rail?—The foremen in charge take out rails—we have lots of rails lying on the line for renewals—it is almost a daily thing for us to take out rails—we have rails all along the line to meet any emergencies.

900. *By the Hon. the Chairman.*—Would the ganger be personally present when a rail was taken out, or would it be done by the workmen without his being there?—Of course; that is their duty—if they find any portion of the line defective, the ganger is there to put it right. If he finds anything out of the ordinary, he has to report it to me. I go about to see that they do the work.

901. *By the Hon. Dr. Dobson.*—Have you any theory as to how the accident really occurred—does your business put you in a position to give an opinion about it?—I could not say how the accident occurred, because railway accidents occur very simply.

902. You have not given the matter much attention—you have formed no decided opinion as to how it occurred?—Do you ask what I think might have prevented it?

903. No, what caused the accident? As a practical man, the accident caused you to give a good deal of attention to the subject—have you made up your mind as to the cause of the accident?—The cause was the breaking of the tire.

904. Can you fix the responsibility of that breaking upon anybody?—I cannot.

905. You have been accustomed to railway management for many years—whose duty would it be to see that a tire was not allowed to run when it was unfit?—The Locomotive Department's.

906. That would be chiefly the Locomotive Superintendent. Is there an under-authority under him who would be personally liable for allowing a tire to be used when it was too thin?—There are always carriage inspectors told off to superintend these things.

907. Would you consider it the carriage inspector's duty to test the thickness of a tire, or simply to test it by hammering?—I could not say what his instructions might be.

908. Were you employed on railways in England?—Yes. I have never done anything else.

T. Backhouse,
continued,
4th July 1882.

909. In England, can you tell us if it is anybody's duty to test the thickness of the tires?—They are always tested in the workshops before they are allowed to leave.

910. After they are allowed to leave, and gradually wear down, what is the mode by which the wearing down is ascertained?—I cannot say.

911. You cannot tell us beyond your general statement that the Locomotive Superintendent was the person chiefly liable for allowing a tire to run when it was too thin?—They ought to have some standard, and the standard ought to be kept up. When a tire is allowed to run below the standard, some one is responsible for it.

912. And you think that person is the Locomotive Superintendent?—Of course the duties of the Locomotive Department are a thing I do not know much about. We are very particular about one department not interfering with another—there is nothing creates so much bad feeling as that.

913. *By the Hon. J. Graham.*—Your opinion is, that the accident was not caused by any defect in the line?—It could not have been, because before ever there was a rail moved or touched, there were hundreds and hundreds of trains over the same place. If there had been a defective rail the whole train would have collapsed. When I saw the accident, I saw the whole train standing on the line, and I know there could be nothing wrong with the permanent way. I got strict orders not to touch anything—it was not for days that there was anything moved; I got the orders from the Engineer-in-Chief. There was a close and personal inspection by Mr. Purbrick, the engineer of maintenance; he walked up the line. Many a time I have seen rails worn, that might look bad to an inexperienced eye, but at the same time nothing could be safer. Iron rails are very liable to be worn and get slightly flat, yet there is nothing safer; but when we take a rail out, we must have an object in doing so.

The Witness withdrew.

Adjourned.

TUESDAY, 8TH AUGUST, 1882.

Members present:

The Hon. W. A. ZEAL, in the Chair;

The Hon. J. Buchanan
J. Graham

The Hon. J. A. Wallace.

Solomon Miris further examined.

914. *By the Hon. the Chairman.*—The Committee desired to call you again, to ask some questions as to the state of repair in which the locomotives on the Hobson's Bay Railway were when the stock and plant was taken over from the Company by the Government. Could you give the Committee any information as to that?—I can only give you the particulars since the line was amalgamated—after the accident at Jolimont.

915. Not before?—No, since I took charge.

916. Will you state to the Committee what state of repair you found the locomotives in, after the time of the accident?—I can give what I found when I went over there at the end of September 1881. Previous to that I had nothing to do with the late Hobson's Bay lines.

917. That is when your responsibility commenced?—Yes, when I was asked to amalgamate the South Suburban lines with the Locomotive Department of the Victorian Railways.

918. *By the Hon. J. Graham.*—That was immediately after the accident?—No, it was after the coroner's inquest. There were twenty-seven engines. These included eight comparatively new engines, by Robison Brothers, leaving the number of engines representing the old stock nineteen. The engines, by Robison Brothers, were made under my supervision. Of the nineteen engines, I found three in a very bad state, Nos. 13, 15, and 16. I ordered their removal to Williamstown immediately.

