

VICTORIA.



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL.

SESSION.

1872.

LEGISLATIVE COUNCIL.

VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1872,

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

By Authority:

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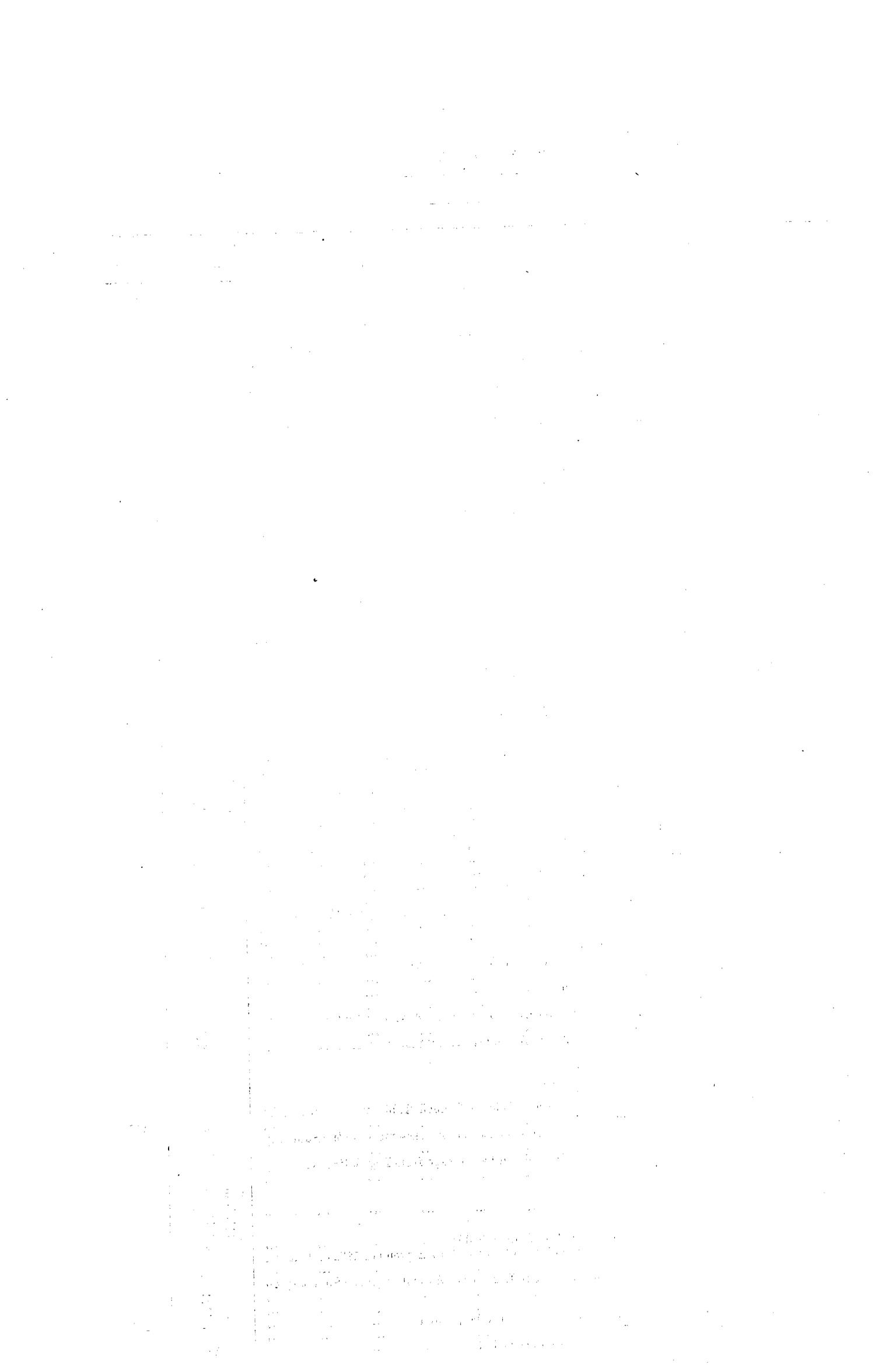
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RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 30TH APRIL, 1872, AT THE
OPENING OF THE TWENTIETH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE:			
George Ward Cole	10th Dec., 1870.		
Thomas Turner a'Beckett	20th April, 1870.		
James Graham	20th Sept., 1866.		
Archibald Michie ... ..	... ..	21st June, 1871	Elected instead of the Hon. H. S. Walsh, resigned.
John O'Shanassy	26th Feb., 1868.		
SOUTH PROVINCE:			
William Degraives ... ..	... ..	29th Aug., 1870.	
John Pinney Bear ... ..	... ..	3rd Oct., 1868.	
William Arthur Callander a'Beckett ... ..	... ..	16th Sept., 1868.	
Thomas Ferrier Hamilton	23rd Dec., 1871	... ..	Elected instead of the Hon. W. H. Pettett, deceased.
Frank Stanley Dobson ... ..	... ..	1st Dec., 1870.	
SOUTH-WESTERN PROVINCE:			
John Cumming	24th Aug., 1870.		
Caleb Joshua Jenner	29th Sept., 1868.		
Philip Russell	20th April, 1869.		
Robert Culbertson Hope ... ..	... ..	23rd April, 1867.	
James Henty... ..	27th Sept., 1862.		
WESTERN PROVINCE:			
Thomas McKellar ... ..	... ..	12th Sept., 1870.	
Robert Simson	6th Oct., 1868.		
William Skene	14th Dec., 1870.		
James Ford Strachan ... ..	... ..	8th Aug., 1866.	
Niel Black	6th Oct., 1862.		
NORTH-WESTERN PROVINCE:			
William Henry Fancourt Mitchell	2nd Sept., 1870.		
Francis Robertson ... ..	... ..	2nd Nov., 1868.	
Alexander Fraser	19th Oct., 1866.		
Nicholas Fitzgerald ... ..	... ..	2nd Nov., 1864.	
William Campbell ... ..	... ..	1st Nov., 1862.	
EASTERN PROVINCE:			
William Highett	2nd Sept., 1870.		
Benjamin Williams ... ..	... ..	24th Oct., 1868.	
Robert Stirling Anderson	10th Oct., 1866.		
Henry Morgan Murphy	24th Oct., 1864.	
Robert Turnbull	14th Dec., 1863.		



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- 7th May. 1. Statistics of Colony of Victoria, 1870.—Part VIII.
 2. Statistics of Colony of Victoria, 1870.—Part IX.
 3. Import, Export, Transhipment, and Shipping Returns, 1871.
 4. Silting-up of the Bay.—Report of Royal Commission (12th April, 1872).
 5. Industrial Schools and Sanatory Station.—First Report of Royal Commission (23rd March, 1872).
 6. Health Officer.—Report of, for year ending 31st December, 1871.
 7. Sanatory Station.—Report of Chief Medical Officer for year ending 31st December, 1871.
 8. Mining Surveyors and Registrars.—Reports for quarter ending 31st December, 1871.
 9. Friendly Societies.—Return of Registered, &c., in 1871.
 10. Post Office Savings Bank.—Statement of Accounts for year ending 31st December, 1871.
 11. Castlemaine.—Mining on Railway Reserve.—Order in Council (11th December, 1871.)
 12. Evelyn, County of.—Lands excepted from Occupation for Mining purposes.—Order in Council (11th March, 1872).
 13. Castlemaine.—Mining on Railway Reserve authorized.—Order in Council (13th November, 1871).
 14. Castlemaine.—Mining on Railway Reserve authorized.—Order in Council (11th December, 1871.)
 15. Buninyong.—Mining on the Springs Reserve authorized.—Order in Council (20th November, 1871).
 16. Maryborough Mining District.—Polling place.—Order in Council (22nd January, 1872).
 17. Beechworth Mining District.—Polling Place.—Order in Council (3rd January, 1872).
 18. Castlemaine Mining District.—Polling Place.—Order in Council (9th February, 1872).
 19. Sandhurst and Beechworth Mining Districts.—Polling Places.—Order in Council (2nd February, 1872).
 20. Sandhurst.—Mining on Railway Reserve authorized.—Order in Council (11th December, 1871).
 21. Ballarat Mining District.—Polling Place.—Order in Council (26th February, 1872).
 22. Public Accounts—Regulation respecting (8th February, 1872).
 23. Victorian Volunteer Corps—Regulations respecting (3rd January, 1872).
 14th May. 24. Mineral Statistics of Victoria, 1871.
 25. Savings Banks—General Order of Commissioners of (23rd April, 1872).
 15th May. 26. Post Office and Telegraph Department.—Report for 1871.
 27. Mail Service.—Correspondence with Government of New Zealand on proposed Mail Service *via* San Francisco.
 28. Penal Establishments.—Report of Inspector-General for year ending 31st December, 1871.
 29. Telegraphic Messages from Railway Stations.—Regulation (10th January, 1872).
 21st May. 30. Intercolonial Tariffs.—Circular Despatch from the Right Honorable the Secretary of State (13th July, 1871).
 31. Border Customs Duties.—Further Papers to 19th January, 1872.
 32. Foreign Industries and Forests.—Second Progress Report of Royal Commission.
 33. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (29th April, 1872).
 34. Industrial and Reformatory Schools.—Report of Board of Education on Schools inspected in 1871.
 35. Telegraphic Messages to Exchange Company, Sydney.—Reduced Scale of Charges (30th April, 1872).
 36. Post Office Savings Bank.—Statement of Accounts for year ending 31st December, 1871.
 28th May. 37. Border Duties, Murray River.—Correspondence (15th May and 28th May, 1872).
 38. Mining Surveyors and Registrars—Report of, for quarter ending 31st March.
 39. Electoral Provinces Returns.—Return to an Order of the Council (7th May, 1872).

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- 4th June. 40. Land Act 1862, and Amending Land Act 1865.—Report of Proceedings under, to 31st December, 1871.
- ” 41. Schedule D., 18 and 19 Vict. cap. 55.—Statement of Expenditure to December, 1871.
- ” 42. Victoria—Statistical Summary of (1836 to 1870 inclusive).
- ” 43. Census of Victoria, 1871.—Part I.
- ” 44. Census of Victoria, 1871.—Part II.
- 6th June. 45. Papers on the Resignation of the Duffy Government.
- 9th July. 46. Statistics of Colony of Victoria, 1871.—Part I.—Blue Book. Part II.—Finance.
- ” 47. Observatory.—Eighth Report of Board of Visitors, with Annual Report of Government Astronomer.
- ” 48. Diseases—Return of (1871).
- ” 49. Education—Tenth Report of Board of (1871).
- ” 50. Border Customs Duties.—Further Correspondence, from 10th June to 4th July inclusive.
- ” 51. Steiglitz Court of Mines—Intervals for holding.—Order in Council (4th June, 1872).
- ” 52. Trawalla Bridge Common—Selection of Land at.—Return to Order of Council of 21st May, 1872.
- 16th July. 53. Statistics of Colony of Victoria, 1871.—Part III.—Population.
- ” 54. University of Melbourne.—Report for year ending 31st May, 1872.
- 23rd July. 55. Statistics of Colony of Victoria, 1871.—Part IV.—Production.
- ” 56. Industrial and Reformatory Schools.—Report of Inspector for year 1871.
- ” 57. Health—Central Board of.—Report for year 1871.
- ” 58. Belvoir—Mining Operations on Reserved Lands at, authorized.—Order in Council (4th July, 1872).
- ” 59. Gippsland Mining District.—Polling Places at Donnelly’s Creek and Briagolong authorized.—Order in Council (8th July, 1872).
- ” 60. Estimate of Expenditure during the year ending 30th June, 1873, for Construction of Railways, authorized by the Railway Construction Act of 1871, 35 Vict., No. 415.
- 30th July. 61. Intercolonial Tariffs.—Message from the Governor, transmitting further Circular Despatch from the Right Honorable the Secretary of State.
- ” 62. Mail Service.—Further Correspondence on proposed Service *via* San Francisco.
- 6th August. 63. Border Customs Duties.—Further Correspondence (4th to 27th July, 1872).
- ” 64. Diphtheria.—Report of Royal Commission.
- ” 65. Silting-up of the Bay.—Remarks of Inspector-General of Public Works.
- ” 66. Savings Banks.—Post Office.—Amended Regulations (1st August 1872).
- ” 67. Broad and Narrow Gauge Railways.—Further Correspondence.
- 13th August. 68. Foot and Mouth Disease.—Progress Report of Commission (15th July, 1872).
- ” 69. Yan Yean Water Supply.—Report of Board (29th July, 1872).
- ” 70. Mining Surveyors and Registrars—Reports of, for quarter ending 30th June, 1872.
- 20th August. 71. Penal and Prison Discipline.—Report (No. 3) of Royal Commission.—Industrial and Reformatory Schools.
- ” 72. Census, Victoria, 1871.—Part III.—Ages of the People.
- ” 73. Border Customs Duties.—Further Correspondence (4th July to 12th August, 1872).
- ” 74. Schedule of Estimated Expenditure on Works of Construction, &c., under the Loan Act 1868, 32 Victoria, No. 331, from 1st January to 30th June, 1873.
- 29th August. 75. Statistics of the Colony of Victoria for 1871.—Part VI.—Law, Crime, &c.
- 4th September. 76. Statistics of the Colony of Victoria, 1871.—Part V.—Accumulation.
- ” 77. Aborigines.—Eighth Report of Board for Protection of.
- 10th September. 78. Ballarat.—Certain lands at, excepted from occupation for Mining purposes.
- 24th September. 79. Foot and Mouth Disease.—Report of Commission (23rd August, 1872).
- ” 80. Statistics of Colony of Victoria, 1871.—Part VII.—Vital Statistics, &c.
- ” 81. Spring Hill—Mining Operations on Reserved Lands at, authorized.—Order in Council (3rd September, 1872).
- 1st October. 82. Savings Banks.—Return, &c., for year ending 30th June, 1872.
- ” 83. Census of Victoria, 1871.—Part IV.—Religions of the People.
- 8th October. 84. Discipline Act, 1870.—Regulations respecting (17th September, 1872).
- ” 85. Discipline Act 1870.—Additional and Amended Regulations (18th September 1872).
- ” 86. Victorian Volunteer Force—Regulations for Emerald Hill Volunteer Artillery Corps (11th September, 1872).
- 22nd October. 87. Border Customs Duties.—Further Correspondence (14th August to 15th October, 1872).
- ” 88. Education—General Regulations of Board of (to date from 1st February, 1873).
- 23rd October. 89. Census of Victoria, 1871.—Part V.—Education of the People.
- ” 90. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872).
- ” 91. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872).
- ” 92. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872).
- ” 93. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872).
- 29th October. 94. Railways, Victorian.—Report of Board of Land and Works for year ending 30th June, 1872.
- ” 95. Report of Inspecting Surveyor on damage done by Deposit of Sludge in Yarrowee or Leigh River (2nd October, 1872).
- ” 96. Message from His Excellency the Governor, transmitting Copy of Despatch from the Secretary of State for the Colonies, respecting application from Oriental Bank Corporation for a renewal of their charter.

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- 29th October. 97. Message from His Excellency the Governor, transmitting Copy of Despatch from Secretary of State for the Colonies, forwarding copy of Her Majesty's Order in Council approving of award by Privy Council of Pental Island to Colony of Victoria.
- 30th October. 98. Message from Governor transmitting Copy of Despatch from Secretary of State for the Colonies, on the subject of the question as to whether, beyond the limits of the new state of Fiji, British subjects can be accepted as citizens of Fiji and exempted from British jurisdiction.
- 5th November. 99. Sandhurst District—Mining under Railway Reserve authorized.—Order in Council (14th October 1872).
- „ 100. Sandhurst District.—Mining under Railway Reserve authorized.—Order in Council (21st October, 1872).
- „ 101. Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).
- „ 102. Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).
- „ 103. Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).
- „ 104. Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).
- 12th November. 105. Message from His Excellency the Governor, forwarding copies of further correspondence, &c., respecting new Postal Service between Australia and Galle.
- „ 106. Border Customs Duties.—Further Correspondence (18th October to 11th November, 1872).
- 13th November. 107. Whale Fishing.—Regulations (28th October, 1872).
- 14th November. 108. Mining Surveyors and Registrars.—Reports for quarter ending 30th September, 1872.
- 19th November. 109. Pental Island.—Return to an Order of the Legislative Council of 12th November, 1872.
- „ 110. Castlemaine District—Mining on Railway Reserve at, authorized.—Order in Council (28th October, 1872).
- 21st November. 111. Press Telegrams.—Rates chargeable in Victoria.—Order in Council (30th October, 1872).
- 26th November. 112. Mail Service.—Further Correspondence (6th November to 25th November, 1872.)
- 28th November. 113. Smythesdale, Selection at.—Return to an Order of the Council, 19th November, 1872.
- 3rd December. 114. Castlemaine District Railway Reserve—Mining authorized at.—Order in Council (11th November, 1872).
- „ 115. Castlemaine District Railway Reserve—Mining authorized at.—Order in Council (11th November, 1872).
- „ 116. Castlemaine District Railway Reserve—Mining authorized at.—Order in Council (11th November, 1872).
- „ 117. Public Library, Museums, and National Gallery.—Report of Trustees, &c., for Year 1871.
- 10th December. 118. Supreme Court.—Regulæ Generales (3 December, 1872).
- „ 119. Castlemaine District—Mining on Railway Reserve authorized at.—Order in Council (18th November, 1872).
- „ 120. Sandhurst District—Mining on Railway Reserve authorized at.—Order in Council (18th November, 1872).
- „ 121. Yan Yean Water Supply.—Cash Sheet and Balance Sheet, 1st July, 1871, to 30th June, 1872.
- 11th December. 122. Census of Colony of Victoria, 1871.—Part VI.—Birthplaces of the People. Part VII.—Conjugal Condition of the People.
- „ 123. Statistics of the Colony of Victoria for the Year 1871.—Part VIII.—Interchange.
- 17th December. 124. Coliban—Report on storing Water in (27th August, 1872).
- „ 125. Mining on Railway Reserve, Castlemaine District, authorized.—Order in Council (25th November, 1872).
- „ 126. Mining on Railway Reserve, Castlemaine District, authorized.—Order in Council (25th November, 1872).
- „ 127. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (25th November, 1872).
- „ 128. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (25th November, 1872).
- „ 129. Portland Breakwater.—Report of Board (4th December 1872).
- „ 130. Warrnambool Breakwater.—Report of Board (4th December, 1872).

VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1872.

No.	SHORT TITLES OF BILLS.	By whom and when initiated.	PROGRESS.																Number of Act.	REMARKS.			
			First Reading.	Second Reading.	Committal.	Report.	Recommittal.	Report after Recommittal.	Adoption of Report.	Third Reading.	Passing.	Sent to Legislative Assembly.	Returned from Legislative Assembly.		Amendments considered.	Re-transmitted to Legislative Assembly.	Assent.	Publication in the Government Gazette.					
			1872.	1872.	1872.	1872.	1872.	1872.	1872.	1872.	1872.	1872.	1872.	Without Amendments.	With Amendments.	1872.	1872.	1872.			1872.		
1	Privileges of Parliament Bill	Hon. C. J. Jenner	30th April	30th April	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged from Notice Paper 14th May.
2	Fencing Bill	Hon. C. J. Jenner	7th May	7th May	15th May	15th May	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged from Notice Paper 16th July.
3	Bye Laws Validity Bill	Hon. Dr. Dobson	7th May	7th May	14th May	14th May	21st May	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Not returned from Assembly.
4	Trustees Bill	Hon. W. A. C. a'Beckett	21st May	21st May	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged from Notice Paper 23rd July.
5	Prevention of Diseases of Animals Statute 1864 Amendment Bill	Message from Legislative Assembly	11th June	11th June	11th June	11th June	11th June	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged from Notice Paper 13th August.
6	Fisheries and Game Bill	Hon. A. Fraser	16th July	16th July	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged from Notice Paper 13th August.
7	Consolidated Revenue Bill	Message from Legislative Assembly	23rd July	23rd July	23rd July	23rd July	23rd July	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged from Notice Paper 13th August.
8	Trustees Bill (2)	Hon. W. A. C. a'Beckett	23rd July	23rd July	30th July	30th July	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.—Chairman left the Chair 6th Aug.
9	Public Works Statute 1865 Amendment Bill	Hon. A. Fraser	23rd July	23rd July	30th July	30th July	30th July	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Not returned from Assembly.
10	Railway Loan Appropriation Bill	Message from Legislative Assembly	6th August	6th August	6th August	6th August	6th August	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.—Chairman left the Chair 6th Aug.
11	Exhibitors Protection Bill	Hon. A. Fraser	6th August	6th August	13th August	13th August	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Not returned from Assembly.
12	Railway Loan Application Bill	Message from Legislative Assembly	20th August	20th August	27th August	27th August	27th August	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.
13	Police Offences Statute 1865 and Gaming Bill	Hon. A. Fraser	20th August	20th August	27th August	27th August	28th August	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.
14	Mining on Private Property Bill	Message from Legislative Assembly	27th August	27th August	24th Sept.	24th Sept.	25th Sept.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.
15	Public Works Loan Appropriation Bill	Message from Legislative Assembly	29th August	29th August	29th August	29th August	29th August	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed.
16	Land Act Amendment Bill	Message from Legislative Assembly	4th Sept.	4th Sept.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
17	South Melbourne Gas Company Bill	Message from Legislative Assembly	10th Sept.	10th Sept.	17th Sept.	17th Sept.	17th Sept.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
18	Public Loan Bill	Message from Legislative Assembly	24th Sept.	24th Sept.	1st Oct.	1st Oct.	1st Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
19	Public Health Bill	Message from Legislative Assembly	24th Sept.	24th Sept.	1st Oct.	1st Oct.	1st Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
20	Deceased Persons Estates Amendment Bill	Message from Legislative Assembly	24th Sept.	24th Sept.	1st Oct.	1st Oct.	8th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
21	Audit Act Amendment Bill	Message from Legislative Assembly	24th Sept.	24th Sept.	26th Sept.	26th Sept.	9th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
22	Diseases in Stock Bill	Message from Legislative Assembly	24th Sept.	24th Sept.	23rd Oct.	23rd Oct.	23rd Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
23	Labor Bill	Message from Legislative Assembly	24th Sept.	24th Sept.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
24	Permissive Liquors Sale Bill	Message from Legislative Assembly	24th Sept.	24th Sept.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
25	Fencing Bill (2)	Message from Legislative Assembly	9th Oct.	9th Oct.	15th Oct.	15th Oct.	30th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
26	Goals Statute Amendment Bill	Message from Legislative Assembly	22nd Oct.	22nd Oct.	29th Oct.	29th Oct.	29th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
27	Education Bill	Message from Legislative Assembly	29th Oct.	29th Oct.	14th Nov.	14th Nov.	26th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
28	Water Works Statute 1865 Amendment Bill	Message from Legislative Assembly	29th Oct.	29th Oct.	30th Oct.	30th Oct.	30th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
29	Real Property Statute Amendment Bill	Message from Legislative Assembly	12th Nov.	12th Nov.	19th Nov.	19th Nov.	19th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
30	Patents Statute Amendment Bill	Message from Legislative Assembly	12th Nov.	12th Nov.	19th Nov.	19th Nov.	19th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
31	Drawbacks Bill	Message from Legislative Assembly	12th Nov.	12th Nov.	19th Nov.	19th Nov.	19th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
32	Master-in-Equity Bill	Message from Legislative Assembly	12th Nov.	12th Nov.	19th Nov.	19th Nov.	19th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
33	Church of England Bill	Message from Legislative Assembly	12th Nov.	12th Nov.	19th Nov.	19th Nov.	19th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
34	Debentures Conversion Bill	Message from Legislative Assembly	13th Nov.	13th Nov.	19th Nov.	21st Nov.	21st Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
35	Juries Statute Amendment Bill	Message from Legislative Assembly	13th Nov.	13th Nov.	19th Nov.	19th Nov.	19th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
36	Marriage with Deceased Wife's Sister Bill	Message from Legislative Assembly	13th Nov.	13th Nov.	19th Nov.	19th Nov.	19th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
37	Markets Laws Amendment Bill	Message from Legislative Assembly	13th Nov.	13th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
38	Administration of Justice Act Amendment Bill	Message from Legislative Assembly	19th Nov.	19th Nov.	20th Nov.	20th Nov.	20th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
39	Agent-General Bill	Message from Legislative Assembly	19th Nov.	19th Nov.	20th Nov.	20th Nov.	21st Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
40	Game Act Amendment Bill	Message from Legislative Assembly	19th Nov.	19th Nov.	20th Nov.	20th Nov.	20th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
41	Gunpowder Bill	Message from Legislative Assembly	20th Nov.	20th Nov.	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
42	Local Governing Bodies Loan Bill	Message from Legislative Assembly	26th Nov.	26th Nov.	28th Nov.	28th Nov.	3rd Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
43	Water Works Statute 1865 Amendment Bill (2)	Message from Legislative Assembly	26th Nov.	26th Nov.	26th Nov.	26th Nov.	26th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
44	Statute of Evidence Amendment Bill	Message from Legislative Assembly	28th Nov.	28th Nov.	3rd Dec.	3rd Dec.	3rd Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
45	Public Works Loan Appropriation Bill	Message from Legislative Assembly	4th Dec.	4th Dec.	4th Dec.	4th Dec.	4th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
46	Inebriates Treatment Bill	Message from Legislative Assembly	4th Dec.	4th Dec.	10th Dec.	10th Dec.	10th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
47	Mining Statute Amendment Bill	Message from Legislative Assembly	4th Dec.	4th Dec.	10th Dec.	10th Dec.	10th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
48	Consolidated Revenue Bill (2)	Message from Legislative Assembly	10th Dec.	10th Dec.	10th Dec.	10th Dec.	10th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
49	Public Works Loan Application Bill	Message from Legislative Assembly	11th Dec.	11th Dec.	11th Dec.	11th Dec.	11th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
50	Labor in Mines Prevention Bill	Message from Legislative Assembly	11th Dec.	11th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
51	Judges Salaries Increase Bill	Message from Legislative Assembly	12th Dec.	12th Dec.	12th Dec.	12th Dec.	12th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.
52	Appropriation Bill	Message from Legislative Assembly	12th Dec.	12th Dec.	12th Dec.	12th Dec.	12th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months," 11th September, 1872.

RECAPITULATION.

Bills initiated during the Session	52
Passed and assented to	35
Reserved for signification of Her Majesty's pleasure	2
Not returned from Legislative Assembly	4
Negatived on motion for Second Reading	1
Ordered to be read a second time "this day six months"	

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH APRIL, 1872.

Pursuant to Proclamation the Council met.

At Two o'clock the Clerk of the Council read the Proclamation convening the Parliament:—

PROCLAMATION

By His Excellency the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury, in the County of Kent, and BARON BOTTESFORD, of Bottesford, in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &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 the said Council and Assembly, called "The Parliament of Victoria," stand prorogued until Wednesday the twentieth day of March instant, and it is expedient 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 Wednesday the twentieth day of March instant until Tuesday the thirtieth day of April now next ensuing; and also I do hereby fix Tuesday the thirtieth 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 sixteenth day of March, in the year of our Lord One thousand eight hundred and seventy-two, and in the thirty-fifth year of Her Majesty's reign.

(L.S.)

CANTERBURY.

By His Excellency's Command,
C. GAVAN DUFFY,
Chief Secretary.

GOD SAVE THE QUEEN!

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:

Since I relieved you from attendance on Parliament the Empire has been threatened with a great calamity by the serious illness of the heir to the throne, His Royal Highness the Prince of Wales; and it is with much satisfaction that I am able to congratulate you on his complete recovery. My advisers will submit a proposal to both Houses to address Her Majesty the Queen on this subject, which I am persuaded will meet with your prompt sympathy.

In resuming your labors at a season of unusual prosperity, and when many of the public questions which have been most eagerly contested are set at rest, I am happy to think that you will be able to apply yourselves with more undivided care than has hitherto been practicable to the industrial development and social organization of the colony. Several measures will be submitted to you designed to promote one or other of these important objects.

The most urgent of these measures is a Royal Mines Bill, intended to regulate mining on private property. The necessity has been long felt for a law under which mining enterprise could be prosecuted on alienated land, upon conditions just to the owner of the property and to the miner. The want of such a law has retarded many valuable enterprises and loaded others with an inordinate burthen. This Bill, which will be immediately laid before you, is designed to create a system intrinsically fair to both parties, and under which one of our great national industries will, it is believed, be fostered and extended.

A Bill providing for the inspection of mines, with a view to guard against accidents, and a Bill to reduce the rent received by the Crown for auriferous lands held upon lease, will also be submitted for your consideration.

Tenders have been invited for the construction of portions of the railway lines authorized during the last session of Parliament; and my advisers have caused information to be sought from eminent engineers on the relative cost and convenience of the broad and narrow gauges in countries where they have been tried. When this information is complete your attention will be called to it, with a view of obtaining the opinion of Parliament on that contested question.

It is the intention of my Government to ask your sanction to a further extension of our railway system. They are persuaded that the advantage to be attained by saving on main roads, by the permanent reduction in the carriage of mails and the general cost of transport, and by the stimulus to industrial pursuits, will render such extension a wise national enterprise, if it be made with a due regard to the economic laws which govern such undertakings.

The occupation of the public territory for agricultural settlement which has been the aim of all our recent land legislation still proceeds with unabated vigour. The selectors now form a large element in our population; and my advisers are of opinion that it is desirable to afford them the aid and guidance which other countries in Europe and America have afforded to kindred classes. It is proposed therefore to form a Department of Agriculture, with a view of watching over the progress of settlement, of ascertaining the crops and products for which our soil in various districts is best fitted, of diffusing agricultural knowledge, and of distributing seeds, roots, and cuttings of special value among owners and occupiers of land who are prepared to utilize them. As soon as the necessary expenditure, which will be trifling, is authorized by Parliament, this experiment will be commenced.

Fencing and Impounding Bills will also be submitted to you, which have been framed with a view of protecting selectors from injuries to which they are liable through the unsatisfactory state of the law on these subjects.

My attention has been invited by the Imperial Government to the International Exhibition about to be held in London, in 1873, to consist on this occasion of special industrial products. As many of the chief products of Victoria fall within the design, it is the intention of my Government to take measures for having the industry of the colony effectually represented, and the intended exhibits will themselves constitute an Exhibition in Melbourne before they are transferred to Europe.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I am happy to be able to congratulate you on the prosperous condition of the country and the satisfactory state of the public revenue. The Estimates for the next financial year will be laid before you without delay. While a strict economy has been observed in administrative expenditure, it is proposed to erect or complete the edifices necessary for the administration of justice, the business of legislation, and other public objects in the capital and throughout the country, while the state of our finances enables us to do so without inconvenience.

It is intended also to propose a considerable expenditure for railways, postal routes, and water supply, the details of which shall be duly submitted for your approval.

A contract has been entered into in concert with the Government of New Zealand for subsidizing a line of steamers from Melbourne to San Francisco, subject to your assent; a subsidy will be asked also for a line of steamers to Europe by way of the Cape of Good Hope; and a proposal made to connect Australia with Europe by a colonial service running from Melbourne to Ceylon, whence two great postal lines run to England and France.

With respect to water supply, several important districts are prepared to construct the necessary works at their own cost, if the State enables them to obtain funds on reasonable terms. You will be anxious, I am persuaded, to encourage enterprises of this nature, and to co-operate with them whenever the local circumstances justify the experiment.

A Postal Bill will be immediately introduced, cheapening the cost and increasing the facilities of communication through the Post and Telegraph offices and reducing the postage upon newspapers, which at present is seriously disproportionate to their price.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

The amendments which have been made from time to time in the Acts regulating our municipal institutions are so numerous that it has become necessary, with a view to uniformity and simplicity of practice, to consolidate the law on this important branch of polity. A measure will be laid before you accordingly, in which the six Acts regulating local government are consolidated, with certain additional amendments framed to remove difficulties that have arisen in the administration of the present law. This measure proposes to transfer, in some additional cases, the control of expenditure on local public works to local bodies, with a view to their more effectual and economical execution.

Serious and painful loss has been inflicted on many colonists by the insolvency of insurance companies in which they had invested their earnings. A Bill will be submitted for your consideration to provide that companies conducting business in this Colony shall be required hereafter to possess assets available within the colony to meet their engagements.

I appointed a Commission eighteen months ago to report on the organization and remuneration of the Public Service. They have not yet completed their enquiries, but if their report reaches me in time to enable it to be considered, and a Bill to be founded upon it, during the present session, that course will be taken. A Bill is already prepared to revise the Police Act, and to provide a retiring allowance for officers and members of that force, but it is not desirable to proceed with it prior to the revision of the Public Service Act, with which it ought to correspond in some of its leading provisions.

I have received the report of a Commission which I appointed to enquire into the condition of the Reformatory and Industrial Schools supported by the State. The Commissioners have collected a valuable body of information, which tends to confirm the opinion entertained by my Government that a radical change is necessary in the system of discipline and management prevailing in these institutions. You will be invited during the session to consider proposals intended to give effect to this opinion.

Through the courtesy of the United States Government, and some of the Governments of European countries, an important collection of information on the management of prisons, and the utilization of prison labor, has been obtained; the result of which, as well as proposals springing from it, will be brought under your notice.

The report of a Commission on the Silting-up of the Bay has also been delivered to me, and I will cause it to be immediately laid before you.

The attention of my advisers has been directed to the best means of planting certain new industries in this country for which the soil and climate afford peculiar facilities. A Commission on Foreign Industries, which I appointed last year, have offered important suggestions on this subject, which I trust, with your assistance, may be made productive of great public benefit.

Bills will be proposed for your consideration to amend the representation of the people in the Legislative Assembly. Great changes in the distribution of the population have rendered an amendment urgently necessary. The inequalities of the existing system are very great; and it is estimated by my advisers that nearly a third of the persons entitled to vote at elections are prohibited from exercising the franchise by a restriction contained in the present law.

Important reforms in the jurisdiction and procedure of Courts of Petty Sessions have been made in England since our existing law on that subject was framed, and a Bill will be laid before you revising the existing Acts, and incorporating these reforms and others which have been suggested by the experience of our local courts.

Bills to sanction the change in the financial year, to amend the Fisheries Act, to cure certain defects in the Mining Statute, to amend the Scab Act, to regulate the law affecting aliens, to amend the Discipline Act, to amend the Public Health Act, to regulate the law of juries, and to amend the Mining Companies Act, are ready to be proceeded with as speedily as your convenience will admit of.

The Marine Bill, lost last session through an informality in its introduction, will be re-introduced as soon as the progress of more important measures renders it practicable.

The authority which you conferred on the Governor in Council during the last session of Parliament to frame Regulations for the establishment of a system of Drawbacks has been exercised, and; I am happy to believe, with great benefit to the trade carried on by Victoria with the other colonies of Australasia.

I regret that the proposals submitted by my Government for a settlement of the dispute with New South Wales respecting Border Duties was not accepted by the Government of that colony, and that the collection of duties has been resumed. The correspondence upon the subject will be laid before you and I have no doubt you will recognize the fairness and moderation which distinguish these proposals.

I have called you together at a period of the year at which members can, I believe, most conveniently attend without injury to their private pursuits; and after a session and a recess approximating in length to the ordinary session and recess of the Imperial Parliament, I trust we shall find it practicable to adopt permanently a fixed season for the despatch of public business, according to the practice of the mother country.

In conclusion, I trust that your deliberations may, under the blessing of Divine Providence, conduce to the permanent prosperity and happiness of the people.

30th April, 1872.

CANTERBURY.

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.

DECLARATIONS OF MEMBERS.—The Honorable the President, and the Honorables R. S. Anderson, T. T. a'Beckett, W. A. C. a'Beckett, J. P. Bear, W. Campbell, G. W. Cole, J. Cumming, W. Degraives, Dr. Dobson, N. Fitzgerald, A. Fraser, J. Graham, J. Henty, W. Hightt, Dr. Hope, C. J. Jenner, T. McKellar, A. Michie, J. O'Shanassy, F. Robertson, P. Russell, R. Simson, W. Skene, J. F. Strachan, and R. Turnbull, severally delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HENRY FANCOURT MITCHELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Emberton, in the county or reputed county of Dalhousie, the description of which lands and tenements are as follow:—

“Four thousand seven hundred (4700) acres of the Barfold estate. And I further declare that such of the said lands and tenements as are situated in the municipal district of Metcalfe are rated in the rate-books of such municipal district as follows:—

“No. 103, South Riding; owner, W. H. F. Mitchell; occupier, ditto. Barfold estate in Emberton, 4700 acres. Full net annual value, £1500.

“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 of the Colony of Victoria.

“W. H. F. MITCHELL.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT STIRLING ANDERSON, do declare and testify that I am duly seised at law or in equity of 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 sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Borroondara, South Melbourne, and Holden, and West Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Land and premises at Kew, where I reside.

“Land and premises at Emerald Hill.

“Land and premises at Sunbury.

“And land and premises in West Melbourne.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Kew, Emerald Hill, Bulla, and Melbourne, are rated in the rate-books of such municipal district or districts respectively as follows:—In excess 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 of the Colony of Victoria.

“R. S. ANDERSON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS TURNER A'BECKETT, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the county of Bourke, the description of which lands and tenements are as follow:—

“1. Part of allotment 19, block 14, city of Melbourne, in Little Collins street, with buildings thereon, known as the Bishop's Registry and Cottenham Chambers.

“2. Portion 139 allotment B, part of crown allotment A, portion 144 and part of portion of allotment 139A, in the parish of Prahran, having in the whole a frontage of about six hundred feet to Alma road, by a depth of about six hundred and seventy-eight feet, with dwelling-house and outbuildings erected on portion 139, allotment B.

“3. Portion of block 3 of Dendy's special survey, having a frontage to Church street and Wall street, Brighton, consisting of one acre and a half, with dwelling-house and other buildings erected thereon.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of St. Kilda and Brighton, and in the city of Melbourne, are rated in the rate-books of such municipal districts and city respectively as follows:—

“No. 1. Rated in the city of Melbourne rate-book at £400 per annum.

2. Rated in the municipal district of St. Kilda at over £200 per annum.

3. Rated in the municipal district of Brighton at £108.

“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 of the Colony of Victoria.

“THOS. T. A'BECKETT.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM ARTHUR CALLANDER A'BECKETT, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Jika Jika, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“1. Part 1 of section 8 of allotment 20, city of Melbourne.

“2. Allotment 3 of section 4, city of Melbourne.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of _____ are rated in the rate-books of such municipal district or districts respectively as follows:—1. Over £250 per annum. 2. Over £100 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 of the Colony of Victoria.

“W. A. C. A'BECKETT.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN PINNEY BEAR, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate

in the parish of Moorabin, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“The house, homestead, and lands, known as Moorabbin, in the borough of Brighton.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Brighton are rated in the rate-books of such municipal district as follows:—No. 545, West Brighton—Over £250 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 of the Colony of Victoria.

“J. P. BEAR.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM CAMPBELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Carlsruhe and city of Melbourne, in the counties or reputed counties of Dalhousie and Bourke, the description of which lands and tenements are as follow:—

“1. Six hundred and forty acres of freehold, parish of Carlsruhe, county of Dalhousie.

“2. Allotment of land and store in King street, in the city of Melbourne.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Kyneton and Melbourne are rated in the rate-books of such municipal districts respectively as follow:—

Freehold	Two miles from Kyneton	} In excess of £250 a year.
Ditto	King street, Melbourne	

“And I further declare that I have not collusively or colorably obtained a title thereto 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 of the Colony of Victoria.

“W. CAMPBELL.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, GEORGE WARD COLE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements, in the Colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Jika Jika, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Allotment 4 of section 2, fronting Flinders and Little Flinders street, with bonded stores, houses, &c., &c.: And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such municipal district or districts respectively as follows:—

“Cole’s Bonded Stores, Flinders street, at over £350 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 of the Colony of Victoria.

“GEORGE WARD COLE.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN CUMMING, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Terinallum, in the county or reputed county of Hampden, the description of which lands and tenements are as follow:—

“Freehold land in the parish of Terinallum. And I further declare that such of the said lands and tenements as are situated in the shire of Mortlake are rated in the rate-books of such municipal district as follows:—In excess of Two hundred and fifty pounds a year.

“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 of the Colony of Victoria.

“JOHN CUMMING.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM DEGRAVES, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of St. Paul’s, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“No. 1, Merchants bonded store, being 69 Flinders street east.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate-books of such municipal district as follows:—

“No. 1, rated at over Three hundred 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 of the Colony of Victoria.