919. *By the Hon. the Chairman.*—Were they being used at the time?—They were available for running; they were in the Sandridge sheds, available. I afterwards found it necessary to destroy the boilers entirely, make new boilers, and almost re-build the engines afresh. One of them has since been re-delivered and is now running on the Sandridge line. I may state that when a Superintendent takes charge of a new railway, a railway he has never been on—say a new man takes my place on the Victorian Railways who is ignorant of the rolling-stock on the line—in proceeding to the workshop to find out the condition of the engines, his first duty would be to see the workshop books, and ascertain what repairs had been executed. A stranger could go into the Government Workshops and see the condition of any engine on the railway. Consequently, I wanted to see the state of the engines running on the Hobson's Bay lines—I knew some of them were built in 1858 and 1859—I could not find any books whatever; none had been kept, no records had been kept, no information could be obtained of the maintenance of these engines. The utmost I could find, was a few dirty sheets of foolscap written by some workman, the latest of which was 1877. As a preliminary measure of safety, I ordered the fitter in charge to reduce the pressure in the older boilers according to their age, as no particulars were available of their condition. The following engines were reduced in pressure at that time:—No. 5 was reduced from 110lbs. to 100lbs. per square inch, No. 6 from 120lbs. to 105lbs., No. 9 from 120lbs. to 110lbs., No. 10 from 110lbs. to 95lbs., No. 12 from 110lbs. to 95lbs., No. 19 from 120lbs. to 110lbs., No. 23 from 110lbs. to 100lbs. per square inch. As quickly as possible some of the older engines were brought in for overhaul. Since that date there have been extensive boiler repairs done to Nos. 7, 8, 11, 20, 21, 22, 24, and 26, and they are now running at their proper nominal pressure; this is independent of the entirely new boilers in the three engines. I am still very dissatisfied—some of the engines are running, the condition of whose boilers we do not know. The line is badly equipped with engines—nearly all the engines on the Hobson's Bay Railway are running fourteen, sixteen, and eighteen hours a day. I called the Minister's attention to this state of affairs, and to the urgent desirability of obtaining more engines for suburban traffic, and six more tank engines were let.

Solomon Miris,
8th August 1882.

920. What we want to get is, the state of repair in which the engines were?—I could not find that out; there was no record, no books. I think I have given you pretty well all the information I had. The engines that were taken into the shop were found to be in a very bad condition—a very large number of boiler stays were eaten through and broken, some engines had to have as many as 85 stays put in the boiler; some longitudinal stays were worn through. What has come into the shop since that date has been in bad condition.

921. Have you any reason to believe that those engines are unsafe?—There are a few that we have not had in yet, for these I do not hold myself answerable. Some of the boilers that are now running, the condition is unknown; there is no book or record to show their state.

922. Do you consider that those engines in which you reduced the pressure on the boilers are safe at that reduced pressure?—I have every reason to believe they are, because they are running with good water, that is why I think so. The Yan Yean water is very good, and not so injurious to boilers as the bad water we have in some districts of Victoria. I hope in a very short time to be able to take them off. One of the three engines is already delivered from Williamstown; I will have another in about a fortnight, and the third in about a fortnight after that. That will give me the opportunity of taking some of the St. Kilda engines off.

923. Do you think the Company's officers exercised a proper supervision in the workshops?—Certainly not. I never saw such a shop in my life; the men did not seem to be doing anything, did not know what to do.

924. *By the Hon. J. A. Wallace.*—When was that?—In September last, when I took charge. They had no orders what to do, or had they very much work to do. I found the men doing a lot of permanent way work; they seemed to be occupied on permanent way work instead of rolling-stock, for which the shop should be used. There did not seem to be any work in repairing engines and carriages generally, that I could see.

925. *By the Hon. the Chairman.*—In your management of the locomotive workshops each man has his proper duties assigned to him, and he is responsible to some superior officer?—Our workshops are on a more extensive scale, and you can adopt a more clearly defined system. There is a foreman over the blacksmiths, a foreman over the carriage makers, a foreman over the truck repairers, a foreman fitter and erector, a foreman over the boiler-makers. Then there is a foreman over the lot and, under my directions, the general foreman decides what repairs should be done. I go through the shops every afternoon when I can afford the time. The details are carried out by the different foremen of each shop. Each man books his time on a slate, and the work he does during the day; the foreman signs the slate, and that is handed to the timekeeper; the timekeeper enters it in the book, so that no man can get wages unless he shows what he does.

926. *By the Hon. J. A. Wallace.*—Does he book it himself?—The workman puts it on the slate, the foreman signs it, and the timekeeper enters it.

927. *By the Hon. the Chairman.*—Under that system, you have some check that the man has done properly?—Yes; I may state that I have introduced the same system on the Hobson's Bay lines.

928. Mr. Smiles was asked as to the state of repair of those engines, and he stated they were sound enough (that is, at the time of the accident) to bear the pressure put upon them. Then the question was put, "What pressure would that be?" and he said from 80 to 120lbs. You do not concur in that opinion?—Was that after I ordered them to be reduced?

929. This was immediately at the time of the accident?—I ordered them to be reduced. I have given you what they were reduced to.

930. He says from 80lbs. to 120lbs.; the lowest you have come down to is 95lbs.?—Yes; except the three I took to Williamstown. They were very bad. It is a bad system to have to depend for the condition of engines upon information from fitters or daily wages men. The only thing is to have a book, and see what has been done to them.

931. From what you saw, do you think the public were subjected to any risk from the engines being worked at the pressure stated by you in September, 1881?—I would not like to say. I can only say, there are a few engines yet that I do not hold myself responsible for.

932. If they were in a bad state of repair, would it not be your duty to take them off?—I am doing so up to this very date. We have done extensive boiler work to eight engines, and reduced the pressure in other engines, out of a total of nineteen.

933. Would there be any possibility of getting at the exact state of repair those engines are in?—No, unless you lay them up and get inside them; and you cannot lay them up altogether, you have to do it gradually.

934. What test have you to show that the reduced pressure is a safe one?—I have only their ages—I ordered their reduction according to age.

935. Would it not be a good plan to lay up each engine for a day or two and get some artificial test—one at a time?—You cannot get a satisfactory test; the hydraulic test is no good.

936. I am speaking of the condition of the interior of the boiler?—It would take three weeks to do each engine.

937. Suppose you took each engine for a day or two, would it not be better to do that?—I think we have done pretty well since September. There must be a certain risk run; on all railways there is a certain risk. There are some engines for instance on the Victorian railways that have been using bad water (especially those running to Maryborough, and other places) in which the boilers are not good.

938. Are they dangerous?—There is always a risk; bad water eats into the iron—pits it, as we call it.

939. *By the Hon. J. A. Wallace.*—There is a crust formed, and the heat acts upon that?—Yes, it will pit it into holes, something like small-pox on a large scale.

940. *By the Hon. J. Graham.*—I understand you to say that there are some engines on the Southern lines you would like to take off, and will take off as soon as you can replace them?—Yes.

941. You do not say there is any serious danger?—No, because I have reduced the pressure.

942. *By the Hon. the Chairman.*—Is that reduced pressure a sufficient guarantee of safety?—I cannot tell.

943. How do you arrive at that reduced pressure?—By the age of the boilers. We cannot find out what has been done to them—perhaps there has never been anything done to them. The only old Hobson's

Solomon Mills, Bay officer left to us is Mr. Smiles, and he says :—"Memo. for Loco. Superintendent. Sir, I cannot supply you with any information previous to September, 1881, as desired by you, as there was no record of any description kept.

944. Can you give the Committee any information about the trucks?—The trucks were about the worst of the lot.

945. Have you any statistical information that you can hand in about the state of the trucks?—There is no record. When I took over the trucks, they were in the most dilapidated condition, fully two-thirds of them.

946. Had you no report from any officer about those trucks?—No ; I had only got the numbers. The first thing I did was to issue a prohibitory order about attaching them to passenger trains. I found they were running on passenger trains, with fuel and other things. I stopped them, and ordered the Victorian Railway trucks with spring buffers to be attached.

947. Were they running those trucks on the passenger trains without spring buffers?—Yes ; and with bad wheels and axles. I recommended the Minister to sell the lot, but he would not do so. They are prohibited from running anywhere in Victoria, except between Sandridge and Melbourne.

948. One of the witnesses stated he had taken a great many wheels from the trucks and placed them under the carriages?—I may tell you, I took a lot of wheels from the carriages, and had them put under the trucks.

949. I am speaking of a time previous to this?—I know nothing about that. I know that a large number of pretty fair wheels, that have been taken from the Hobson's Bay Railway carriages, have been put under the trucks.

950. Mr. Johnson says—"Have you noticed this frequently?—Yes, for years. When I was lifting the carriages, I spoke to Mr. Warkman about the tires. I asked him if I should put in new tires. He said 'Yes'; but he had nothing else to put in ; he had no other wheels to put in. I asked him if it would not be better to take the wheels that were under the waggons and put them under the carriages. He sent me out of the shop to pick out the best wheels under the waggons"?—They must have been very hard up for wheels.

951. The next question is :—"In point of fact, the rolling stock was so reduced in quantity and useful running gear, that you had to go to the trucks to take wheels for the passenger carriages?—Yes."?—Yes ; I understand that—they picked out the best wheels from the trucks and put them in the carriages, instead of putting the old wheels from the carriages under the trucks, and replacing them with new ones—that is what should have been done.

952. Would it furnish the Committee with any further information, if you were to prepare a report upon the rolling stock?—I can furnish you with the report I have given to the Minister. I will give you a synopsis of my official reports to the Minister. I may say, that I have initiated a system of book-keeping since September last, similar to what we have at Williamstown, so that you can tell the state of anything that has come into the shop after that date for repairs.

953. *By the Hon. J. Graham.*—I have asked several witnesses whether there was any officer duly appointed by the Victorian Government to examine the stock of the Hobson's Bay Railway Company, before they purchased or took it over?—I could not say ; Mr. Meikle, who was then Locomotive Superintendent, and whose assistant I was, virtually went over the Hobson's Bay Railways with that view or purpose, but I think all he did was to give the money value of the stock.

954. When was that?—A long time before the purchase—the negotiation fell off after that. I am sure I am pretty correct in saying, he only money valued it, he did not give a report of the condition of anything. I suppose he was only asked for a valuation without any report as to condition. Some of the engines on the Hobson's Bay Railway have been sold.