“WM. DEGRAVES.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANK STANLEY DOBSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Hawthorn, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Houses and land in the borough of Hawthorn.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Hawthorn are rated in the rate-books of such municipal district as follows:—
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 of the Colony of Victoria.

“F. STANLEY DOBSON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, NICHOLAS FITZGERALD, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Castlemaine, in the county or reputed county of Talbot, the description of which lands and tenements are as follow:—

“House and land and business premises situate in Castlemaine.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Castlemaine are rated in the rate-books of such municipal district as follows:—At over Two hundred and fifty 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 of the Colony of Victoria.

“N. FITZGERALD.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, ALEXANDER FRASER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“No. 1. Part allotment No. 139a, parish of Prahran, county of Bourke, having a frontage to Alma street of 100 feet by a depth of 300 feet to Chapel street, with dwelling-house and other buildings thereon erected, being in my own occupation.

“No. 2. Part allotment No. 139a, parish of Prahran, county of Bourke, having a frontage of 370 feet to Chapel street, by a depth of 216 feet to Argyle street, with improvements.

“And I further declare that such of the lands and tenements as are situate in the municipal district of St. Kilda are rated in the rate-books of such municipal district as follows:—

“No. 1, rated in the rate-book of the district of St. Kilda at Two hundred and twenty pounds per annum.

“No. 2, rated in the rate-book of the district of St. Kilda at Fifty 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 of the Colony of Victoria.

“Melbourne, 25th April, 1872.”

“ALEX. FRASER.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES GRAHAM, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands and tenements in the Colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Allotments Nos. 11, 12, and portion of No. 10, block No. 11, situated in Bourke, Russell, and Little Collins streets, in the City of Melbourne, with the several buildings erected thereon.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate-books of such municipal district as follows:—

Description and Situation of Rated Property.	Annual Rated Value.	Electoral Division.
Land and house property, La Trobe Ward, City of Melbourne	Three thousand and forty-eight pounds sterling	St. Paul's Division, City of Melbourne, Central Province.

"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 of the Colony of Victoria.

"JAS. GRAHAM."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES HENTY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Seven hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Duneed, Paraparap, Pakenham, Nar-nar-Goon, and town of Geelong, in the counties or reputed counties of Grant and Mornington, the description of which lands and tenements are as follow:—

"Six thousand six hundred and seventy-nine acres of freehold land; offices and stores, Brougham place, town of Geelong.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Barrabool, Berwick, and town of Geelong, are rated in the rate-books of such municipal districts respectively as follow:—

"In excess of Six hundred pounds (£600) 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 of the Colony of Victoria.

"JAS. HENTY."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HIGHETT, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of One thousand pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situated in the parishes of Maindample and Mansfield, in the shire of Mansfield, the description of which lands and tenements are as follow:—

"Six thousand acres and upwards.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Mansfield are rated in the rate-books of such municipal district as follows:—

"Upwards of One thousand 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 of the Colony of Victoria.

"WILLIAM HIGHETT."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, R. C. HOPE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Carrungemurnung, Carrah, Murgheboluk, and Gheringhap, in the county or reputed county of Grant, the description of which lands and tenements are as follow:—

"Five thousand acres in Carrungemurnung, fronting Barwon River; two thousand acres in Carrah, fronting Native Creek; one hundred and fifty acres in Gheringhap, with water-mill on Moorabool River.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Winchelsea, Bannockburn, and Corio, are rated in the rate-books of such municipal district or districts respectively as follows:—At over £250 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 of the Colony of Victoria.

"R. C. HOPE."

"In compliance with the provisions of the Act 32 Victoria, 334, I, CALEB JOSHUA JENNER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the Annual value of Two hundred and fifty pounds sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Ballarat, St. Kilda, and Keelbundora, in the counties or reputed counties of Bourke and Grenville, the description of which lands and tenements are as follows:—

"42 feet frontage to Armstrong street, Ballarat, by a depth of 165 feet, on which is erected a stone warehouse.

"46 feet to Yuille street, Ballarat, by 112 feet, and buildings.

"6 acres of land, Brighton road, St. Kilda, known as Glenbervie, on which is erected a family residence, and other improvements.

"42 acres of land fronting Heidelberg road, with residence and other improvements.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Ballarat, St. Kilda, and Heidelberg are rated in the rate-books of such municipal districts respectively, as follows:

"Over Two hundred and fifty 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 of the Colony of Victoria.

"C. J. JENNER."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS MCKELLAR, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of North Hamilton and Warrayune, in the county or reputed county of Dundas, the description of which lands and tenements are as follow:—

"Five thousand acres in the parishes of North Hamilton and Warrayune.

"And I further declare that such lands and tenements as are situate in the shire of Dundas are rated in the rate-books of such municipal district as follows:—In excess of Two hundred and fifty pounds a year.

"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 of the Colony of Victoria.

"THOMAS MCKELLAR."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, ARCHIBALD MICHIE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of in the county or reputed county of the description of which lands and tenements are as follow:—

"1. Portion of an allotment, part of block fourteen, city of Melbourne, with the buildings thereon, and known as number seventy-three Little Collins street.

"2. Land in Alma road, East St. Kilda, being lots nine, ten, eleven, twelve, fifteen, sixteen, seventeen, and eighteen (of portions 155 A, and 155 B on plan of subdivision), with dwelling-house, &c., &c., thereon.

"3. Part of portion 155 A, being lot 14 and part of lot 13 on plan of subdivision, together with dwelling-house, &c., thereon.

"And I further declare that such lands and tenements as are situate in the city of Melbourne and district of St. Kilda are rated in the rate-books of such municipal district or districts respectively as follows:—

"No. 1. In the city of Melbourne, at £230 (two hundred and thirty) a year.

"No. 2. At St. Kilda, at £230 a year.

"No. 3. In ratebook of St. Kilda, at £130 a year.

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

"ARCHIBALD MICHIE."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN O'SHANASSY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Boroondara, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Forty-six acres and three rods of land in Boroondara, on which my private residence stands:

And I further declare that such of the said lands and tenements as are situate in the municipal district of Boroondara are rated in the rate-books of such municipal district as follows:—At Three hundred pounds per year.

"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 of the Colony of Victoria.

"JOHN O'SHANASSY."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANCIS ROBERTSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in land or tenements in the Colony of Victoria of the value of over Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Newham, Edgecomb, Doutta Galla, and Maribyrnong, in the counties or reputed counties of Bourke and Dalhousie, the description of which lands and tenements are as follow:—

"Eight allotments in the parish of Newham, two allotments in Edgecomb, one allotment in Maribyrnong, and one allotment in Doutta Galla.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of the shire of Newham, the shire of Kyneton, the Keilor road board, and the borough of Essendon and Flemington, are rated in the rate-books of such municipal districts respectively as follows:—At over Two hundred and fifty 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 of the Colony of Victoria.

"FRANCIS ROBERTSON."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, PHILIP RUSSELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full annual value of Five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Skipton,

Nanimia, and Enuc, in the counties or reputed counties of Hampden and Ripon, the description of which lands and tenements are as follow :—Five thousand acres, more or less, known as Langi Willy.

“ And I further declare that such of the said lands and tenements as are situate in the municipal districts of Ripon and of Hampden are rated in the rate-books of such municipal districts respectively as follows :—Over two hundred and fifty pounds a year.

“ 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 of the Colony of Victoria.

“ PHILIP RUSSELL.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT SIMSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Brewster, in the county or reputed county of Ripon, the description of which lands and tenements are as follow :—

“ Five thousand four hundred and twenty-three acres of freehold land.

“ And I further declare that such of the said lands and tenements as are situate in the municipal district of the shire of Ripon are rated in the rate-books of such municipal district as follows :—

Description of Property.	Situation.	Riding or Division.	Electoral District and Division.	Full Nett Annual Value.
5423 acres ...	Brewster ...	North ...	Ripon and Hampden, Raglan ...	Over £700

“ 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 of the Colony of Victoria.

“ ROBERT SIMSON.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM SKENE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Five thousand pounds sterling money, above all charges and incumbrances affecting the same :—And, further that the lands and tenements out of which such qualification arises are situate in the parishes of Kanoualla and Warriyure, in the county or reputed county of Dundas, the description of which lands and tenements are as follow :—

“ Freehold property known as Skene.

“ And I further declare that such of the said lands and tenements as are situate in the municipal district of ... are rated in the rate-books of such municipal district or districts respectively as follows :—

“ Over Two hundred and fifty pounds a year.

“ 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 of the Colony of Victoria.

“ WILLIAM SKENE.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES FORD STRACHAN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Five thousand pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Corio, in the county or reputed county of Grant, the description of which lands and tenements are as follow :

“ Offices and stores situate in Moorabool and Corio terrace.

“ And I further declare that such of the said lands and tenements as are situate in the municipal district of Geelong are rated in the rate-books of such municipal district as follows :—

“ More than Two hundred and fifty pounds annual value.

“ 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 of the Colony of Victoria.

“ JAMES F. STRACHAN.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT TURNBULL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further that the lands and tenements out of which such qualification arises are situate in the parish of Prahran and shire of Alberton, in the county or reputed county of Bourke and shire of Alberton, the description of which lands and tenements are as follow :—

“ All that piece or parcel of land situate in the parish of Prahran, in the county of Bourke, being part of allotment No. 139A in the said parish, with the dwelling-house thereon.

“ All that piece or parcel of land containing 150 acres, more or less, in the shire of Alberton, in the colony of Victoria.

“ And I further declare that such of the said lands and tenements as are situated in the municipal districts of St. Kilda and shire of Alberton are rated in the rate-books of such municipal district or districts respectively as follows :—

“ In the rate-books of the borough of St. Kilda, at Two hundred and twenty pounds sterling per annum.

“ In the rate-books of the shire of Alberton, at One hundred pounds sterling 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 of the Colony of Victoria.

“ ROBERT TURNBULL.”

COMMISSION TO SWEAR IN NEW MEMBERS.—The President announced that, in virtue of the Commission hereunder set forth, he would be prepared to swear in any new Members who might be introduced.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the Honorable WILLIAM HENRY FANCOURT MITCHELL, President of Our Legislative Council of Our Colony of Victoria.

WHEREAS, by the Bill contained in the Schedule to a Statute passed in the Session of Our Imperial Parliament, holden in the eighteenth and nineteenth years of Our reign, intituled “ *An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria,*” it is enacted that no Member, either of the Legislative Council or of the Legislative Assembly, shall be permitted to sit or vote therein respectively until he shall have taken and subscribed before the Governor, or before some person authorized by the Governor in that behalf, the oath in the said Bill mentioned: WE DO THEREFORE by these presents command and authorize you from time to time, in the Parliament House, in the City of Melbourne, to administer the said oath to such Members of the said Legislative Council as have not already taken and subscribed the same. IN TESTIMONY whereof We have caused the Seal of Our said Colony to be hereunto affixed.

WITNESS Our trusty and well-beloved the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury, in the County of Kent, and BARON BOTTESFORD, of Bottesford in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c., at Melbourne, this twenty-eighth day of October, One thousand eight hundred and seventy, and in the thirty-fourth year of Our reign.

(L.S.)

CANTERBURY.

By His Excellency's Command.

J. McCULLOCH.

Entered on Record by me, in Register of Patents,
Book 13, page 445, this twenty-eighth day of
October, One thousand eight hundred and
seventy.

W. H. ODGERS.

WRIT, RETURN OF, SOUTH PROVINCE.—The President announced to the Council that the Writ issued by him for the election of a Member for the South Province, in the place of the Honorable W. H. Pettett deceased, had been returned to him, and that the Returning Officer had certified that Thomas Ferrier Hamilton, Esquire, of Gisborne, was duly elected in pursuance of the writ.

SWEARING IN OF NEW MEMBER.—The Honorable Thomas Ferrier Hamilton being introduced, took and subscribed the oath required by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria No. 334, as hereunder set forth :—

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS FERRIER HAMILTON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Three thousand pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Gisborne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“ Section 32, Gisborne, and allotment 29, section 35, same parish ; total, seven hundred and forty-nine acres.

“ And I further declare that such of the said lands and tenements as are situate in the municipal district of Gisborne Shire are rated in the rate-books of such municipal district as follows :—

No. on Roll.	Owner.	Net Annual Rental Value.	Electoral Division.	
449	} T. F. Hamilton	{ £165 }	{ Division South Province.	
525				135
				£300

“ 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 of the Colony of Victoria.

“ THOMAS F. HAMILTON.”

PRIVILEGES OF PARLIAMENT BILL.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to protect the privileges of Parliament.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable C. J. Jenner, read a first time, and the second reading made an Order of the Day for Tuesday the 14th proximo.

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

The Honorable Dr. Dobson moved, That a Select Committee be appointed to prepare an Address in reply to His Excellency the Governor's Speech, and that such Committee consist of the following members:—The Honorables F. Robertson, J. Cumming, C. J. Jenner, W. A. C. a'Beckett, T. T. a'Beckett, G. W. Cole, and the mover.

Question—put and passed.

The Committee withdrew to prepare the Address.

The Honorable Dr. Dobson brought up the Address prepared by the Committee, and moved that the same be read.

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

To the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the city of Canterbury in the county of Kent, and BARON BOTTESFORD, of Bottesford in the county of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Council of Victoria in Parliament assembled, assure Your Excellency that we learn with much satisfaction of the recovery from serious illness of His Royal Highness the Prince of Wales, the heir to the throne, and we doubt not that the proposal to forward an Address of congratulation to Her Most Gracious Majesty will be heartily responded to.

We are gratified to learn that Your Excellency is able to congratulate us on a season of unusual prosperity, and assure Your Excellency that the measures designed to promote the industrial development and social organization of the colony will receive from us the fullest consideration.

Our best attention will be given to the subject of Mining on Private Property with a view to legislation thereon, and that the Bill providing for the inspection of mines with a view to guard against accidents, and a Bill to reduce the rent received by the Crown for auriferous lands will receive our careful consideration.

We are happy to learn that tenders have been invited for the construction of portions of the railway lines authorized during the last Session of Parliament; and that Your Excellency's advisers have caused information to be sought from eminent engineers on the relative cost and convenience of the broad and narrow gauges in countries where they have been tried; which information when laid before us will meet with most careful consideration.

The further extension of our railway system will receive from us the fullest consideration.

We would convey to Your Excellency our gratification that agricultural settlement still proceeds with unabated vigor, and your Excellency's proposal to form a Department of Agriculture with the view of watching over the progress of settlement, and of ascertaining the crops and products for which our soil is best fitted, will have our best attention.

We learn with much satisfaction that Your Excellency's attention has been invited by the Imperial Government to the International Exhibition about to be held in London in 1873, and that it is the intention of Your Excellency's Government to provide for the effectual representation of the colony.

We thank Your Excellency for informing us that the report of the Commission appointed to enquire into the condition of the Reformatory and Industrial Schools supported by the State, and the report of the Commission on the Silting-up of the Bay, will be laid before us, and we assure Your Excellency that we shall cheerfully consider any amendment of the law in connection therewith.

We regret that the proposals submitted by Your Excellency's Government for a settlement of the dispute with New South Wales respecting Border Duties were not accepted by the Government of that colony, and that the collection of duties has been resumed, and thank Your Excellency for informing us that the correspondence upon the subject will be laid before us.

We assure Your Excellency that it affords us much satisfaction to learn that the system of drawbacks has been attended with benefit.

The proposition for utilizing prison labor, which we learn it is intended to lay before us, will receive our careful consideration.

We assure Your Excellency that all the Bills which Your Excellency has informed us will be submitted to us will receive our careful consideration, and we trust that, with the blessing of Divine Providence, our deliberations will conduce to the prosperity and happiness of the people.

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

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him.

Question—put and passed.

DECLARATION OF MEMBER.—The Honorable H. M. Murphy delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, HENRY MORGAN MURPHY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full

value of Two hundred and fifty pounds per annum, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of St. Paul's, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Merchants' stores Nos. 65, 67, and 123 Flinders street east, and house and grounds, South Yarra, rated at over £250 a year clear of all incumbrances: And I further declare that such of the said lands and tenements as are situate in the municipal districts of Melbourne and Prahran.

“H. M. MURPHY.

“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 of the Colony of Victoria.”

CONGRATULATORY ADDRESS TO HER MAJESTY.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That a Select Committee be appointed to prepare an Address to Her Majesty the Queen, congratulating her upon the recovery of His Royal Highness the Prince of Wales.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Committee consist of the Honorables R. Simson, A. Fraser, J. F. Strachan, W. Highett, A. Michie, H. M. Murphy, and the mover.

Question—put and passed.

The Committee retired to prepare the Address.

The Honorable C. J. Jenner brought up the Address prepared by the Committee, and moved that the same be read.

The President read the Address as follows:—

To the Queen's Most Excellent Majesty.

MAY IT PLEASE YOUR MAJESTY :

We, Your Majesty's loyal and faithful subjects, the Members of the Legislative Council of the Colony of Victoria in Parliament assembled, desire to convey to Your Majesty the assurance of our sincere attachment to Your Majesty's throne and person.

Precluded by distance from an earlier manifestation of our feelings, we approach Your Majesty with the expression of our sincere congratulations at the perfect restoration to health of His Royal Highness the Prince of Wales, the heir to the throne.

That Your Majesty may long continue to reign over a people who have, during Your Majesty's reign, enjoyed the inestimable benefits of peace, prosperity, and happiness, is the heartfelt wish of Your Majesty's subjects in this colony.

The Honorable C. J. Jenner moved, That the Address be now adopted.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Address be presented by the President to His Excellency the Governor, for transmission to Her Most Gracious Majesty.

Question—put and passed.

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

Question—put and passed.

ADJOURNMENT.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past four o'clock on Tuesday next.

Question—put and passed.

The Council adjourned at half-past five o'clock until half-past four o'clock on Tuesday the 7th proximo.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 7TH MAY, 1872.

NOTICES OF MOTION :—

1. The Hon. JOHN O'SHANASSY: To move, That there be laid upon the Table of this House a Report from the Engineer-in-Chief of Railways, showing—
 - (1.) The progress made in surveying the branch lines of railway authorized 23rd November, 1871, by Act of Parliament.
 - (2.) The number of persons employed, stating ordinary and extraordinary staff.
 - (3.) The cost of such surveys in gross and per mile, as also the office expenditure—preparing plans, sections, &c.
 - (4.) The time when the surveys will be finished, and also the period when the Department of Railways will be ready to call for tenders for construction in part or in the whole, stating the length of time when the contracts are to be completed.
 - (5.) A tracing showing the deviations (if any) made during the surveys of each line, and the reasons for such deviation.
2. The Hon. J. CUMMING: To move, That there be laid upon the Table of this House a Return showing :—
 - (1.) The population of the several Electoral Provinces of the Colony on the 17th August, 1871.
 - (2.) The number of Electors on the Roll of such Provinces at the last general election.
 - (3.) The number of Electors who voted for each candidate at the last contested election for each Province.
 - (4.) The number of electors who exercised their franchise at, and the dates of, each such election.
3. The Hon. C. J. JENNER: To move for leave to bring in a Bill to amend the law relating to Fencing.
4. The Hon. Dr. DOBSON: To move for leave to bring in a Bill to test the validity of bye-laws in certain cases.

5. The Hon. C. J. JENNER : To move, That Tuesday, Wednesday, and Thursday 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 be the time of meeting on each day, and that on Wednesday in each week the transaction of Government business take precedence of all other business.
6. The Hon. C. J. JENNER : To move, That the Honorables the President, W. Campbell, J. O'Shanassy, H. M. Murphy, and the mover, be appointed a Select Committee on the Standing Orders of the House.
7. The Hon. C. J. JENNER : To move, That the Honorables the President, J. O'Shanassy, R. C. Hope, R. S. Anderson, and T. T. a'Beckett be members of the Joint Committee of both Houses to manage the Library.
8. The Hon. C. J. JENNER : To move, That the Honorables R. S. Anderson, A. Fraser, J. Henty, J. Graham, and F. Robertson, be appointed a Printing Committee, and that papers presented to the House be referred to the said Committee for report.
9. The Hon. C. J. JENNER : To move, That the Honorables P. Russell, R. Turnbull, R. Simson, T. McKellar, and W. A. C. a'Beckett, be members of the Joint Committee of both Houses, to manage the Refreshment Rooms.
10. The Hon. C. J. JENNER : To move, That the Honorables the President, J. F. Strachan, N. Black, N. Fitzgerald, and W. Degraives, be members of the Joint Committee of both Houses, to manage and superintend the Parliament Buildings.

TUESDAY, 14TH MAY.

ORDER OF THE DAY :—

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

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 7TH MAY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable C. J. Jenner informed the Council that His Excellency the Governor would be prepared to receive the Address of the Council on Wednesday the 8th instant, at three o'clock, at the Government Offices.

DECLARATION OF MEMBER.—The Honorable B. Williams delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, BENJAMIN WILLIAMS, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of _____, in the county or reputed county of _____ the description of which lands and tenements are as follow :—

“ No. 1. Land and tenements, Bay street, Sandridge.

“ No. 2. Land and tenements, Market street, Sandhurst.

“ And I further declare that such of the said lands and tenements as are situate in the municipal districts of Sandridge and Sandhurst, are rated in the rate-books of such municipal districts respectively as follows :—

“ Sandridge, £280.

“ Sandhurst, over £50.

“ 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 of the Colony of Victoria.

“ BENJAMIN WILLIAMS.”

PAPERS.—The Honorable C. J. Jenner, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Statistics of Colony of Victoria, 1870.—Part VIII.
2. Statistics of Colony of Victoria, 1870.—Part IX.
3. Import, Export, Transhipment and Shipping Returns, 1871.
4. Silting-up of the Bay.—Report of Royal Commission (12th April, 1872).
5. Industrial Schools and Sanatory Station.—First Report of Royal Commission (23rd March, 1872).
6. Health Officer, Report of, for year ending 31st December, 1871.
7. Sanatory Station.—Report of Chief Medical Officer for Year ending 31st December, 1871.
8. Mining Surveyors and Registrars.—Reports for Quarter ending 31st December, 1871.
9. Friendly Societies, Return of registered, &c., in 1871.
10. Post-office Savings Bank.—Statement of Accounts for Year ending 31st December, 1871.
11. Castlemaine, Mining on Railway Reserve.—Order in Council (11th December, 1871).
12. Evelyn, County of, Lands excepted from occupation for mining purposes.—Order in Council (11th March, 1872).
13. Castlemaine, Mining on Railway Reserve authorized.—Order in Council (13th November, 1871).
14. Castlemaine, Mining on Railway Reserve authorized.—Order in Council (11th December, 1871).

15. Buninyong, Mining on the Springs Reserve authorized.—Order in Council (20th November, 1871).
16. Maryborough Mining District.—Polling-place.—Order in Council (22nd January, 1872).
17. Beechworth Mining District.—Polling-place.—Order in Council (3rd January, 1872).
18. Castlemaine Mining District.—Polling-place.—Order in Council (9th February, 1872).
19. Sandhurst and Beechworth Mining Districts.—Polling-places.—Order in Council (2nd February, 1872).
20. Sandhurst—Mining on Railway Reserve authorized.—Order in Council (11th December, 1871).
21. Ballarat Mining District.—Polling-place.—Order in Council (26th February, 1872).

Ordered severally to lie on the Table.

PAPERS.—The Honorable C. J. Jenner laid on the Table the following Papers:—

1. Public Accounts—Regulation respecting (8th February, 1872).
2. Victorian Volunteer Corps—Regulations respecting (3rd January, 1872).

Ordered severally to lie on the Table.

PETITIONS.—The Honorable P. Russell presented a Petition, signed by Ewen Cameron and others, on the subject of Dividing Fences.

Petition received, and, on the motion of the Honorable P. Russell, ordered to be referred to the Committee to which the Fencing Bill may be referred.

RAILWAY SURVEY RETURNS.—The Honorable John O'Shanassy, in accordance with notice, moved, That there be laid upon the Table of this House a Report from the Engineer-in-Chief of Railways, showing—

- (1.) The progress made in surveying the branch lines of railway authorized 23rd November, 1871, by Act of Parliament.
- (2.) The number of persons employed, stating ordinary and extraordinary staff.
- (3.) The cost of such surveys in gross and per mile, as also the office expenditure—preparing plans, sections, &c.
- (4.) The time when the surveys will be finished, and also the period when the Department of Railways will be ready to call for tenders for construction in part or in the whole, stating the length of time when the contracts are to be completed.
- (5.) A tracing showing the deviations (if any) made during the surveys of each line, and the reasons for such deviation.

Question—put and passed.

ELECTORAL PROVINCES RETURNS.—The Honorable J. Cumming, in accordance with the *amended* notice, moved, That there be laid upon the Table of this House a Return showing:—

- (1.) The population of the several Electoral Provinces of the Colony on the 17th August, 1871.
- (2.) The number of Electors on the Roll of each division of such Provinces at the last general election.
- (3.) The number of Electors who voted for each candidate at the last contested election for each Province.
- (4.) The number of electors who exercised their franchise at, and the dates of, each such election.

Question—put and passed.

FENCING BILL.—The Honorable C. J. Jenner, in accordance with notice, moved, That leave be given to bring in a Bill to amend the law relating to Fencing.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable C. J. Jenner, read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday the 14th instant.

BYE-LAWS VALIDITY BILL.—The Honorable Dr. Dobson, in accordance with notice, moved, That leave be given to bring in a Bill to test the validity of bye-laws in certain cases.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday the 14th instant.

DAYS OF BUSINESS.—The Hon. C. J. Jenner, in accordance with notice, moved, That Tuesday, Wednesday, and Thursday 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 be the time of meeting on each day, and that on Wednesday in each week the transaction of Government business take precedence of all other business.

Question—put and passed.

STANDING ORDERS COMMITTEE.—The Hon. C. J. Jenner, in accordance with notice, moved, That the Honorables the President, W. Campbell, J. O'Shanassy, H. M. Murphy, and the mover, be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

LIBRARY COMMITTEE (JOINT).—The Hon. C. J. Jenner, in accordance with notice, moved, That the Honorables the President, J. O'Shanassy, R. C. Hope, R. S. Anderson, and T. T. a'Beckett be members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PRINTING COMMITTEE.—The Hon. C. J. Jenner, in accordance with notice, moved, That the Honorables R. S. Anderson, A. Fraser, J. Henty, J. Graham, and F. Robertson, be appointed a Printing Committee, and that papers presented to the House be referred to the said Committee for report.

Question—put and passed.

REFRESHMENT ROOMS JOINT COMMITTEE.—The Hon. C. J. Jenner, in accordance with *amended* notice, moved, That the Honorables the President, P. Russell, R. Turnbull, R. Simson, and W. A. C. a'Beckett, be members of the Joint Committee of both Houses, to manage the Refreshment Rooms, with power to sit during adjournments of the House.

Question—put and passed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Hon. C. J. Jenner, in accordance with *amended* notice, moved, That the Honorables T. McKellar, J. F. Strachan, N. Black, N. Fitzgerald, and W. Degraives, be members of the Joint Committee of both Houses, to manage and superintend the Parliament Buildings.

Question—put and passed.

ADJOURNMENT.—The Hon. C. J. Jenner, with leave of the Council, moved, without notice, That the House at its rising adjourn till Tuesday next.

Question—put and passed.

The Council adjourned at five minutes past five o'clock, until half-past four o'clock on Tuesday the 14th instant.

TUESDAY, 14TH MAY, 1872.

ORDERS OF THE DAY:—

1. PRIVILEGES OF PARLIAMENT BILL.—To be read a second time.
2. FENCING BILL.—To be read a second time.
3. BYE-LAWS VALIDITY BILL.—To be read a second time.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 14TH MAY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REPLY OF GOVERNOR TO ADDRESS OF COUNCIL.—The President announced to the Council that the Address to His Excellency the Governor, adopted on the 30th ultimo, had been presented, in accordance with the resolution of the House, to His Excellency the Governor, 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 loyal Address, and I receive with satisfaction your assurance that you will give your best attention to the measures which will be submitted for your consideration.

CANTERBURY.

Government Offices,
 Melbourne, 8th May, 1872.

CONGRATULATORY ADDRESS TO HER MAJESTY.—The President informed the Council that the Congratulatory Address to Her Most Gracious Majesty the Queen, adopted on the 30th ultimo, had been presented, in accordance with the resolution of the House, to His Excellency the Governor, who had been pleased to say that he would have much pleasure in causing it to be transmitted to Her Most Gracious Majesty.

ELECTIONS AND QUALIFICATIONS.—In pursuance of "*The Electoral Act 1856*," the President laid upon the Council 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 Thomas Turner a'Beckett,
 The Honorable William Campbell,
 The Honorable Robert Culbertson Hope,
 The Honorable John Cumming,
 The Honorable William Highett,
 The Honorable John O'Shanassy, and
 The Honorable Philip Russell,

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

Given under my hand this 14th day of May, 1872.

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

DECLARATION OF MEMBER.—The Honorable N. Black delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No 334, as hereunder set forth:—

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, NIEL BLACK, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Five thousand pounds sterling money above all charges and encumbrances affecting the same: And further that the lands and tenements out of which such qualification arises are situate in the parishes of Terang and Glenormiston, in the county or reputed county of Hampden, the description of which lands and tenements are as follow:—

"Freehold estate of upwards of twelve thousand acres, known as Mount Noorat and the Sisters.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Hampden are rated in the rate-books of such municipal district as follows:—Over £250 a year.

"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 of the Colony of Victoria.

"NIEL BLACK."

PAPER.—The Honorable C. J. Jenner, by command of His Excellency the Governor, presented to the Council the following Paper:—

Mineral Statistics of Victoria, 1871.

Ordered to lie on the Table.

PAPER.—The Honorable C. J. Jenner laid on the Table the following Paper:—
Savings Banks—General Order of Commissioners of (23rd April, 1872).
Ordered to lie on the Table.

PRIVILEGES OF PARLIAMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Order of the Day be discharged.
Question—That the Order of the Day be discharged—put and passed.

FENCING BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a second time.

Debate ensued.

The Honorable N. Black moved, That the debate be adjourned until Tuesday next.

Amendment moved by the Honorable J. O'Shanassy, That the words "Tuesday next" be omitted, with a view to insert the word "to-morrow" instead thereof.

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

Question—That the word "to-morrow," proposed to be inserted, be so inserted—put and passed.

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

BYE-LAWS VALIDITY 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 progress and asked leave to sit again on Tuesday next.

Ordered.

The Council adjourned at a quarter to six o'clock, until half-past four o'clock on Wednesday, the 15th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 15TH MAY, 1872.

1. The Hon. J. O'SHANASSY: To ask the Honorable Member representing the Government if he will lay on the Table the Postal Contract made by the Government in relation to—
 - (1.) The Californian Route.
 - (2.) The Cape Route, if any.
 - (3.) The arrangement for conveying the Mails *viâ* Suez, if any.

NOTICES OF MOTION:—

1. The Hon. G. W. COLE: To move, That leave of absence be given to the Honorable A. Michie for six months.
2. The Hon. J. O'SHANASSY: To move, That there be laid on the Table of this House—
 - (1.) A Return of the gross value of the Imports and Exports of Victoria for one year (say from 1st May, 1871, to 1st May, 1872), showing the amounts for each colony of Australia, New Zealand, and Tasmania, respectively.
 - (2.) A Return of the value of the local products of the several colonies aforesaid imported into Victoria for one year—viz., from 1st May, 1871, to 1st May, 1872—or quantity for a year, in accordance with the Customs Department accounts.
 - (3.) A Return of the value of the local products of Victoria exported to the colonies aforesaid respectively, for one year, as in above returns.
 - (4.) A Return of the amount of duties paid in Victoria on goods imported from the several colonies aforesaid, distinguishing the sums paid on the local products of the said colonies respectively from the duties paid on goods otherwise imported; the sums to cover one year as in foregoing returns.
 - (5.) An estimate of the amount of duties allowable to exporters under the existing drawback regulations, the estimate to be for one year, and to show the amounts allowable on goods exported to the said colonies respectively.

ORDER OF THE DAY:—

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

TUESDAY, 21ST MAY, 1872.

NOTICE OF MOTION:—

1. The Hon. R. SIMSON: To move, That there be laid upon the Table of this House all Papers relating to the granting of a licence for a selection of land on the Common at Trawallo Bridge, lying between the line of railway from Ballarat to Ararat, with a Sketch or Tracing showing the position of the selection to the railway and the creek which it cuts off from the line at that reserve.

ORDER OF THE DAY:—

1. BYE-LAWS VALIDITY BILL.—To be further considered in Committee.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 15TH MAY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President laid on the Table for the second time the Warrant appointing the Committee of Elections and Qualifications.

PAPERS.—The Honorable C. J. Jenner, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Post Office and Telegraph Department.—Report for 1871.
2. Mail Service.—Correspondence with Government of New Zealand on proposed Mail Service *viâ* San Francisco.
3. Penal Establishments.—Report of Inspector-General for Year ending 31st December, 1871.
4. Telegraphic Messages from Railway Stations.—Regulation (10th January, 1872).

Ordered severally to lie on the Table.

ABSENCE, LEAVE OF, TO HON. A. MICHIE.—The Honorable G. W. Cole, in accordance with *amended* notice, moved, That leave of absence be given to the Honorable A. Michie for nine months, from the 22nd instant.

Question—put and passed.

INTERCOLONIAL TRADE RETURNS.—The Honorable J. O'Shanassy, in accordance with *amended* notice, moved, That there be laid upon the Table of this House—

- (1.) A Return of the gross value of the Imports and Exports of Victoria for one year (say from 1st May, 1871, to 1st May, 1872), showing the amounts for each colony of Australia, New Zealand, and Tasmania, respectively.
- (2.) A Return of the value of the local products and manufactures of the several colonies aforesaid imported into Victoria for one year—viz., from 1st May, 1871, to 1st May, 1872—or the value thereof for a year, in accordance with the Customs Department accounts.
- (3.) A Return of the value of the local products and manufactures of Victoria exported to the colonies aforesaid respectively, for one year, as in above returns.
- (4.) A Return of the amount of duties paid in Victoria on goods imported from the several colonies aforesaid, distinguishing the sums paid on the local products and manufactures of the said colonies respectively from the duties paid on goods otherwise imported; the sums to cover one year as in foregoing returns.
- (5.) An estimate of the amount of duties allowable to exporters under the existing drawback regulations, the estimate to be for one year, and to show the amounts allowable on goods exported to the said colonies respectively.

Debate ensued.

Question—put and passed.

FENCING BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, being read, the debate was resumed.

Amendment moved by the Honorable F. Robertson, That all the words after the word “now” be omitted, with a view to insert the words “referred to a Select Committee.”

Debate ensued.

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

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

The Honorable C. J. Jenner 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 next.

Ordered.

ADJOURNMENT.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at ten minutes past six o'clock until half-past four o'clock on Tuesday the 21st instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 21ST MAY, 1872.

NOTICES OF MOTION:—

1. The Hon. R. SIMSON: To move, That there be laid upon the Table of this House all Papers relating to the granting of a licence for a selection of land on the Common at Trawallo Bridge, lying between the line of railway from Ballarat to Ararat, with a Sketch or Tracing showing the position of the selection to the railway and the creek which it cuts off from the line at that reserve.
2. The Hon. W. A. C. A'BECKETT: To move for leave to bring in a Bill to amend the Law relating to Trustees.

ORDERS OF THE DAY:—

1. BYE-LAWS VALIDITY BILL.—To be further considered in Committee.
2. FENCING BILL.—To be further considered in Committee.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 21ST MAY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President laid on the Table for the third time the Warrant appointing the Committee of Elections and Qualifications.

PAPERS.—The Honorable C. J. Jenner, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Intercolonial Tariffs.—Circular Despatch from the Right Honorable the Secretary of State (13th July, 1871).
2. Border Customs Duties.—Further Papers to 19th January, 1872.
3. Foreign Industries and Forests.—Second Progress Report of Royal Commission.
4. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (29th April, 1872).
5. Industrial and Reformatory Schools.—Report of Board of Education on Schools inspected in 1871.
6. Telegraphic Messages to Exchange Company, Sydney.—Reduced Scale of Charges (30th April, 1872).
7. Post Office Savings Bank.—Statement of Accounts for Year ending 31st December, 1871.

RAILWAY SURVEY RETURNS.—The Honorable C. J. Jenner laid on the Table a Return to the Order of the Council made on the 7th instant.

The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That the Return be printed.

Question—put and passed.

DECLARATION OF MEMBER.—The Honorable H. M. Murphy delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, HENRY MORGAN MURPHY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of St. Paul's, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“ Merchant's stores, Nos. 65, 67, and 123 Flinders street east and house and grounds, South Yarra, rated at over £250 a year, clear of all incumbrances.

“ And I further declare that such of the said lands and tenements as are situate in the municipal districts of Melbourne and Prahran.

“ 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 of the Colony of Victoria.

“ H. M. MURPHY.”

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable T. McKellar brought up the following Report from the Joint Committee of both Houses of Parliament, appointed to manage the Parliament Buildings :—

The Joint Committee of both Houses of Parliament, appointed to manage and superintend the Parliament Buildings, have the honor to submit the following Report :—

Your Committee recommend that an entrance to the Library be made from the eastern side of the building by means of a staircase through the floor of the north-east angle book-room.

Committee-room, Parliament Library,
21st May, 1872.

The Honorable T. McKellar, with leave of the Council, moved, without notice, That the Report be now adopted.

Question—put and passed.

TRAWALLO BRIDGE COMMON, SELECTION OF LAND AT.—The Honorable R. Simson, in accordance with notice, moved, That there be laid upon the Table of this House all papers relating to the granting of a licence for a selection of land on the Common at Trawallo Bridge, lying between the line of railway from Ballarat to Ararat, with a sketch or tracing showing the position of the selection to the railway and the creek which it cuts off from the line at that reserve.

Question—put and passed.

TRUSTEES BILL.—The Honorable W. A. C. a'Beckett, in accordance with notice, moved for leave to bring in a Bill to amend the Law relating to Trustees.

Question—put and passed.

Bill brought in and, on the motion of the Honorable W. A. C. a'Beckett, read a first time and ordered to be printed, and the second reading made an Order of the Day for Tuesday, 4th proximo.

BYE-LAWS VALIDITY 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 the Bill to the House with an amendment.

The Honorable Dr. Dobson moved, that the report of the Committee be now adopted, and the third reading be made an Order of the Day for Tuesday next.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 28th instant :—

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

ADJOURNMENT.—The Honorable C. J. Jenner, with leave of the Council, moved, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at five o'clock until half-past four o'clock on Tuesday the 28th instant.

ORDERS OF THE DAY.

TUESDAY, 28TH MAY, 1872.

ORDERS OF THE DAY :—

1. BYE-LAWS VALIDITY BILL.—To be read a third time.
2. FENCING BILL.—To be further considered in Committee.

TUESDAY, 4TH JUNE.

ORDER OF THE DAY :—

1. TRUSTEES BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

TUESDAY, 28TH MAY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable C. J. Jenner laid on the Table the following Papers :—

1. Border Duties, Murray River.—Correspondence (15th May and 28th May, 1872).
2. Mining Surveyors and Registrars—Reports of, for Quarter ending 31st March.

Ordered severally to lie on the Table.

ELECTORAL PROVINCES RETURNS.—The Honorable C. J. Jenner laid on the Table a Return to the Order of the Council made on the 7th instant.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday the 4th proximo :—

“*Bye-laws Validity Bill*”—To be read a third time.

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

ADJOURNMENT.—The Honorable C. J. Jenner moved, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at a quarter to five o'clock until half-past four o'clock on Tuesday the 4th proximo.

ORDERS OF THE DAY.

TUESDAY, 4TH JUNE, 1872.

ORDERS OF THE DAY :—

1. TRUSTEES BILL.—To be read a second time.
2. BYE-LAWS VALIDITY BILL.—To be read a third time.
3. FENCING BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

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LEGISLATIVE COUNCIL.

TUESDAY, 4TH JUNE, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable C. J. Jenner presented to the Council the following Message from His Excellency the Governor :—

Victoria | 1872.

Naval Discipline Act 1870.—Royal Assent.

CANTERBURY,

Governor.

The Governor transmits to the Legislative Council a copy of a Despatch received from the Right Honorable the Secretary of State respecting a Bill passed by the Legislature of this Colony intituled "*An Act to amend the Discipline Act 1870.*"

Government Offices,
Melbourne, 29th May, 1872.