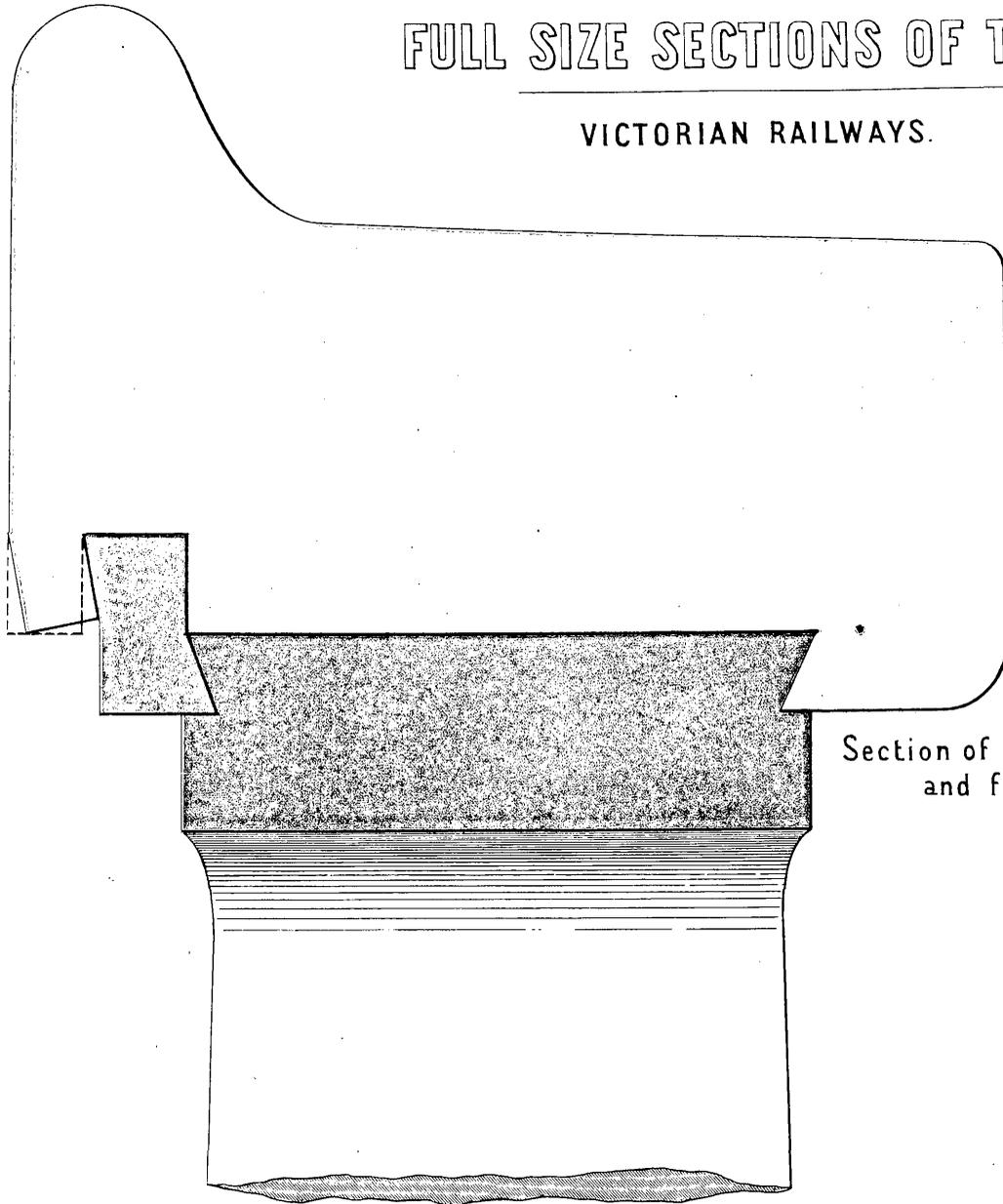
955. *By the Hon. the Chairman.*—Were they sold by the Government?—One was sold by the Government on my recommendation since the amalgamation—it was sold to the Public Works Department ; she was working at 80lbs. pressure. There were seven others sold, and that makes the number now so limited. It is most difficult to work the traffic with the number of engines now on the line.

The Witness withdrew.

Adjourned.

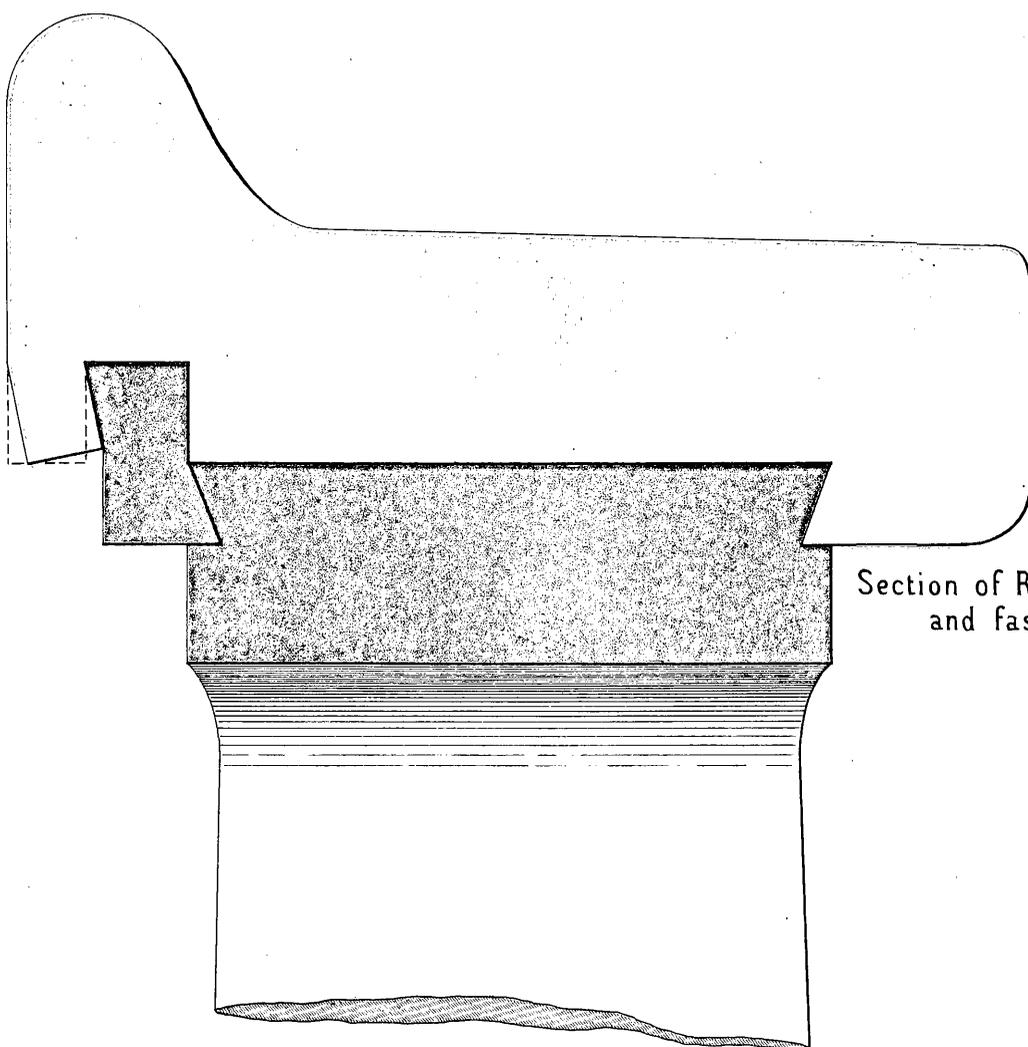
FULL SIZE SECTIONS OF TYRES

VICTORIAN RAILWAYS.



Section of Tyre when new.

Section of Rim of wheel and fastening.