Victoria | No. 8.

(Copy.)

MY LORD,

Downing street, 13th February, 1872.

I have the honor to acknowledge the receipt of your Lordship's Despatch, No. 149, of the 22nd November, forwarding a Bill passed by the Legislature of Victoria, entitled "*An Act to amend the Discipline Act 1870,*" which you had reserved for the signification of Her Majesty's pleasure.

Her Majesty's Government recognize with pleasure the proof afforded by this Bill of the determination of the Victorian Government to assist in the Naval defence of the colony, and as it is sufficiently in accord with the terms of the Imperial Act of 1865, I have been able to advise Her Majesty to assent to it. I feel confident that in the event of any real emergency the Colonial Government will be anxious to give their cordial and hearty co-operation in any case in which it may be necessary that the Imperial and Colonial Naval Forces should act in combination.

At the same time I must state that the Lords of Admiralty have pointed out that the provision that the Colonial Force shall not be subject to the Discipline Act of the Royal Navy within the three-mile limit is open to very grave objection; and that their Lordships are clearly of opinion that the confusion and uncertainty of such an arrangement will render it practically impossible in times of any warlike operations to maintain the double system of command and discipline.

The reserved Bill will be submitted for Her Majesty's assent at the next Council.

I have, &c.,

(Signed)

KIMBERLEY.

Governor the Right Honorable Viscount Canterbury, K.C.B.

The Message and Enclosure were read at the Table by the Clerk.

PAPERS.—The Honorable C. J. Jenner, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. *Land Act 1862*, and *Amending Land Act 1865*.—Report of Proceedings under, to 31st December, 1871.
2. Schedule D, 18 and 19 Victoria, cap. 55.—Statement of Expenditure to December, 1871.
3. Victoria—Statistical Summary of (1836 to 1870 inclusive).
4. Census of Victoria, 1871.—Part I.
5. Census of Victoria, 1871.—Part II.

Ordered severally to lie on the Table.

ADJOURNMENT.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until half-past four o'clock on Thursday the 6th instant.

ORDERS OF THE DAY.

THURSDAY, 6TH JUNE, 1872.

ORDERS OF THE DAY:—

1. TRUSTEES BILL.—To be read a second time.
2. BYE-LAWS VALIDITY BILL.—To be read a third time.
3. FENCING BILL.—To be further considered in Committee.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

THURSDAY, 6TH JUNE, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable C. J. Jenner, by command of His Excellency the Governor, presented to the Council the following Paper:—

Papers on the resignation of the Duffy Government.

The papers were read at the Table by the Clerk.

The Council adjourned at ten minutes past five o'clock until half-past four o'clock on Tuesday the 11th instant.

ORDERS OF THE DAY.

TUESDAY, 11TH JUNE, 1872.

ORDERS OF THE DAY:—

1. TRUSTEES BILL.—To be read a second time.
2. BYE-LAWS VALIDITY BILL.—To be read a third time.
3. FENCING BILL.—To be further considered in Committee.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 11TH JUNE, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

The Council adjourned during pleasure.

At half past seven o'clock the President resumed the Chair.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday the 9th proximo.

Question—put and passed.

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 Prevention of Diseases of Animals Statute 1864*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 11th June, 1872.

C. MAC MAHON,
Speaker.

PREVENTION OF DISEASES OF ANIMALS STATUTE 1864 AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable W. A. C. a'Beckett 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 W. A. C. a'Beckett 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 W. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to amend the Prevention of Diseases of Animals Statute 1864*."

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 ten minutes past eight o'clock until half-past four o'clock on Tuesday the 9th proximo.

ORDERS OF THE DAY.

TUESDAY, 9TH JULY, 1872.

ORDERS OF THE DAY :—

1. TRUSTEES BILL.—To be read a second time.
2. BYE-LAWS VALIDITY BILL.—To be read a third time.
3. FENCING BILL.—To be further considered in Committee.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.



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LEGISLATIVE COUNCIL.

TUESDAY, 9TH JULY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT—RETURN OF, NORTH-WESTERN PROVINCE.—The President announced to the Council that a Writ issued by him for the election of a Member for the North-Western Province had been returned, showing, on the authority of the Returning Officer, that “The Honorable Alexander Fraser, of Melbourne, merchant, was duly elected in pursuance of the Writ.”

SWEARING IN OF NEW MEMBER.—The Honorable A. Fraser, being introduced, approached the Table and subscribed the oath of allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, ALEXANDER FRASER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“No. 1. Part allotment No. 139a, parish of Prahran, county of Bourke, having a frontage to Alma street of 100 feet by a depth of 300 feet to Chapel street, with dwelling-house and other buildings thereon erected, being in my own occupation.

“No. 2. Part allotment No. 139a, parish of Prahran, county of Bourke, having a frontage of 370 feet to Chapel street, by a depth of 216 feet to Argyle street, with improvements.

“And I further declare that such of the lands and tenements as are situate in the municipal district of St. Kilda are rated in the rate-books of such municipal district as follows :—

“No. 1, rated in the rate-book of the district of St. Kilda at Two-hundred and twenty pounds per annum.

“No. 2, rated in the rate-book of the district of St. Kilda at Fifty 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 of the Colony of Victoria.

“ALEX. FRASER.”

INTERCOLONIAL TRADE RETURNS.—The Honorable A. Fraser laid on the Table a Return to the Order of the Council made on the 15th May, 1872.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Statistics of Colony of Victoria, 1871—

Part I.—Blue Book.

Part II.—Finance.

2. Observatory.—Eighth Report of Board of Visitors, with Annual Report of Government Astronomer.

3. Diseases—Return of, 1871.

4. Education—Tenth Report of Board of, 1871.

5. Border Customs Duties.—Further Correspondence from 10th June to 4th July inclusive.

Ordered severally to lie on the Table.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper :—

Steiglitz Court of Mines—Intervals for holding.—Order in Council (4th June, 1872).

Ordered to lie on the Table.

TRAWALLO BRIDGE COMMON—SELECTION OF LAND AT.—The Honorable A. Fraser laid on the Table a Return to an Order of the Council made on the 21st May, 1872.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Governor :—

Victoria | 1872.

H.R.H. The Prince of Wales.

CANTERBURY,
Governor.

The Governor transmits to the Legislative Council a copy of a Despatch which he has received from the Right Honorable the Secretary of State, respecting the Thanksgiving Day for the recovery of the Prince of Wales.

Government Offices,
Melbourne, 9th July, 1872.

Downing street, 17th April, 1872.

MY LORD,

I have to acknowledge your Lordship's Despatch, No. 35, of the 27th February, enclosing a Proclamation which you have issued, directing that Tuesday the 20th of February should be observed throughout the Colony of Victoria as a public holiday and thanksgiving for the recovery of His Royal Highness the Prince of Wales from his recent illness; and reporting that the observance of the day throughout the colony was very general.

I have to convey to your Lordship Her Majesty's warm appreciation of this proof of the loyalty and affection felt in Victoria for the Royal Family.

I have, &c.
(Signed) **KIMBERLEY.**

Governor the Right Honorable Viscount Canterbury, K.C.B.,
&c., &c., &c.

The Message and Enclosure were read by the President.
Ordered to lie on the Table.

PRINTING COMMITTEE.—The Honorable A. Fraser, with leave of the Council, moved, without notice that his own name be added to the Printing Committee.
Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.
Question—put and passed.

The Council adjourned at a quarter to five o'clock until half-past four o'clock on Tuesday the 16th instant.

ORDERS OF THE DAY.

TUESDAY, 16TH JULY, 1872.

ORDERS OF THE DAY :—

1. TRUSTEES BILL.—To be read a second time.
2. BYE-LAWS VALIDITY BILL.—To be read a third time.
3. FENCING BILL.—To be further considered in Committee.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 16TH JULY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following papers :—

1. Statistics of Colony of Victoria, 1871—

Part III.—Population.

2. University of Melbourne.—Report for Year ending 31st May, 1872.

Ordered severally to lie on the Table.

INTERCOLONIAL TRADE RETURNS.—The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That the Return to the Order of the House made on the 15th May last be printed. Question—put and passed.

FISHERIES AND GAME BILL.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to further amend and consolidate the Laws for the Protection of Fisheries and Game.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable A. Fraser, read a first time, and ordered to be printed, and the second reading made an order of the day for Tuesday the 23rd instant.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday the 23rd instant :—

“*Trustees Bill*”—To be read a second time.

“*Bye-laws Validity Bill*”—To be read a third time.

FENCING BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being called on, the Honorable C. J. Jenner moved that the same be discharged from the paper.

Question—put and passed.

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 Message from His Excellency the Governor, recommending Amendments in the Bill intituled “*An Act to amend the Prevention of Diseases of Animals Statute 1864*,” and acquaint the Legislative Council that the Legislative Assembly have agreed to such Amendments, and they request the concurrence of the Legislative Council therein.

C. MAC MAHON,
Speaker.

Legislative Assembly Chambers,
Melbourne, 9th July, 1872.

CANTERBURY,

Governor.

In pursuance of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments which he recommends to be made in the Bill to amend the Prevention of Diseases of Animals Statute 1864, that has been presented to him for Her Majesty's assent :—

Clause 3, line 18, after the word “on,” insert the words “or in.”

Clause 7, line 15, add the words “and for the destruction of fittings and fodder,” after the word “Justices.”

Clause 9, line 25, after the word “be” insert the words “deemed to have been.”

” line 26, after the first word “the” insert the word “twelfth;” after the word “of” insert the words and figures, “June, A.D. 1872,” and omit the words “the passing hereof.”

Government Offices,
Melbourne.

PREVENTION OF DISEASES OF ANIMALS STATUTE 1864 AMENDMENT BILL.—On the motion of the Honorable A. Fraser, the amendments recommended by His Excellency the Governor in this Bill were severally read and agreed to.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with the Assembly in agreeing to the amendments recommended by His Excellency the Governor in the Bill.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, that the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until half-past four o'clock on Tuesday the 23rd instant.

ORDERS OF THE DAY.

TUESDAY, 23RD JULY, 1872.

ORDERS OF THE DAY :—

1. FISHERIES AND GAME BILL.—To be read a second time.
2. TRUSTEES BILL.—To be read a second time.
3. BYE-LAWS VALIDITY BILL.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 23RD JULY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers :

1. Statistics of Colony of Victoria, 1871.—Part IV.—Production.
2. Industrial and Reformatory Schools.—Report of Inspector, for Year 1871.
3. Health—Central Board of.—Report for Year 1871.
4. Belvoir—Mining operations on reserved lands at, authorized.—Order in Council (4th July, 1872).
5. Gippsland Mining District.—Polling-places at Donnelly's Creek and Briagolong authorized.—Order in Council (8th July, 1872).

Ordered severally to lie on the Table.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received an intimation from the Private Secretary to His Excellency the Governor, announcing that it is the intention of His Excellency to proceed to the Legislative Council Chamber this day, at five o'clock, for the purpose of giving the Royal Assent to Bills.

PETITION.—The Honorable T. McKellar presented a Petition signed by John McConochie and others, praying that such steps may be taken as will cause a tax to be levied on all description of stock imported into Victoria from any neighboring colony.

Petition received.

The Petition was read at the Table by the Clerk.

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 following resolution which was agreed to by the Legislative Assembly on the 18th July instant, viz. :—

“That the lines of Railway authorized under 35 Victoria, No. 415, be constructed on a gauge of five feet three inches,”

with which they request the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chambers,
Melbourne, 23rd July, 1872.

RAILWAY GAUGE.—The Honorable A. Fraser moved, That the consideration of the Message from the Legislative Assembly on the subject of the Railway Gauge be made an Order of the Day for Tuesday next.

Debate ensued.

Question—put and passed.

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 hundred and nine thousand and forty-one pounds eight shillings and nine pence to the service of the year One thousand eight hundred and seventy one and two ; and Seven hundred thousand pounds to the service of the year One thousand eight hundred and seventy two and three,*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd July, 1872.

CONSOLIDATED REVENUE BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser moved, That the Report of the Committee 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be “ *An Act to apply out of the Consolidated Revenue the sum of One hundred and nine thousand and forty-one pounds eight shillings and nine pence to the service of the year One thousand eight hundred and seventy-one and two ; and Seven hundred thousand pounds to the service of the year One thousand eight hundred and seventy-two and three.* ”

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.

FISHERIES AND GAME BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

ROYAL ASSENT TO BILLS.—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 assent, in Her Majesty's name, to the following Bills :—

“ *An Act to amend ‘ The Prevention of Diseases of Animals Statute 1864.’ ”*

“ *An Act to apply out of the Consolidated Revenue the sum of One hundred and nine thousand and forty-one pounds eight shillings and nine pence to the service of the year One thousand eight hundred and seventy-one and two, and Seven hundred thousand pounds to the service of the year One thousand eight hundred and seventy-two and three.* ”

The Royal Assent being read severally by the Clerk of the Parliaments in the following words :—

“ In the name and on behalf of Her Majesty I assent to this Act.

“ CANTERBURY,
“ Governor.”

A schedule of the Bills assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

FISHERIES AND GAME BILL.—

Debate resumed.

The Honorable A. Fraser, with leave of the Council, withdrew his motion, and moved that the Order of the Day be postponed until Tuesday next.

Question—That the Order of the Day be postponed until Tuesday next—put and passed.

TRUSTEES BILL (2).—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to amend the law relating to Trustees.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. A. C. a'Beckett, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 30th instant.

PAPER.—The Honorable A. Fraser laid on the Table the following paper :—

Estimate of Expenditure during the year ending 30th June, 1873, for Construction of Railways, authorized by the *Railway Construction Act* of 1871, 35 Vict., No. 415.

Ordered to lie on the Table.

TRUSTEES BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable W. A. C. a'Beckett moved, that the same be discharged.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 30th instant :—

“ *Bye-laws Validity Bill* ”—To be read a third time.

PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—The Honorable A. Fraser, with leave of the Council, moved, without notice, that leave be given to bring in a Bill to amend *The Public Works Statute* 1865.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable A. Fraser, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 30th instant.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, that the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at a quarter past five o'clock until half-past four o'clock on Tuesday the 30th instant.

ORDERS OF THE DAY.

TUESDAY, 30TH JULY, 1872.

1. The Honorable J. O'Shanassy to ask the Honorable the Commissioner of Public Works, what steps the Government intend to take with reference to Lord Kimberley's Despatch with reference to Inter-colonial Tariffs.

ORDERS OF THE DAY :—

1. RAILWAY GAUGE.—Consideration of Message from Legislative Assembly.
2. FISHERIES AND GAME BILL—To be read a second time.
3. TRUSTEES BILL (2.)—To be read a second time.
4. BYE-LAWS VALIDITY BILL.—To be read a third time.
5. PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



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LEGISLATIVE COUNCIL.

TUESDAY, 30TH JULY, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Governor :—

1872.—Victoria.
Intercolonial Tariffs.

CANTERBURY,

Governor.

The Governor, with reference to his Message of the 31st August, 1871, transmits to the Legislative Council copy of a further Circular Despatch from the Right Honorable the Secretary of State with reference to Intercolonial, Commercial, and Fiscal legislation.

Government Offices,
Melbourne, July, 1872.

Ordered, with Enclosure, to lie on the Table.

PETITION.—The Honorable H. M. Murphy presented a Petition signed by Charles Peterson and others, styling themselves fishermen and inhabitants of Queenscliffe, on the subject of the Fisheries and Game Bill.

Petition received.

RAILWAY GAUGE.—The Order of the Day—for the consideration of the Message from the Legislative Assembly transmitting a resolution, "That the lines of railway authorized under 35 Victoria, No. 415, be constructed on a gauge of five feet three inches," and requesting the concurrence of the Council with the said resolution—being read, the Honorable A. Fraser moved, That the Council concur with the resolution of the Legislative Assembly.

Debate ensued.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, acquainting them that the Council have concurred with the resolution.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 13th proximo :—

"Fisheries and Game Bill"—to be read a second time.

TRUSTEES BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable W. A. C. a'Beckett 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 next.

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 6th instant :—

"Bye-laws Validity Bill"—To be read a third time.

PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved that the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Ordered.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, that the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Paper:—

Mail Service—Further correspondence on proposed service *viâ* San Francisco.

Ordered to lie on the Table.

The Council adjourned at twenty-five minutes to seven o'clock until half-past four o'clock on Tuesday the 6th proximo.

ORDERS OF THE DAY.

TUESDAY, 6TH AUGUST, 1872.

1. The Hon. P. RUSSELL: To ask the Honorable the Commissioner of Public Works, if it is the intention of Government to place a sum of money upon the Supplementary Estimates to compensate Mr. Nichol, Post and Telegraph Master at Smythesdale, for his having been wrongfully reduced in the Civil Service, and if there is any probability of Mr. Nichol being re-instated to the class that he formerly held in the Civil Service.

ORDERS OF THE DAY:—

1. TRUSTEES BILL (2.)—To be further considered in Committee.
2. BYE-LAWS VALIDITY BILL.—To be read a third time.
3. PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

TUESDAY, 13TH AUGUST, 1872.

1. FISHERIES AND GAME BILL—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 6TH AUGUST, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 sanction the issue and application of certain sums of money from 'The Railway Loan Account' for Salaries Wages and Contingencies for the service of the year One thousand eight hundred and seventy-two and One thousand eight hundred and seventy-three,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th August, 1872.

RAILWAY LOAN APPROPRIATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved that the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to sanction the issue and application of certain sums of money from 'The Railway Loan Account' for Salaries Wages and Contingencies for the service of the year One thousand eight hundred and seventy-two and One thousand eight hundred and seventy-three.*"

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.

BUANGOR—SELECTIONS AT.—The Honorable R. Simson, with leave of the Council, moved, without notice, That there be laid on the Table of the House all papers and correspondence relating to the allowance of selections on a reserve under the 110th section of *The Land Act 1869* at Buangor, in the Ararat district.

Debate ensued.

Question—put and passed.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Border Customs Duties.—Further correspondence (4th to 27th July, 1872).
2. Diphtheria.—Report of Royal Commission.
3. Silting-up of the Bay.—Remarks of Inspector-General of Public Works.
4. Savings Banks, Post Office, Amended Regulations (1st August, 1872).

Ordered severally to lie on the Table.

PRINTING COMMITTEE.—The Honorable J. Graham brought up the first Report of the Printing Committee, and moved that the same be adopted and printed.

Question—put and passed.

EXHIBITORS' PROTECTION BILL.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to protect Exhibitors of new Inventions and Works of Industry and Art.

Question—put and passed.

Bill brought in, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 13th instant.

TRUSTEES BILL (2).—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 left the Chair.

BYE-LAWS VALIDITY 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be, "*An Act for ascertaining the validity of Bye-laws in certain cases.*"

Question—put and passed.

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

PUBLIC WORKS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill having been read, the Honorable A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Public Works Statute 1865.*"

Question—put and passed.

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

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following paper:—

Railways.—Broad and Narrow Gauge.—Further Correspondence.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, that the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at twenty minutes to six o'clock until half-past four o'clock on Tuesday the 13th instant.

ORDERS OF THE DAY.

TUESDAY, 13TH AUGUST, 1872.

1. The Hon. W. HIGHETT: To ask the Honorable the Commissioner of Public Works, whether it is the intention of the Government to make provision for a gratuity to Mr. Clement Martyr, who was accidentally shot whilst on duty at the recent Easter Volunteer Campaign, when he received very severe and permanent injuries.
2. The Hon. DR. DOBSON: To ask the Honorable the Commissioner of Public Works, if, in the event of the Government proceeding with the erection of the new Law Courts, they will consent to call for competitive designs for the same, upon such terms and conditions as the Government may think reasonable.

ORDERS OF THE DAY:—

1. FISHERIES AND GAME BILL.—To be read a second time.
2. EXHIBITORS' PROTECTION BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 13TH AUGUST, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable Dr. Hope presented a Petition, signed by Charles A. C. Wilson and others, styling themselves landowners and farmers in the parishes of Carrah and Burtwarrah, praying that certain amendments may be made in the Fisheries and Game Bill.

Petition received.

PETITION.—The Honorable Dr. Hope presented a Petition, signed by Alexander Mackenzie, styling himself chairman of a meeting of the Geelong Vinegrowers' Association, on the subject of the Fisheries and Game Bill.

Petition received.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Foot and Mouth Disease.—Progress Report of Commission (15th July, 1872).

2. Yan Yean Water Supply.—Report of Board (29th July, 1872).

3. Mining Surveyors and Registrars—Reports of, for Quarter ending 30th June, 1872.

Ordered severally to lie on the Table.

INTERCOLONIAL TRADE RETURNS.—The Honorable A. Fraser laid on the Table further Returns to the Order of the House made on the 15th May, 1872.

The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, that the Returns be printed.

Question—put and passed.

FISHERIES AND GAME BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable A. Fraser moved, That the Order of the Day be discharged.

Debate ensued.

Question—put and passed.

EXHIBITORS' PROTECTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 an amendment.

The Honorable A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, that the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at five minutes past five o'clock until half-past four o'clock on Tuesday the 20th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 20TH AUGUST, 1872.

1. The Hon. P. RUSSELL : To ask the Honorable the Commissioner of Public Works, if it is the intention of the Government to put a clause in the Amended Land Bill to withdraw the lease of all Crown tenants who are owners of scabby sheep.
2. The Hon. J. O'SHANASSY : To ask the Honorable the Commissioner of Public Works, if it is the intention of the Government to introduce a Bill on the subject of Life Assurance.

NOTICE OF MOTION :—

1. The Hon. P. RUSSELL : To move, That the Report of the Civil Service Commission respecting the reduction in the Civil Service of the Post and Telegraph Master of Smythesdale be laid upon the table of this House without any further unnecessary delay.

ORDER OF THE DAY :—

1. EXHIBITORS' PROTECTION BILL.—Adoption of Report.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 20TH AUGUST, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRITS, RETURN OF.—The President announced to the Council that Writs, severally issued by him for the election of a Member to serve for the Central Province from and after the 27th instant ; and for the election of a Member to serve for the South Province from and after the 29th instant, had been returned to him—and that the returning officers had certified severally “that the Honorable John O’Shanassy, C.M.G., of Hawthorn, gentleman, was duly elected for the Central Province, in pursuance of the Writ,” and “that Frank Stanley Dobson, Esquire, of Yarra street, Hawthorn, was duly elected for the South Province, in pursuance of the Writ.”

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers—

1. Penal and Prison Discipline.—Report (No. 3) of Royal Commission.—Industrial and Reformatory Schools.
2. Census, Victoria, 1871.—Part III. Ages of the People.
3. Border Customs Duties.—Further correspondence (4th July to 12th August, 1872).

Ordered severally to lie on the Table.

PAPER.—The Honorable A. Fraser laid on the Table a Schedule of Estimated Expenditure on Works of Construction, &c., under the Loan Act 1868, 32 Victoria, No. 331, from 1st January to 30th June, 1873.

Ordered to lie on the Table.

CIVIL SERVICE COMMISSION.—The Honorable P. Russell, in accordance with notice, moved, That the Report of the Civil Service Commission respecting the reduction in the Civil Service of the Post and Telegraph Master of Smythesdale be laid upon the table of this House without any further unnecessary delay.

Debate ensued.

Motion, by leave, withdrawn.

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 sanction the issue and application of certain sums of Money from ‘The Railway Loan Liquidation and Construction Account,’ established under the provision of section forty-two of ‘33 Vict., No. 360,’ with which they desire the concurrence of the Legislative Council.*”

C. MAC MAHON,
Speaker.

Legislative Assembly Chambers,
Melbourne, 20th August, 1872.

RAILWAY LOAN APPLICATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

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 the 27th instant.

POLICE OFFENCES STATUTE 1865 AMENDMENT AND GAMING BILL.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to amend the Police Offences Statute, 1865, and for the suppression of Betting and Gaming Houses.

Question—put and passed.

Bill brought in, read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday the 27th instant.

EXHIBITORS' PROTECTION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council being read, the Honorable A. Fraser 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 A. Fraser, was read a third time, and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be “*An Act to protect Exhibitors of New Inventions and Works of Industry and Art.*”

Question—put and passed.

Ordered—That the Bill be sent to the Legislative Assembly, with a Message desiring their concurrence therewith.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at five minutes to five o'clock until half-past four o'clock on Tuesday the 27th instant.

ORDERS OF THE DAY.

TUESDAY, 27TH AUGUST, 1872.

1. The Hon. R. SIMSON : To draw the attention of the House to the consideration of certain correspondence laid upon the Table of this House in answer to a motion of the Honorable R. Simson, *re* the allowance of a selection to one Matthew Crudden, near Trawallo Bridge, in the county of Ripon and parish of Trawallo.
2. The Hon. R. S. ANDERSON : To call attention to the Report of the Commission on Industrial and Reformatory Schools, and to ask the Honorable the Commissioner of Public Works, whether the Government is prepared, as an experiment, to board out a sufficient number of children to prevent the construction for the present of other buildings at Sunbury and Geelong ; or what course is intended to be pursued in providing for the future maintenance and management of the children now supported at such institutions.
3. The Hon. J. O'SHANASSY : To ask the Honorable the Commissioner of Public Works, if the Government have any objection to lay on the Table a Despatch received by the last Mail from Lord Kimberley, on the subject of the Intercolonial Tariffs.

ORDERS OF THE DAY :—

1. RAILWAY LOAN APPLICATION BILL.—To be read a second time.
2. POLICE OFFENCES STATUTE 1865 AMENDMENT AND GAMING BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 27TH AUGUST, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper :—

Intercolonial Tariffs.—Memorandum for His Excellency the Governor (8th August, 1872).
Ordered to lie on the Table.

BUANGOR, SELECTIONS AT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the papers deposited in the Library with reference to the Order of the House made on the 6th instant, be returned to the Crown Lands Department.

Question—put and passed.

TRAWALLO BRIDGE COMMON.—The Honorable R. Simson, in accordance with *amended* notice, moved, That the papers *re* Crudden's selection, be referred to a Select Committee of this House, consisting of five members.

Debate ensued.

The Honorable A. Fraser moved, That the debate be now adjourned.

Debate ensued.

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

Question—That the debate be adjourned until Tuesdáy next—put and passed.

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 Mining on Private Property for Gold and Silver,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 27th August, 1872.

C. MAC MAHON,
Speaker.

MINING ON PRIVATE PROPERTY BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading be made an Order of the Day for this day fortnight.

Amendment moved by the Honorable J. F. Strachan, That the word "fortnight" be omitted, with a view to insert the words "four weeks" instead thereof.

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

Question—That the words "four weeks" proposed to be inserted be so inserted—put and passed.

Question—That the Bill be printed, and that the second reading be made an Order of the Day for this day four weeks—put and passed.

RAILWAY LOAN APPLICATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be “*An Act to sanction the issue and application of certain sums of Money from ‘The Railway Loan Liquidation and Construction Account’ established under the provisions of section forty-two of 33 Vict. No. 360.*”

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.

POLICE OFFENCES STATUTE 1865 AMENDMENT AND GAMING BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 Wednesday next.

Ordered.

The Council adjourned at half-past six o'clock until half-past four o'clock on Wednesday the 28th instant.

ORDERS OF THE DAY.

WEDNESDAY, 28TH AUGUST, 1872.

1. The Hon. J. O'SHANASSY: To ask the Honorable the Commissioner of Public Works, if there is any objection to lay on the Table of this House the Despatch of His Excellency the Governor to the Secretary of State that accompanied the Memorandum of the Chief Secretary on the subject of Intercolonial Tariffs.
2. Hon. W. CAMPBELL: To ask, if it is intended to include Stawell and Inglewood in the proposed Railway extension.

Government Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES STATUTE, 1865, AMENDMENT AND GAMING BILL—To be further considered in Committee.

TUESDAY, 3RD SEPTEMBER.

ORDER OF THE DAY:—

1. TRAWALLO BRIDGE COMMON.—Adjourned debate on motion, That the papers *re* Crudden's selection be referred to a Select Committee of this House, consisting of five members.

TUESDAY, 24TH SEPTEMBER.

ORDER OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

WEDNESDAY, 28TH AUGUST, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

SWEARING-IN OF NEW MEMBER.—The Honorable John O'Shanassy, being introduced, approached the Table and subscribed the oath of allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN O'SHANASSY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Boroondara, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“Forty-six acres and three roods of land at Boroondara, on which my private residence stands :
And I further declare that such of the said lands and tenements as are situate in the municipal district of Boroondara are rated in the rate-books of such municipal district as follows :—At Three hundred pounds per year.

“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 of the Colony of Victoria.

“JOHN O'SHANASSY.”

PETITION.—The Honorable W. Campbell presented a Petition, signed by John L. Dow and others, styling themselves Landholders, Farmers, Vinegrowers, Orchardists, and Graziers, residing in the neighborhood of Freshwater Creek, praying that legal protection may be withdrawn from the Hare.

Petition received.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—**INTERCOLONIAL TARIFFS.**—The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That a humble Address be presented to His Excellency the Governor, requesting that he will be pleased to cause to be laid on the Table of this House the Despatch to the Secretary of State that accompanied the Memorandum of the Chief Secretary on the subject of Intercolonial Tariffs.

Question—put and passed.

ROYAL ASSENT TO BILLS.—The President announced to the Council, That he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber on the 29th instant, at Five o'clock, for the purpose of giving the Royal Assent to certain Bills passed by the Legislative Council and the Legislative Assembly.

POLICE OFFENCES STATUTE 1865 AMENDMENT AND GAMING 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 A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until half-past four o'clock on Thursday the 29th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 3RD SEPTEMBER, 1872.

NOTICE OF MOTION :—

1. The Hon. A. FRASER: To move, That the amendment to the motion for setting down the second reading of the Mining on Private Property Bill by the Honorable J. F. Strachan be read and rescinded.

ORDERS OF THE DAY :—

1. TRAWALLO BRIDGE COMMON.—Adjourned debate on motion, That the papers *re* Crudden's selection be referred to a Select Committee of this House, consisting of five members.
 2. POLICE OFFENCES STATUTE 1865 AMENDMENT AND GAMING BILL.—Adoption of Report.
-

TUESDAY, 10TH SEPTEMBER.

1. The Hon. W. A. C. A'BECKETT: To ask the Honorable the Commissioner of Public Works, whether the Government intend to introduce a Bill providing for a railway to Gippsland this Session.
-

TUESDAY, 24TH SEPTEMBER.

ORDER OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 29TH AUGUST, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 transmit to the Legislative Council a Bill intituled, "*An Act to sanction the issue and expenditure of certain Sums from 'The Public Works Loan Account' for Salaries, Wages, and Contingencies for the Service of the Year ending the thirtieth day of June One thousand eight hundred and seventy-three,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th August, 1872.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to protect Exhibitors of New Inventions and Works of Industry and Art,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with an amendment, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th August, 1872.

EXHIBITORS' PROTECTION BILL.—The Honorable A. Fraser moved That the Message from the Legislative Assembly, with an amendment in this Bill, be now taken into consideration.

Question—put and passed.

The amendment was read at the table as follows by the Clerk :—

Clause 2, line 3, omit "and appoint Commissioners to manage the same."

The Honorable A. Fraser moved, That the Council do agree to the amendment.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

PUBLIC WORKS LOAN APPROPRIATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to sanction the issue and expenditure of certain Sums from 'The Public Works Loan Account' for Salaries, Wages, and Contingencies for the Service of the Year ending the thirtieth day of June One thousand eight hundred and seventy-three.*"

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.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Paper :—

Statistics of Colony of Victoria, for 1871.—Part VI.—Law, Crime, &c.
Ordered to lie on the Table.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Wednesday next.
Question—put and passed.

APPROACH OF HIS EXCELLENCY THE GOVERNOR.—The approach of His Excellency the Governor was announced by the Usher.

ROYAL ASSENT TO BILLS.—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 assent, in Her Majesty's name, to the following Bills :—

“ *An Act to sanction the issue and application of certain sums of Money from ‘ The Railway ‘ ‘ Loan Account,’ for Salaries, Wages, and Contingencies for the service of the Year One thousand eight hundred and seventy-two and One thousand eight hundred and seventy-three.*”

“ *An Act to sanction the issue and application of certain sums of Money from ‘ The Railway ‘ ‘ Loan Liquidation and Construction Account,’ established under the provision of ‘ section forty-two of 33 Vict. No. 360.’*”

“ *An Act to protect Exhibitors of New Inventions and Works of Industry and Art.*”

“ *An Act to sanction the issue and expenditure of certain sums from ‘ The Public Works ‘ ‘ Loan Account,’ for Salaries, Wages, and Contingencies, for the service of the Year ending the thirtieth day of June One thousand eight hundred and seventy-three.*”

The Royal assent being read severally by the Clerk of the Parliaments in the following words :—

“ In the name and on behalf of Her Majesty I assent to this Act.

“ CANTERBURY,
“ Governor.”

A Schedule of the Bills assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

The Council adjourned at twenty minutes past five o'clock until half past-four o'clock on Wednesday the 4th proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 4TH SEPTEMBER, 1872.

1. The Hon. J. P. BEAR: To ask, why the works in connection with the newly formed road leading from the main Western Port road through Elsternwick to Brighton have not been completed, and the road thrown open to the public in the terms of the contract, and why the contractor has ceased to carry out the works in connection with his contract.

NOTICE OF MOTION :—

1. The Hon. A. FRASER: To move, That the amendment to the motion for setting down the second reading of the Mining on Private Property Bill by the Honorable J. F. Strachan be read and rescinded.

ORDERS OF THE DAY :—

1. TRAWALLO BRIDGE COMMON.—Adjourned debate on motion, That the papers *re* Crudden's selection be referred to a Select Committee of this House, consisting of five members.
2. POLICE OFFENCES STATUTE 1865 AMENDMENT AND GAMING BILL—Adoption of Report.

TUESDAY, 10TH SEPTEMBER.

1. The Hon. W. A. C. A'BECKETT: To ask the Honorable the Commissioner of Public Works, whether the Government intend to introduce a Bill providing for a railway to Gippsland this Session.

TUESDAY, 24TH SEPTEMBER.

ORDER OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH SEPTEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRITS, RETURN OF.—SOUTH-WESTERN AND WESTERN PROVINCES.—The President announced to the Council that Writs severally issued by him for the election of a Member to serve for the South-Western Province from and after the 4th instant, and for the election of a Member to serve for the Western Province from and after the 11th instant, had been returned to him; and that the Returning Officers had certified severally “that James Henty was duly elected” for the South-Western Province in pursuance of the Writ; and “that the Honorable Niel Black, of Mount Noorat, was duly elected” for the Western Province in pursuance of the Writ.

SWEARING-IN OF NEW MEMBER.—The Honorable Frank Stanley Dobson, being introduced, approached the table, and subscribed the oath of allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANK STANLEY DOBSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Hawthorn, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Houses and land in the borough of Hawthorn.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Hawthorn are rated in the rate-books of such municipal district as follows:—
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 of the Colony of Victoria.

“F. STANLEY DOBSON.”

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 Land Act 1869,*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th September, 1872.

LAND ACT AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by Robert Lewis, styling himself chairman of a meeting of Miners, Mine owners, and others of Ballarat, praying that the Mining on Private Property Bill may be passed.

Petition received, and, on the motion of the Honorable C. J. Jenner, referred to the Committee to which the Bill may be referred.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Statistics of the Colony of Victoria, 1871.—Part V.—Accumulation.
2. Aborigines, Eighth Report of Board for Protection of.

Ordered severally to lie on the Table.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council a Message from His Excellency the Governor in reply to the Address of the Council, passed on the 28th ultimo.

The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That the Message from His Excellency the Governor with its Enclosures, and also the Memorandum on the subject of Intercolonial Tariffs laid on the Table of the House on the 27th ultimo, be printed.

Question—put and passed.

RESCINDING OF RESOLUTION—MOTION FOR.—The Honorable A. Fraser, in accordance with notice, moved, That the amendment to the motion for setting down the second reading of the Mining on Private Property Bill by the Honorable J. F. Strachan be read and rescinded.

Debate ensued.

Motion by leave withdrawn.

TRAWALLO BRIDGE COMMON.—The Order of the Day for the resumption of the debate on the motion, That the papers *re* Crudden's selection be referred to a Select Committee of this House, consisting of five members, being read—the debate was resumed.

Question—That the papers *re* Crudden's selection be referred to a Select Committee of this House, consisting of five members—put and passed.

The Honorable R. Simson moved, That the Honorables J. O'Shanassy, P. Russell, the President, W. Degraives, and the mover, be members of the Committee, and that the Committee have power to call for persons and papers.

Question—put and passed.

POLICE OFFENCES STATUTE 1865 AMENDMENT AND GAMING 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Police Offences Statute 1865 and for the suppression of Betting and Gaming Houses.*"

Question—put and passed.

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

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at five minutes past six o'clock until half past-four o'clock on Tuesday the 10th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 10TH SEPTEMBER, 1872.

1. The Hon. W. A. C. A'BECKETT: To ask the Honorable the Commissioner of Public Works, whether the Government intend to introduce a Bill providing for a railway to Gippsland this Session.
2. The Hon. W. CAMPBELL: To ask the Honorable the Commissioner of Public Works, whether the Avoca extension will be included along with Stawell in the next Railway Construction Bill.
3. The Hon. W. DEGRAVES: To ask the Commissioner of Public Works, if the Government have any objection to lay on the Table of this House full particulars, and the extent of all and each allotment of land situated between the south side of the Yarra and the Sandridge road which have been selected under the plea of *novel industries*; also, the name of each selector, and the conditions under which such allotments have been granted, leased, or disposed of.
4. The Hon. W. DEGRAVES: To ask the Honorable the Commissioner of Public Works, if the Government have any objection to lay on the Table of this House full particulars, and the extent of each allotment of land selected on or adjoining the Dandenong State Forest, the amount paid for each section, and whether the remaining portion is open for selection on the same terms as those already granted, and if so, when they will be open for selection.
5. The Hon. P. RUSSELL: To ask the Honorable the Commissioner of Public Works, if it is the case that there is at present a prisoner confined in one of Her Majesty's gaols for having had scabby sheep in his possession in one part of this colony (Lintons); whereas, in another district, owners of scabby sheep have depastured such sheep for twelve months without being interfered with, although no licence has been issued for such depasturing.
6. The Hon. Dr. DOBSON: To ask the Honorable the Minister of Public Works, if the Government would be willing to insert, or consent to the insertion, of a clause in the Amending Act to grant water reserves on runs where they may be necessary for carrying on the business of the station.

NOTICES OF MOTION :—

1. The Hon. Dr. DOBSON : To move, That, in the opinion of this House, all Grants which may be hereafter issued should comprise and include the Royal Minerals in and under such lands.
2. The Hon. J. O'SHANASSY : To call the attention of this Council to the Circular Despatches of the Right Honorable Earl Kimberley, Secretary of State for the Colonies, bearing date the 13th July, 1871, and the 19th April, 1872, and especially to the concluding paragraph of the Despatch of the 19th April, 1872, as follows : "But although for these reasons Her Majesty's Government might not feel justified in refusing to allow the Colonists to adopt the policy which they think best for their own interests, they desire to point out that, in order to meet the views of the Colonial Governments, as expressed in the papers now before me, it would be necessary not only to repeal so much of the *Australian Colonies Government Act*, 13 and 14 Vict., cap. 59, as prevents the imposition of differential duties, but to exempt the Colonies in question from the operation of any future commercial treaties which may be concluded by this country, containing stipulations against such duties, leaving them at liberty, subject to the obligations of existing treaties, to make such arrangements as they may think fit for reciprocity with each other, or with foreign nations ; and before so serious a step is taken they would ask the Colonists gravely to consider the probable effects, which might tend materially to affect the relations of the Colonies to this country and to the rest of the Empire. In the meantime they have thought it right not to proceed in this matter until the Australasian Governments concerned have had an opportunity of communicating any further observations which they may desire to make in explanation of their views," and to move, That after mature consideration this House adopts the following declaratory resolutions :—
 - (1.) That the power to make international treaties is an inherent and indispensable right possessed by the supreme authority, the Sovereign of the British Empire, and that this power, in the opinion of this House, has always been exercised with due regard for the interests of all Her Majesty's subjects.
 - (2.) This House considers that no advantage that could result from the claim set up on behalf of the Australasian Colonies to make treaties with Foreign States would compensate them, politically or commercially, for the risk thereby involved of endangering the connection now happily subsisting between all parts of the Empire.
 - (3.) That colonies of the same group, as those of Australasia, should be enabled, with proper safeguards, to conclude agreements amongst themselves for the regulation of their commerce, subject to such conditions as may be found necessary to preserve intact the authority of the Crown to make treaties binding on all parts of the Empire.
 - (4.) That the thanks of this House are due to the Right Honorable the Earl of Kimberley, for the consideration which he has shown to Her Majesty's subjects in Australasia, in having afforded them an opportunity of discussing the grave questions raised by his Lordship's Circular Despatches before coming to a final decision upon them.

ORDER OF THE DAY :—

1. LAND ACT AMENDMENT BILL.—To be read a second time.

TUESDAY, 24TH SEPTEMBER.

ORDER OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 10TH SEPTEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

SWEARING IN OF NEW MEMBER.—The Honorable James Henty, being introduced, approached the Table and subscribed the oath of allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES HENTY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Seven hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Duneed, Paraparap, Pakenham, Nar-nar-Goon, and town of Geelong, in the counties or reputed counties of Grant and Mornington, the description of which lands and tenements are as follow :—

“(6679) Six thousand six hundred and seventy-nine acres—Freehold land ; offices and stores, town of Geelong, in Brougham Place.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Barrabool, Berwick, and town of Geelong, are rated in the rate-books of such municipal districts respectively as follow :—

“In excess of Six hundred 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 tenement, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“JAS. HENTY.”

PAPER.—The Honorable A. Fraser laid on the Table the following Paper :—

Ballarat—Certain lands at, excepted from occupation for mining purposes.

Ordered to lie on the Table.

NOVEL INDUSTRIES, SELECTIONS.—The Honorable A. Fraser laid on the Table a Paper showing the extent of all and each allotment of land situated between the south side of the Yarra and the Sandridge road which have been selected under the plea of “Novel Industries ;” also the name of each selector and the conditions under which such allotments have been granted, leased, or disposed of.

DANDENONG STATE FOREST.—The Honorable A. Fraser laid on the Table a Paper showing the extent of each allotment of land selected on or adjoining the Dandenong State Forest, and the amount paid for each selection.

The Honorable W. Degraives, with leave of the Council, moved, without notice, That the Paper be printed.

Question—put and passed.

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 incorporate a Company to be called ‘The South Melbourne Gas Company’ and for other purposes,*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chambers,
Melbourne, 4th September, 1872.

SOUTH MELBOURNE GAS COMPANY BILL.—The Honorable C. J. Jenner moved, That a Message be sent to the Legislative Assembly requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly appointed in the present Session of Parliament on the Bill, together with the Minutes of the Evidence taken before such Committee.

Question—put and passed.

The Honorable C. J. Jenner produced a certificate of the payment of the sum of Twenty pounds into the hands of the Colonial Treasurer for the public uses of the colony, and moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable C. J. Jenner moved, That the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

RELATION OF COLONIES TO THE EMPIRE.—The Honorable J. O'Shanassy, in accordance with notice, moved, That after mature consideration this House adopts the following declaratory resolutions :—

- (1.) That the power to make international treaties is an inherent and indispensable right possessed by the supreme authority, the Sovereign of the British Empire, and that this power, in the opinion of this House, has always been exercised with due regard for the interests of all Her Majesty's subjects.
- (2.) This House considers that no advantage that could result from the claim set up on behalf of the Australasian Colonies to make treaties with Foreign States would compensate them, politically or commercially, for the risk thereby involved of endangering the connection now happily subsisting between all parts of the Empire.
- (3.) That colonies of the same group, as those of Australasia, should be enabled, with proper safeguards, to conclude agreements amongst themselves for the regulation of their commerce, subject to such conditions as may be found necessary to preserve intact the authority of the Crown to make treaties binding on all parts of the Empire.
- (4.) That the thanks of this House are due to the Right Honorable the Earl of Kimberley, for the consideration which he has shown to Her Majesty's subjects in Australasia, in having afforded them an opportunity of discussing the grave questions raised by his Lordship's Circular Despatches before coming to a final decision upon them.

The Council adjourned during pleasure.

At half-past seven o'clock the President resumed the Chair.

Debate ensued.

Question—put and passed.

The Honorable J. O'Shanassy moved, That a copy of the resolutions be transmitted to His Excellency the Governor with an Address requesting that he will be pleased to transmit them to the Right Honorable the Secretary of State for the Colonies.

Question—put and passed.

The Honorable J. O'Shanassy moved, That the Address be transmitted to his Excellency in the usual manner.

Question—put and passed.

NOVEL INDUSTRIES.—SELECTIONS.—The Honorable W. Degraives, with leave of the Council, moved, without notice, That the Paper laid on the Table of the House this day—showing the extent of all and each allotment of land situated between the south side of the Yarra and the Sandridge Road, which have been selected under the plea of Novel Industries ; also the name of each selector, and the conditions under which such allotments have been granted, leased, or disposed of—be printed.

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced 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 Evidence taken before the Select Committee on the Bill intituled "*An Act to incorporate a Company to be called 'The South Melbourne Gas Company,' and for other purposes,*" as requested by the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chambers,
Melbourne, 10th September, 1872.

TRAWALLO BRIDGE COMMON.—SELECT COMMITTEE.—The Honorable R. Simson, with leave of the Council, moved, without notice, That the Select Committee on the Trawallo Bridge Common have power to sit on days on which the House does not sit.

Question—put and passed.

The Council adjourned at nine o'clock until half past four o'clock on Wednesday the 11th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 11TH SEPTEMBER, 1872.

Government Business.

ORDER OF THE DAY:—

1. LAND ACT AMENDMENT BILL.—To be read a second time.

TUESDAY, 17TH SEPTEMBER.

1. The Hon. W. CAMPBELL : To ask the Honorable the Commissioner of Public Works, whether the Avoca extension will be included along with Stawell in the next Railway Construction Bill.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To move, That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands.

ORDER OF THE DAY:—

1. THE SOUTH MELBOURNE GAS COMPANY BILL—To be read a second time.

TUESDAY, 24TH SEPTEMBER.

ORDER OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 11th September.

TRAWALLO BRIDGE COMMON—at three o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH SEPTEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

LAND ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable J. O'Shanassy, That the word "now" be omitted with a view to add the words "this day six months" after the word "time."

Debate ensued.

Question—That the word "now," proposed to be omitted, stand part of the question—put.

Council divided.

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N. Fitzgerald
T. T. a'Beckett
W. A. C. a'Beckett
T. Hamilton
J. Henty
C. J. Jenner (*Teller*).

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The Hon. J. O'Shanassy
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N. Black
T. McKellar
W. Skene
Dr. Hope
R. Simson
Dr. Dobson
W. Highett
F. Robertson
J. F. Strachan
W. Degraives
J. P. Bear
R. S. Anderson (*Teller*).

The question was therefore negatived.

Question—That the words proposed to be added be so added—put and passed.

Question—That the Bill be read a second time this day six months—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at half-past six o'clock until half-past four o'clock on Tuesday the 17th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 17TH SEPTEMBER, 1872.

1. The Hon. W. CAMPBELL : To ask the Honorable the Commissioner of Public Works, whether the Avoca extension will be included along with Stawell in the next Railway Construction Bill.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To move, That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands.

ORDER OF THE DAY :—

1. THE SOUTH MELBOURNE GAS COMPANY BILL—To be read a second time.

TUESDAY, 24TH SEPTEMBER, 1872.

NOTICE OF MOTION :—

- The Hon. W. A. C. A'BECKETT : To move, That a Return be laid on the Table of this House, stating—
- (1.) The objects and uses of the Phytographic Museum, its dimensions, and approximately the number of specimens therein.
 - (2.) The number of literary publications, with approximate number of pages, published under the superintendence of the Government Botanist (Dr. V. Mueller) up to the year 1870 (exclusive of private lectures) ; and also from such time to the present time.
 - (3.) Those parts of the Colony of Victoria the "flora" of which are yet unknown or unclassified ; also generally those parts of New Holland where the "flora" are yet unknown or unclassified ; the nature of scientific investigations other than the discovery and classification of "flora" within the scope of the duties of the Government Botanist.
 - (4.) The nature of the books and instruments, transits, and interchanges required by the Government Botanist.
 - (5.) The total amounts expended in above from 1st January 1870 to 31st July 1872 ; showing separate amounts under each of the above headings.
 - (6.) Approximately the number of letters sent to foreign countries each year, and generally stating the objects and nature of such communications.
 - (7.) The number of clerks required to conduct such correspondence.
 - (8.) Approximately the value of the plants given for public purposes during the year 1871.
 - (9.) The number of applications for such purposes during the year 1871.
 - (10.) Approximately the area of such portion of the Botanical Gardens as is permanently and ornamentally planted, and also of such part as contains seedlings and other plants kept for nursery purposes.

ORDER OF THE DAY :—

1. MINING ON PRIVATE PROPERTY BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Monday, 16th September.

TRAWALLO BRIDGE COMMON—at two o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 17TH SEPTEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

SWEARING IN OF NEW MEMBER.—The Honorable Niel Black, being introduced, took and subscribed the oath of allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, NIEL BLACK, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Five thousand pounds sterling money above all charges and encumbrances affecting the same: And further that the lands and tenements out of which such qualification arises are situate in the parishes of Terang and Glenormiston, in the county or reputed county of Hampden, the description of which lands and tenements are as follow :—

“Freehold estate of upwards of twelve thousand acres, known as Mount Noorat and the Sisters.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Hampden are rated in the rate-books of such municipal district as follows :—
Over £250 a year.

“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 of the Colony of Victoria.

“NIEL BLACK.”

PETITION.—The Honorable P. Russell presented a Petition, signed by John Evans, styling himself chairman of a meeting of miners and others at Carngham, praying that the Mining on Private Property Bill may be passed.

Petition received, and, on the motion of the Honorable P. Russell, ordered to be referred to the Committee to which the Bill may be referred.

PETITION.—The Honorable T. McKellar presented a Petition, signed by Tho. Raingill and others, styling themselves land owners and others resident in the Western District, praying that the Mining on Private Property Bill may be rejected.

Petition received, and, on the motion of the Honorable T. McKellar, ordered to be referred to the Committee to which the Bill may be referred.

PETITION.—The Honorable J. Cumming presented a Petition, signed by William McCartney and others, styling themselves land-owners and others resident in the Western District, praying that the Mining on Private Property Bill may be rejected.

Petition received, and, on the motion of the Honorable J. Cumming, ordered to be referred to the Committee to which the Bill may be referred.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Governor :—

CANTERBURY,

Governor.

The Governor, in ready compliance with the Address of the Legislative Council of the 10th instant, has transmitted to the Secretary of State a Copy of the Resolutions referred to in that Address.

11th September, 1872.

GRANTS OF ROYAL MINERALS.—The Honorable Dr. Dobson, in accordance with notice, moved, That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands.

Debate ensued.

The Honorable T. T. a'Beckett moved the previous question.

Debate ensued.

The Honorable T. T. a'Beckett, with leave of the Council, withdrew the motion for the previous question.

The Honorable W. Highett moved, That the debate be now adjourned until this day fortnight.

Question—That the debate be now adjourned until this day fortnight—put and passed.

SOUTH MELBOURNE GAS COMPANY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the Standing Order No. CXIII be suspended, in order that the Bill may pass through more stages than one this day.

Question—put and passed.

The Honorable C. J. Jenner 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 C. J. Jenner moved, That the Bill be now re-committed.

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 further amendments.

The Honorable C. J. Jenner moved, That the consideration of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

PETITIONS.—MINING ON PRIVATE PROPERTY BILL.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Petitions which have been presented to the House on the subject of the Mining on Private Property Bill be printed.

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at six o'clock until half-past four o'clock on Tuesday the 24th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 24TH SEPTEMBER, 1872.

NOTICE OF MOTION :—

1. The Hon. W. A. C. a'BECKETT: To move, That a Return be laid on the Table of this House, stating—
 - (1.) The objects and uses of the Phytographic Museum, its dimensions, and approximately the number of specimens therein.
 - (2.) The number of literary publications, with approximate number of pages, published under the superintendence of the Government Botanist (Dr. V. Mueller) up to the year 1870 (exclusive of private lectures); and also from such time to the present time.
 - (3.) Those parts of the Colony of Victoria the "flora" of which are yet unknown or unclassified; also generally those parts of New Holland where the "flora" are yet unknown or unclassified; the nature of scientific investigations other than the discovery and classification of "flora" within the scope of the duties of the Government Botanist.
 - (4.) The nature of the books and instruments, transits, and interchanges required by the Government Botanist.
 - (5.) The total amounts expended in above from 1st January, 1870, to 31st July, 1872; showing separate amounts under each of the above headings.
 - (6.) Approximately the number of letters sent to foreign countries each year, and generally stating the objects and nature of such communications.
 - (7.) The number of clerks required to conduct such correspondence.
 - (8.) Approximately the value of the plants given for public purposes during the year 1871.
 - (9.) The number of applications for such purposes during the year 1871.
 - (10.) Approximately the area of such portion of the Botanical Gardens as is permanently and ornamentally planted, and also of such part as contains seedlings and other plants kept for nursery purposes.

ORDERS OF THE DAY :—

1. **MINING ON PRIVATE PROPERTY BILL.**—To be read a second time.
2. **SOUTH MELBOURNE GAS COMPANY BILL.**—Adoption of report.

TUESDAY, 1ST OCTOBER.

ORDER OF THE DAY :—

1. **GRANTS OF ROYAL MINERALS.**—Adjourned debate on motion, That, in the opinion of this House, all grants which may be hereafter issued, should comprise and include the Royal minerals in and under such lands.

MEETING OF SELECT COMMITTEE.

Tuesday, 24th September.

TRAWALLO BRIDGE COMMON—at two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 24TH SEPTEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT—RETURN OF, EASTERN PROVINCE.—The President announced to the Council that a Writ issued by him for the election of a Member to serve for the Eastern Province, from and after the 16th instant, had been returned to him, and that the Returning Officer had certified that “Robert Turnbull, Esquire, merchant, Melbourne, was duly elected in pursuance of the Writ.”

NORTH-WESTERN PROVINCE.—The President announced to the Council that the Returning Officer had forwarded to the Clerk of the Council the papers used at the recent election for the North-Western Province, but that the Writ itself had not yet been returned to the President, though the result of the polling was matter of notoriety.

The Honorable Dr. Dobson moved, That the Honorable William Campbell be admitted to take his seat for the North-Western Province.

Question—put and passed.

SWEARING IN OF NEW MEMBER.—The Honorable William Campbell, being introduced, took and subscribed the oath of allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM CAMPBELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Carlsruhe and city of Melbourne, in the counties or reputed counties of Dalhousie and Bourke, the description of which lands and tenements are as follow :—

“1. Six hundred and forty acres of freehold, parish of Carlsruhe, county of Dalhousie.

“2. Allotment of land and store in King street, in the city of Melbourne.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Kyneton and Melbourne are rated in the rate-books of such municipal districts respectively as follow :—

Freehold	Two miles from Kyneton	} In excess of £250 a year.
Ditto	King street, Melbourne	

“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 of the Colony of Victoria.

“W. CAMPBELL.”

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Foot and Mouth Disease.—Report of Commission (23rd August, 1872).

2. Statistics of Colony of Victoria, 1871.—Part VII. Vital Statistics, &c.

Ordered severally to lie on the Table.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Governor :—

CANTERBURY,

Governor.

The Governor transmits to the Legislative Council a copy of a Despatch (No. 52, of 20th July, 1872) received by him on the 20th instant, from the Right Honorable the Secretary of State for the Colonies.

Government Offices,
Melbourne, 23rd September, 1872.

Victoria | No. 52.

(Copy.)

Downing street, 20th July, 1872.

MR LORD,

I have the honor to acknowledge Your Lordship's Despatches, No. 72 and No. 73, of 17th May, forwarding Addresses of congratulation to Her Majesty from the Legislative Council and Legislative Assembly of Victoria, on the recovery of His Royal Highness the Prince of Wales.

I am commanded to instruct you to convey to the Members of the Legislative Council and Legislative Assembly the Queen's thanks for their kind congratulations, and to assure them that Her Majesty warmly appreciates the spirit of loyalty to the Crown and of attachment to the person of the Sovereign which is displayed in their Address.

I have, &c.,

(Signed)

KIMBERLEY.

Governor, the Right Honorable Viscount Canterbury, K.C.B., &c.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper:—

Spring Hill, Mining Operations on reserved lands at, authorized.—Order in Council (3rd September, 1872).

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 a Bill intituled "*An Act to amend the Police Offences Statute 1865 and for the suppression of Betting and Gaming Houses,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with an amendment, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,

Speaker.

Legislative Assembly Chamber,
Melbourne, 24th September, 1872.

POLICE OFFENCES STATUTE 1865 AMENDMENT AND GAMING BILL.—The Honorable A. Fraser moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

The amendment made by the Legislative Assembly was read, and, on the motion of the Honorable A. Fraser, agreed to as hereunder set forth:—

Clause 1, line 5, leave out "October" and insert "November One thousand eight hundred and seventy-two."

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment.

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 Public Works, and other purposes.*"

Also, a Bill intituled "*An Act to amend the Laws relating to or affecting Public Health, and to prevent the sale of Adulterated or Unwholesome Food or Drink.*"

Also, a Bill intituled "*An Act for amending the Law relating to the Administration of the Estates of Deceased Persons.*"

Also, a Bill intituled "*An Act to amend the Law relating to the Collection and Payment of the Public Moneys, the Audit of the Public Accounts, and the Protection and Recovery of the Public Property.*"

Also, a Bill intituled "*An Act for the Prevention of Diseases in Stock.*"

Also, a Bill intituled "*An Act to determine the number of Hours which shall constitute a Legal Day's Work.*"

Also, a Bill intituled "*An Act to enable Electors in certain Districts to prevent the Common Sale of Intoxicating Liquors within certain Districts;*"—with which several Bills they desire the concurrence of the Legislative Council.

C. MAC MAHON,

Speaker.

Legislative Assembly Chamber,
24th September, 1872.

PUBLIC LOAN BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read a first time.

PUBLIC HEALTH BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

DISEASES IN STOCK BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read a first time.

AUDIT ACT AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read a first time.

- DECEASED PERSONS ESTATES ADMINISTRATION BILL.**—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.
Question—put and passed.
Bill read a first time.
- LABOR BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.
Question—put and passed.
Bill read a first time.
- PERMISSIVE LIQUORS SALE BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.
Question—put and passed.
Bill read a first time.
- PETITION.**—The Honorable R. S. Anderson presented a Petition, signed by James Boyes and others, styling themselves landowners, and others of Rodney, Rushworth, and their vicinities, praying that the Mining on Private Property Bill may be rejected.
Petition received.
- PETITION.**—The Honorable J. O'Shanassy presented a similar Petition, signed by C. Armytage and others, styling themselves landowners residing in Melbourne and elsewhere.
Petition received.
- PETITION.**—The Honorable J. O'Shanassy presented a Petition, signed by John Alexander and others styling themselves farmers, landowners, and others in and around Clunes, Coghill's Creek, Ascot, Birch's Creek, Smeaton, and the surrounding districts, praying that the Mining on Private Property Bill may not be passed in its present shape.
Petition received.
- PETITION.**—The Honorable Dr. Hope presented a Petition, signed by R. L. Bell and others, styling themselves landowners, and others in Victoria, praying that the Mining on Private Property Bill may not pass.
Petition received.
- PETITION.**—The Honorable Dr. Hope presented a similar Petition, signed by Joseph Wilson and others, styling themselves landowners, and others at Buninyong, Lal-Lal, and their vicinities.
Petition received.
- PETITION.**—The Honorable W. Campbell presented a similar Petition, signed by William Bell and others, styling themselves electors of the North-Western Province.
Petition received.
- PETITION.**—The Honorable W. Campbell presented a similar Petition signed by Joseph Fawcett and others, styling themselves landowners in the district of Smeaton.
Petition received.
- PETITION.**—The Honorable W. Campbell presented a similar Petition, signed by A. B. Gibbons and others, styling themselves landholders in the shire of Metcalfe.
Petition received.
- PETITION.**—The Honorable W. Campbell presented a similar Petition, signed by W. S. Urquhart and others, styling themselves landowners of Taradale and elsewhere.
Petition received.
- PETITION.**—The Honorable N. Black presented a similar Petition, signed by John Thornton and others, styling themselves landowners and others, resident at Camperdown and its neighborhood.
Petition received.
- PETITION.**—The Honorable J. F. Strachan presented a similar petition, signed by John Thomson and others, styling themselves landowners in Victoria.
Petition received.
- PETITION.**—The Honorable J. F. Strachan presented a similar Petition, signed by David McNaught and others, styling themselves landowners and others, in the county of Grant.
Petition received.
- PETITION.**—The Honorable J. F. Strachan presented a similar Petition, signed by Charles Beal and others, styling themselves landowners and others in Victoria.
Petition received.
- PETITION.**—The Honorable R. Simson presented a similar Petition, signed by Thomas Must and others, styling themselves landowners and others resident at Portland.
Petition received.
- PETITION.**—The Honorable R. Simson presented a similar Petition, signed by George W. Thomson and others, styling themselves landowners and others at Mortlake, Argyle, Hopkins' Hill, Kangatong, and other places in the Western District.
Petition received.
- PETITION.**—The Honorable W. Highett presented a similar Petition, signed by Alexander Hatty and others, styling themselves landholders in the Counties of Dalhousie and Rodney.
Petition received.
- PETITION.**—The Honorable T. F. Hamilton presented a similar Petition, signed by W. Taylor and others, styling themselves landholders in the District of West Bourke.
Petition received.
- PETITION.**—The Honorable P. Russell presented a similar Petition, signed by Donald Cameron and others, styling themselves landowners and others in Victoria.
Petition received.

PETITION.—The Honorable P. Russell presented a similar Petition, signed by George Beggs and others, styling themselves landowners and others residing at Linton, Haddon, and other places in the Western District.

Petition received.

PETITION.—The Honorable T. McKellar presented a similar Petition, signed by John Carse and others, styling themselves landowners and others at Skipton.

Petition received.

PETITION.—The Honorable T. McKellar presented a similar Petition, signed by John Ritchie and others, styling themselves landowners at Belfast and its vicinity.

Petition received.

PETITION.—The Honorable Dr. Dobson presented a similar Petition, signed by John Saunders and others, styling themselves landholders in the District of Bacchus Marsh.

Petition received.

PETITION.—The Honorable Dr. Dobson presented a similar Petition, signed by W. Duncan and others, styling themselves landholders and others at Ballan and its neighborhood.

Petition received.

PETITION.—The Honorable J. Cumming presented a similar Petition, signed by John Fitzgerald and others, styling themselves landowners and others at Geelong and its vicinity.

Petition received.

PETITION.—The Honorable J. Cumming presented a similar Petition, signed by John D. Vigar and others, styling themselves landowners and others, in the district of Colac.

Petition received.

PETITION.—The Honorable W. Highett presented a similar Petition, signed by Henry R. Barron and others, styling themselves landowners and others at Runnymede and its vicinity.

Petition received.

PETITION.—The Honorable W. Skene presented a similar Petition, signed by E. Willis and others, styling themselves landowners and others at Coleraine and its vicinity.

Petition received.

PETITION.—The Honorable F. Robertson presented a similar Petition, signed by J. J. Costelloe and others, styling themselves property owners in the North-Western District.

Petition received.

PETITION.—The Honorable W. Highett presented a similar Petition, signed by B. Goddard and others, styling themselves landowners and others at Murchison and its vicinity.

Petition received.

PETITION.—The Honorable N. Black presented a Petition, signed by E. Dacomb and Co. and others, styling themselves inhabitants of Portland, praying that the Permissive Bill may be rejected.

Petition received.

PHYTOGRAPHIC MUSEUM, ETC.—The Honorable W. A. C. a'Beckett, in accordance with notice, moved, That a Return be laid on the Table of this House, stating—

- (1.) The objects and uses of the Phytographic Museum, its dimensions, and approximately the number of specimens therein.
- (2.) The number of literary publications, with approximate number of pages, published under the superintendence of the Government Botanist (Dr. V. Mueller) up to the year 1870 (exclusive of private lectures); and also from such time to the present time.
- (3.) Those parts of the Colony of Victoria the "flora" of which are yet unknown or unclassified; also generally those parts of New Holland where the "flora" are yet unknown or unclassified; the nature of scientific investigations other than the discovery and classification of "flora" within the scope of the duties of the Government Botanist.
- (4.) The nature of the books and instruments, transits, and interchanges required by the Government Botanist.
- (5.) The total amounts expended in above from 1st January, 1870, to 31st July, 1872; showing separate amounts under each of the above headings.
- (6.) Approximately the number of letters sent to foreign countries each year, and generally stating the objects and nature of such communications.
- (7.) The number of clerks required to conduct such correspondence.
- (8.) Approximately the value of the plants given for public purposes during the year 1871.
- (9.) The number of applications for such purposes during the year 1871.
- (10.) Approximately the area of such portion of the Botanical Gardens as is permanently and ornamentally planted, and also of such part as contains seedlings and other plants kept for nursery purposes.

Debate ensued.

Motion, by leave, withdrawn.

MINING ON PRIVATE PROPERTY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

At half-past six o'clock the Council adjourned during pleasure.

At half-past seven o'clock the President resumed the Chair.

MINING ON PRIVATE PROPERTY BILL.—

Debate resumed.

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

Bill read a second time.

The Honorable A. Fraser 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 to-morrow.

Ordered.

SOUTH MELBOURNE GAS COMPANY 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 W. Highett moved, That the Report be now adopted.

Question—put and passed.

The Honorable W. Highett moved, That the third reading of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

The Council adjourned at twenty minutes to ten o'clock until half-past four o'clock on Wednesday the 25th instant.

ORDERS OF THE DAY.

WEDNESDAY, 25TH SEPTEMBER, 1872.

Government Business.

ORDER OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—To be further considered in Committee.

THURSDAY, 26TH SEPTEMBER.

ORDERS OF THE DAY:—

1. PUBLIC LOAN BILL.—To be read a second time.
2. DISEASES IN STOCK BILL.—To be read a second time
3. AUDIT ACT AMENDMENT BILL.—To be read a second time.
4. SOUTH MELBOURNE GAS COMPANY BILL.—To be read a third time.

TUESDAY, 1ST OCTOBER.

ORDERS OF THE DAY:—

1. GRANTS OF ROYAL MINERALS.—Adjourned debate on motion, That, in the opinion of this House, all grants which may be hereafter issued, should comprise and include the Royal minerals in and under such lands.
2. PUBLIC HEALTH BILL.—To be read a second time.
3. DECEASED PERSONS ESTATES ADMINISTRATION BILL.—To be read a second time.
4. LABOR BILL.—To be read a second time.
5. PERMISSIVE LIQUORS SALE BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 25th September.

TRAWALLO BRIDGE COMMON—at three o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 301

PROLOGUE

CHAPTER I

THE FIRST SECTION

THE SECOND SECTION

CHAPTER II

THE THIRD SECTION

CHAPTER III

THE FOURTH SECTION

THE FIFTH SECTION

THE SIXTH SECTION

CHAPTER IV

THE SEVENTH SECTION

THE EIGHTH SECTION

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THE ELEVENTH SECTION

THE TWELFTH SECTION

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH SEPTEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT—RETURN OF, NORTH-WESTERN PROVINCE.—The President announced to the Council that a Writ issued by him for the election of a Member to serve for the North-Western Province, from and after the 16th instant, had been returned to him, and that the Returning Officer had certified that the "Honorable William Campbell, of Brighton, gentleman, was duly elected in pursuance of the Writ."

PETITION.—The Honorable W. Campbell presented a Petition, signed by G. Govett and others, styling themselves landowners and others resident in the Colony of Victoria, praying that the Mining on Private Property Bill may be rejected.

Petition received.

The Petition was read at the table by the Clerk.

PETITION.—The Honorable J. O'Shanassy presented a Petition, signed by Patrick Murphy and others, styling themselves landowners and others in the Franklinford District, praying that the Mining on Private Property Bill may not be passed in its present form.

Petition received.

MINING ON PRIVATE PROPERTY 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 A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for Wednesday next.

Question—put and passed.

The Council adjourned at ten minutes past six o'clock until half-past four o'clock on Thursday the 26th instant.

ORDERS OF THE DAY.

THURSDAY, 26TH SEPTEMBER, 1872.

ORDERS OF THE DAY:—

1. PUBLIC LOAN BILL.—To be read a second time.
2. DISEASES IN STOCK BILL.—To be read a second time
3. AUDIT ACT AMENDMENT BILL.—To be read a second time.
4. SOUTH MELBOURNE GAS COMPANY BILL.—To be read a third time.

TUESDAY, 1ST OCTOBER, 1872.

ORDERS OF THE DAY:—

1. GRANTS OF ROYAL MINERALS.—Adjourned debate on motion, That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands.
2. PUBLIC HEALTH BILL.—To be read a second time.
3. DECEASED PERSONS ESTATES ADMINISTRATION BILL.—To be read a second time.
4. LABOR BILL.—To be read a second time.
5. PERMISSIVE LIQUORS SALE BILL.—To be read a second time.

WEDNESDAY, 2ND OCTOBER.

Government Business.

ORDER OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—Adoption of Report.
-

MEETING OF SELECT COMMITTEE.

Tuesday, 1st October.

TRAWALLO BRIDGE COMMON—at three o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 26TH SEPTEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—In pursuance of "*The Electoral Act 1856*," the President laid upon the Council Table the following Warrant appointing two members of the Committee of Elections and Qualifications:—

VICTORIA.

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

The Honorable Robert Stirling Anderson and
The Honorable John O'Shanassy

to be members of the Committee of Elections and Qualifications.

Given under my hand this twenty-sixth day of September,
One thousand eight hundred and seventy-two.

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

PETITION.—The Honorable W. Campbell presented a Petition, signed by Alexander Kidd and others, praying that the Mining on Private Property Bill may not be passed.
Petition received.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the fourth order of the day:—

"*Public Loan Bill*"—To be read a second time.

"*Diseases in Stock Bill*"—To be read a second time.

"*Audit Act Amendment Bill*"—To be read a second time.

SOUTH MELBOURNE GAS COMPANY 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to incorporate a Company to be called 'The South Melbourne Gas Company' and for other purposes.*"

Question—put and passed.

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

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday the 1st proximo:

"*Public Loan Bill*"—To be read a second time.

"*Diseases in Stock Bill*"—To be read a second time.

AUDIT ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 next.

Ordered.

The Council adjourned at ten minutes past five o'clock until half-past four o'clock on Tuesday the 1st proximo.

ORDERS OF THE DAY.

TUESDAY, 1ST OCTOBER, 1872

1. The Hon. W. A. C. A'BECKETT: To ask the Commissioner of Public Works, whether there were any irregularities or informalities in the proceedings of any of the recent elections for the provinces; whether the returning officers have reported such, and whether such irregularities, &c., have been rectified by the Governor in Council, as the Act directs.

ORDERS OF THE DAY:—

1. GRANTS OF ROYAL MINERALS.—Adjourned debate on motion, That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands.
2. PUBLIC HEALTH BILL.—To be read a second time.
3. DECEASED PERSONS' ESTATES ADMINISTRATION BILL.—To be read a second time.
4. LABOR BILL.—To be read a second time.
5. PERMISSIVE LIQUORS SALE BILL.—To be read a second time.
6. PUBLIC LOAN BILL.—To be read a second time.
7. DISEASES IN STOCK BILL.—To be read a second time
8. AUDIT ACT AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 2ND OCTOBER.

Government Business.

ORDER OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—Adoption of Report.
-

MEETING OF SELECT COMMITTEE.

Tuesday, 1st October.

TRAWALLO BRIDGE COMMON—at three o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 1ST OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President laid upon the Table, for the second time, the Warrant appointing two members of the Committee of Elections and Qualifications.

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 incorporate a Company to be called 'The South Melbourne Gas Company' and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 26th September, 1872.

PETITION.—The Honorable W. Campbell presented a Petition, signed by Hugh Fraser and others, styling themselves landowners and farmers of the parishes of Glenlyon, Holcombe, Wombat, and Burke, praying that the Mining on Private Property Bill may not be passed.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable W. Skene presented a Petition, signed by Hugh Cameron and others, of Peshurst, in favor of the Permissive Bill.

Petition received.

PETITIONS.—The Honorable H. M. Murphy presented Petitions from landowners and others at Rochester and Echuca, and from landowners and others at Rushworth and its vicinity, praying that the Mining on Private Property Bill may be rejected.

Petitions received.

PETITIONS.—The Honorable W. A. C. a'Beckett presented Petitions severally from inhabitants of East Melbourne, Fitzroy, Brunswick, Ceres, North Melbourne, Wood's Point, Ararat, West Melbourne, Collingwood, East Melbourne, Newbridge, Hotham, Brighton, Brunswick, and Moyston, in favor of the Permissive Bill.

Petitions received.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Savings Banks.—Returns, &c., for the Year ending 30th June, 1872.

2. Census of Victoria, 1871.—Part IV.—Religions of the People.

Ordered severally to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 8th instant :

"*Grants of Royal Minerals*"—Adjourned debate on motion, That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands.

PUBLIC HEALTH BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Ordered.

DECEASED PERSONS' ESTATES ADMINISTRATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 to-morrow.

Ordered.

LABOR BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

Question—put and negatived.

PERMISSIVE LIQUORS SALE BILL.—The Order of the Day for the second reading of this Bill being read, The Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable R. S. Anderson, That the word "now" be omitted, with a view to add the words "this day six months" after the word "time."

Debate ensued.

Question—That the word "now," proposed to be omitted, stand part of the question—put and negatived.

Question—That the words "this day six months" be added after the word "time"—put and passed.

Question—That the Bill be read a second time this day six months—put and passed.

At twenty minutes to seven o'clock the Council adjourned during pleasure.

At twenty minutes to eight o'clock the President resumed the Chair.

PUBLIC LOAN BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser moved, That the Report be now adopted.

Question—put and passed.

The Honorable A. Fraser moved, That the third reading of the Bill be made an Order of the Day for Wednesday the 9th instant.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were postponed until Wednesday the 2nd instant:—

"Diseases in Stock Bill"—To be read a second time.

"Audit Act Amendment Bill"—To be further considered in Committee.

The Council adjourned at twenty-five minutes to ten o'clock until half-past four o'clock on Wednesday the 2nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 2ND OCTOBER, 1872.

1. The Hon. JOHN O'SHANASSY: To ask the Honorable the Commissioner of Public Works, if it be the intention of the Government to appoint a Committee of Public Accounts, with the same powers and functions as the like Committee appointed.

Government Business.

ORDERS OF THE DAY:—

1. MINING ON PRIVATE PROPERTY BILL.—Adoption of Report.
2. PUBLIC HEALTH BILL.—Adoption of Report.
3. DECEASED PERSONS' ESTATES ADMINISTRATION BILL.—To be further considered in Committee.
4. DISEASES IN STOCK BILL.—To be read a second time
5. AUDIT ACT AMENDMENT BILL.—To be further considered in Committee.

General Business.

NOTICE OF MOTION:—

1. The Hon. JOHN O'SHANASSY: To move, That there be laid upon the Table of this House a Return showing the amount of all sums asked for Waterworks from the Government, and also the pecuniary extent of assistance promised towards the construction of Waterworks, indicating the names of the places and amounts respectively.

TUESDAY, 8TH OCTOBER.

ORDER OF THE DAY:—

1. GRANTS OF ROYAL MINERALS.—Adjourned debate on motion, That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands.

WEDNESDAY, 9TH OCTOBER.

Government Business.

ORDER OF THE DAY:—

1. PUBLIC LOAN BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 2nd October.

TRAWALLO BRIDGE COMMON—at three o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 2ND OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WATERWORKS—APPLICATIONS FOR AID FOR.—The Honorable J. O'Shanassy, in accordance with notice, moved, That there be laid upon the Table of this House a Return showing the amount of all sums asked for Waterworks from the Government, and also the pecuniary extent of assistance promised towards the construction of Waterworks, indicating the names of the places and amounts respectively.

Question—put and passed.

WATERWORKS—APPLICATIONS FOR AID FOR.—The Honorable A. Fraser laid on the Table a Return to the Order of the House.

The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That the Return be printed.

Question—put and passed.

MINING ON PRIVATE PROPERTY 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 T. T. a'Beckett moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Debate ensued.

The Honorable R. S. Anderson moved, That the debate be adjourned until Tuesday next.

Question—That the debate be adjourned until Tuesday next—put and passed.

At twenty minutes to seven o'clock the Council adjourned during pleasure.

At twenty minutes to eight o'clock the President resumed the Chair.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 8th instant :—
“*Public Health Bill*”—Adoption of Report.

DECEASED PERSONS' ESTATES ADMINISTRATION 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 on Tuesday next.

Ordered.

DISEASES IN STOCK BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable H. M. Murphy moved, That the Order of the Day be discharged, with a view to the referring of the Bill to a Select Committee.

Debate ensued.

Question—put and passed.

The Honorable H. M. Murphy moved, That the Select Committee consist of seven members, and that the Honorables N. Black, J. O'Shanassy, W. Highett, A. Fraser, W. Skene, W. Campbell, and the mover be members of the Committee.

Question—put and passed.

The Honorable H. M. Murphy moved, That the Committee have power to sit during any adjournments of the House, and that they have power to call for persons and papers.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 8th instant :—

“*Audit Act Amendment Bill*”—To be further considered in Committee.

The Council adjourned at five minutes past nine o'clock until half-past four o'clock on Tuesday the 8th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 8TH OCTOBER, 1872.

NOTICE OF MOTION :—

1. The Hon. J. P. BEAR : To move, That, in the opinion of this House, it would be just to impose a Royalty on all Gold extracted from Private Lands.

ORDER OF THE DAY :—

1. GRANTS OF ROYAL MINERALS.—Adjourned debate on motion, That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands.
 2. MINING ON PRIVATE PROPERTY BILL.—Adjourned debate on adoption of Report.
 3. PUBLIC HEALTH BILL.—Adoption of Report.
 4. DECEASED PERSONS' ESTATES ADMINISTRATION BILL.—To be further considered in Committee.
 5. AUDIT ACT AMENDMENT BILL.—To be further considered in Committee.
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WEDNESDAY, 9TH OCTOBER.

Government Business.

ORDER OF THE DAY :—

1. PUBLIC LOAN BILL.—To be read a third time.
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MEETINGS OF SELECT COMMITTEES.

Tuesday, 8th October.

TRAWALLO BRIDGE COMMON—at three o'clock.

DISEASES OF STOCK BILL—at half-past three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 8TH OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable A. Fraser laid on the Table the following Papers:—

1. Discipline Act 1870—Regulations respecting (17th September, 1872).
2. Discipline Act 1870.—Additional and Amended Regulations (18th September, 1872).
3. Victorian Volunteer Force.—Regulations for Emerald Hill Volunteer Artillery Corps (11th September, 1872).

Ordered severally to lie on the Table.

GOLD EXTRACTED FROM PRIVATE LANDS.—The Honorable J. P. Bear, in accordance with *amended* notice, moved, That, in the opinion of this House, it would be just to impose a charge or tax on all gold extracted from private lands.

Debate ensued.

The Honorable J. P. Bear, with leave of the Council, amended his motion by substituting the words "the lands of the colony" for the words "private lands."

Debate resumed.

The Honorable W. Degraives moved the previous question.

Debate ensued.

Question—That this question be now put—put.

Council divided.

Contents, 7.
 The Hon. J. O'Shanassy
 P. Russell
 W. Highett
 T. F. Hamilton
 J. P. Bear
 J. Cumming
 Dr. Dobson (*Teller*).

Not Contents, 16.
 The Hon. G. W. Cole
 T. T. a'Beckett
 A. Fraser
 W. Campbell
 J. Graham
 N. Black
 T. McKellar
 W. Skene
 Dr. Hope
 R. Simson
 J. F. Strachan
 J. Henty
 W. Degraives
 F. Robertson
 B. Williams
 R. S. Anderson (*Teller*).

The question was therefore negatived.

GRANTS OF ROYAL MINERALS.—The Order of the Day for the resumption of the debate on the motion—That, in the opinion of this House, all grants which may be hereafter issued should comprise and include the Royal minerals in and under such lands—being called on, the Honorable Dr. Dobson moved, That the order of the day be discharged.

Question—That the Order of the Day be discharged—put and passed.