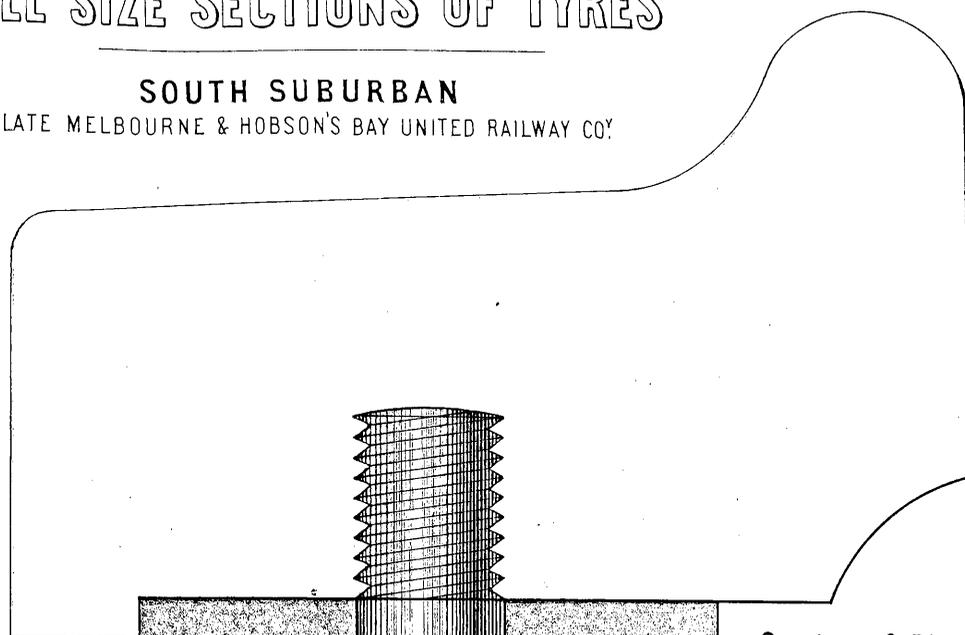
Section of Tyre, last turning

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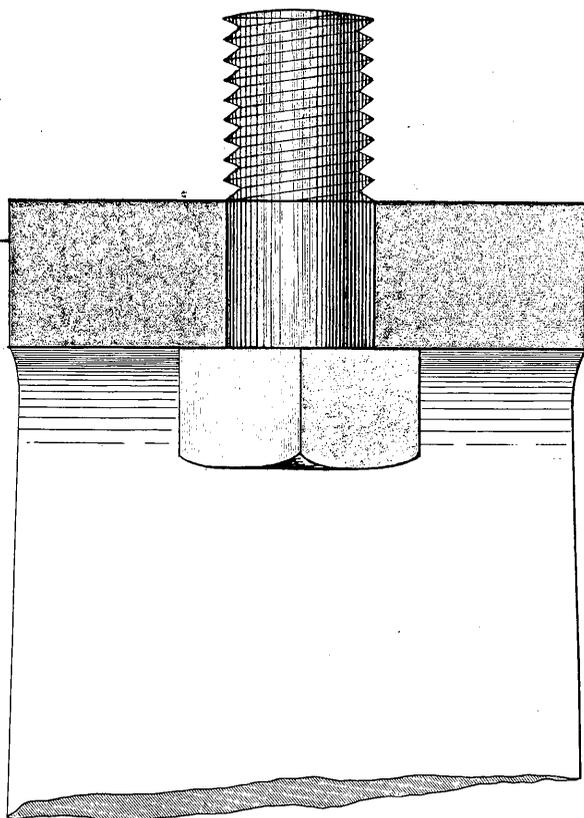
FULL SIZE SECTIONS OF TYRES

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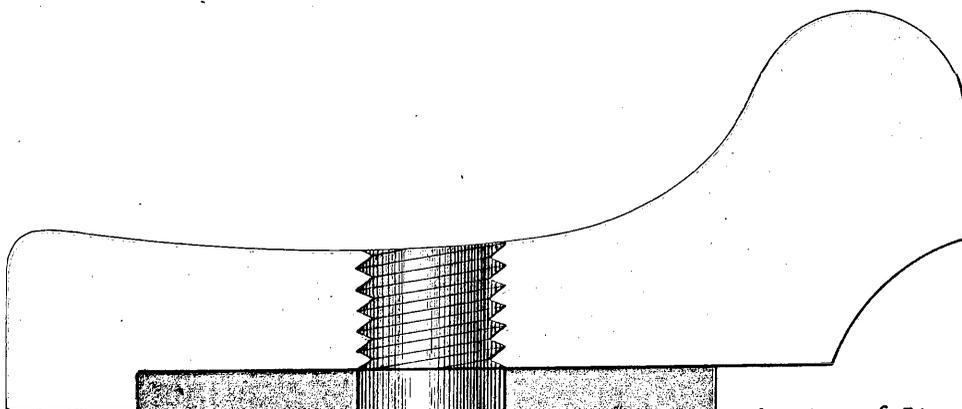
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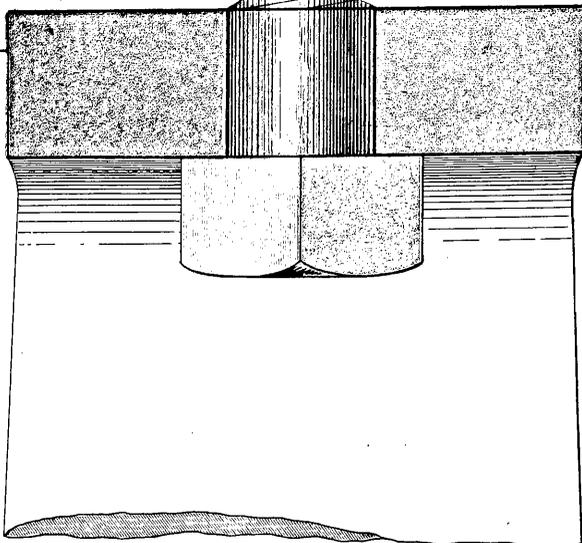
Section of Tyre when new



Section of Rim of wheel and fastening



Section of the Jolimont Tyre



Section of Rim of wheel and fastening.

APPENDIX B.

Engineer-in-Chief's Office, Railway Department,
Melbourne, 11th October, 1881.

SIR,

I have the honor, in compliance with your request, to report that I have carefully considered the evidence contained in the coroner's inquisition upon the late deplorable accident at Jolimont, together with the underlined portion of the "finding" of the coroner's jury, to which the Honorable the Commissioner's attention was directed by a minute signed by Mr. B. C. Harriman, Secretary to the Crown Law Offices. The underlined portion of the coroner's jury is as follows:—

"1st. And that such tire was worn so thin that it was dangerous to use."

"2nd. We find that had the brake-van been glazed, and placed in the proper position at the tail end of the train, the accident might have been noticed by the guard in all probability in time to have saved loss of life."

"3rd. We find that the management of the Hobson's Bay line has been so culpably lax that it is impossible to fix the responsibility of allowing this carriage to leave the yard on the day of the accident, and we recommend that the whole of the evidence be submitted to the Honorable the Commissioner of Railways."

I purpose to deal with the third portion of the finding first.

I was, as you are doubtless aware, Engineer, and performed the duties of Traffic Manager of the late Hobson's Bay lines for more than a quarter of a century, and continued to fill those offices up to the 15th September 1880, when I was promoted to my present position. At the personal request of the late Minister of Railways, I continued a general supervision until Mr. Francis was appointed, when I ceased to have immediate direction. I am, therefore, well acquainted with the system of management which had been introduced and established by myself. I need not say that it was successful—that is a matter of history; but I may say this, that, if it had been defective, it could not have stood the test of over twenty-five years' actual trial.