MINING ON PRIVATE PROPERTY BILL.—The Order of the Day for the resumption of the debate on the motion to discharge the order of the day for the adoption of the Report of the Committee of the whole Council on this Bill, with a view to the re-committal of the Bill, being read, the debate was resumed.

At half-past six o'clock the Council adjourned during pleasure.

At twenty minutes to eight o'clock the President resumed the Chair.

MINING ON PRIVATE PROPERTY BILL—

Debate resumed.

The Honorable Dr. Dobson moved, That the following words be added to the question, "for verbal amendments."

Question—That the words proposed to be added be so added—put and passed.

Question—That the Order of the Day for the adoption of the Report of the Committee of the whole Council on the Bill be discharged, with a view to the re-committal of the Bill for verbal amendments—put and passed.

Question—That the Bill be now re-committed for verbal amendments—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 Dr. Dobson moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable A. Fraser moved, That the third reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

PUBLIC HEALTH 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 T. T. a'Beckett moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—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 A. Fraser moved, That the adoption of the Report be made an Order of the Day for this day week.

Question—put and passed.

DECEASED PERSONS' ESTATES ADMINISTRATION 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 A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 9th instant:—

"*Audit Act Amendment Bill*"—To be further considered in Committee.

The Council adjourned at half-past nine o'clock until half-past four o'clock on Wednesday the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 9TH OCTOBER, 1872.

1. The Hon. J. O'SHANASSY: To ask what amount of money has been paid for obtaining the opinion of Engineers on the Railway gauge question.

Government Business.

ORDERS OF THE DAY:—

1. PUBLIC LOAN BILL.—To be read a third time.
2. MINING ON PRIVATE PROPERTY BILL.—To be read a third time.
3. DECEASED PERSONS' ESTATES ADMINISTRATION BILL.—Adoption of Report.
4. AUDIT ACT AMENDMENT BILL.—To be further considered in Committee.

THURSDAY, 10TH OCTOBER.

1. The Hon. NIEL BLACK: To ask the honorable member representing the Government in this House, in the event of one or more lots of imported stock arriving in the Bay within the next few days or weeks, whether any arrangement has been made for placing them in quarantine; and if so, where it is intended to have them placed, or whether any place or places can be named which the Government have in view for that purpose.

TUESDAY, 15TH OCTOBER.

1. The Hon. T. T. A'BECKETT: To ask the Honorable the Commissioner of Public Works, whether there are any devotional exercises carried on or any religious instruction imparted in any of the Industrial or Reformatory Schools; and, *contingent* upon such question being answered affirmatively, that he will thereupon move for a Return showing—
- (1.) The schools in which such exercises are carried on or such instruction imparted.
 - (2.) The extent and character thereof.
 - (3.) The persons employed in conducting or imparting, or who are permitted to conduct or impart the same.
 - (4.) The regulations, if any, under which the clergy of the various religious denominations are permitted to give such religious instruction in such schools, and if a record be kept of the visits paid by such clergy.
 - (5.) A return thereof for the last twelve months, distinguishing the visits of the clergy of each denomination.

ORDER OF THE DAY:—

1. PUBLIC HEALTH BILL—Adoption of Report.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 9th October.

TRAWALLO BRIDGE COMMON—at three o'clock.

DISEASES OF STOCK BILL—at half-past three o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 Law relating to Dividing Fences*," with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th October, 1872.

FENCING BILL (2).—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

PUBLIC LOAN 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to authorize the raising of money for Public Works and other purposes*."

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.

MINING ON PRIVATE PROPERTY 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to provide for Mining on Private Property for Gold and Silver*."

Question—put and passed.

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

DECEASED PERSONS' ESTATES ADMINISTRATION 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act for amending the Law relating to the Administration of the Estates of Deceased Persons*."

Question—put and passed.

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

AUDIT 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 without amendment.

The Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

The President 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 A. Fraser moved, That the Bill be now read a third time.

Amendment moved by the Honorable J. O'Shanassy, That the word "now" be omitted, with a view to add the words "on Tuesday next" after the word "time."

Debate ensued.

Question—That the word "now," proposed to be omitted, stand part of the question—put.

Council divided.

Contents, 9.

The Hon. A. Fraser
W. Skene
T. McKellar
J. F. Strachan
J. Henty
F. Robertson
T. F. Hamilton
W. Degraives
R. S. Anderson (*Teller*).

Not Contents, 8.

The Hon. J. O'Shanassy
W. Campbell
Dr. Hope
J. P. Bear
N. Fitzgerald
R. Simson
W. Highett
J. Cumming (*Teller*).

The question was therefore passed.

Question—That the Bill be now read a third time—put and passed.

Question—That the Bill do now pass—put and passed.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Law relating to the Collection and Payment of the Public Moneys, the Audit of the Public Accounts, and the Protection and Recovery of the Public Property.*"

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.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at a quarter-past six o'clock until half-past four o'clock on Tuesday the 15th instant.

ORDERS OF THE DAY.

TUESDAY, 15TH OCTOBER, 1872.

1. The Hon. T. T. A'BECKETT: To ask the Honorable the Commissioner of Public Works, whether there are any devotional exercises carried on or any religious instruction imparted in any of the Industrial or Reformatory Schools; and, *contingent* upon such question being answered affirmatively, that he will thereupon move for a Return showing—
 - (1.) The schools in which such exercises are carried on or such instruction imparted.
 - (2.) The extent and character thereof.
 - (3.) The persons employed in conducting or imparting, or who are permitted to conduct or impart the same.
 - (4.) The regulations, if any, under which the clergy of the various religious denominations are permitted to give such religious instruction in such schools, and if a record be kept of the visits paid by such clergy.
 - (5.) A return thereof for the last twelve months, distinguishing the visits of the clergy of each denomination.
2. The Hon. N. BLACK: To ask—(The ninth clause of the Report of the Commission on the Foot and Mouth Disease recommend that the Agent-General be requested to notify, through leading journals of Great Britain and Ireland, that all cattle exported from those countries after a period of fourteen days from the date of such notification from the Agent-General shall have been given, must undergo a period of quarantine of not less than sixty days on their arrival in the ports of this colony, wholly at the expense of the owner or importer.)—if this request has been complied with.
3. The Hon. N. BLACK: To ask the honorable member representing the Government in this House, in the event of one or more lots of imported stock arriving in the Bay within the next few days or weeks, whether any arrangement has been made for placing them in quarantine; and if so, where it is intended to have them placed, or whether any place or places can be named which the Government have in view for that purpose.

ORDERS OF THE DAY:—

1. PUBLIC HEALTH BILL—Adoption of Report.
2. FENCING BILL (2)—To be read a second time.

MEETINGS OF SELECT COMMITTEES.

Tuesday, 15th October.

TRAWALLO BRIDGE COMMON—at three o'clock.

DISEASES OF STOCK BILL—at half-past three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable R. Simson, with leave of the Council, moved, without notice, That the Honorable A. Fraser be a member of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

STANDING ORDERS COMMITTEE.—The Honorable R. Simson, with leave of the Council, moved, without notice, That the Honorables W. Campbell and J. O'Shanassy be members of the Select Committee on the Standing Orders of the House.

Question—put and passed.

LIBRARY COMMITTEE (JOINT).—The Honorable R. Simson, with leave of the Council, moved, without notice, That the Honorable J. O'Shanassy be a member of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable R. Simson, with leave of the Council, moved, without notice, That the Honorable James Henty be a member of the Printing Committee.

Question—put and passed.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable A. Fraser, with leave of the Council, moved without notice, That the Honorable T. F. Hamilton be a member of the Joint Committee of both Houses to manage the Refreshment Rooms.

Question—put and passed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the members of this House who are members of the Joint Committee of both Houses appointed to manage and superintend the Parliament Buildings, have power to sit on days on which the House does not sit.

Question—put and passed.

RELIGIOUS INSTRUCTION IN INDUSTRIAL AND REFORMATORY SCHOOLS.—The Honorable A. Fraser laid on the Table a Paper showing what devotional exercises and religious instruction have been imparted in Industrial and Reformatory Schools to the 30th September, 1872.

The Paper was read at the Table by the Clerk.

The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Paper be printed.

Question—put and passed.

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 accompanying communication from the Clerk of the Parliaments, calling attention to a certain clerical error in the Bill intituled, "*An Act to incorporate a Company to be called 'The South Melbourne Gas Company,' and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment suggested by the Clerk of the Parliaments; with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 15th October, 1872.

Parliament Houses,
Melbourne, 4th October, 1872.

SIR,

I do myself the honor, in accordance with the 21st Joint Standing Order of both Houses of Parliament, to report the discovery of the following clerical error in the "*Bill to incorporate a Company to be called 'The South Melbourne Gas Company,' and for other purposes,*" which has passed both Houses of Parliament, viz.:—In line 1 of clause 42 the expression "gas supplied to the company" is used where the context shows that "gas supplied by the company" is required.

I have the honor to be, Sir,

Your most obedient Servant,
G. W. RUSDEN,
Clerk of the Parliaments.

The Honorable the Speaker.

SOUTH MELBOURNE GAS COMPANY BILL.—The Honorable A. Fraser moved, That the Council concur with the Legislative Assembly in correcting the clerical error reported in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have concurred with the Assembly in correcting the error reported.

ADJOURNMENT.—The Honorable N. Black moved, That the House do now adjourn.

Debate ensued.

Motion, by leave, withdrawn.

PUBLIC HEALTH 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 T. T. a'Beckett moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—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 A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Debate ensued.

Question—put and passed.

FENCING BILL (2).—The Order of the Day for the second reading of this Bill being read, The Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 next.

Ordered.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at ten minutes to six o'clock until half-past four o'clock on Tuesday the 22nd instant.

ORDERS OF THE DAY.

TUESDAY, 22ND OCTOBER, 1872.

1. The Hon. T. T. A'BECKETT: To ask the Honorable the Commissioner of Public Works, whether there has ever been intimated to the Melbourne and Hobson's Bay Railway Company, or to any officer thereof, a desire on the part of the present Government to purchase the line; what are the grounds for the statement made by the Honorable the Commissioner of Railways, in his place in Parliament, that the company had, in expectation of the line being purchased by the Government, raised their estimate of its value nearly 50 per cent.

ORDERS OF THE DAY:—

1. PUBLIC HEALTH BILL.—Adoption of Report.
2. FENCING BILL (2).—To be further considered in Committee.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 16th October.

TRAWALLO BRIDGE COMMON—at three o'clock.

PARLIAMENT BUILDINGS (JOINT)—at half-past three o'clock.

DISEASES IN STOCK BILL—at half-past three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 22ND OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Legislative Council Chamber on Wednesday the 23rd instant, at a quarter to five o'clock p.m., to assent in Her Majesty's name to certain Bills passed by the Legislative Council and the Legislative Assembly.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Governor :—

CANTERBURY,

Governor.

The Governor transmits to the Legislative Council a copy of a Despatch from the Secretary of State for the Colonies, forwarding a copy of a letter from the Lords Commissioners of the Treasury, containing proposals for a new Postal Service on the termination of the present contract with the Peninsular and Oriental Steam Navigation Company at the end of the year 1873.

The enclosures were read at the Table by the Clerk.

The Honorable A. Fraser moved, That the Message with its enclosures be printed.

Question—put and passed.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Border Customs Duties.—Further Correspondence (14th August to 15th October, 1872).

2. Education—General Regulations of Board of (to date from 1st February, 1873).

Ordered severally to lie on the Table.

PETITION.—The Honorable Dr. Hope presented a Petition signed by Alexander Mackenzie, styling himself Chairman of the Geelong Vinegrowers Association, praying that certain amendments may be made in the Fencing Bill.

Petition received.

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 transmit to the Legislative Council a Bill intituled "*An Act to further amend the Law relating to Gaols,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd October, 1872.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for amending the Law relating to the Administration of the Estates of Deceased Persons,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made by the Legislative Council in this Bill.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd October, 1872.

GAOLS STATUTE AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading be made an

Order of the Day for Tuesday next.

Question—put and passed.

DISEASES IN STOCK BILL.—SELECT COMMITTEE.—The Honorable N. Black brought up the Report of the Select Committee appointed on the 2nd instant, to which Committee was referred the Bill intituled "*An Act for the Prevention of Diseases in Stock.*"

The Report was read at the Table by the Clerk.

The Honorable A. Fraser moved, That the Report and Proceedings be printed.

Question—put and passed.

DISEASES IN STOCK BILL.—The Honorable A. Fraser moved, That the Order of the Day for the second reading of this Bill be restored to the Paper for to-morrow.

Question—put and passed.

PUBLIC HEALTH 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Laws relating to or affecting Public Health, and to prevent the Sale of adulterated or unwholesome Food or Drink.*"

Question—put and passed.

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

FENCING BILL (2).—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 to-morrow.

Ordered.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—PROGRESS REPORT.—The Honorable A. Fraser brought up the following Progress Report from the Joint Committee of both Houses of Parliament appointed to manage and superintend the Parliament Buildings:—

The Joint Committee of both Houses of Parliament, appointed to manage and superintend the Parliament Buildings, have the honor to recommend as follows, viz.:—

That the front of the building of the Parliament Houses should be completed in accordance with the style of architecture of the Library, the approximate cost being estimated by the Inspector-General of Public Works not to exceed Eighty thousand pounds.

Parliament Library,

16th October, 1872.

The Report was read at the Table by the Clerk.

The Council adjourned at half-past six o'clock until half-past four o'clock on Wednesday the 23rd instant.

ORDERS OF THE DAY.

WEDNESDAY, 23RD OCTOBER, 1872.

Government Business.

ORDERS OF THE DAY:—

1. DISEASES IN STOCK BILL.—To be read a second time.
2. FENCING BILL (2).—To be further considered in Committee.

TUESDAY, 29TH OCTOBER.

ORDER OF THE DAY:—

1. GAOLS STATUTE AMENDMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Wednesday, 23rd October.

TRAWALLO BRIDGE COMMON—at three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Census of Victoria, 1871.—Part V.—Education of the People.
2. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872).
3. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872).
4. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872).
5. Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872).

Ordered severally to lie on the Table.

DISEASES IN STOCK BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

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

ROYAL ASSENT TO BILLS.—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 Assent, in Her Majesty's name to the following Bills:—

“An Act to amend ‘The Police Offences Statute 1865,’ and for the suppression of Betting and Gaming Houses.”

“An Act to amend the Law relating to the collection and payment of the Public Moneys, the audit of the Public Accounts, and the protection and recovery of the Public Property.”

“An Act to incorporate a Company to be called ‘The South Melbourne Gas Company,’ and for other Purposes.”

“An Act for amending the Law relating to the administration of the Estates of Deceased Persons.”

The Royal Assent being read severally by the Clerk of the Parliaments in the following words:—

“In the name and on behalf of Her Majesty, I assent to this Act.”

“CANTERBURY,
“Governor.”

A schedule of the Bills assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

DISEASES IN STOCK BILL.—

Debate resumed.

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

Bill read a second time.

The Honorable A. Fraser 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 an amendment.

The Honorable J. O'Shanassy moved, That the Bill be now re-committed at clause 7.

Debate ensued.

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 A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

FENCING BILL (2).—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 on Tuesday next.

Ordered.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at nine o'clock until half-past four o'clock on Tuesday the 29th instant.

ORDERS OF THE DAY.

TUESDAY, 29TH OCTOBER, 1872.

1. The Hon. P. RUSSELL: To ask the Honorable the Commissioner of Public Works, if it is the case that clean sheep are permitted to enter into quarantine districts, and if so, by whose authority; and also if quarantine runs are proclaimed clean without consulting with the Board of Advice and Inspector of the district.

ORDERS OF THE DAY:—

1. GAOLS STATUTE AMENDMENT BILL.—To be read a second time.
2. DISEASES IN STOCK BILL.—Adoption of Report.
3. FENCING BILL (2).—To be further considered in Committee.

MEETING OF SELECT COMMITTEE.

Tuesday, 29th October.

TRAWALLO BRIDGE COMMON—at three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 Message from His Excellency the Governor, recommending certain amendments in the Bill intituled "*An Act to authorize the raising of Money for Public Works and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments, and request the concurrence of the Legislative Council therein.

Legislative Assembly Chamber,
Melbourne, 24th October, 1872.

CANTERBURY,
Governor.

C. MAC MAHON,
Speaker.

In pursuance of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill, intituled "*An Act to authorize the raising of Money for Public Works and for other purposes,*" that has been presented to him for Her Majesty's Assent.

- Clause 29, line 23, after the word "shall" insert "subject to any order which may in the meantime be made by the said court relating thereto."
- „ line 25, omit all the words following the word "sales."
- „ line 26, omit all the words.
- „ line 27, omit all the words as far as and including the word "aforesaid," and after the word "shall" insert the words "subject as aforesaid."
- „ line 44, omit all the words after the word "sale."
- „ line 47, omit all the words after the word "transferred" to the end of the clause.
- Clause 30, line 2, after the word "aforesaid" insert the words "and all," and strike out "shall be paid at."
- „ lines 3, 4, 5, strike out all the words.
- „ line 6, strike out all the words up to and including the word "all;" also strike out the words "and interest."
- „ line 7, strike out the words "this or."
- „ line 8, strike out the apostrophe before the final "s" in the word "suitsors."

The amendments were read at the Table by the Clerk.

- PUBLIC LOAN BILL.—The Honorable A. Fraser moved, That the Council do concur with the Legislative Assembly in agreeing to the amendments recommended by His Excellency the Governor in this Bill. The Honorable J. O'Shanassy moved that all the words after the word "That" be omitted, with a view to insert the words "the amendments be printed and taken into consideration to-morrow."
- Question—That the words proposed to be omitted stand part of the question—put and negatived.
- Question—That the words proposed to be inserted be so inserted—put and passed.
- Question—That the amendments be printed, and taken into consideration to-morrow—put and passed.

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 Law relating to Education.*"

Also, a Bill intituled "*An Act to amend the Waterworks Act 1865,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th October, 1872.

EDUCATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading be made an Order of the Day for Tuesday next.

Debate ensued.

Amendment moved by the Honorable J. O'Shanassy, That the words "Tuesday next" be omitted with a view to insert the words "this day fortnight" instead thereof.

Debate ensued.

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

Question—That the words proposed to be inserted be so inserted—put and passed.

Question—That the Bill be printed, and that the second reading be made an Order of the Day for this day fortnight—put and passed.

WATER WORKS STATUTE 1865 AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading be made an Order of the Day for to-morrow.

Question—put and passed.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Messages from His Excellency the Governor :—

CANTERBURY,

Governor.

The Governor transmits to the Legislative Council a copy of a Despatch from the Secretary of State for the Colonies, respecting an application from the Oriental Bank Corporation for a renewal of their charter.

Government Offices,
Melbourne, 29th October, 1872.

CANTERBURY,

Governor.

The Governor transmits to the Legislative Council a copy of a Despatch from the Secretary of State for the Colonies, forwarding a copy of Her Majesty's Order in Council approving of Award by the Privy Council of Pental Island to the Colony of Victoria.

Government Offices,
Melbourne, 24th October, 1872.

Ordered severally to lie on the Table.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Paper :—

Railways, Victorian.—Report of Board of Land and Works for Year ending 30th June, 1872.

Ordered to lie on the Table.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper :—

Report of Inspecting Surveyor on damage done by deposit of Sludge in Yarrowee or Leigh River (2nd October, 1872).

Ordered to lie on the Table.

GAOLS STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to further amend the Law relating to Gaols.*"

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.

DISEASES IN STOCK 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. Simson moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—That the Order of the Day be discharged—put and passed.

Question—That the Bill be now re-committed—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 next.

Ordered.

FENCING BILL (2).—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 to-morrow.

Ordered.

The Council adjourned at five minutes to six o'clock until half-past four o'clock on Wednesday the 30th instant.

ORDERS OF THE DAY.

WEDNESDAY, 30TH OCTOBER, 1872.

Government Business.

ORDERS OF THE DAY:—

1. PUBLIC LOAN BILL.—Consideration of Message from Legislative Assembly, with amendments recommended by His Excellency the Governor.
2. WATERWORKS STATUTE 1865 AMENDMENT BILL.—To be read a second time.
3. FENCING BILL (2).—To be further considered in Committee.

TUESDAY, 5TH NOVEMBER.

1. The Hon. P. RUSSELL: To call the attention of the House to the action of the Minister of Lands in refusing to give to James and Charles Nunn, of Chepstow, their Crown grants according to the original survey of their selections, and to ask the Commissioner of Public Works the grounds of such refusal.

ORDER OF THE DAY:—

- 1 DISEASES IN STOCK BILL.—To be further considered in Committee.

TUESDAY, 12TH NOVEMBER.

ORDER OF THE DAY:—

1. EDUCATION BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH OCTOBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Governor :—

CANTERBURY,

Governor.

The Governor transmits to the Legislative Council a copy of a Despatch from the Secretary of State for the Colonies, on the subject of the question as to whether, beyond the limits of the new State of Fiji, British subjects can be accepted as citizens of the new State, and exempted from British jurisdiction.

Government Offices,

Melbourne, 30th October, 1872.

Ordered to lie on the Table.

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 provide for Mining on Private Property for Gold and Silver,*" and acquaint them that the Legislative Assembly have disagreed to the amendments made by the Legislative Council in this Bill, for the following reasons, viz. :—

1. It is settled law that the gold and silver in private lands is the property of the Crown, whether such lands were alienated before or after the passing of the Constitution Act, and the Parliament of Victoria has alone the power to make laws for permitting mining for gold and silver, and all revenue derived therefrom belongs to the Consolidated Revenue.

2. For many years a practice has prevailed under which owners of land have mined for gold therein, and contracted with other persons for the purpose of enabling them to mine for gold therein, exacting large sums of money sometimes under the name of royalties as a consideration for the same ; and such practice has prevailed in disregard of the rights of the Crown to the gold, and without paying any compensation to the revenue of the colony.

3. The Bill passed by the Legislative Assembly "to provide for Mining on Private Property for Gold and Silver," proposed to legalize mining for gold and silver in private lands upon payment of a fixed rental into the Consolidated Revenue.

4. The principles of the said Bill were accepted and affirmed by the Legislative Council, but the clauses which gave effect to those principles have been struck out, and the Bill has been so altered as to make it another and different Bill.

5. The said Bill, as altered by the Legislative Council, attempts to appropriate the gold and silver to private persons, does not protect persons desirous of mining for gold and silver in private lands from unreasonable demands by the owners of such lands, and makes no provision for the event of such owners refusing to permit mining on their lands.

6. The Bill, as altered, would be inoperative to legalize mining for gold and silver in private lands, notwithstanding any provision contained therein, inasmuch as the gold and silver would still continue the property of the Crown, and would therefore not be subject to any contract made by the owner of the land.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th October, 1872.

MINING ON PRIVATE PROPERTY BILL.—The Honorable A. Fraser moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

PUBLIC LOAN BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly, transmitting amendments recommended by His Excellency the Governor in this Bill, having been read, the Honorable A. Fraser moved, That the Council do concur with the Legislative Assembly in agreeing to the amendments recommended by His Excellency the Governor in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have agreed to the amendments.

WATERWORKS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser moved, That the Bill be now re-committed.

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 a further amendment.

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

Question—put and passed.

FENCING BILL (2).—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 A. Fraser moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at half-past five o'clock until half-past four o'clock on Tuesday the 5th proximo.

ORDERS OF THE DAY.

TUESDAY, 5TH NOVEMBER, 1872.

1. The Hon. P. RUSSELL: To call the attention of the House to the action of the Minister of Lands in refusing to give to James and Charles Nunn, of Chepstow, their Crown grants according to the original survey of their selections, and to ask the Commissioner of Public Works the grounds of such refusal.
2. The Hon. R. SIMON: To ask the Honorable the Commissioner of Public Works, if he will lay upon the Table of this House the report of Twohey's case, as enquired into and reported upon by Mr. Agg, one of the Commissioners of Audit, and the Honorable John O'Shanassy.

ORDERS OF THE DAY:—

1. DISEASES IN STOCK BILL.—To be further considered in Committee.
2. MINING ON PRIVATE PROPERTY BILL.—Consideration of Message from Legislative Assembly.
3. WATERWORKS STATUTE 1865 AMENDMENT BILL.—Adoption of Report.
4. FENCING BILL (2).—Adoption of Report.

TUESDAY, 12TH NOVEMBER.

ORDER OF THE DAY:—

1. EDUCATION BILL.—To be read second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Sandhurst District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).
2. Sandhurst District.—Mining under Railway Reserve authorized.—Order in Council (21st October, 1872).
3. Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).
4. Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).
5. Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).
6. Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872).

Ordered severally to lie on the Table.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by J. Fitzpatrick and others, styling themselves Clergy and Laity of the Roman Catholic Church in East Melbourne, against the provisions of the Education Bill.

Petition received.

PETITION.—The Honorable W. Campbell presented a Petition signed by A. Crawford and others, styling themselves Clergy and Laymen of the Church of England, praying that the Education Bill may not be passed.

Petition received.

The Petition was read at the Table by the Clerk.

DISEASES IN STOCK 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 further amendments.

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

Question—put and passed,

MINING ON PRIVATE PROPERTY BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable A. Fraser moved, That the Council do not insist on their amendments in the Bill.

Debate ensued.

Motion by leave withdrawn.

The Honorable A. Fraser moved, That the Council do not insist on the first amendment in the Bill.

Debate ensued.

Amendment moved by the Honorable Dr. Dobson, That all the words after the word "That" be omitted, with a view to insert the words, "it be referred to a Select Committee to consider and report as to the reasons submitted by the Legislative Assembly for disagreeing with the amendments made in this Bill."

Debate ensued.

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

Question—That the words proposed to be inserted be so inserted—put and passed.

Question—That it be referred to a Select Committee to consider and report as to the reasons submitted by the Legislative Assembly for disagreeing with the amendments made in this Bill—put and passed.

The Honorable Dr. Dobson moved, That the Committee consist of the Honorables J. O'Shanassy, J. P. Bear, R. Simson, W. Campbell, and the Mover.

Debate ensued.

Question—put and passed.

The Honorable Dr. Dobson moved, That the Select Committee have power to sit during adjournments of the House.

Question—put and passed.

WATERWORKS STATUTE 1865 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be “*An Act to amend the ‘Waterworks Act 1865,’ and ‘The Waterworks Commissioners Act 1869.’*”

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 12th instant—

“*Fencing Bill (2)*”—Adoption of Report.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

The Council adjourned at six o'clock until half-past four o'clock on Tuesday the 12th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 12TH NOVEMBER, 1872.

NOTICE OF MOTION:—

1. The Hon. J. O'SHANASSY: To move, That there be laid upon the Table of the House, in a complete form, all papers relative to the Pental Island question, including the shorthand-writer's report of the arguments urged before the Privy Council by counsel, as also the final order and decision in the case.

ORDERS OF THE DAY:—

1. EDUCATION BILL.—To be read a second time.
2. DISEASES IN STOCK BILL.—Adoption of Report.
3. FENCING BILL (2).—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Monday, 11th November.

MINING ON PRIVATE PROPERTY BILL—at four o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 12TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser presented to the Council the following Message from His Excellency the Governor :—

CANTERBURY,

Governor.

The Governor transmits to the Legislative Council, with reference to and in continuation of the documents forwarded with his Message of the 21st October last, copies of further correspondence, partly telegraphic, with the Right Honorable the Secretary of State and with the Governments of certain Australian Colonies, respecting the proposals for a new postal service between Australia and Galle.

Government Offices,

Melbourne, 12th November, 1872.

Ordered to lie on the Table.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Paper :—

Border Customs Duties.—Further Correspondence (18th October, 1872, to 11th November, 1872).

Ordered to lie on the Table.

PETITION.—The Honorable R. S. Anderson presented a Petition signed by John Stevens, of Beechworth, praying that the Education Bill may be passed.

Petition received.

PETITION.—The Honorable A. Fraser presented a Petition signed by James Bickford, praying that the Education Bill may be amended.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable T. T. a'Beckett presented a Petition signed by Charles Perry, Bishop of Melbourne, praying that the Education Bill may not be passed.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable T. T. a'Beckett presented a Petition signed by the Mayor of Melbourne, praying that the Education Bill may be amended.

Petition received.

PETITION.—The Honorable A. Fraser presented a Petition signed by John Reed and others, praying that the Education Bill may be passed.

Petition received.

PETITION.—The Honorable W. Campbell presented a Petition signed by Robert Henderson and others, of Kyneton, praying that the Education Bill may be amended.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable R. S. Anderson presented a Petition signed by Joseph Dalton and others in Hawthorn, Kew, and Nunawading, praying that the Education Bill may not pass.

Petition received.

PETITION.—The Honorable R. S. Anderson presented a Petition signed by J. B. Besley and others in favor of the Education Bill.

Petition received.

PETITION.—The Honorable F. Robertson presented a Petition signed by G. Hudson and others, of Kilmore, praying that the Education Bill may be passed.

Petition received.

- PETITION.—The Honorable N. Fitzgerald presented a Petition signed by F. A. A. Buckley and others, of Kyneton, against the Education Bill.
Petition received.
- PETITION.—The Honorable R. S. Anderson presented a Petition signed by C. S. Perry and others, of Melbourne, praying that the Education Bill may be amended.
Petition received.
- PETITION.—The Honorable H. M. Murphy presented a Petition signed by Thomas Bennett and others, of Mansfield, against the Education Bill.
Petition received.
- PETITION.—The Honorable Dr. Dobson presented a Petition signed by J. O'Brien and others, of Gisborne, against the Education Bill.
Petition received.
- PETITIONS.—The Honorable Dr. Dobson presented similar Petitions from South Bourke, and from Epping and Woodstock.
Petitions received.
- PETITION.—The Honorable W. Campbell presented a similar Petition from Sandhurst.
Petition received.
- PETITION.—The Honorable R. S. Anderson presented a similar Petition from Beechworth.
Petition received.
- PETITION.—The Honorable J. O'Shanassy presented a similar Petition from Emerald Hill.
Petition received.
- PETITION.—The Honorable W. Campbell presented a similar Petition from Creswick.
Petition received.
- PETITIONS.—The Honorable J. O'Shanassy presented similar Petitions from West Melbourne and from St. Kilda.
Petitions received.
- PETITION.—The Honorable J. Graham presented a similar Petition from Carlton and North Fitzroy.
Petition received.
- PETITION.—The Honorable R. S. Anderson presented a Petition from Williamstown, praying that the Education Bill may be amended.
Petition received.
- PETITION.—The Honorable J. Cumming presented a Petition from Geelong against the Education Bill.
Petition received.
- PETITION.—The Honorable R. S. Anderson presented a similar Petition from Richmond.
Petition received.
- PETITION.—The Honorable N. Fitzgerald presented a similar Petition from Castlemaine.
Petition received.
- PETITION.—The Honorable Dr. Dobson presented a similar Petition from Coburg.
Petition received.
- PETITION.—The Honorable J. O'Shanassy presented a similar Petition from the Roman Catholic Clergy and Laity of St. Francis.
Petition received.
- PETITION.—The Honorable J. Henty presented a similar Petition from Ballarat.
Petition received.
- PETITION.—The Honorable R. S. Anderson presented a Petition from Dargo Flat, Gippsland, in favor of the Education Bill.
Petition received.
- PETITION.—The Honorable N. Fitzgerald presented a Petition from Daylesford against the Education Bill.
Petition received.
- PETITION.—The Honorable J. F. Strachan presented a Petition from Yakandandah in favor of the Education Bill.
Petition received.
- PETITIONS.—The Honorable C. J. Jenner presented Petitions from Fitzroy, Latrobe street, Russell street, Collingwood, Richmond, Vere street Collingwood, Lygon street, Carlton, Collins street, Victoria Parade, West Melbourne, Collins street, Eastern Hill, Richmond, East Collingwood, Fitzroy, Emerald Hill, Albert street, West Melbourne, Collingwood, Hotham, and Carlton, in favor of the Education Bill.
Petitions received.
- PETITIONS.—The Honorable T. T. a'Beckett presented Petitions from Ballarat, St. Arnaud, St. Kilda, Melbourne, Williamstown, Melbourne, Fryers and Chewton, Woodonga, Footscray, Heidelberg, Hotham, Mornington, Koroit, Melbourne, Cheltenham, Essendon, Creswick, Blackwood, Sandhurst, Alexandra, Little Bendigo, Avoca, and Sebastopol, against the Education Bill.
Petitions received.
- PETITION.—The Honorable T. T. a'Beckett presented a Petition from Coburg, praying that the Education Bill may be amended.
Petition received.
- PETITION.—The Honorable J. Henty presented a Petition signed by A. Cameron, praying that the Education Bill may be amended.
Petition received.
The Petition was read at the Table by the Clerk.

PETITION.—The Honorable F. Robertson presented a Petition from Kilmore against the Education Bill.

Petition received.

PETITION.—The Honorable Dr. Dobson presented a Petition from W. Potter and others in favor of the Education Bill.

Petition received.

PETITIONS.—The Honorable Dr. Dobson presented similar Petitions from Emerald Hill, and from Lancefield and Romsey.

Petitions received.

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 transmit to the Legislative Council—

A Bill intituled "*An Act to further amend the Real Property Statute 1864*"; also

A Bill intituled "*An Act to amend the Patents Statute 1865*"; also

A Bill intituled "*An Act to enable the allowance of Drawbacks on the exportation of certain Goods from Victoria, and for other purposes*"; and

A Bill intituled "*An Act to make better provision for the office of Master-in-Equity, and for better securing the Moneys of the Suitors of the Supreme Court,*"

with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,

Speaker.

Legislative Assembly Chamber,
Melbourne, 12th November, 1872.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend an Act intituled 'An Act to enable the Bishops' Clergy and Laity of the United Church of England and Ireland in Victoria to provide for the regulation of the affairs of the said Church,'*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,

Speaker.

Legislative Assembly Chamber,
Melbourne, 12th November, 1872.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Laws relating to or affecting Public Health, and to prevent the Sale of adulterated or unwholesome Food or Drink,*" and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill; have disagreed to one of the said amendments, and have agreed to another of the amendments with amendments, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,

Speaker.

Legislative Assembly Chamber,
Melbourne, 12th November, 1872.

PATENTS STATUTE AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read a first time.

REAL PROPERTY STATUTE AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read a first time.

DRAWBACKS BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read a first time.

MASTER-IN-EQUITY BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read a first time.

CHURCH OF ENGLAND BILL.—The Honorable T. T. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read a first time.

PUBLIC HEALTH BILL.—The Honorable A. Fraser moved, That the consideration of the Message from the Legislative Assembly with this Bill be taken into consideration to-morrow.

Question—put and passed.

PENTAL ISLAND.—The Honorable J. O'Shanassy, in accordance with notice, moved, That there be laid upon the table of the House, in a complete form, all papers relative to the Pental Island question, including the short-hand writer's report of the arguments urged before the Privy Council by counsel, as also the final order and decision in the case.

Question—put and passed.

EDUCATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

At half-past six o'clock the Council adjourned during pleasure.

At half-past seven o'clock the President resumed the Chair.

EDUCATION BILL.—

Debate resumed.

The Honorable J. O'Shanassy moved, That the debate be now adjourned.

Question—put and passed.

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

The Council adjourned at ten minutes to ten o'clock until half-past four o'clock on Wednesday the 13th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 13TH NOVEMBER, 1872.

Government Business.

ORDERS OF THE DAY:—

1. PUBLIC HEALTH BILL.—Consideration of Message from Legislative Assembly.
2. EDUCATION BILL.—Adjourned debate on second reading.
3. DISEASES IN STOCK BILL.—Adoption of Report.
4. FENCING BILL (2).—Adoption of Report.

General Business.

NOTICE OF MOTION:—

1. The Hon. H. M. MURPHY: To move, That a copy of the report of Mr. Steele, Government Surveyor, upon a jetty recently erected by Mr. Ford, at Point Nepean, be laid upon the Table of the House; also, that a copy of the reply of the Board of Public Works in answer to Mr. Ford's proposal to sell the jetty to the Government be laid upon the Table of the House.

THURSDAY, 14TH NOVEMBER.

1. The Hon. R. S. ANDERSON: To call the attention of the Honorable the Commissioner of Public Works to the utter inadequacy of the accommodation at the Melbourne University for the public requirements of that institution, and to ask if it is the intention of the Government to take steps to provide the necessary accommodation.

ORDERS OF THE DAY:—

1. PATENTS STATUTE AMENDMENT BILL.—To be read a second time.
2. REAL PROPERTY STATUTE AMENDMENT BILL.—To be read a second time.
3. DRAWBACKS BILL.—To be read a second time.
4. MASTER-IN-EQUITY BILL.—To be read a second time.
5. CHURCH OF ENGLAND BILL.—To be read a second time.

TUESDAY, 19TH NOVEMBER.

NOTICE OF MOTION:—

1. The Hon. P. RUSSELL: To move, That a Return be laid upon the Table of this House showing the recommendation of the local land commission at Smythesdale as to the selections of James and Charles Nunn, of Chepstow, with the minutes and decisions of the Lands department thereon.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 13th November.

TRAWALLO BRIDGE COMMON—at three o'clock.

Tuesday, 19th November.

MINING ON PRIVATE PROPERTY BILL—at four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 13TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Paper :—

Whale Fishing Regulations (28th October, 1872).

Ordered to lie on the Table.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by J. McGillicuddy and others, styling themselves Roman Catholic Clergy and Laity of Williamstown, against the Education Bill.
Petition received.

PETITION.—The Honorable A. Fraser presented a Petition signed by Samuel J. Levitt and others, praying that the Education Bill may be passed.
Petition received.

PETITION.—The Honorable A. Fraser presented a Petition signed by J. Watsford and others, praying that the Education Bill may be amended.
Petition received.

PETITION.—The Honorable A. Fraser presented a Petition signed by R. Connebee and others, praying that certain alterations may be made in the Education Bill.
Petition received.

PETITION.—The Honorable A. Fraser presented a Petition signed by G. Daniel, styling himself Chairman of a meeting of Wesleyan Ministers at Warrnambool, praying that the Education Bill may be amended.
Petition received.

PETITION.—The Honorable W. A. C. a'Beckett presented a Petition signed by W. M. Finn and others, styling themselves Clergymen and Laity of the Roman Catholic Church in Heidelberg, Lilydale, Eltham, Diamond Creek, and Yan Yean, against the Education Bill.
Petition received.

PETITION.—The Honorable B. Williams presented a similar Petition from Chiltern.
Petition received.

PETITION.—The Honorable W. Campbell presented a similar Petition from Ararat.
Petition received.

PETITION.—The Honorable N. Black presented a similar Petition from Warrnambool.
Petition received.

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 for converting Debentures into Victorian Government Stock, and to give further facilities to the holders of such Stock*"; also

A Bill intituled "*An Act to amend the 'Juries Statute 1865'*"; also

A Bill intituled "*An Act to make valid the Marriage of a Man with the Sister of his Deceased Wife*"; and

A Bill intituled "*An Act to amend the Laws relating to Markets,*"

with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

DEBENTURES CONVERSION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

MARRIAGE WITH DECEASED WIFE'S SISTER BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

JURIES STATUTE AMENDMENT BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

MARKET LAWS AMENDMENT BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

PETITION.—The Honorable R. S. Anderson presented a Petition signed by E. Osborne, styling himself chairman of a meeting, praying that the Education Bill may be passed.

Petition received.

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the second Order of the Day :—

“*Public Health Bill.*”—Consideration of Message from Legislative Assembly.

EDUCATION BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

Amendment moved by the Honorable J. O'Shanassy, That the word “now” be omitted, with a view to add the words “this day six months,” after the word “time.”

At seven o'clock the Council adjourned during pleasure.

At eight o'clock the President resumed the Chair.

EDUCATION BILL.—

Debate resumed.

The Honorable J. Cumming moved, That the debate be now adjourned.

Debate ensued.

Question—put and passed.

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

The Council adjourned at twenty minutes to eleven o'clock until half-past four o'clock on Thursday the 14th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 14TH NOVEMBER, 1872.

1. The Hon. R. S. ANDERSON: To call the attention of the Honorable the Commissioner of Public Works to the utter inadequacy of the accommodation at the Melbourne University for the public requirements of that institution, and to ask if it is the intention of the Government to take steps to provide the necessary accommodation.

NOTICES OF MOTION :—

1. The Hon. T. T. A'BECKETT: To move, That a Return be placed on the Table of this House compiled from those presented by the School Inspectors to the Board of Education, showing the relative efficiency of non-vested and vested schools, judged of by the standard of efficiency fixed by the Board.
2. The Hon. H. M. MURPHY: To move, That a copy of the report of Mr. Steele, Government Surveyor, upon a jetty recently erected by Mr. Ford, at Point Nepean, be laid upon the Table of the House; also, that a copy of the reply of the Board of Public Works in answer to Mr. Ford's proposal to sell the jetty to the Government be laid upon the Table of the House.

ORDERS OF THE DAY :—

1. PATENTS STATUTE AMENDMENT BILL.—To be read a second time.
2. REAL PROPERTY STATUTE AMENDMENT BILL.—To be read a second time.
3. DRAWBACKS BILL.—To be read a second time.
4. MASTER-IN-EQUITY BILL.—To be read a second time.
5. CHURCH OF ENGLAND BILL.—To be read a second time.
6. EDUCATION BILL.—Adjourned debate on second reading.
7. PUBLIC HEALTH BILL.—Consideration of Message from Legislative Assembly.
8. DISEASES IN STOCK BILL.—Adoption of Report.
9. FENCING BILL (2).—Adoption of Report.

TUESDAY, 19TH NOVEMBER.

NOTICE OF MOTION:—

1. **The Hon. P. RUSSELL:** To move, That a Return be laid upon the Table of this House showing the recommendation of the local land commission at Smythesdale as to the selections of James and Charles Nunn, of Chepstow, with the minutes and decisions of the Lands department thereon.

ORDERS OF THE DAY:—

1. **DEBENTURES CONVERSION BILL.**—To be read a second time.
2. **MARRIAGE WITH DECEASED WIFE'S SISTER BILL.**—To be read a second time.
3. **JURIES STATUTE AMENDMENT BILL.**—To be read a second time.
4. **MARKET LAWS AMENDMENT BILL.**—To be read a second time.

MEETINGS OF SELECT COMMITTEES.

Thursday, 14th November.

TEAWALLO BRIDGE COMMON—at half-past two o'clock.

Tuesday, 19th November.

MINING ON PRIVATE PROPERTY BILL—at four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 14TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITIONS.—The Honorable C. J. Jenner presented Petitions in favor of the Education Bill from Isaac New, styling himself Chairman of the Baptist Association of Victoria; from John Steel and others, styling themselves merchants in the Borough of Hotham; from G. Robertson and others, of the City of Melbourne; from A. B. Lindley and others, of Carlton; and from J. R. Allan and others, of Collingwood and Fitzroy.

Petitions received.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Paper:—

Mining Surveyors and Registrars—Reports for Quarter ended 30th September, 1872.

Ordered to lie on the Table.

PETITIONS.—The Honorable R. S. Anderson presented Petitions against the Education Bill from J. Geary and others, styling themselves Clergy and Laity of the Roman Catholic Church in Wangaratta; and from Patrick O'Halloran and others, styling themselves Clergy and Laity of the Roman Catholic Church at Benalla.

Petitions received.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by R. F. Fennelly and others, styling themselves Clergy and Laity of the Roman Catholic Church at Hamilton and Sandford, against the Education Bill.

Petition received.

EFFICIENCY OF SCHOOLS.—The Honorable T. T. a'Beckett, in accordance with *amended* notice, moved, That a Return be laid on the Table of this House compiled from those presented by the School Inspectors to the Board of Education, showing the relative efficiency of non-vested and vested schools, judged of by the standard of efficiency fixed by the Board—distinguishing those in cities and the principal borough towns from those in the shires and road or rural districts.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the sixth Order of the Day:—

“*Patents Statute Amendment Bill.*”—To be read a second time.

“*Real Property Statute Amendment Bill.*”—To be read a second time.

“*Drawbacks Bill.*”—To be read a second time.

“*Master-in-Equity Bill.*”—To be read a second time.

“*Church of England Bill.*”—To be read a second time.

EDUCATION BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

Question—That the word “now” proposed to be omitted, stand part of the question—put.

Council divided.

Contents, 18.

The Hon. A. Fraser
 J. Graham
 G. W. Cole
 C. J. Jenner
 N. Black
 J. F. Strachan
 F. Robertson
 W. Skene
 W. Degraives
 Dr. Hope
 W. Highett
 J. P. Bear
 T. F. Hamilton
 R. Simson
 P. Russell
 T. McKellar
 J. Henty
 Dr. Dobson (*Teller*).

Not Contents, 8.

The Hon. H. M. Murphy
 N. Fitzgerald
 T. T. a'Beckett
 J. O'Shanassy
 W. A. C. a'Beckett
 W. Campbell
 J. Cumming
 R. S. Anderson (*Teller*).

The question was therefore passed.

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

Bill read a second time.

The Honorable A Fraser 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 next.

Ordered.

The Council adjourned at five minutes to seven o'clock until half-past four o'clock on Tuesday the 19th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 19TH NOVEMBER, 1872.

NOTICE OF MOTION :—

1. The Hon. P. RUSSELL: To move, That a Return be laid upon the Table of this House showing the recommendation of the local land commission at Smythesdale as to the selections of James and Charles Nunn, of Chepstow, with the minutes and decisions of the Lands department thereon.

ORDERS OF THE DAY :—

1. DEBENTURES CONVERSION BILL.—To be read a second time.
2. MARRIAGE WITH DECEASED WIFE'S SISTER BILL.—To be read a second time.
3. JURIES STATUTE AMENDMENT BILL.—To be read a second time.
4. MARKET LAWS AMENDMENT BILL.—To be read a second time.
5. EDUCATION BILL.—To be further considered in Committee.
6. PATENTS STATUTE AMENDMENT BILL.—To be read a second time.
7. REAL PROPERTY STATUTE AMENDMENT BILL.—To be read a second time.
8. DRAWBACKS BILL.—To be read a second time.
9. MASTER-IN-EQUITY BILL.—To be read a second time.
10. CHURCH OF ENGLAND BILL.—To be read a second time.
11. PUBLIC HEALTH BILL.—Consideration of Message from Legislative Assembly.
12. DISEASES IN STOCK BILL.—Adoption of Report.
13. FENCING BILL (2).—Adoption of Report.

MEETINGS OF SELECT COMMITTEES.

Tuesday, 19th November.

TRAWALLO BRIDGE COMMON—at two o'clock.

MINING ON PRIVATE PROPERTY BILL—at four o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 transmits to the Legislative Council a Bill intituled "*An Act to further amend an Act intituled 'An Act to make provision for the better administration of Justice in the Colony of Victoria,'*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th November, 1872.

ADMINISTRATION OF JUSTICE ACT AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

PETITION.—The Honorable Dr. Hope presented a Petition, signed by Andrew Murrell, styling himself Chairman of a meeting at Inverleigh, praying that certain amendments may be made in the Education Bill.

Petition received.

PETITION.—The Honorable W. Campbell presented a Petition, signed by H. Trumble, styling himself Chairman of a meeting at Eaglehawk, in favor of the Education Bill.

Petition received.

PETITIONS.—The Honorable J. O'Shanassy presented Petitions, from Portland, and from Redesdale and Heathcote against the Education Bill.

Petitions received.

PETITION.—The Honorable J. Cumming presented a Petition, signed by John Murphy and others, styling themselves inhabitants of Meredith, against the Education Bill.

Petition received.

PETITION.—The Honorable A. Fraser presented a Petition signed by A. Clark, styling himself Chairman of a meeting at Williamstown, in favor of the Education Bill.

Petition received.

PETITION.—The Honorable R. Simson presented a Petition signed by W. Henderson, styling himself Moderator of the Presbyterian Church of Victoria met in General Assembly, praying that the Education Bill may be amended.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable A. Fraser presented a Petition signed by Robert Strickland and others, of Sandhurst and Bendigo, in favor of the Education Bill.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. Cumming presented a Petition signed by J. W. U. Cutchon and others, styling themselves Ministers of various Churches in and near Ballarat, praying that the Education Bill may be amended.

Petition received.

The Petition was read at the Table by the Clerk.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to make better provision for the Office of Agent-General,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th November, 1872.

AGENT-GENERAL BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

PENTAL ISLAND.—The Honorable A. Fraser laid on the Table a Return to the Order of the Council made on the 12th instant.

Ordered to lie on the Table.

EFFICIENCY OF SCHOOLS.—The Honorable A. Fraser laid on the Table a Return to the Order of the Council made on the 14th instant.

Ordered to lie on the Table.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, laid on the Table the following Paper :—

Castlemaine District.—Mining on Railway Reserve at, authorized.—Order in Council (28th October, 1872).

Ordered to lie on the Table.

PETITION.—The Honorable Dr. Dobson presented a Petition, signed by R. C. Martin and others, styling themselves merchants and others of the borough of Prahran and Windsor, in favor of the Education Bill.

Petition received.

SMYTHESDALE, SELECTION AT.—The Honorable P. Russell, in accordance with notice, moved, That a Return be laid on the Table of this House showing the recommendation of the local land commission at Smythesdale as to the selections of James and Charles Nunn, of Chepstowe, with the minutes and decisions of the Lands department thereon.

Debate ensued.

Question—put and passed.

DEBENTURES CONVERSION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 Thursday next.

Ordered.

PETITIONS.—The Honorable C. J. Jenner presented Petitions from Ballarat and Sebastopol in favor of the Education Bill.

Petitions received.

MARRIAGE WITH DECEASED WIFE'S SISTER BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable F. Robertson moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable F. Robertson 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 F. Robertson 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 F. Robertson, was read a third time and *passed*.

The Honorable F. Robertson moved, That the title of the Bill be "*An Act to make valid the Marriage of a Man with the Sister of his Deceased Wife.*"

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.

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 intituled 'An Act to protect Game,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 19th November, 1872.

C. MAC MAHON,
Speaker.

GAME ACT AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

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 Waterworks Act 1865,' and 'The Waterworks Commissioners Act 1869,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, and disagreed to others of the said amendments.

Legislative Assembly Chamber,
Melbourne, 19th November, 1872.

C. MAC MAHON,
Speaker.

WATERWORKS STATUTE 1865 AMENDMENT BILL.—The Honorable A. Fraser moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

JURIES STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, The Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable J. O'Shanassy, That the word "now" be omitted, with a view to insert the words "this day six months" after the word "time."

Debate ensued.

Amendment, by leave, withdrawn.

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

Bill read a second time.

EFFICIENCY OF SCHOOLS.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Return laid on the Table of the House this day be printed.

Question—put and passed.

JURIES STATUTE AMENDMENT BILL.—The Honorable A. Fraser moved, That this 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 A. Fraser moved, That the adoption of the Report be made an Order of the Day for to-morrow.

Question—put and passed.

MARKET LAWS 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.

At twenty minutes to seven o'clock the Council adjourned during pleasure.

At ten minutes to eight o'clock the President resumed the Chair.

MARKET LAWS AMENDMENT BILL.—

Debate resumed.

Amendment moved by the Honorable J. O'Shanassy, That the word "now" be omitted, with the view to add the word "this day six months" after the word "time."

Debate ensued

Question—That the word "now" proposed to be omitted, stand part of the question—put.

Council divided.

Contents, 11.

The Hon. G. W. Cole
J. F. Strachan
F. Robertson
W. Highett
T. F. Hamilton
W. Degraives
Dr. Dobson
J. P. Bear
C. J. Jenner
J. Cumming
T. T. a'Beckett (*Teller*).

Not Contents, 12.

The Hon. A. Fraser
W. A. C. a'Beckett
J. Graham
W. Campbell
H. M. Murphy
J. O'Shanassy
N. Black
W. Skene
P. Russell
Dr. Hope
R. Simson
N. Fitzgerald (*Teller*).

The question was, therefore, negatived.

Question—That the words "this day six months," proposed to be added after the word "time," be so added—put and passed.

Question—That the Bill be read a second time this day six months—put and passed.

EDUCATION 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 to-morrow.

Ordered.

PATENTS STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Patents Statute 1865.*"

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.

REAL PROPERTY STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to further amend the Real Property Statute 1864.*"

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.

DRAWBACKS BILL.—The order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, that the title of the Bill be "*An Act to enable the allowance of Drawbacks on the exportation of certain Goods from Victoria and for other purposes.*"

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.

MASTER-IN-EQUITY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to make better provision for the Office of Master-in-Equity, and for better securing the Moneys of the Suitors of the Supreme Court.*"

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.

CHURCH OF ENGLAND BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. T. a'Beckett 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 T. T. a'Beckett 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 T. T. a'Beckett was read a third time and *passed*.

The Honorable T. T. a'Beckett moved, That the title of the Bill be "*An Act to amend an Act, intituled 'An Act to enable the Bishops, Clergy, and Laity of the United Church of England and Ireland, 'in Victoria, to provide for the regulation of the Affairs of the said Church.'*"

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.

PUBLIC HEALTH BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable A. Fraser moved, That the Council do agree to the amendment of the Legislative Assembly on the amendment of the Legislative Council in clause 3, line 9, viz.: Omit from "a" in line 3 to "complainant" in line 7, both inclusive, and omit "compensation" in line 10.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment to insert a new clause A after clause 4 of the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments of the Legislative Assembly on the amendment of the Legislative Council in clause 3, line 9, and do not insist on their amendment to insert the new clause A in the Bill.

DISEASES IN STOCK 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act for the prevention of Diseases 'in Stock.'*"

Question—put and passed.

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

FENCING BILL (2).—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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Law relating to 'Dividing Fences.'*"

Question—put and passed.

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

The Council adjourned at twenty minutes to ten o'clock until half-past four o'clock on Wednesday the 20th instant.

ORDERS OF THE DAY.

WEDNESDAY, 20TH NOVEMBER, 1872.

Government Business.

ORDERS OF THE DAY:—

1. ADMINISTRATION OF JUSTICE ACT AMENDMENT BILL.—To be read a second time.
2. AGENT-GENERAL BILL.—To be read a second time.
3. WATERWORKS STATUTE 1865 AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
4. JURIES STATUTE AMENDMENT BILL.—Adoption of report.
5. EDUCATION BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY:—

1. GAME ACT AMENDMENT BILL.—To be read a second time,

THURSDAY, 21ST NOVEMBER.

ORDER OF THE DAY:—

I. DEBENTURES CONVERSION BILL.—To be further considered in Committee.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 20th November.

TRAWALLO BRIDGE COMMON—at two o'clock.

MINING ON PRIVATE PROPERTY BILL—at four o'clock.

Thursday, 21st November.

PRINTING—at three o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MINING ON PRIVATE PROPERTY BILL.—REPORT OF SELECT COMMITTEE.—The Honorable Dr. Dobson brought up the Report of the Select Committee appointed on the 5th instant “to consider and report as to the reasons submitted by the Legislative Assembly for disagreeing with the amendments made by the Council in the Bill intituled ‘*An Act to provide for Mining on Private Property for Gold and Silver.*’”

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

The Select Committee of the Legislative Council, appointed on the 5th November to consider and report as to the reasons submitted by the Legislative Assembly for disagreeing with the amendments made in the Bill intituled “*An Act to provide for Mining on Private Property for Gold and Silver,*” have the honor to submit the following Report :—

That, as the Legislative Council could not initiate a measure capable of dealing with the whole question of mining for the precious metals on private property, involving as it does matters of revenue, it is obvious that there was only one of two courses open to that body, viz. : Either to reject the Bill, after discussion, or to amend it in such a manner as to express the views of the Legislative Council on the subject, in so far as the Constitution would allow. But, if the Legislative Council had possessed the power of initiation, provisions other than those in the original measure would have been inserted.

With regard to the reason given by the Legislative Assembly as to the practice which has prevailed with respect to private owners having mined for gold on their lands, and contracted with others enabling them to mine for gold therein, the Legislative Council observed with satisfaction that the Bill intituled “*An Act to provide for Mining on Private Property for Gold and Silver*” proposed to legalise such proceedings in the past, a step rendered inevitable by the course pursued by the Crown hitherto in respect to such matters ; and the Legislative Council, in pursuance of the proposal thus made, only extended the principle of it to all owners of land throughout the colony alike.

That the fixed rental proposed to be paid into the Consolidated Revenue was a merely nominal sum, unproductive as a source of revenue, and was a general charge per acre in respect of land not belonging to the Crown without reference to the value of the gold to be extracted, thus sacrificing the property which the Legislative Assembly asserts to belong to the Crown without any adequate compensation.

That, while the Bill proposed to confer extraordinary powers upon a political Minister over all property in land under colour of extracting gold therefrom, it provided no safeguards to the owners thereof, but left them open to a system harassing in its nature, creating insecurity, and offering no substantial guarantee of adequate, or any, compensation for injury that might be done to such lands by persons other than the owners mining thereon ; a system, moreover, susceptible of being largely resorted to by speculators rather than by the industrial miner.

That, while the Legislative Council admits that a revenue might properly be exacted in respect of all gold and silver found in the colony, they are unable to discover any reason for making the liability depend upon the accidental circumstance of the mine being situate on lands alienated from the Crown.

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

Question—put and passed.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Council do insist on their amendments in the Bill.

Question—put and passed.

The Honorable Dr. Dobson moved, That the Bill be returned to the Legislative Assembly with a Message insisting on the amendments, setting forth the reasons contained in the Report of the Select Committee.

Question—put and passed.

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 Importation and Custody of Gunpowder Statute 1864,’*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1872.

GUNPOWDER BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

Ordered—That the Bill be printed, and that the second reading be made an Order of the Day for to-morrow.

ADMINISTRATION OF JUSTICE ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to further amend an Act intituled 'An Act to make provision for the better administration of Justice in the Colony of 'Victoria.'*"

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.

AGENT-GENERAL BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 to-morrow.

Ordered.

WATERWORKS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill having been read, the President delivered the following ruling :—

I am of opinion that this is not, in any part of it, a Bill which this House is precluded by the 56th section of the Constitution Act from amending.

It does not appropriate any portion of the revenue, and was not originated in the Assembly by Message from His Excellency the Governor, as is required by the 57th clause, with regard to any vote, resolution, or Bill for appropriating any part of the Consolidated Revenue. It merely restricts the Ballarat Water Commissioners as to their borrowing powers, in so far as the amendments made by this House are concerned.

The Honorable A. Fraser moved, That the Council do not insist on their amendments in Clause 3, line 17.

Debate ensued.

Amendment moved by the Honorable J. O'Shanassy, That the word "not" be omitted from the question.

Debate ensued.

Question—That the word "not" proposed to be omitted, stand part of the question—put.

Council divided.

Contents, 9.

The Hon. A. Fraser
F. Robertson
C. J. Jenner
J. Cumming
P. Russell
J. Henty
Dr. Hope
G. W. Cole
T. T. a'Beckett (*Teller*).

Not Contents, 16.

The Hon. T. F. Hamilton
J. Graham
W. A. C. a'Beckett
B. Williams
N. Black
J. O'Shanassy
Dr. Dobson
N. Fitzgerald
W. Skene
J. F. Strachan
W. Degraives
J. P. Bear
W. Highett
R. Simson
W. Campbell
H. M. Murphy (*Teller*).

The question was, therefore, negatived.

Question—That the Council do insist on their amendment in clause 3, line 17—put and passed.

Question—That the Council do insist on their amendment in clause 3, line 26, of the 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.

JURIES STATUTE AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council in this Bill being read, the Honorable A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Juries Statute 1865.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the next Order of the Day :—

"*Education Bill.*"—To be further considered in Committee.

GAME ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 an amendment.

The Honorable A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend an Act intituled 'An Act to protect Game.'*"

Question—put and passed.

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

At half-past six o'clock the Council adjourned during pleasure.

At eight o'clock the President resumed the Chair.

EDUCATION 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 to-morrow.

Ordered.

The Council adjourned at eleven o'clock until half-past four o'clock on Thursday the 21st instant.

ORDERS OF THE DAY.

THURSDAY, 21ST NOVEMBER, 1872.

1. The Hon. W. A. C. A'BECKETT : To ask, if it is the intention of the Government, at the earliest opportunity, to place the Judges of the Supreme Court in a position of independence more complete than they enjoy at present, and analogous to that enjoyed by the English Judges.

ORDERS OF THE DAY :—

1. DEBENTURES CONVERSION BILL.—To be further considered in Committee.
2. GUNPOWDER BILL.—To be read a second time.
3. AGENT-GENERAL BILL.—To be further considered in Committee.
4. EDUCATION BILL.—To be further considered in Committee.

MEETING OF SELECT COMMITTEE.

Thursday, 21st November.

PRINTING—at three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 21ST NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Paper :—

Press Telegrams.—Rates chargeable in Victoria.—Order in Council (30th October, 1872).
Ordered to lie on the Table.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled, "*An Act to amend an Act intituled 'An Act to Protect Game,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, November, 1872.

PETITION.—The Honorable T. T. a'Beckett presented a Petition signed by C. Melbourne, styling himself President of the Assembly of the Bishop, Clergy and Laity of the Church of England in the colony of Victoria, praying that the Ninth Clause of the Education Bill may be amended.

Petition received.

The Petition was read at the Table by the Clerk.

DEBENTURES CONVERSION 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 without amendment.

The Honorable A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act for converting Debentures into 'Victorian Stock, and to give further facilities to the holders of such Stock.'*"

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.

GUNPOWDER BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend 'The Importation and Custody of Gunpowder Statute 1864.'*"

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.

AGENT-GENERAL 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 without amendment.

The Honorable A. Fraser moved, That the Report be now adopted.

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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to make better provision for the Office of Agent-General.*"

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.

ADJOURNMENT.—The Honorable A. Fraser moved, That the Council do now adjourn, as a mark of respect to the memory of the Honorable Robert Turnbull, whose death has just been announced in the House.

Question—put and passed.

The Council adjourned at ten minutes to six o'clock until half-past four o'clock on Tuesday the 26th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 26TH NOVEMBER, 1872.

NOTICE OF MOTION :—

1. The Hon. T. T. A'BECKETT: To move, on the recommittal of the Education Bill, That the following words be added to the 9th clause:—"Provided always that as to lands held in trust for school purposes in connection with any denominational body, the consent of the head or authorized representative thereof shall be required to every sale or lease; and the purposes to which the purchase money or rent shall be applied shall be those which shall be determined upon by its managing body, and be expressed on its behalf by such head or authorized representative."

ORDER OF THE DAY :—

1. EDUCATION BILL.—To be further considered in Committee.

MEETING OF SELECT COMMITTEE.

Tuesday, 26th November.

PRINTING COMMITTEE—at four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 26TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

EDUCATION 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.

PRINTING COMMITTEE.—SECOND REPORT.—The Honorable J. Graham brought up the Second Report of the Printing Committee, and moved, That the same be adopted and printed.

Question—put and passed.

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 transmit to the Legislative Council—

A Bill intituled, "*An Act to authorize the Local Governing Bodies to make Rates and give security on Waterworks, Tolls, and Rates for Loans advanced*"; also,

A Bill intituled "*An Act to amend the 'Waterworks Act 1865, and the Waterworks Commissioners Act 1869,'*"

with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 26th November, 1872.

C. MAC MAHON,
Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled, "*An Act for the Prevention of Diseases in Stock,*" and inform them that the Legislative Assembly have agreed to one of the amendments made by the Legislative Council in this Bill, and have agreed to the other of the said amendments with an amendment, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 21st November, 1872.

C. MAC MAHON,
Speaker.

DISEASES IN STOCK BILL.—The Honorable A. Fraser moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

WATERWORKS STATUTE 1865 AMENDMENT BILL (2).—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend 'The Waterworks Act 1865 and the Waterworks Commissioners Act 1869.'*"

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

LOCAL GOVERNING BODIES LOAN BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading be made an Order of the Day for to-morrow.

Question—put and passed.

PAPER.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Paper :—

Mail Service.—Further Correspondence (6th November to 25th November, 1872).

Ordered to lie on the Table.

The Council adjourned at eleven o'clock until half-past four o'clock on Wednesday the 27th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 27TH NOVEMBER, 1872.

NOTICES OF MOTION :—

1. The Hon. T. T. A'BECKETT: To move, on the recommittal of the Education Bill, That the following words be added to the 9th clause:—"Provided always that as to lands held in trust for school purposes in connection with any denominational body, the consent of the head or authorized representative thereof shall be required to every sale or lease; and the purposes to which the purchase money or rent shall be applied shall be those which shall be determined upon by its managing body, and be expressed on its behalf by such head or authorized representative."
2. Hon. J. O'SHANASSY: To move, That the Education Bill be recommitted on the third clause.

ORDERS OF THE DAY :—

1. EDUCATION BILL—To be recommitted on clause 12.
2. DISEASES IN STOCK BILL—Consideration of Message from Legislative Assembly.
3. LOCAL GOVERNING BODIES LOAN BILL—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PENTAL ISLAND.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the papers laid on the Table on the 19th instant, relative to the Pental Island question, be handed to the Commissioner of Crown Lands and Survey for the purpose of their being edited and printed.

Question—put and passed.

TRAWALLO BRIDGE COMMON.—The Honorable R. Simson brought up the Report of the Select Committee, appointed on the 4th September, to consider the papers relating to the granting of a license for selection of land on the Common at Trawallo Bridge, and moved, That the Report be printed, together with the Evidence and Appendices, and the Proceedings of the Committee.

Question—put and passed.

EDUCATION BILL.—The Honorable T. T. a'Beckett, in accordance with *amended* notice, moved, That the Education Bill be now re-committed on the 3rd, the 9th, and the 12th clauses, and also to allow the introduction of a new clause.

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 agreed to the Bill with further amendments.

The Honorable R. Simson moved, That the Bill be now re-committed for the purpose of making an addition to Clause A.

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 agreed to the Bill with a further amendment.

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

Question—put and passed.

DISEASES IN STOCK BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable A. Fraser moved, That the Council agree to the amendment made by the Legislative Assembly on the amendment made by the Council, to insert a new clause, A, in the Bill.

Amendment moved by the Honorable R. Simson, That the words "do not" be inserted before the word "agree."

Debate ensued.

Question—That the words proposed to be inserted be so inserted—put and passed.

Question—That the Council do not agree to the amendment made by the Legislative Assembly on the amendment made by the Council to insert a new clause, A, in the Bill—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council do not agree to the amendment made by the Legislative Assembly.

LOCAL GOVERNING BODIES LOAN BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

The Honorable A. Fraser moved, That the debate be adjourned until to-morrow.

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

The Council adjourned at half-past six o'clock until half-past four o'clock on Thursday the 28th instant.

ORDERS OF THE DAY.

THURSDAY, 28TH NOVEMBER, 1872.

ORDERS OF THE DAY:—

1. EDUCATION BILL—Adoption of Report.
2. LOCAL GOVERNING BODIES LOAN BILL—Adjourned debate on second reading.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 28TH NOVEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO A BILL.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Legislative Council Chamber, at a quarter to five o'clock this day, to assent to a Bill passed by the Legislative Council and the Legislative Assembly.

SMYTHESDALE, SELECTION AT.—The Honorable A. Fraser laid on the Table a Return to the Order of the Council made on the 19th instant.

EDUCATION 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Law relating to Education.*"

Question—put and passed.

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

LOCAL GOVERNING BODIES LOAN BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

APPROACH OF HIS EXCELLENCY THE GOVERNOR.—The approach of His Excellency the Governor was announced by the Usher.

ROYAL ASSENT TO BILL.—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 Assent, in Her Majesty's name, to the following Bill:—

"An Act to authorize the raising of Money for Public Works and other purposes.

The Royal Assent being read by the Clerk of the Parliaments in the following words:—

"In the name and on behalf of Her Majesty, I assent to this Act.

"CANTERBURY,
"Governor."

A schedule of the Bill assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

LOCAL GOVERNING BODIES LOAN BILL.—

Debate resumed.

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

Bill read a second time.

The Honorable A. Fraser 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 next.

Ordered.

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 Law relating to Dividing Fences,*" and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, have disagreed to others of the said amendments, and have agreed to one of the said amendments with amendments, and have also made an amendment consequent on the amendments made by the Legislative Council in clause 5, with which amendments and consequential amendment they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 28th November, 1872.

C. MAC MAHON,
Speaker.

FENCING BILL (2).—The Honorable A. Fraser moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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 Statute of Evidence 1864,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 28th November, 1872.

C. MAC MAHON,
Speaker.

STATUTE OF EVIDENCE AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

DENNIS TUOHEY.—The Honorable A. Fraser laid on the Table a Report of a Board of Enquiry in the case of Mr. Dennis Tuohey, with a memorandum thereon.

The Honorable R. Simson, with leave of the Council, moved, without notice, That the Report and memorandum thereon be printed.

Question—put and passed.

The Council adjourned at half-past six o'clock until half-past four o'clock on Tuesday the 3rd proximo.

ORDERS OF THE DAY.

TUESDAY, 3RD DECEMBER, 1872.

ORDERS OF THE DAY:—

1. LOCAL GOVERNING BODIES LOAN BILL.—To be further considered in Committee.
2. FENCING BILL (2).—Consideration of Message from Legislative Assembly.
3. STATUTE OF EVIDENCE AMENDMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Tuesday, 3rd December.

PRINTING—at a quarter past four o'clock.

G. W. RUSDEN,
Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 3RD DECEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Castlemaine District Railway Reserve—Mining authorized at.—Order in Council (11th November, 1872).
2. Castlemaine District Railway Reserve—Mining authorized at.—Order in Council (11th November, 1872).
3. Castlemaine District Railway Reserve—Mining authorized at.—Order in Council (11th November, 1872.)
4. Public Library, Museums, and National Gallery.—Report of Trustees, &c., for Year 1871.

Ordered severally to lie on the Table.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That a Select Committee of seven Members be appointed to prepare an Address to His Excellency the Governor in view of his approaching departure from the colony.

Question—put and passed.

The Honorable A. Fraser moved, That the Select Committee consist of the Honorables J. O'Shanassy, T. T. a'Beckett, J. F. Strachan, R. S. Anderson, G. W. Cole, C. J. Jenner, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

The Honorable A. Fraser brought up the Address prepared by the Committee.

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

To His Excellency the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury in the County of Kent, and BARON BOTTESFORD, of Bottesford in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, the Members of the Legislative Council of Victoria, in Parliament assembled, desire, in view of Your Excellency's approaching departure from the colony, to express to you our high sense of the ability and dignity with which Your Excellency has sustained the position of the representative of Her Most Gracious Majesty in this portion of Her dominions.

Your Excellency was called to the assumption of office at a period and in circumstances which peculiarly demanded of the Governor of this colony the possession of parliamentary and political experience, as well as the exercise of wise and statesmanlike qualities, and it is in the last degree gratifying to us to be able to convey to Your Excellency the assurance that, in our opinion, Your Excellency has acted in the discharge of your grave responsibilities with strict impartiality, and with enlightened regard for the true principles of responsible government.

During the term of Your Excellency's administration you have succeeded, in the providence of God, to the peerage of Great Britain and Ireland, and will therefore, on your return to the mother country, be called upon to take part in the deliberations of the Imperial Parliament, where, we feel assured, Your Excellency's experience in the colony of Victoria will enable you to exercise a beneficial influence in the discussion of all questions affecting the Empire at large.

We hope Your Excellency may long be spared to bear testimony to the devoted loyalty of this people to our Gracious Sovereign, and to assist in strengthening the ties which bind them to Her Throne and Person.

We would also desire to convey to Your Excellency's family the expression of our high esteem, and of our consciousness that their presence amongst us has always conduced to the welfare and social advantage of the community; and, in taking leave of your Excellency, we beg to be permitted to offer to you the expression of our personal esteem and regard, and of our sympathy with Your Excellency and family in your recent severe domestic afflictions.

The Honorable A. Fraser moved, That the Address be now adopted.

Question—put and passed.

The Honorable A. Fraser moved, That the Address be presented to His Excellency by the President, and such Members of the House as may desire to accompany him.

Question—put and passed.

LOCAL GOVERNING BODIES LOAN 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 A. Fraser moved, That the Bill be now re-committed on the second clause.

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 agreed to the Bill with further amendments.

The Honorable A. Fraser moved, That the adoption of the Report be made an Order of the Day for to-morrow.

Question—put and passed.

FENCING BILL (2).—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable A. Fraser moved, That the Council do not insist on their amendment in clause 3, line 13, to leave out "two rail fence or any."

Debate ensued.

Amendment moved by the Honorable H. M. Murphy, That the word "not" be omitted from the question.

Question—That the word "not" be omitted—put and passed.

Question—That the Council do insist on their amendment—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment in clause 3, line 14, to leave out "great."

Debate ensued.

The Honorable H. M. Murphy moved, That the word "not" be omitted from the question.

Question—That the word "not" be omitted—put and passed.

Question—That the Council do insist on their amendment—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment in Clause 3, line 21, to insert "The word 'cattle' shall mean bulls, cows, calves, pigs, goats, sheep."

Debate ensued.

The Honorable T. McKellar moved, That the word "not" be omitted from the question.

Question—That the word "not" be omitted—put and passed.

Question—That the Council do insist on their amendment—put and passed.

The Honorable A. Fraser moved, That the Council do agree to the following amendments made by the Legislative Assembly on the amendments made by the Council in clause 5, viz.:—Line 5, omit "other magistrate" and insert "justice". Line 18, omit "other magistrate" and insert "justice". Add to the end of this clause "and nothing herein contained shall prevent the owner at his own cost from time to time removing and erecting a fence along or near to the river creek or natural water-course forming the boundary of such contiguous land in lieu of the line of fence as aforesaid."

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment to strike out clause 12.

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

Question—That the word "not" be omitted—put and passed.

Question—That the Council do insist on their amendment—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on the remaining amendments in the Bill with which the Legislative Assembly have disagreed.

Debate ensued.

The Honorable H. M. Murphy moved, That the word "not" be omitted from the question.

Question—That the word "not" be omitted—put and passed.

Question—That the Council do insist on the remaining amendments in the Bill—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Legislative Council insist on the amendments with which the Legislative Assembly have disagreed, and have agreed to the amendments made by the Legislative Assembly on the amendments made by the Council in clause 3, line 14, and in clause 5 of the Bill.

STATUTE OF EVIDENCE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to amend the Statute of Evidence 1864.*"

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.

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 appointed a Committee of seven members to confer with a like number of members of the Legislative Council on the amendment made by the Legislative Assembly on the amendment made by the Legislative Council in the Bill intituled "*An Act for the Prevention of Diseases in Stock,*" to which the Legislative Council have not agreed, and request the Legislative Council to appoint a Committee of that House to confer with the Committee of the Legislative Assembly.

Legislative Assembly Chamber,
Melbourne, 3rd December, 1872.

C. MAC MAHON,
Speaker.

DISEASES IN STOCK BILL.—COMMITTEE TO CONFER.—The Honorable J. O'Shanassy moved, That a Committee of seven members be appointed to confer with the Committee appointed by the Legislative Assembly.

Question—put and passed.

The Honorable R. Simson moved, That the further consideration of the Message from the Legislative Assembly be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned, at half-past six o'clock, until half-past four o'clock on Wednesday the 4th instant.

ORDERS OF THE DAY.

WEDNESDAY, 4TH DECEMBER, 1872.

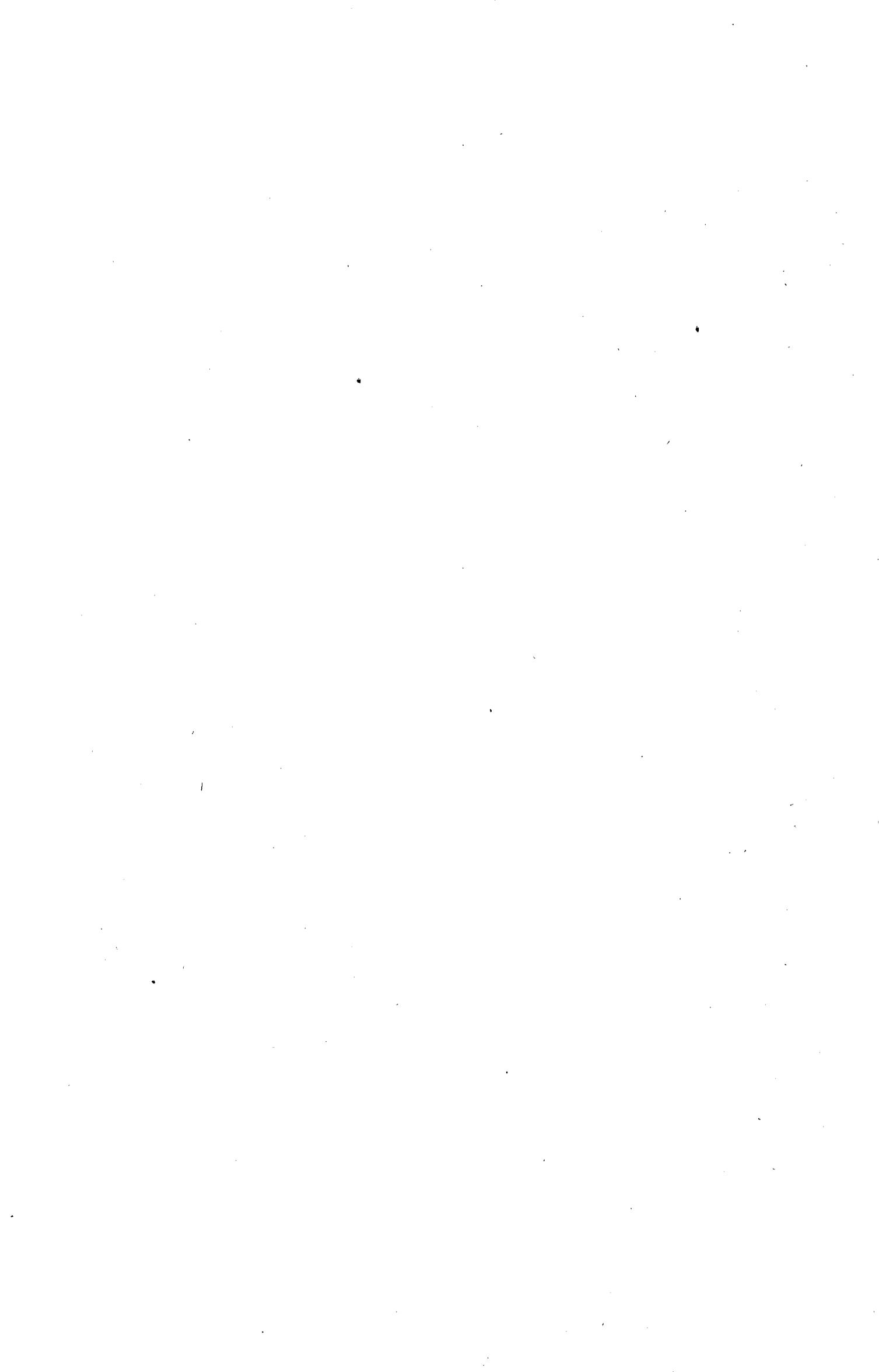
Government Business.

ORDERS OF THE DAY:—

1. LOCAL GOVERNING BODIES LOAN BILL.—Adoption of Report.
2. DISEASES IN STOCK BILL.—Further consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH DECEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and expenditure of certain Sums from the Public Works Loan Account 1872 for Salaries Wages and Contingencies for the service of the Year ending the Thirtieth day of June One thousand eight hundred and seventy-three,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 3rd December, 1872.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council—
A Bill intituled, "*An Act to provide for the treatment and cure of Inebriates*"; also,
A Bill intituled, "*An Act to amend 'The Mining Statute 1865,'*"
with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th December, 1872.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend 'The Juries Statute 1865,'*" and acquaint them that the Legislative Assembly have agreed to the amendments made by the Legislative Council in this Bill.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th December, 1872.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to Education,*" and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, have disagreed to others of the said amendments, and have agreed to others with amendments, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th December, 1872.

PUBLIC WORKS LOAN APPROPRIATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to sanction the issue and expenditure of certain Sums from the Public Works Loan Account 1872 for Salaries Wages and Contingencies for the service of the Year ending the thirtieth day of June One thousand eight hundred and seventy-three.*"

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.

INEBRIATES TREATMENT BILL.—The Honorable R. S. Anderson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. S. Anderson moved, That the Bill be printed, and that the second reading of the Bill be made an Order of the Day for the next day of meeting.

Question—put and passed.

MINING STATUTE AMENDMENT BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be printed, and that the second reading of the Bill be made an Order of the Day for the next day of meeting.

Question—put and passed.

EDUCATION BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable A. Fraser moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for the next day of meeting.