There is not a single word, in my opinion, in the evidence before the coroner's inquisition upon which to found the charge of "culpably lax management." The system of management was, in brief, planned upon a division of labor, and a direct and individual responsibility upon each officer and servant to his immediate superior officer for the due and faithful performance of the particular duty assigned to him.

I nominated for appointment, as a rule, all the officers except those in the Secretary's branch, and I appointed the majority of the servants of the company, and was responsible to the directors that they were fit and proper persons for the due performance of the respective duties assigned to them.

The service was divided into branches, each branch being under the control and management of a permanent head. The respective heads of the various branches of the service—with the exception of the goods, which was divided between the Secretary and myself—were responsible to me (with the exception of the Secretary's branch) for the proper management of each of their respective branches, and that each officer and servant under them faithfully discharged his duty.

This system was continued by Mr. Francis (my successor in the office of Traffic Manager of the Hobson's Bay lines) as far as all kinds of traffic was concerned, and by Mr. Lunt (the Engineer of Maintenance) as far as the maintenance of the line and works was concerned. When it is remembered that the lives of the travelling public are entirely in the hands of subordinate servants, such as station-masters, guards, gangers, or permanent-way inspectors, pointsmen, engine-drivers, rolling-stock examiners, and porters, it will be apparent that no other system of management than the one which now obtains, and which has been proved by long experience to answer, would succeed.

The whole of the evidence shows that that system is rigidly enforced.

To any one who considers the dangers incidental to railway travelling, it will be apparent that an accident may happen notwithstanding the most vigilant and careful management, and it does not therefore follow that, because an accident has occurred, that it resulted from lax management.

I will mention a circumstance which happened on the morning of the 6th of last month, or a few days after the lamentable accident at Jolimont, by way of illustration of what I mean.

In the Melbourne yard of the Hobson's Bay Railway a signalman and pointsman is stationed in a small wooden house in the centre of the yard, facing Prince's Bridge. All trains arriving in the yard have to whistle down the signal before they can enter. A train arrived from Oakleigh due at five minutes past ten; the signal was whistled down, but the pointsman discovered that before he could draw over the points so as to place the train upon the proper rails, to enable it to reach its appointed platform, the engine of the incoming train had passed the junction and was on the rails upon which the outgoing train to Windsor was about to leave. Of course the engine-driver, as soon as he found himself on the wrong line of rails, stopped, and no collision occurred. The pointsman committed an error of judgment in lowering his signal before he had drawn the points over, but he at the same time showed great judgment and nerve in not attempting to draw the points over when it was too late, which would have resulted in wrecking the train, and might have involved a severe loss of life. Had such a deplorable event happened in this case, would it have been evidence of "culpable lax management," in the face of the fact that the signalman and pointsman is an old and faithful servant, fit for his work, and who has discharged the duties he now performs for many years in the most satisfactory manner?

Now the cause of the accident at Jolimont was the fracture of the tire on the wheel of the smoking carriage of the Brighton express. The department which is responsible for the sufficiency of the rolling-stock on the Hobson's Bay lines is the Locomotive Department, and it is the same on the Victorian railways. I can say that the officers and servants in that branch of the Hobson's Bay Railway were fit for their respective positions. I speak from experience of them during many years. The head of this department was Mr. John Warkman, who died about seven years ago. He was Locomotive Superintendent, and acted in that capacity for some years, and was a man of unquestionable ability for the position he held. In his life-time Mr. Johnson, the Carriage Examiner, was appointed by him, and he was selected out of the workshops for the office, on the ground of his special fitness, and undoubtedly received instructions as to the performance of his duties, and has continued in his office as Carriage Examiner up to the present time, I am bound to say, without complaint, that I am aware of. Mr. Warkman was succeeded by the late Mr. Higgins, an efficient officer, who filled the office of Locomotive Superintendent from the time of Mr. Warkman's death until the month of August last, when he died suddenly, and Mr. Smiles was appointed on the morning of Mr. Higgins's death Acting Locomotive Superintendent. Mr. Smiles, before

this appointment, filled the position of foreman in the workshops of the Locomotive Department for twelve years, and he states in his evidence he has been employed on railways for thirty years. Mr. Smiles is a competent man, in my opinion, and is well fitted for the work he had to perform as Acting Locomotive Superintendent.

It will thus be seen, that the Locomotive Department has been properly organized for many years, with a fit and responsible permanent head; and that the Carriage Examiner, Mr. Johnson—whose duty it was to examine the condition of the tires and, generally, of the carriage rolling-stock—has had large experience of his work; and he states in his evidence:—"I understood what my duty was without any written instructions." "If I thought a tire was too thin, I would have the carriage taken off." "I have had carriages taken off for defective tires." Thus clearly showing that Mr. Johnson knew his duty, and that he had performed it in respect of the very matter which caused the accident. Again, Mr. Johnson states:—"With my experience, had there been a defect in the wheel, I must have discovered it." "Had there been a defect, I should have had the carriage taken from the train."

These answers suggest questions as to the practice of the Locomotive Department in dealing with worn-out stock, which must frequently have arisen since Mr. Johnson's appointment; and that it was possible for the coroner, if he had put questions with regard to the practice, to have elicited evidence which would have shown upon whom the responsibility of any blame should fall, if there had been negligence or neglect of duty.