Question—put and passed.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Friday next.

Debate ensued.

Amendment moved by the Honorable J. F. Strachan, That the word "Friday" be omitted, with a view to insert the word "Tuesday" instead thereof.

Debate ensued.

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

Question—That the word "Tuesday" proposed to be inserted be so inserted—put and passed.

Question—That the House, at its rising this day, adjourn until Tuesday next—put and passed.

LOCAL GOVERNING BODIES LOAN 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 J. O'Shanassy moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on the second clause.

Question—put and passed.

Question—That the Bill be now re-committed on the second clause—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 the Bill with further amendments.

The Honorable A. Fraser moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable A. Fraser moved, That the third reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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 accompanying communication from the Clerk of the Parliaments, calling attention to certain clerical errors in the Bill intituled, "*An Act to amend 'The Statute of Evidence 1864,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments suggested by the Clerk of the Parliaments; with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th December, 1872.

SIR,

Parliament Houses,
Melbourne, 4th December, 1872.

I do myself the honor to report, in pursuance of the provisions of the Joint Standing Order No. 21, that I have been informed, from the office of the Crown Law Officers, that the following clerical errors have been discovered in the Bill intituled "*An Act to amend 'The Statute of Evidence 1864,'*" viz. :—

Clause 1, line 6, after "*Board,*" the words "*of Land and Works*" have been omitted.

Clause 1, line 16, after "*Board,*" the words "*of Land and Works*" have been omitted.

Clause 2, line 20, after "*Board,*" the words "*of Land and Works*" have been omitted.

I have the honor to be, Sir,

Your most obedient Servant,

G. W. RUSDEN,
Clerk of the Parliaments.

The Honorable the Speaker.

STATUTE OF EVIDENCE AMENDMENT BILL.—The Honorable A. Fraser moved, That the Council concur with the Legislative Assembly in correcting the clerical errors reported in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred in correcting the errors reported.

DISEASES IN STOCK BILL.—The Order of the Day for the further consideration of the Message from the Legislative Assembly with regard to this Bill being read, the Honorable R. Simson moved, That the Committee to confer with the Committee of the Legislative Assembly on the amendment made by the Legislative Assembly on the amendment, made by the Legislative Council in the Bill, with which the Assembly have not agreed, consist of the Honorables J. O'Shanassy, R. S. Anderson, W. Campbell, W. Highett, II. M. Murphy, J. Cumming, and the Mover.

Question—put and passed.

The Honorable A. Fraser moved, That the Committee have power to sit on days on which the Council do not sit.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have appointed a Committee of seven members to confer with the Committee appointed by the Assembly on the amendment, and that they have empowered the Committee to sit on days on which the Council do not sit, and to meet, in the first instance, at eight o'clock this day, in the South Library Room.

SELECT COMMITTEES.—The Honorable A. Fraser moved, That all Select Committees of the Council have power to sit during the adjournments of the House.

Question—put and passed.

At half-past six o'clock the Council adjourned during pleasure.

At twenty minutes to eleven o'clock the President resumed the Chair.

DISEASES IN STOCK BILL.—COMMITTEE TO CONFER.—The Honorable R. Simson informed the House that no agreement had been arrived at in the Conference of the Select Committee with the Committee of the Legislative Assembly.

The Council adjourned at a quarter to eleven o'clock until half-past four o'clock on Tuesday the 10th instant.

ORDERS OF THE DAY.

TUESDAY, 10TH DECEMBER, 1872.

ORDERS OF THE DAY:—

1. INEBRIATES TREATMENT BILL.—To be read a second time.
2. MINING STATUTE AMENDMENT BILL.—To be read a second time.
3. EDUCATION BILL.—Consideration of Message from Legislative Assembly.
4. LOCAL GOVERNING BODIES LOAN BILL.—To be read a third time.

MEETING OF SELECT COMMITTEE.

Friday, 6th December.

REFRESHMENT ROOMS—at three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 10TH DECEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILL.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber this day, at half-past five o'clock, to assent, in Her Majesty's name, to a certain Bill passed by the Legislative Council and Legislative Assembly.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Supreme Court.—Regulæ Generales (3 December, 1872).
2. Castlemaine District—Mining on Railway Reserve authorized at.—Order in Council (18th November, 1872).
3. Sandhurst District—Mining on Railway Reserve authorized at.—Order in Council (18th November, 1872).

Ordered severally to lie on the Table.

PAPER.—The Honorable A. Fraser laid on the Table the following Paper:—

Yan Yean Water Supply.—Cash Sheet and Balance Sheet, 1st July, 1871, to 30th June, 1872.

Ordered to lie on the Table.

PETITION.—The Honorable C. J. Jenner presented a Petition signed by Peter Lalor and others, styling themselves Commissioners of the Clunes Water Supply, praying that no amendment may be made in the Local Governing Bodies Loan Bill, which would deprive them of certain powers.

Petition received.

The Petition was read at the Table by the Clerk.

INEBRIATES TREATMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. S. Anderson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable R. S. Anderson 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 this evening.

Ordered,

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 Seventeen thousand pounds to the service of the year One thousand eight hundred and seventy one and two, and One hundred and eighty three thousand pounds to the service of the year One thousand eight hundred and seventy two and three,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 10th December, 1872.

CONSOLIDATED REVENUE BILL (2).—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Seventeen thousand pounds to the service of the year One thousand eight hundred and seventy-one and two, and One hundred and eighty-three thousand pounds to the service of the year One thousand eight hundred and seventy-two and three.*"

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.

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 Message from His Excellency the Governor, recommending certain amendments in the Bill intituled "*An Act to amend the Juries Statute 1865,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor in this Bill, with which the Legislative Assembly desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 10th December, 1872.

CANTERBURY,

Governor.

In pursuance of the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to amend the Juries Statute 1865,*" that has been presented to him for Her Majesty's assent:—

Omit clause 2 of the Bill.

In line 1 of clause 4, insert after the word "fact" the words "in any civil action."

Government Offices,
Melbourne, 10th December, 1872.

JURIES BILL.—AMENDMENTS RECOMMENDED BY HIS EXCELLENCY THE GOVERNOR.—The Honorable A. Fraser moved, That the Council do concur with the Legislative Assembly in making the amendments recommended by His Excellency the Governor in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with the Assembly in agreeing to the amendments.

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

ROYAL ASSENT TO BILL.—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 assent, in Her Majesty's name, to the following Bill:—

"*An Act to apply out of the Consolidated Revenue the sum of Seventeen thousand pounds to the service of the year One thousand eight hundred and seventy-one and two, and One hundred and eighty-three thousand pounds to the service of the year One thousand eight hundred and seventy-two and three.*"

The Royal Assent being read by the Clerk of the Parliaments in the following words:—

"In the name and on behalf of Her Majesty, I assent to this Act.

"CANTERBURY,
"Governor."

A schedule of the Bill assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

INEBRIATES TREATMENT BILL.—The Honorable R. S. Anderson moved, That this Bill be now further considered in Committee.

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 R. S. Anderson moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. S. Anderson moved, That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the Bill with amendments, and desiring their concurrence therewith.

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 for the prevention of Diseases in Stock,*" and acquaint them that the Legislative Assembly insist upon their amendment on the amendment of the Legislative Council, to which the Legislative Council have not agreed.

Legislative Assembly Chamber,
Melbourne, 10th December, 1872.

C. MAC MAHON,
Speaker.

DISEASES IN STOCK BILL.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Honorable A. Fraser moved, That the Message from the Legislative Assembly with this Bill be taken into consideration after the disposal of the other Orders of the Day.

Question—put and passed.

MINING STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the Title of the Bill be "*An Act to amend the Mining Statute 1865.*"

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.

EDUCATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, The Honorable A. Fraser moved, That the Council do not insist on the amendment to strike out clause 7.

Amendment moved by the Honorable J. O'Shanassy, That the word "not" be omitted from the question.

Debate ensued.

Question—That the word "not" proposed to be omitted stand part of the question—put.

Council divided.

Contents, 16

The Hon. A. Fraser
B. Williams
J. F. Strachan
Dr. Dobson
F. Robertson
P. Russell
J. Graham
Dr. Hope
W. Highett
T. F. Hamilton
W. Skene
W. Degraives
T. McKellar
J. Henty
G. W. Cole
C. J. Jenner (*Teller*).

Not Contents, 8.

The Hon. J. O'Shanassy
N. Fitzgerald
T. T. a'Beckett
H. M. Murphy
R. Simson
W. Campbell
J. P. Bear
W. A. C. a'Beckett (*Teller*).

The question was therefore passed.

Question—That the Council do not insist on their amendment—put and passed.

The Honorable A. Fraser moved, That the Council agree to the amendment of the Legislative Assembly on the amendment of the Legislative Council, in clause 10, line 8, to insert the words "in the subjects specified in the first Schedule hereto."

Question—put and passed.

The Honorable A. Fraser moved, That the Council agree to a similar amendment in clause 10, line 15.

Question—put and passed.

At twenty-five minutes to seven o'clock the Council adjourned during pleasure.

At twenty-five minutes to eight o'clock the President resumed the Chair.

The Honorable A. Fraser moved, That the Council do agree severally to the amendments made by the Legislative Assembly on the amendment made by the Council in clause 12, line 14, viz. :—

Omit "the" insert "any."

Omit all words from "of" to "bodies," both inclusive.

Omit both words "such."

Omit all words of amendment after "instruction."

Debate ensued.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do agree to the amendment of the Legislative Assembly on the amendment made by the Council in clause 15, line 12, viz. :—

“Amendment to leave out ‘three’ and insert ‘five’ instead thereof—agreed to ; omission of other words—disagreed to.”

Question—put and passed.

The Honorable A. Fraser moved, That the Council agree to the amendment of the Legislative Assembly on the amendment of the Legislative Council in clause 15, line 16, viz. :—

After ‘direct,’ insert ‘with the approval of the Minister.’”

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment in clause 15, line 17.

Question—put and passed.

The Honorable A. Fraser moved, That the Council agree to the amendment of the Legislative Assembly on the amendment of the Legislative Council in clause 15, line 18, viz. :—

Omit “to have power,” insert after “teacher” “for misconduct.”

Question—put and passed.

The Honorable A. Fraser moved, That the Council agree to the amendment made by the Legislative Assembly on the amendment made by the Council to insert new clause A, viz. :—

Omit all words from “school” and insert instead thereof “district in manner to be provided by regulations of the Governor in Council, and where from any cause a Board of Advice is not elected in any district the Governor in Council may appoint a Board of Advice for such district.”

Debate ensued.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment to add words at the end of clause 17.

Debate ensued.

Question put.

Council divided.

Contents, 17.

The Hon. A. Fraser
T. T. a'Beckett
J. F. Strachan
B. Williams
W. Skene
F. Robertson
P. Russell
Dr. Dobson
T. F. Hamilton
Dr. Hope
W. A. C. a'Beckett
W. Degraes
J. Henty
J. P. Bear
C. J. Jenner
G. W. Cole
J. Graham (*Teller*).

Not Contents, 7.

The Hon. T. McKellar
H. M. Murphy
N. Fitzgerald
J. O'Shanassy
W. Campbell
R. S. Anderson
R. Simson (*Teller*).

The question was therefore passed.

The Honorable A. Fraser moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Council to insert a new clause B, viz. :—

After “shall” insert “on being employed under this Act.”

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendments in clause 20.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council do not insist on their amendments with which the Legislative Assembly have disagreed, and have agreed to the amendments made by the Legislative Assembly on the amendments made by the Council.

LOCAL GOVERNING BODIES LOAN 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 Honorable

A. Fraser moved, That the Bill be now read a third time.

Amendment moved by the Honorable N. Fitzgerald, That all the words after the word “That” be omitted, with a view to insert the words “the Order of the Day for the third reading of the Bill be discharged, with a view to the re-committal of the Bill.”

Debate ensued.

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

Question—That the Bill be now read a third time—put and passed.

Bill read a third time.

The Honorable A. Fraser moved, That the Bill do now pass.

Question—put and passed.

The Honorable A. Fraser moved, That the title of the Bill be “An Act to authorize Local Governing Bodies to make Rates and give security on Waterworks Tolls and Rates for Loans advanced.”

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 11th instant:—

“*Diseases in Stock Bill*”—Consideration of Message from Legislative Assembly.

The Council adjourned at twenty minutes past ten o'clock until half-past four o'clock on Wednesday, the 11th instant.

ORDER OF THE DAY.

WEDNESDAY, 11TH DECEMBER, 1872.

Government Business.

ORDER OF THE DAY:—

1. DISEASES IN STOCK BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH DECEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council that His Excellency the Governor would be prepared to receive the Address adopted by the Council on the 3rd instant at one o'clock on Tuesday the 17th instant.

DISEASES IN STOCK BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The President stated, with regard to the Message from the Legislative Assembly, returning this Bill—

I have carefully considered this question, and looked into the various text-books relating to the practice of Parliament in regard to conferences and amendments in Bills, and have been unable to discover any precedent which could be distinctly taken as a guide in the matter.

The facts are as follows:—

The other branch of the Legislature passed a Bill respecting Contagious Diseases in Stock. An amendment was made in this Bill by the Legislative Council; the Assembly amended this amendment. The Council insisted upon theirs.

The Assembly called for a conference; which took place without any agreement being arrived at.

According to the text-books it would appear that the Bill was either lost for the session, or the Assembly, which was in possession of it, ought, if they wished to deal with it further, to have asked for another conference.

What they have done is to send the Bill back to this House, with a Message insisting upon their amendment.

I think it is competent for this House to deal with this Message if they deem it right to conclude that this Bill is not irregularly before them, because there seems to be no doubt that, if a conference had not been held, the course pursued by the Assembly would have been according to ordinary practice; and it is as open for the Council to communicate any resolution they may come to by Message as in another conference, had the other branch of the Legislature asked for one in accordance with what would seem to be the more correct parliamentary course.

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 authorize Local Governing Bodies to make Rates and give Security on Waterworks Tolls and Rates for Loans advanced,*" and acquaint them that the Legislative Assembly have agreed to the amendments made by the Legislative Council in this Bill.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th December, 1872.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the treatment and cure of Inebriates*"; and acquaint them that the Legislative Assembly have agreed to the amendments made by the Legislative Council in this Bill.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 10th December, 1872.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to direct the application of a sum of One hundred thousand pounds appropriated by 'The Public Works Loan Act 1872,' for Loans to Municipal and other Corporations for Water Supply,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th December, 1872.

PUBLIC WORKS LOAN APPLICATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the Title of the Bill be "*An Act to direct the application of a sum of One hundred thousand pounds appropriated by 'The Public Works Loan Act 1872' for loans to Municipal and other Corporations for Water Supply.*"

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.

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 prevent general Work in Mines after Six o'clock on Saturday nights, on Sundays, and before Six o'clock on Monday mornings,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th December, 1872.

LABOR IN MINES PREVENTION BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable R. S. Anderson, That the word "now" be omitted with a view to insert the words "this day six months," after the word "time."

Debate ensued.

Question—That the word "now," proposed to be omitted, stand part of the question—put and negatived

Question—That the words proposed to be added be so added—put and passed.

Question—That this Bill be read a second time this day six months—put.

Council divided.

Contents, 14
The Hon. G. W. Cole
R. S. Anderson
W. Campbell
R. Simson
H. M. Murphy
Dr. Hope
T. F. Hamilton
J. P. Bear
W. Degraives
W. Highett
J. Henty
Dr. Dobson
J. O'Shanassy
J. Graham (*Teller*).

The question was therefore passed.

Not Contents, 4.
The Hon. B. Williams
N. Fitzgerald
T. McKellar
W. A. C. a'Beckett (*Teller*)

DISEASES IN STOCK BILL.—**CONSIDERATION OF MESSAGE FROM LEGISLATIVE ASSEMBLY.**—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable A. Fraser moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Council, viz.:—

In new clause A omit "either House" and insert "both Houses."

The Honorable J. Graham moved, "That the following words be added to the question,"—with the following addition to the clause :—"Provided also and be it enacted that this Act shall continue in force until the thirty-first day of December 1873, and until the end of the then next ensuing session of Parliament."

Debate ensued.

Amendment, by leave, withdrawn until after the passing of the main question.

Question—That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Council, viz. :—(In new clause A) omit “either House” and insert “both Houses”—put.

Council divided.

Contents, 9.

The Hon. A. Fraser
 T. F. Hamilton
 B. Williams
 Dr. Hope
 Dr. Dobson
 W. Highett
 J. P. Bear
 G. W. Cole
 J. Graham (*Teller*).

Not Contents, 8.

The Hon. R. S. Anderson
 W. A. C. a'Beckett
 J. O'Shanassy
 W. Campbell
 N. Fitzgerald
 R. Simson
 T. McKellar
 H. M. Murphy (*Teller*).

The question was therefore passed.

The Honorable J. Graham moved, That the following amendment be added to the clause, “Provided also and be it enacted that this Act shall continue in force until the thirty-first day of December 1873, and until the then next ensuing session of Parliament.”

Question—put and passed.

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

At six o'clock the Council adjourned during pleasure.

At a quarter past nine o'clock the President resumed the Chair.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers :—

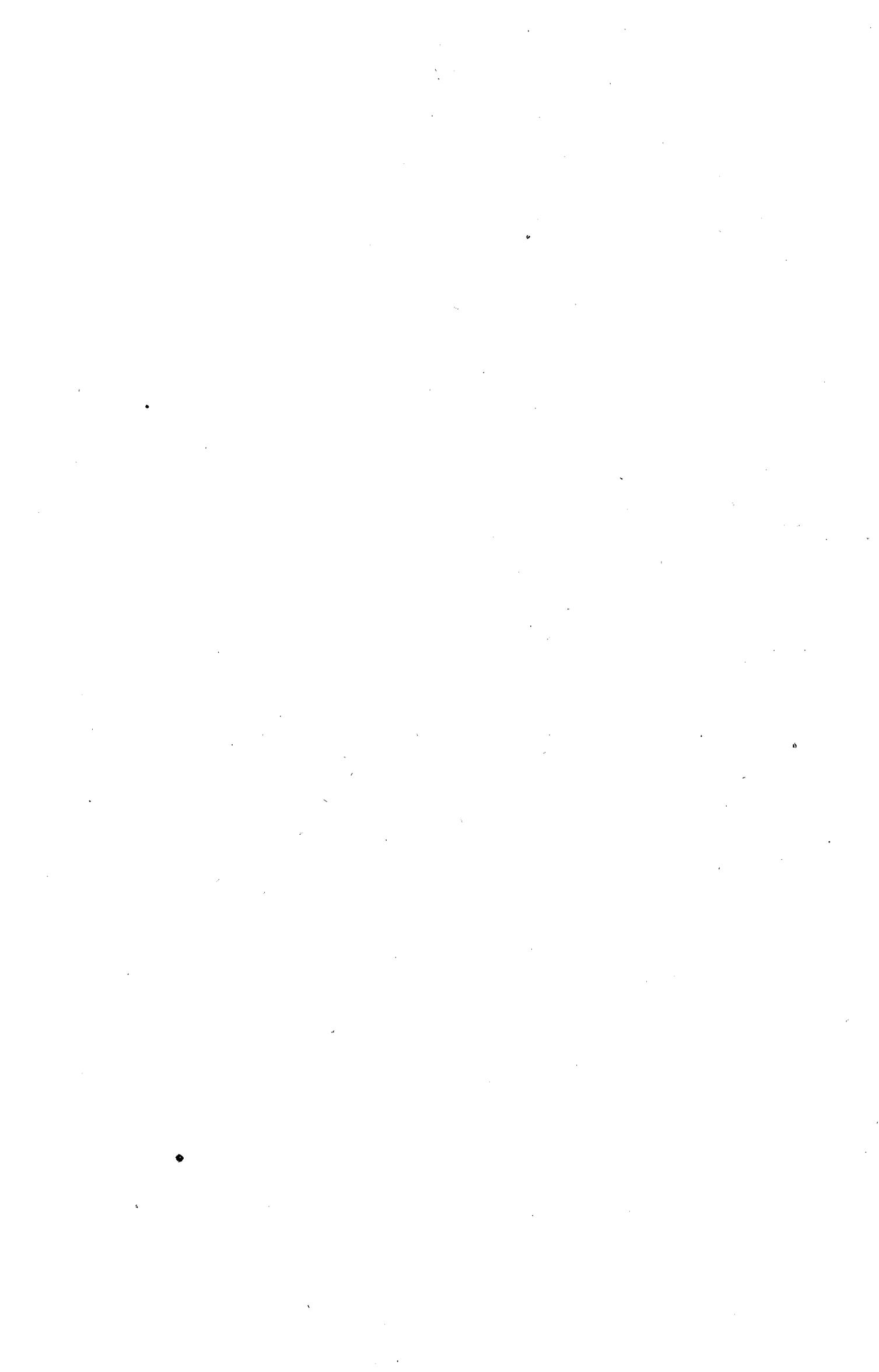
1. Census of Colony of Victoria, 1871 :—
 - Part VI.—Birthplaces of the People.
 - Part VII.—Conjugal condition of the People.
2. Statistics of the Colony of Victoria for the Year 1871 :—
 - Part VIII.—Interchange.

Ordered severally to lie on the Table.

The Council adjourned at twenty minutes past nine o'clock until half-past four o'clock on Thursday the 12th instant.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 12TH DECEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 transmit to the Legislative Council a Bill intituled "*An Act to provide further for the Salaries of the Judges of the Supreme Court of the Colony of Victoria,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 12th December, 1872.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for the prevention of Diseases in Stock,*" and acquaint them that the Legislative Assembly have agreed to the amendment of the Legislative Council to add a proviso to new clause A of this Bill.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 12th December, 1872.

JUDGES' SALARIES INCREASE BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to provide further for the Salaries of the Judges of the Supreme Court of the Colony of Victoria.*"

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.

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 provide for Mining on Private Property for Gold and Silver,*" and acquaint them that the Legislative Assembly insist in their disagreement to the amendments made by the Legislative Council in this Bill.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 12th December, 1872.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled, "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the last day of June One thousand eight hundred and seventy-three, and to appropriate the Supplies granted in this Session of Parliament,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,
Speaker.

Legislative Assembly Chamber,
Melbourne, 12th December, 1872.

APPROPRIATION BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser 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 A. Fraser 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 A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the last day of June One thousand eight hundred and seventy-three, and to appropriate the Supplies granted in this Session of Parliament.*"

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.

ADJOURNMENT.—The Honorable A. Fraser, with leave of the Council, moved without notice, That the Council, at its rising this day, adjourn until a quarter to one o'clock on Tuesday next.

Question—put and passed.

The Council adjourned at five minutes past six o'clock until a quarter to one o'clock on Tuesday the 17th instant.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 17TH DECEMBER, 1872.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT, RETURN OF.—EASTERN PROVINCE.—The President announced to the Council, That the Writ issued by him for the election of a member for the Eastern Province, in the place of the Honorable R. Turnbull deceased, had been returned to him, and that the Returning Officer had certified that “Sir Francis Murphy, of Mornington, gentleman, was duly elected in pursuance of the writ.”

SWEARING IN OF NEW MEMBER.—The Honorable Sir Francis Murphy, being introduced, took and subscribed the oath of allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANCIS MURPHY, Knight, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands and tenements in the Colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further that the lands and tenements out of which such qualification arises are situate in the parishes of Ballarat and Mooroduc, in the counties or reputed counties of Grenville and Mornington, the description of which lands and tenements are as follow:—

“Part of Government allotment No. 5, section 6, township of Ballarat, in Lydiard street, with the buildings erected thereon.

“Five acres, part of section 9, parish of Mooroduc, adjoining the town of Mornington.

“Lots 1 and 12 of section 9, adjoining former.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Ballarat and Mornington are rated in the rate-books of such districts as follows:—

“Of the annual 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 of the Colony of Victoria.

“FRANS. MURPHY.”

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The President and the Members of the Council left the Council Chamber to present to His Excellency the Governor the Address adopted by the Council on the 3rd instant.

REPLY OF HIS EXCELLENCY THE GOVERNOR TO ADDRESS.—The President announced to the Council that he had, accompanied by honorable members, presented the Address of the Council to His Excellency the Governor, and that His Excellency had been pleased to make thereto the following reply:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

I rejoice in the recollection that my official relations with the Legislative Council have always been relations of mutual cordiality and good will; and I regard as an honorable and very gratifying termination of these official relations the approval which you have been good enough to express of the manner in which I have discharged my duties as the representative of the Crown in this part of Her Majesty's dominions.

I have not forgotten that the period at which I assumed office here was unhappily one of political discord and excitement; and it might perhaps have been expected that that discord and excitement would have impaired the cordiality of my welcome here, and have prejudiced my official or personal relations with one or other, if not with both, of the contending political parties. But I remember also with feelings of gratitude and respect that from the first moment of my arrival all political parties and all public men of all shades of political opinion have uniformly displayed the same unvarying respect for my official position and the same kindly disposition towards me personally.

You have referred with anticipations very gratifying to me to the possibility of my future utility as a member of the Imperial Parliament. However this may be, you may feel assured that the same convictions and principles which have guided my personal conduct here will guide me hereafter. I know well your devoted loyalty to Her Majesty's Crown and person, and your attachment to British Institutions.

I believe that the connection of the colonies with the mother country does not impede, but tends to promote their growth and prosperity by giving additional stability to that progress of which Victoria has been, is now, and, as I hope and believe will continue to be, so conspicuous an example.

I believe, moreover, that the connection of the mother country with her colonies not only imparts additional splendour to the British Crown, but that it also confers additional power and influence on the British nation.

And entertaining and acting on these convictions, I shall always be ready to aid in maintaining and strengthening the ties of mutual interest as well as of common origin and of community of feeling which unite the colonies to the mother country.

Lady Canterbury and my family desire through and with me to offer to you our warmest thanks for the expression of your esteem and regard, and of your sympathy with us in our griefs; and I desire, on their behalf as well as for myself, to assure you that, in bidding you "Farewell," we do not use a conventional term, but seek to express our united and heartfelt wishes for your welfare and for that of the people of Victoria, in whose future prosperity we shall continue to feel the deepest interest.

CANTERBURY.

Government Offices,

Melbourne, 17th December, 1872.

The Honorable A. Fraser moved, That the Address of the Council and the Reply of His Excellency be inscribed on the records of the Council.

Question—put and passed.

PAPERS.—The Honorable A. Fraser, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Coliban—Report on storing Water in (27th August, 1872).
2. Mining on Railway Reserve, Castlemaine District, authorized.—Order in Council (25th November, 1872).
3. Mining on Railway Reserve, Castlemaine District, authorized.—Order in Council (25th November, 1872).
4. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (25th November, 1872).
5. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (25th November, 1872).

Ordered severally to lie on the Table.

PAPERS.—The Honorable A. Fraser laid on the Table the following Papers:—

1. Portland Breakwater.—Report of Board (4th December, 1872).
2. Warrnambool Breakwater.—Report of Board (4th December, 1872).

Ordered severally to lie on the Table.

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

ROYAL ASSENT TO BILLS.—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 assent, in Her Majesty's name, to the following Bills:—

- “An Act to apply a Sum out of the Consolidated Revenue to the service of the Year ending “on the last day of June One thousand eight hundred and seventy-three, and to appropriate the Supplies granted in this Session of Parliament.”
- “An Act to further amend the Law relating to Gaols.”
- “An Act to amend the Patents Statute 1865.”
- “An Act to further amend the Real Property Statute 1864.”
- “An Act to enable the allowance of Drawbacks on the exportation of certain Goods from “Victoria and for other purposes.”
- “An Act to make better provision for the office of Master in Equity, and for better securing “the Moneys of the Suitors of the Supreme Court.”
- “An Act to amend the Laws relating to or affecting Public Health and to prevent the sale of “Adulterated or unwholesome food or drink.”
- “An Act to further amend an Act intituled, ‘An Act to make provision for the better “Administration of Justice in the Colony of Victoria.’”
- “An Act to amend an Act intituled ‘An Act to protect Game.’”
- “An Act for converting Debentures into Victorian Stock, and to give further facilities to the “the holders of such Stock.”
- “An Act to amend ‘The Importation and Custody of Gunpowder Statute 1864.’”
- “An Act to make better provision for the Office of Agent-General.”
- “An Act to amend ‘The Waterworks Act 1865, and the Waterworks Commissioners Act 1869.’”
- “An Act to amend the Statute of Evidence 1864.”

- “An Act to sanction the issue and expenditure of certain Sums from the Public Works Loan Account 1872 for Salaries Wages and Contingencies for the service of the Year ending the thirtieth day of June One thousand eight hundred and seventy-three.”*
- “An Act to amend the Juries Statute 1865.”*
- “An Act to amend the Mining Statute 1865.”*
- “An Act to amend the Law relating to Education.”*
- “An Act to authorize Local Governing Bodies to make Rates and give Security on Water-works, Tolls, and Rates for Loans advanced.”*
- “An Act to provide for the Treatment and Cure of Incbriates.”*
- “An Act to direct the application of a Sum of One hundred thousand pounds appropriated by ‘The Public Works Loan Act 1872’ for Loans to Municipal and other Corporations for Water Supply.”*
- “An Act for the prevention of Diseases in Stock.”*
- “An Act to provide further for the Salaries of the Judges of the Supreme Court of the Colony of Victoria.”*

The Royal Assent being read severally by the Clerk of the Parliaments in the following words :—

“In the name and on behalf of Her Majesty, I assent to this Act.

“CANTERBURY,
“Governor.”

RESERVATION OF BILLS FOR THE SIGNIFICATION OF HER MAJESTY'S PLEASURE.—His Excellency was pleased to reserve for the signification of Her Majesty's pleasure the following Bills, viz. :—

- “An Act to make valid the marriage of a man with the Sister of his Deceased Wife.”*
- “An Act to amend an Act intituled ‘An Act to enable the Bishops, Clergy, and Laity of the United Church of England and Ireland in Victoria to provide for the regulation of the affairs of the said Church.’”*

The Clerk of the Parliaments delivered to Mr. Speaker a Schedule of the Bills.

His Excellency was then pleased to speak as follows :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I rejoice that the time has arrived when I am able to release you from the labours of a protracted session.

The question of renewing the contract which existed between this Government and that of New South Wales for the payment of a fixed annual sum in lieu of the actual collection of duties on merchandise crossing or by way of the River Murray, has not yet been settled ; but as these duties have been in course of actual collection for nearly a year, there will be a basis for estimating the amount fairly payable to New South Wales, and I am hopeful that an agreement may shortly be made, which, while duly protecting the revenue of both colonies, will remove the restriction which now fetters the intercourse between them.

The proposals of the Imperial Government for the mail service between Great Britain and these colonies when the present contract will have expired, have received the careful consideration of my advisers, and have been readily acceded to by them. A conference on the subject will, in all probability, soon be held, at which, I trust, an agreement will be entered into satisfactory to all the colonies, and just to the interests and claims of each.

The universal feeling of horror which has been experienced at the recent outrages committed by Europeans upon the inhabitants of some of the islands in the Pacific Ocean has been nowhere more strongly felt than in this colony. The steam sloop *Victoria* has been placed at the disposal of the Commodore of the Australian station to assist in suppressing these outrages ; and, if necessary, measures will be taken by this colony to return the unfortunate Pacific Islanders to their homes.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have to thank you on behalf of Her Majesty for the liberal supplies which you have granted for the public service.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I observe with satisfaction that a number of important additions have been made to our laws.

The Education Act 1872, to which I have now given Her Majesty's assent, making education secular, free, and compulsory, is a measure which marks a new era in our social history, and will, I have every confidence, promote the happiness, intelligence, and prosperity of the people.

The Police Offences Statute Amendment Act has already proved successful in checking the business of betting and gambling, and will, I trust, prove a safeguard to society against the ruinous results which, in so many instances, that business has produced.

The Act to amend the Public Health Statute, making the importation or possession of diseased animals or articles of food or drink intended for human consumption an offence, cannot fail to have a beneficial effect on the sanitary condition of the people.

The Diseases in Stock Act, conferring ample power upon the Government to take effective steps to arrest any epidemic among stock, will be found a useful measure to protect one of our staple industries.

The amendment of the Audit Act, limiting the expenditure of public money to the financial year in which it is voted, will simplify the public accounts.

The Act authorizing a new loan effects two objects of great importance : it provides for the completion of several great public works and the erection of public buildings of urgent necessity, and it inaugurates an uniform Victorian Government Stock, which it is believed will gradually absorb, and in the end supersede, the Debentures at various rates and different terms by which Victorian loans have hitherto been raised.

The Debentures Conversion Act affords large facilities to the holders of Stock, and provides the machinery by which the exchange of the existing Debentures for the new Stock may be effected.

The Act relating to the office of the Master-in-Equity will relieve the suitors in equity from risks and inconveniences to which they may heretofore have been exposed.

The Act to provide for the better administration of justice by the appointment of a fifth Judge will enable the Bench of the Supreme Court to keep pace with the demands made upon it by the increasing and important litigation in the higher Courts; while the Act to increase the salaries of the Judges indicates the estimation in which the judicial office is held, and will tend to secure the services of the ablest men at the bar.

The Local Governing Bodies Loan Act, empowering local bodies to borrow money for the construction of waterworks, and conferring the necessary authority to levy rates without the necessity of a special Act, will improve the sanitary condition of our inland towns, and promote many of our most important industries.

I am glad to observe that several Acts have been passed removing doubts and simplifying procedure under existing laws.

Although you have not been enabled to concur in measures dealing with the subjects of "Mining on Private Property" and the "Amendment of the Land Act," the magnitude and importance of these questions are so undoubted, and the want of satisfactory legislation upon them is so manifest, that it will be the duty of my advisers seriously to consider and to determine what steps shall be taken to have the principles of these measures carried into law.

It is gratifying to know that, in the construction of the new lines of railway authorized by the Act of last session of Parliament, satisfactory progress is being made. Contracts, as you are aware, have been let, as far as Beaufort on the Ballarat and Ararat line, and Maryborough on the Castlemaine and Dunolly line, and such progress made in each case as justifies the expectation that they will be completed within the contract time. The remaining contracts for completing these lines will be let in due course and without delay. For the construction of the first section of the Ballarat and Maryborough line contracts will be called for before the end of the year, and also for the remaining sections without unnecessary delay. To enable my advisers to submit to Parliament, in its next session, proposals for additional railway extension, surveys of proposed new lines are now being made, and others will be undertaken during the recess.

The establishment of a Department of Agriculture has supplied a long felt want, and my advisers anticipate the most beneficial results in a country where a thorough knowledge of practical and scientific husbandry must have so important an effect upon our prosperity.

The Royal Commission appointed to make provision for the Exhibition in Melbourne and London of the arts, manufactures, and products of Victoria, have been unremitting in their labours. The Exhibition now open illustrates the rapid strides we have made in industrial pursuits and the variety of our natural productions.

My approaching return to England renders it improbable that I shall again meet you. I shall at all times retain a gratifying recollection of my official relations with the two Houses of Parliament during my administration of the Government of this colony; and I trust that, by the blessing of God, continued success may attend your future labours for the promotion of the welfare of Victoria.

I now, in Her Majesty's name, declare this Parliament to be prorogued to Thursday, the thirtieth day of January next, and it is prorogued accordingly.

CANTERBURY.

Which being concluded a copy of the Speech was delivered to the President of the Council and to Mr. Speaker, and the Legislative Assembly withdrew. His Excellency the Governor left the Council Chamber.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

SELECT COMMITTEES

APPOINTED DURING THE SESSION OF 1872.

No. 1.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 30th April, 1872.

The Hon. F. Robertson
J. Cumming
C. J. Jenner
W. A. C. a'Beckett

The Hon. T. T. a'Beckett
G. W. Cole
Dr. Dobson (*Mover*).

No. 2.—CONGRATULATORY ADDRESS TO HER MAJESTY.

Appointed 30th April, 1872..

The Hon. R. Simson
A. Fraser
J. F. Strachan
W. Highett

The Hon. A. Michie
H. M. Murphy
C. J. Jenner (*Mover*).

No. 3.—STANDING ORDERS.

Appointed 7th May, 1872.

The Hon. The President
W. Campbell *
J. O'Shanassy *

The Hon. H. M. Murphy
C. J. Jenner (*Mover*).

* Re-appointed 15th October, 1872, after re-election to seats in Council, vacated by rotation.

No. 4.—LIBRARY (JOINT).

Appointed 7th May, 1872.

The Hon. The President
J. O'Shanassy *
R. C. Hope

The Hon. R. S. Anderson
T. T. a'Beckett.

* Re-appointed 15th October 1872, after his re-election to seat in Council, vacated by rotation.

No. 5.—PRINTING.

Appointed 7th May, 1872.

The Hon. R. S. Anderson
A. Fraser *
J. Henty †

The Hon. J. Graham
F. Robertson.

* Re-appointed 9th July 1872, in consequence of a vacancy caused by his acceptance of an office of profit.

† Re-appointed 15th October 1872, after re-election to seat in Council, vacated by rotation.

No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 7th May, 1872.

The Hon. The President
P. Russell
R. Turnbull

The Hon. R. Simson
T. F. Hamilton *
W. A. C. a'Beckett (*Mover*).

* Appointed 15th October 1872, vice Hon. R. Turnbull, whose seat in Council became vacant by rotation.

No. 7.—PARLIAMENT BUILDINGS (JOINT).

Appointed 7th May, 1872.

The Hon. T. McKellar
J. F. Strachan
N. Black

The Hon. N. Fitzgerald
W. Degraives
A. Fraser.*

* Appointed 15th October 1872, *vice* Hon. N. Black, whose seat in Council was vacated by rotation.

No. 8.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 14th May, 1872.

The Hon. Thomas Turner a'Beckett
William Campbell*
Robert Culbertson Hope
John Cumming

The Hon. William Highett
John O'Shanassy,† and
Phillip Russell
Robert S. Anderson.‡

* Vacated seat by rotation, 16th September 1872.

† Vacated seat by rotation, 27th August 1872; re-appointed on Committee, 20th September.

‡ Appointed 26th September, *vice* the Hon. W. Campbell, whose seat in Council became vacant by rotation.

No. 9.—TRAWALLA BRIDGE COMMON.

Appointed 4th September, 1872.

The Hon. J. O'Shanassy
P. Russell
The President

The Hon. W. Degraives
R. Simson (*Mover*).

No. 10.—DISEASES IN STOCK BILL.

Appointed 2nd October, 1872.

The Hon. N. Black
J. O'Shanassy
W. Highett
A. Fraser

The Hon. W. Skene
W. Campbell
H. M. Murphy (*Mover*).

No. 11.—MINING ON PRIVATE PROPERTY BILL.

Appointed 5th November, 1872.

The Hon. J. O'Shanassy
J. P. Bear
R. Simson

The Hon. W. Campbell
Dr. Dobson (*Mover*).

No. 12.—ADDRESS TO HIS EXCELLENCY THE GOVERNOR.

Appointed 3rd December, 1872.

The Hon. J. O'Shanassy
T. T. a'Beckett
J. F. Strachan
R. S. Anderson

The Hon. G. W. Cole
C. J. Jenner
A. Fraser (*Mover*).

No. 13.—DISEASES IN STOCK BILL.—COMMITTEE TO CONFER.

Appointed 4th December, 1872.

The Hon. J. O'Shanassy
R. S. Anderson
W. Campbell
W. Highett

The Hon. H. M. Murphy
J. Cumming
R. Simson (*Mover*).

LEGISLATIVE COUNCIL.

SESSION 1872.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

WEDNESDAY, 25TH SEPTEMBER, 1872.

No. 1.—MINING ON PRIVATE PROPERTY BILL.—Clause 2.—In the construction of this Act the following terms shall, if not inconsistent with the context or subject matter, have the meanings hereby respectively assigned to them, that is to say :—

“Private lands” shall mean lands alienated from the Crown whether in fee simple or for any less estate or interest, except lands alienated expressly for mining purposes.

“Owner” shall mean any person entitled to a freehold estate in any land, and also any person entitled to the possession of land under or by virtue of any less estate or interest derived from the Crown that he may become the tenant in fee thereof.

“Minister” shall mean the responsible Minister of the Crown administering this Act.

“Warden” shall mean one of Her Majesty’s wardens of the gold fields in and for the colony, or in and for any district thereof.

“Person” shall, for the purposes of this Act, include a corporation, if incorporated for mining purposes, but not otherwise.

“Prospecting” shall mean mining or excavating with the object of discovering gold or silver mines.