I have not been asked to enquire into this matter, but to report upon the evidence in the coroner's inquisition, and have, therefore, not felt at liberty to obtain information outside of the evidence as to the present practice of the Locomotive Department with respect to worn-out and defective stock.

I have not dealt with the coroner's charge to the jury for the same reason—that it is not included in the file of papers sent to me.

Before passing from this portion of the "finding," I may say that it will be difficult upon the evidence, owing to the imperfect nature of the coroner's investigation, to determine whether Mr. Johnson was guilty of negligence or not, or simply of an error of judgment.

It is the duty of a carriage examiner—and this Mr. Johnson admits in his own evidence—to have a tire taken off when it became defective, or too thin, or reduced below a certain dimension; and if he failed in that duty he would most certainly be guilty of negligence, and responsible for his neglect. But on this point it does not appear from the papers that any evidence was taken at the coroner's inquisition.

Assuming, however, that Mr. Johnson was guilty of negligence in not carrying out the practice of the Locomotive Department, the fact would not sustain the charge of "culpably lax management," but would illustrate, as in the case of the pointsman to which I have referred, that, under the most rigid system of discipline and strict management, cases of individual misconduct or errors of judgment are liable to occur. I may say, in conclusion on this third portion of the finding, that any one acquainted with the difficulties arising from many causes—amongst others, the fact of the necessity of making up train's loss of time on the road; rush of traffic unexpectedly at times, in despatching and receiving 400 trains per diem at Flinders street, and twenty-two passenger, and often goods, trains at Prince's Bridge, many of them following each other at intervals of not more than three minutes—the charge of "culpably lax management" is utterly untenable, in the face of the fact, that there has been an entire immunity from accident for a period of twenty-seven years.

With regard to the second portion of the "finding"—"that, had the brake-van been glazed, and placed in the proper position at the tail end of the train, the accident might have been noticed by the guard in all probability in time to save loss of life"—I do not see any objection to the vans being glazed, although I am bound to say that the van being glazed in the form used on some of the vans at present in use would fail to realize the expectations of the jury.

The height of the van is of necessity restricted, to enable it to pass under the bridges; while some of the carriages now in use, such as the *high American carriages*, would obstruct the view from the glazed van.

I am of opinion, however, that a part of the van might be constructed with a small projection, and the cover of the projection glazed so as to give a side view along the side of the train, and thus enable the guard to observe the position of the carriages while the train is travelling. This plan, I think, would be found more useful than the hood of the van being glazed, as the view would be at all times unobstructed, and available at night time from the stream of light passing out of the carriage windows—thus giving an advantage not to be obtained by the hooded van, and in fact carrying out what the guard does now in looking out from his van.

As to the position of the van, I expressed an opinion, in my evidence before the jury, that it is immaterial on the Hobson's Bay lines, and that no inconvenience has been felt, or objection has been raised, to its position during my experience.

I have now only to deal with the first portion of the finding, viz.:—"That the tire was worn so thin that it was dangerous to use."

In my evidence before the jury I expressed an opinion, in answer to a question, that the tire was safe up to three-quarters of an inch in thickness. This particular tire, according to Mr. Johnson's evidence, was worn to five-eighths of an inch in the centre by an inch on the outside. It was thus an eighth of an inch thinner than I think it was safe to use, but I am of opinion that the tire was also highly dangerous from the fact that it was dished so much, *i.e.*, grooved—three-eighths of an inch.

The face of the tire becomes concave from its constant running on the rails, and thus, to a certain extent, fits the convex surface of the rails, and, when passing through points and crossings and over curves, is liable to get off the rails, or to cause a sudden jar, whereby a fracture in a steel tire is rendered highly probable.

I am of opinion that the tire ought to have been taken off, from the fact of its being so much "dished." It is the duty of the examiner to take off wheels that are so "dished," irrespective of their thickness; and, when sent to the shops, if they are found to be worn so much that they will not stand turning, and leave sufficient thickness to make the tire safe after it is turned, then they are cast aside and not allowed to be used.

WILLIAM ELSDON,

Engineer-in-Chief.

The Honorable Thos. Bent,
Commissioner of Railways.

1882.

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VICTORIA.

R E P O R T

FROM THE

SELECT (JOINT) COMMITTEE

UPON

PARLIAMENT BUILDINGS.

ORDERED BY THE COUNCIL TO BE PRINTED, 19TH SEPTEMBER, 1882.

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REPORT.

THE SELECT COMMITTEE (JOINT) upon the Parliament Buildings have the honor to report that they have agreed to the following resolutions:—

1. That lifts from the ground floor to the upper story of the Parliament House be provided for the accommodation of Members of both Houses.
2. That a marble pedestal be provided for the Statue of Her Majesty the Queen, in the Great Hall.
3. That the Report of the Select Committee of the Legislative Council upon certain proposed alterations in the Council Chamber be adopted.
4. That a screen be erected at the back of The President's chair in the Council Chamber.

Committee Room,
12th September, 1882.

VICTORIA



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL

SESSION

1882-3.