“Mining” shall mean mining for gold or silver, and shall include prospecting.

Motion made—That all the words from “Minister” (inclusive) in the ninth line of the above clause to the end of the clause, be struck out.—(*Hon. J. O’Shanassy.*)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

Contents, 15.
 The Hon. W. Skene
 N. Black
 J. Graham
 J. F. Strachan
 H. M. Murphy
 Dr. Dobson
 P. Russell
 W. Highett
 T. McKellar
 W. Degraives
 J. P. Bear
 J. O’Shanassy
 J. Cumming
 R. Simson
 W. Campbell (*Teller*).

Not Contents, 8.
 The Hon. A. Fraser
 T. T. a’Beckett
 N. Fitzgerald
 W. A. C. a’Beckett
 G. W. Cole
 J. Heuty
 T. F. Hamilton
 B. Williams (*Teller*).

No. 2.—MINING ON PRIVATE PROPERTY BILL.—Clause 3.—It shall be lawful for the Governor in Council in the name and on behalf of Her Majesty to grant to any person subject to the provisions of this Act and to the regulations to be made as hereinafter mentioned a lease of any mines containing gold or silver in or under any private lands (so as to bind the owner) with the right to enter and mine in or on the whole or any part of the surface of such land, and with right of access and such other rights and easements as may be necessary or convenient for the purpose of effectual mining in or upon such lands: All such leases to be in such form and to contain such covenants as shall from time to time be prescribed by regulations to be made as aforesaid; and when any such lease shall be granted to any person other than the owner compensation for any damage shall be made as hereinafter provided.

Motion made and question put—That the above clause stand part of the Bill.—(*Hon. A. Fraser*).

Committee divided.

Contents, 4.
The Hon. A. Fraser
T. T. a'Beckett
W. A. C. a'Beckett
B. Williams (*Teller*).

Not Contents, 17.
The Hon. N. Black
W. Skene
J. Graham
W. Campbell
H. M. Murphy
T. McKellar
P. Russell
J. Cumming
T. F. Hamilton
W. Highett
J. F. Strachan
G. W. Cole
J. O'Shanassy
W. Degraives
J. P. Bear
R. Simson
Dr. Dobson (*Teller*).

No. 3.—MINING ON PRIVATE PROPERTY BILL.—Clause 5.—All contracts made between the owners of private lands and other persons for mining in or on such private lands for gold or silver before the tenth day of July One thousand eight hundred and seventy-two, if registered within six months after the passing of this Act in accordance with regulations to be made as aforesaid, shall be binding at law and in equity, and may be enforced as if they had been legal contracts at the time they were entered into, and all persons claiming the benefit of mining for gold or silver under any such contract shall after registration thereof take and execute a lease: but if such lease be not applied for within six months after the passing of this Act the mines, the subject of such contracts, may be applied for by any person under this Act.

Motion made—That the words "*and all persons claiming the benefit of mining for gold or silver under any such contract shall after registration thereof take and execute a lease within six months after the passing of this Act*" be added to the clause.—(*Hon. N. Fitzgerald*).

Question—That the words proposed to be added be so added—put.

Committee divided.

Contents, 7.
The Hon. J. Henty
T. T. a'Beckett
N. Fitzgerald
W. A. C. a'Beckett
A. Fraser
G. W. Cole
B. Williams (*Teller*).

Not Contents, 16.
The Hon. W. Campbell
J. Graham
J. O'Shanassy
W. Skene
T. McKellar
N. Black
H. M. Murphy
W. Highett
P. Russell
J. F. Strachan
T. F. Hamilton
J. Cumming
W. Degraives
J. P. Bear
R. Simson
Dr. Dobson (*Teller*).

LEGISLATIVE COUNCIL.

SESSION 1872.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 22ND OCTOBER, 1872.

No. 1.—FENCING BILL (2).—Clause 3.—For the purposes of this Act the word “fence” shall mean and include any substantial “two rail fence or any” fence wall bank hedge or ditch ordinarily capable of resisting the trespass of great cattle; and the word “occupant” shall mean and include any person for the time being entitled at law to the rents and profits or in lawful possession or occupation under lease license or other lawful authority of land whether alienated from the Crown or not, save and except pastoral tenants; “pastoral tenants” shall mean occupiers or persons in lawful possession of waste or other lands belonging to the Crown under licenses for pastoral purposes: but nothing in this Act contained shall apply to lands proclaimed as commons or to the managers trustees or other persons having the possession control or care of such lands or shall affect the Crown as owner or occupant of land.

Motion made—That the words “two rail fence or any” in the second line of the above clause be struck out.—(Hon. H. M. Murphy.)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

Contents, 15.
The Hon. J. Graham
The President
W. Skene
T. McKellar
W. Campbell
N. Black
J. P. Bear
H. M. Murphy
P. Russell
W. Degraives
R. Simson
J. Cumming,
T. Hamilton
J. O'Shanassy
Dr. Dobson (Teller).

Not Contents, 3.
The Hon. A. Fraser
N. Fitzgerald
T. T. a'Beckett (Teller).

No. 2.—FENCING BILL (2).—Clause 3.

Motion made—That the word “sheep” be added to the words “*the word ‘cattle’ shall mean bulls cows calves pigs goats*” inserted in the 21st line.—(*Hon. T. McKellar.*)

Question—That the word proposed to be added be so added—put.

Committee divided.

Contents, 14.
 The Hon. W. Skene
 The President
 W. Campbell
 T. McKellar
 J. P. Bear
 W. Degraives
 R. Simson
 P. Russell
 J. Cumming
 N. Black
 T. Hamilton
 J. O’Shanassy
 Dr. Dobson
 J. Graham (*Teller*).

Not Contents, 4.
 The Hon. N. Fitzgerald
 A. Fraser
 H. M. Murphy
 T. T. a’Beckett (*Teller*).

WEDNESDAY, 23RD OCTOBER, 1872.

No. 3.—DISEASES IN STOCK BILL.—Clause 10.—Whenever the Governor in Council shall be satisfied, upon the report of an inspector of stock and otherwise, that any stock is diseased he may order the ~~destruction~~ destruction of the same, “*and the owner thereof shall have no claim for compensation for their destruction.*”

Motion made—That the words “*and the owner thereof shall have no claim for compensation for their destruction,*” in the third line of the above clause, be struck out.—(*Hon. P. Russell.*)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

Contents, 8.
 The Hon. P. Russell
 W. Skene
 J. P. Bear
 R. Simson
 W. A. C. a’Beckett
 J. O’Shanassy
 N. Black
 W. Campbell (*Teller*).

Not Contents, 8.
 The Hon. J. Graham
 T. T. a’Beckett
 R. S. Anderson
 A. Fraser
 F. Robertson
 W. Degraives
 T. Hamilton
 H. M. Murphy (*Teller*).

The Tellers having declared that the numbers for the Contents and for the Not Contents were respectively eight, or equal, the Chairman gave his vote with the Not Contents, and declared the question to have been negatived.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1872.

WEEKLY REPORT OF DIVISIONS IN COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 5TH NOVEMBER, 1872.

No. 1.—DISEASES IN STOCK BILL.—Proposed new clause A.—

A. Any regulation made or to be made under this Act shall have the full force of law until the same shall have been disallowed by resolution of either House of Parliament, and thereupon such regulation or any part thereof so disallowed shall cease to have any force or effect in law.—(*Hon. R. Simson.*)

Motion made and question put—That the above new clause stand part of the Bill.

Committee divided.

Contents, 17.
The Hon. The President
T. T. a'Beckett
J. O'Shanassy
W. Campbell
R. Simson
Dr. Dobson
W. Degraives
F. Robertson
W. Highett
W. A. C. a'Beckett
P. Russell
R. S. Anderson
T. McKellar
J. Cumming
J. Henty
B. Williams
J. Graham (*Teller*).

Not Contents, 3.
The Hon. G. W. Cole
J. F. Strachan
A. Fraser (*Teller*).



LEGISLATIVE COUNCIL.

SESSION 1872.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

WEDNESDAY, 20TH NOVEMBER, 1872.

No. 1.—EDUCATION BILL.—Clause 9.—Trustees holding land in trust for school "*purposes*," or a majority of such trustees, may and are hereby authorized to sell or let from year to year to the Minister of Public Instruction such lands and any buildings erected thereon upon such terms as may be agreed upon, any condition or restriction against alienation notwithstanding, and the purchase money or rent paid for any such lands or buildings may be applied for the purposes of the denominational body if any beneficially interested therein in such manner as the denominational body may deem most beneficial.

Motion made—That the words "*held on behalf of any religious denomination*" be inserted after the word "*purposes*," in the first line of the above clause.—(*Hon. T. T. a'Beckett.*)

Question—That the words proposed to be inserted be so inserted—put.

Committee divided.

Contents, 10.
 The Hon. W. Campbell
 T. T. a'Beckett
 N. Black
 P. Russell
 The President
 N. Fitzgerald
 J. Henty
 J. Cumming
 J. O'Shanassy
 W. A. C. a'Beckett (*Teller*).

Not Contents, 12.
 The Hon. A. Fraser
 R. Simson
 W. Skene
 F. Robertson
 T. F. Hamilton
 W. Highett
 W. Degraives
 J. F. Strachan
 J. P. Bear
 C. J. Jenner
 Dr. Dobson
 J. Graham (*Teller*).

No. 2.—EDUCATION BILL.—Clause 9.—Trustees holding lands in trust for school purposes, or a majority of such trustees, may and are hereby authorized to sell or let from year to year to the Minister of Public Instruction such lands and any buildings erected thereon upon such terms as may be agreed upon, any condition or restriction against alienation notwithstanding, and the purchase money or rent paid for any such lands or buildings may be applied for the purposes of the denominational body if any beneficially interested therein in such manner as the denominational "*body*" may deem most beneficial.

Motion made—That the words "*as represented by its head or authorized representative*" be inserted after the word "*body*," in the sixth line of the above clause.—(*Hon. T. T. a'Beckett.*)

Question—That the words proposed to be inserted be so inserted—put.

Committee divided.

Contents, 11.
 The Hon. W. A. C. a'Beckett
 W. Campbell
 T. T. a'Beckett
 N. Black
 P. Russell
 N. Fitzgerald
 The President
 J. Cumming
 J. O'Shanassy
 J. Henty
 H. M. Murphy (*Teller*).

Not Contents, 12.
 The Hon. A. Fraser
 J. Graham
 W. Skene
 F. Robertson
 T. F. Hamilton
 W. Highett
 J. F. Strachan
 W. Degraives
 C. J. Jenner
 Dr. Dobson
 J. P. Bear
 R. Simson (*Teller*).

THURSDAY, 21st NOVEMBER, 1872.

No. 3.—AGENT-GENERAL BILL.—Clause 4.—Any member of the Legislative Council or the Legislative Assembly shall be eligible for appointment to "*the office of Agent-General*," anything in the Act No. XCI to the contrary notwithstanding, and on appointment the seat of such member shall become vacant.

Motion made—That the words "*the office of Agent-General*" be struck out, with a view of inserting the following words, "*any office or place of profit under the Crown and the seat of any member of the Council or Assembly shall not become vacant by reason of*"—(Hon. Dr. Dobson.)

Question—That the words proposed to be struck out be so struck out—put.

Committee divided.

Contents, 9.

The Hon. Dr. Dobson
C. J. Jenner
J. O'Shanassy
J. P. Bear
P. Russell
W. A. C. a'Beckett
J. F. Strachan
R. S. Anderson
N. Fitzgerald (*Teller*).

Not Contents, 13.

The Hon. A. Fraser
B. Williams
H. M. Murphy
R. Simson
W. Campbell
N. Black
W. Skene
F. Robertson
J. Henty
T. F. Hamilton
W. Degraes
W. Highett
J. Graham (*Teller*).

LEGISLATIVE COUNCIL.

SESSION 1872.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

TUESDAY, 26TH NOVEMBER, 1872.

No. 1.—EDUCATION BILL.—Clause 10.—Every non-vested school receiving aid from the Board of Education at the commencement of this Act shall be entitled to receive, for the “free” education of children attending such school up to the standard of education, a sum equivalent to what such school would receive if it were a State school until the first of January One thousand eight hundred and seventy-four, and no longer: After that period, in localities where there may be no State schools or an insufficient number, and then only until State schools can be established, an arrangement may be made with any non-vested school for the free education of children up to the standard of education for a sum to be agreed upon at a capitation rate, not exceeding the average cost of such education in the nearest State school; but no such arrangement shall be entered into or continue after a period of five years from the commencement of this Act.

Motion made—That the word “free” in the second line of the above clause be struck out.—(Hon. N. Black.)

Question—That the word proposed to be struck out be so struck out—put.
Committee divided.

Contents, 10.

The Hon. J. O'Shanassy
W. Campbell
T. T. a'Beckett
H. M. Murphy
N. Black
W. A. C. a'Beckett
J. Cumming
N. Fitzgerald
W. Highett
R. S. Anderson (Teller).

Not Contents, 15.

The Hon. B. Williams
A. Fraser
G. W. Cole
W. Skene
R. Simson
F. Robertson
P. Russell
J. Henty
W. Degraives
J. P. Bear
J. F. Strachan
T. F. Hamilton
C. J. Jenner
Dr. Dobson
J. Graham (Teller).

No. 2.—EDUCATION BILL.—Clause 12.—In every State school “secular instruction only shall be given, and no teacher shall give any other than secular instruction in any State school building,” and in every school used under this Act not being a training school night school rural school or other special school four hours at least shall be set apart during each school day for secular instruction alone, and of such four hours two shall be before noon, and two after noon, which shall in each case be consecutive.

Motion made—That the words “*secular instruction only shall be given and no teacher shall give any other than secular instruction in any State school building*” in the first and second lines of the above clause be struck out.—(Hon. N. Black.)

Question—That the words proposed to be struck out be so struck out—put.
Committee divided.

Contents, 12.
The Hon. B. Williams
R. S. Anderson
W. Campbell
T. T. a'Beckett
N. Black
H. M. Murphy
W. Highett
J. Henty
J. Cumming
J. O'Shanassy
N. Fitzgerald
W. A. C. a'Beckett (*Teller*).

Not Contents, 12.
The Hon. A. Fraser
J. P. Bear
W. Skene
F. Robertson
P. Russell
W. Degraives
T. F. Hamilton
J. F. Strachan
C. J. Jenner
R. Simson
Dr. Dobson
J. Graham (*Teller*).

The Tellers having declared that the numbers for the Contents and for the Not Contents were respectively twelve, or equal, the Chairman gave his vote with the Contents.

No. 3.—EDUCATION BILL.—Clause 3.—In construction and for the purposes of this Act the following terms shall if not inconsistent with the context or subject-matter have the respective meanings hereby assigned to them, that is to say :—

“Board of Education” shall mean the Board which existed under the repealed Act No. CXLIX.

“Denominational body” shall mean any church religious body sect or congregation, or the members of any church formed into or acting as a body of persons for religious purposes of what kind of faith or form of belief soever.

“Minister” or “Minister of Public Instruction” shall mean the responsible Minister of the Crown administering this Act.

“State School” shall mean a school conducted in a building vested in the Minister of Public Instruction and his successors in fee or for any lesser estate and shall include training school rural school night school and any other special school for which regulations may be made.

“Standard of Education” shall mean and include competency in reading writing and arithmetic to the satisfaction of an Inspector of Schools.

The term “Parent” includes guardian and every person who is liable to maintain or has the actual custody of any child.

The term “Teacher” includes assistant teacher pupil teacher sewing mistress and every person who forms part of the educational staff of a school.

Motion made—That the following words be inserted at the end of the clause, viz. :—“*Secular instruction shall be held to include general religious teaching as distinguished from dogmatical or polemical theology.*”—(Hon. T. T. a'Beckett).

Question—That the words proposed to be inserted be so inserted—put.
Committee divided.

Contents, 10.
The Hon. W. A. C. a'Beckett
J. Cumming
J. Henty
W. Highett
H. M. Murphy
J. O'Shanassy
T. T. a'Beckett
W. Campbell
N. Black
N. Fitzgerald (*Teller*).

Not Contents, 12.
The Hon. P. Russell
A. Fraser
W. Skene
F. Robertson
T. F. Hamilton
W. Degraives
J. F. Strachan
C. J. Jenner
Dr. Dobson
R. Simson
J. P. Bear
J. Graham (*Teller*).

No. 4.—EDUCATION BILL.—Clause 7.—No action or suit shall be brought or maintained against any person who shall be or who shall have been a Minister of Public Instruction for any nonfeasance or misfeasance in connection with the duties imposed upon him by this Act.

Motion made and question put—That this clause stand part of the Bill.
Committee divided.

Contents, 9.
The Hon. A. Fraser
P. Russell
J. F. Strachan
Dr. Dobson
W. Skene
F. Robertson
C. J. Jenner
T. F. Hamilton
J. Graham (*Teller*).

Not Contents, 11.
The Hon. T. T. a'Beckett
W. Campbell
R. Simson
N. Black
H. M. Murphy
W. Degraives
J. O'Shanassy
N. Fitzgerald
J. Cumming
J. P. Bear
W. A. C. a'Beckett (*Teller*).

WEDNESDAY, 27TH NOVEMBER, 1872.

No. 5.—EDUCATION BILL.—Clause 9.—Trustees holding lands in trust for school purposes, or a majority of such trustees, may and are hereby authorized to sell or let from year to year to the Minister of Public Instruction such lands and any buildings erected thereon upon such terms as may be agreed upon, any condition or restriction against alienation notwithstanding, and the purchase money or rent paid for any such lands or buildings shall be applied for the purposes of the denominational body, if any, beneficially interested therein in such manner as the denominational body may deem most beneficial.

Motion made—That the words “*Provided always that as to lands held in trust for school purposes in connection with any denominational body, the consent of the head or authorized representative thereof shall be required to every sale or lease; and the purposes to which the purchase money or rent shall be applied shall be those which shall be determined upon by its managing body, and be expressed on its behalf by such head or authorized representative*” be inserted at the end of the clause.

Question—That the words proposed to be inserted be so inserted—put.
Committee divided.

Contents, 12.
The Hon. N. Black
W. Campbell
N. Fitzgerald
W. H. F. Mitchell
T. T. a'Beckett
J. O'Shanassy
P. Russell
W. A. C. a'Beckett
J. Henty
R. S. Anderson
J. Cumming
H. M. Murphy (*Teller*).

Not Contents, 14.
The Hon. A. Fraser
G. W. Cole
F. Robertson
Dr. Dobson
W. Skene
W. Degraives
W. Highett
J. F. Strachan
C. J. Jenner
R. Simson
T. F. Hamilton
J. P. Bear
B. Williams
J. Graham (*Teller*).

No. 6.—EDUCATION BILL.—Clause 12.—In every State “*school*” and in every school used under this Act not being a training school night school rural school or other special school four hours at least shall be set apart during each school day for secular instruction alone, and of such four hours two shall be before noon, two after noon, which shall in each case be consecutive; but nothing herein contained shall prevent the State school buildings from being used for the purpose of imparting religious instruction by ministers of religion or layman of the various denominational bodies on such days and at such hours other than those used for secular instruction as by regulations may be fixed by the boards of advice in each district.

Motion made—To insert the words “*secular instruction only shall be given and no teacher shall give any other than secular instruction in any State school building*” after the word “*school*” in the first line of the above clause.—(*Hon. A. Fraser*.)

Question—The the words proposed to be inserted be so inserted—put.
Committee divided.

Contents, 14.
The Hon. J. F. Strachan
W. Skene
F. Robertson
T. F. Hamilton
Dr. Dobson
J. P. Bear
P. Russell
W. Degraives
W. Highett
C. J. Jenner
R. Simson
G. W. Cole
A. Fraser
J. Graham (*Teller*).

Not Contents, 12.
The Hon. J. O'Shanassy
The President
W. Campbell
N. Black
T. T. a'Beckett
H. M. Murphy
W. A. C. a'Beckett
R. S. Anderson
J. Cumming
J. Henty
B. Williams
N. Fitzgerald (*Teller*).

RAILWAY SURVEY RETURNS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE JOHN O'SHANASSY.—7TH MAY, 1872.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE C. J. JENNER, AND ORDERED BY THE COUNCIL
TO BE PRINTED, 21ST MAY, 1872.

- (1.) The progress made in surveying the branch lines of railway authorized 23 November, 1871, by Act of Parliament.
- (2.) The number of persons employed, stating ordinary and extraordinary staff.
- (3.) The cost of such surveys in gross and per mile, as also the office expenditure—preparing plans, sections, &c.
- (4.) The time when the surveys will be finished, and also the period when the Department of Railways will be ready to call for tenders for construction in part or in the whole, stating the length of time when the contracts are to be completed.
- (5.) A tracing showing the deviations (if any) made during the surveys of each line, and the reasons for such deviation.

CASTLEMAINE AND DUNOLLY RAILWAY.

Railway Department, Melbourne, 21st May, 1872.

1. The permanent surveys are complete as far as the town of Carisbrook, a distance by railway of twenty-nine (29) miles from Castlemaine, and a trial line fourteen miles in length from Joyce's Creek to Maryborough, passing south of Carisbrook for a proposed deviation towards Majorca, has also been surveyed.

2. The numbers employed are—ordinary staff, one; extraordinary staff, twenty-seven (27), exclusive of lithographers and printers.

3. The total cost of the surveys for the twenty-nine miles now completed, which includes the cost of surveying a trial line fourteen (14) miles in length for a proposed deviation south of Carisbrook is £1094 16s. 9d., or at the rate of £36 9s. 11d. per mile. The office expenditure up to the date for preparing plans, sections, schedules, etc., is £344 6s. 7d., or at the rate of £11 9s. 7d. per mile.

4. The permanent surveys will be finished through to Dunolly by the end of August. The plans, sections, schedules, etc., are now complete for the first section, which extends to Newstead, a distance of $14\frac{1}{2}$ miles from Castlemaine, and the tenders for that portion were called for on the 30th ultimo, and the works are to be completed by the 1st of July, 1873. The plans, sections, schedules of quantities and specifications as far as Dunolly will be so far completed as to enable tenders to be called for for the works between Newstead and Dunolly, a distance of thirty-three (33) miles, on the first of July next.

5. The accompanying tracing* shows the line sanctioned by Parliament, and the permanent way laid down as far as Carisbrook. The reason in every case for making the deviations on the permanent section shown on the tracing* has been to reduce the cost of the construction of the line.

T. HIGINBOTHAM,
Engineer-in-Chief.

* The original tracings (two) here alluded to are preserved as records in the offices of the Legislative Council.

BALLARAT TO MARYBOROUGH RAILWAY.

Engineer-in-Chief's Office, Railway Department,
Melbourne, 21st May, 1872.

1. The permanent surveys are completed for nearly nine (9) miles from the junction of this line with that from Ballarat to Ararat.
2. There is only one survey party employed on this line, consisting of one surveyor, one assistant, and ten (10) men, none of whom belong to the ordinary staff of the department.
3. The total cost of the surveys is £203 7s., or at the rate of £22 11s. 10d. per mile. The office expenditure to date has been £63 4s. 2d., or at the rate of £7 0s. 6d. per mile.
4. The permanent survey will be completed about the end of August next. No steps have yet been taken to prepare the contract plans, or call for tenders for any part of this line.
5. Inspections of various routes have been made in connection with this line, but no formal surveys outside the authorized limits; and I have no reason to believe that there will be any other considerable deviation from the original and authorized line beyond that which is necessary to carry the main line through Creswick, instead of providing for it by a branch line as at first proposed. Any other trifling deviations which may be made from the original line will be for the purpose of reducing the cost of construction.

T. HIGINBOTHAM,
Engineer-in-Chief.

BALLARAT AND ARARAT RAILWAY.

Engineer-in-Chief's Office, Railway Department,
Melbourne, 21st May, 1872.

1. The permanent surveys are completed for eighteen miles from Ballarat.
2. The numbers employed on ordinary staff are four: on extraordinary staff, twenty-two.
3. The total cost of the surveys, including a thick peopled part of Ballarat which is passed through, is £1076, or at the rate of £59 15s. 7d. per mile. The office expenditure to date for preparing plans, sections, schedules, &c., is £441 18s. 8d., or at the rate of £24 11s. per mile.
4. The permanent surveys will be finished through to Ararat about the end of August next. The plans, sections, schedules, etc., are now complete for the first section, which extends to Burrumbeet, a distance of fourteen miles from Ballarat, and tenders for that portion were called for on the 30th ultimo, and the works are to be completed by the 1st of July, 1873. The plans, sections, schedules of quantities, and specifications as far as Ararat will be so far completed as to enable tenders to be called for the works between Burrumbeet and Ararat, a distance of say forty-two miles, on the 1st August next.
5. It is not proposed to make any deviation of more than a few chains' distance from the authorized line between Ballarat and Ararat, and the reasons for any slight alterations in the line are, in every case, to reduce the cost of construction.

T. HIGINBOTHAM,
Engineer-in-Chief.

INTERCOLONIAL TRADE RETURNS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE J. O'SHANASSY.—15TH MAY, 1872.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, 9TH JULY, 1872, AND ORDERED BY
THE COUNCIL TO BE PRINTED, 16TH JULY, 1872.

1. The total Value of the Imports and Exports of Victoria for one year (1st April, 1871, to 31st March, 1872), and showing the respective Values of Imports from and Exports to each Australasian colony.
2. The Value of the Local Products of the several Australasian colonies imported into Victoria during the same period.
3. The Value of the Local Products and Manufactures of Victoria exported to each Australasian colony during the same period.
4. The Duties charged in Victoria on goods imported from each Australasian colony, showing the amounts paid on Local Products and on other imports respectively during the year.
5. Estimate of Duties allowable to Exporters under the Drawback Regulations for the same period.

I.—RETURN of the gross value of the Imports and Exports of Victoria for one year (1st April, 1871, to 31st March, 1872), showing the amounts for each colony of Australia, New Zealand, and Tasmania respectively.

Total Imports, 1st April, 1871, to 31st March, 1872	...	£12,307,143	11	8
Total Exports,	"	£14,130,291	13	4

Colony.	Imports from.			Exports to.		
	£	s.	d.	£	s.	d.
New South Wales	2,166,502	16	8	966,739	13	4
New Zealand	1,532,270	0	0	851,819	0	0
Queensland	10,848	0	0	47,810	0	0
South Australia	378,545	11	0	252,897	0	0
Tasmania	308,714	0	0	257,905	0	0
Western Australia	3,753	0	0	36,901	0	0
Total	£4,400,633	7	8	£2,414,071	13	4

II.—RETURN showing the value of the Local Products of the several Australasian Colonies, IMPORTED into Victoria from 1st April, 1871, to 31st March, 1872.

Colony.				Value.		
				£	s.	d.
New South Wales	...	...	...	2,048,274	7	8
New Zealand	...	...	...	1,469,988	0	0
Queensland	...	...	...	9,716	0	0
South Australia	...	...	...	350,178	18	0
Tasmania	...	...	...	293,009	0	0
Western Australia	...	...	...	1,614	0	0
Total	...	...	...	£4,172,780	5	8

III.—RETURN showing the value of the Local Products and Manufactures of Victoria EXPORTED to the several Australasian Colonies respectively, for one year, from 1st April, 1871, to 31st March, 1872.

Colony.				Value.		
				£	s.	d.
New South Wales	...	...	...	534,025	17	10
New Zealand	...	...	...	135,676	0	0
Queensland	...	...	...	6,335	0	0
South Australia	...	...	...	22,957	0	0
Tasmania	...	...	...	25,651	0	0
Western Australia	...	...	...	6,168	0	0
Total	...	...	...	£730,812	17	10

IV.—RETURN showing the amount of Duties paid in Victoria on goods IMPORTED from the several Australasian Colonies, distinguishing the sums paid on the Local Products of the said Colonies respectively from the Duties paid on goods otherwise imported, from 1st April, 1871, to 31st March, 1872.

Colony.					Duties on Local Products.			Duties on other Imports.			Total Duties.		
					£	s.	d.	£	s.	d.	£	s.	d.
New South Wales	...	...	...	...	21,743	15	3	16,934	11	1	38,678	6	4
New Zealand	...	...	...	...	16,306	0	2	3,874	9	4	20,180	9	6
Queensland	...	...	...	...	809	5	10	427	17	3	1,237	3	1
South Australia	...	...	...	...	17,511	1	0	4,728	0	4	22,239	1	4
Tasmania	...	...	...	...	18,407	19	6	1,358	2	1	19,766	1	7
Western Australia	...	...	...	...	73	17	1	221	6	10	295	3	11
Total	...	...	...	...	£74,851	18	10	£27,544	6	11	£102,396	5	9

V.—AN ESTIMATE of Duties allowable to Exporters under the existing Drawback Regulations, the estimate to be for one year, and to show the amounts allowable on goods exported to the said Colonies respectively.

The Amount estimated is £30,000 to £35,000.

RICH. DOWN,
Comptroller of Customs.

J. GUTHRIE,
Acting Collector of Customs.

Department of Trade and Customs,
24th June, 1872.

1872.
VICTORIA.

INTERCOLONIAL TRADE RETURNS.

FURTHER RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE JOHN O'SHANASSY, 15TH MAY, 1872.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL
TO BE PRINTED, 13TH AUGUST, 1872.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

INTERCOLONIAL TRADE.

1ST APRIL, 1871, TO 31ST MARCH, 1872.

VICTORIAN OUTPORTS.

RETURNS showing the IMPORTS from the several Australasian Colonies into the VICTORIAN OUTPORTS, distinguishing "Local Products" from "Other Articles," and the Receipts by Sea from those by way of the River Murray, with the Duties levied thereon respectively ; together with the EXPORTS to the said Colonies, distinguishing "Victorian Produce and Manufactures" from "Other Articles," and the Shipments by Sea from those received *viâ* the River Murray. Being detailed Statements illustrating the Returns furnished to the Honorable John O'Shanassy, M.L.C., on 9th July, 1872.

INTERCOLONIAL TRADE.

IMPORTS.

RETURN showing the Value of "LOCAL PRODUCTS" imported into VICTORIAN OUTPORTS from the several Australasian Colonies respectively, during one year, from 1st April, 1871, to 31st March, 1872.

Imports from New South Wales.

Local Products.	Value.	Duty.	Local Products.	Value.	Duty.
BY SEA.					
Carriage and Cart Materials ...	£ 78 0 0	£ 3 0 9	Grain—Malt ...	£ 10 0 0	£ 2 0 6
Coal ...	22,152 0 0		" Oats ...	15 0 0	1 13 0
Fruit—Green ...	3 0 0	0 3 0	" Wheat, &c. ...	5 15 6	0 10 7
Grain—Maize ...	2,442 0 0	345 17 0	" " Bonded ...	902 0 0	
Miscellaneous Articles ...	80 0 0		Grease ...	1 0 0	
Provisions, Salted—Bacon ...	2 0 0	0 13 4	Hay ...	51 0 0	
Seeds ...	5 0 0	0 5 0	Hides ...	612 5 0	
Timber—Logs ...	190 0 0		Leather ...	45 8 4	4 10 10
" Palings ...	3 0 0	0 3 7	Lime ...	242 0 0	
Total ...	£24,955 0 0	£350 2 8	Live Stock—Horned Cattle ...	317,853 0 0	
Via MURRAY RIVER.					
Beer—Draught ...	£ 13 0 0	£ 4 10 0	" Horses ...	10,268 0 0	
Bread ...	23 0 0		" Pigs ...	149 14 0	
Bricks ...	133 10 0		" Sheep ...	292,516 0 0	
Building Materials ...	7 5 6	0 19 0	" Poultry ...	8 10 0	
Candles ...	1 8 2	0 4 4	Onions ...	1 15 0	0 2 6
Chaff ...	76 2 0		Potatoes ...	14 2 6	1 4 6
Casks—Empty ...	1 5 0	0 5 0	Preserves ...	2 0 0	0 8 4
Cheese ...	32 15 0	10 16 10	Provisions, Salted—Hams ...	4 0 0	2 2 0
Eggs ...	2 9 0		Skins ...	173 10 0	
Flour ...	37 10 0	6 10 0	Soap ...	2 2 0	0 19 6
" Bonded ...	180 0 0		Tallow ...	323 0 0	
Fruit—Green ...	35 0 0	2 14 11	Timber ...	2,543 5 1	186 14 6
			Vegetables ...	31 5 0	
			Wine ...	7 10 0	0 3 0
			Wool ...	9,231 0 0	
			Total ...	£ 635,556 7 8	£226 9 4

"OTHER ARTICLES" imported from New South Wales.

Imports from New South Wales.

Other Imports.	Value.	Duty.	Other Imports.	Value.	Duty.
BY SEA.					
Hosiery ...	£ 3 0 0	£ 0 6 0	Ironware, Galvanized ...	£ 3 7 5	£ 0 13 6
Personal Effects ...	30 0 0		Lead, Piping ...	4 11 8	0 9 2
Tea ...	18 0 0	2 14 6	Machinery ...	27 0 0	1 4 0
Total ...	£51 0 0	£3 0 6	Miscellaneous Articles ...	31 6 3	1 3 9
Via MURRAY RIVER.					
Aerated Waters ...	£ 68 8 4	£ 5 5 1	Metal, Manufactures of ...	7 7 11	1 9 8
Apparel ...	1 5 0	0 5 0	Nails and Screws ...	2 13 10	0 5 5
Beer, draught ...	159 5 0	29 7 3	Oil, Kerosene ...	15 8 9	0 8 0
" in bottle ...	13 0 0		" Linseed ...	2 0 0	
Bottles ...	1 0 0	0 5 0	Oilmen's Stores ...	3 7 0	0 9 11
Carts ...	30 0 0		Personal Effects ...	90 0 0	
Casks, empty ...	3 10 0	0 14 0	Photographic Materials ...	150 0 0	
Coffee ...	16 1 0	0 3 6	Saddles, &c. ...	9 8 9	1 17 9
Cordage ...	1 10 0	0 3 0	Salt ...	11 2 6	1 1 0
Cotton Piece Goods ...	1 0 0		Sewing Machine ...	8 0 0	
Drapery ...	24 2 4	1 3 2	Soap ...	5 0 0	
Drugs ...	1 0 0	0 2 0	Spirits—Brandy ...	206 9 9	51 10 0
Fish, salted ...	13 2 0	2 0 9	" Cordials ...	27 0 0	
Fruit, dried ...	1 2 6	0 6 8	" Geneva ...	19 0 0	
Furniture ...	45 2 3	9 0 7	" Rum ...	83 0 0	53 13 0
Glass Bottles ...	19 10 6	9 5 0	" Whiskey ...	8 0 0	
Haberdashery ...	3 3 3		Stoneware—Empty Bottles ...	10 0 0	
Hardware and Ironmongery ...	61 11 11	1 3 5	Sugar ...	54 9 11	2 0 8
Iron, Bar, Rod, &c. ...	12 13 3		Sulphur ...	22 5 6	
Iron, Galvanized ...	20 0 0		Tea ...	65 1 8	4 7 9
" Wire ...	7 0 0	0 7 0	Tobacco ...	11 0 0	
			Wine ...	20 0 0	14 17 0
			Woodenware ...	5 6 0	1 1 3
			Woollens ...	2 15 0	0 5 6
			Total ...	£1,408 9 3	£196 8 9

NOTE.—Many of the above articles were imported duty free under the Border Treaty.

Imports from New Zealand.

Local Products.		Value.		Duty.		Other Imports.		Value.		Duty.	
		£	s.	d.	£	s.	d.	£	s.	d.	
Grain—Oats	...	1,340	0	0	140	13	6	Boots and Shoes (minor articles)	18	0	0
„ Wheat	...	2,250	0	0	229	16	8		...		
Total	...	£3,590	0	0	£370	10	2	Total	£18	0	0

Imports from South Australia.

Local Products.		Value.		Duty.		Other Imports.		Value.		Duty.			
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
BY SEA.								BY SEA.					
Bark	...	30	0	0				Bottles	...	...	0	1	0
Flour	...	4,893	0	0	343	10	0	Sewing Machine	...	...	15	0	0
Grain—Wheat	...	8,641	0	0	576	5	11	Total	...	...	£15	0	0
Hides	...	4	0	0							£0	1	0
Honey	...	40	0	0	4	12	6	Vià MURRAY RIVER.					
Skins	...	30	0	0				Bottles	...	...	0	9	0
Wine	...	195	0	0	100	14	6	Coffee	...	...	2	8	0
Wine (bonded)	...	194	0	0				Drapery	...	...	6	15	0
Wool	...	10,640	0	0				Fruit, Dried...	...	...	8	11	0
Total	...	£24,667	0	0	£1,025	2	11	Hops	...	...	7	0	0
Vià MURRAY RIVER.								Oilmen's Stores	...	...	44	0	0
Flour	...	1,039	0	0	61	18	3	Soap	...	...	1	0	0
Jam	...	4	10	0	1	0	0	Spirits—Brandy	...	...	4	0	0
Potatoes	...	3	0	0	0	3	6	„ Geneva	...	...	2	14	0
Wine	...	6	8	0	2	8	0	„ Whiskey	...	...	1	16	0
Total	...	£1,052	18	0	£65	9	9	Sugar	...	...	7	0	0
								Tea	...	...	10	0	0
								Total	...	...	£95	13	0
											£20	8	1

Imports from Tasmania.

Local Products.		Value.		Duty.		Local Products.		Value.		Duty.			
		£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Beer, draught	...	6	0	0	1	17	6	Potatoes	...	...	259	0	0
Carriage and Cart Materials	...	6	0	0	0	6	0	Preserves	...	...	96	0	0
Chaff	...	3	0	0	0	3	0	Provisions (salted), Bacon	...	...	2	0	0
Cheese	...	41	0	0	4	2	0	Skins	...	...	76	0	0
Coal	...	17	0	0				Timber	...	...	3,331	0	0
Confectionery	...	10	0	0	1	12	4	„ Logs	...	...	2	0	0
Fire-clay	...	10	0	0				„ Palings	...	...	1,626	0	0
Flour	...	8	0	0	0	10	0	„ Posts and Rails	...	...	21	0	0
Fruit, green	...	50	0	0	4	17	3	„ Sawn	...	...	1,236	0	0
Grain and Pulse—Barley	...	54	0	0	6	14	6	„ Shingles	...	...	14	0	0
„ Beans and Peas	...	20	0	0	2	4	8	„ Shooks and Staves	...	...	436	0	0
„ Oats	...	729	0	0	70	13	10	Vegetables	...	...	5	0	0
„ Wheat	...	4,986	0	0	357	0	3	Wool	...	...	76	0	0
Hides	...	4	0	0				Total	...	...	£13,171	0	0
Oil, Whale	...	45	0	0							£1,111	4	1
Onions	...	2	0	0	0	2	0						

Other Imports.		Value.		Duty.			
		£	s.	d.	£	s.	d.
Casks, empty	...	14	0	0	2	13	0
Instruments, Musical	...	5	0	0	1	0	0
Personal Effects	...	37	0	0			
Plate of Silver	...	30	0	0	4	0	0
Saddlery	...	16	0	0	3	4	0
Total	...	£102	0	0	£10	17	0

Exports to New South Wales—continued.

Articles not Victorian Produce.	Value.	Articles not Victorian Produce.	Value.
	£ s. d.		£ s. d.
Cheese	50 8 0	Oil, Kerosene	59 2 0
Cocoa	4 0 0	„ Linseed... ..	39 6 0
Coffee	3 0 0	„ Other	16 4 0
Confectionery	68 10 0	Onions	8 0 0
Copperware... ..	11 0 0	Oilmen's Stores	439 16 6
Cordage	29 0 0	Paintings and Engravings	24 0 0
Corks	94 0 0	Paints	55 0 0
Cutlery	1 0 0	Paper	103 0 0
Drapery	1959 0 0	Paperhangings	94 0 0
Drugs	292 2 0	Personal Effects	310 0 0
Earthenware	259 0 0	Photographic materials	1 0 0
Essences	3 0 0	Pipes, Tobacco	2 0 0
Fancy Goods	160 0 0	Pitch and Tar	9 0 0
Fish, preserved	93 0 0	Plants	1 0 0
„ salted	13 0 0	Platedware	3 0 0
Flour	172 0 0	Preserves	57 0 0
Fruit, bottled	6 0 0	Provisions, (salted), Bacon	20 0 0
„ dried	2 0 0	„ „ Hams	15 0 0
„ „ Currants... ..	12 0 0	Resin	3 0 0
„ „ Raisins	5 0 0	Saddlery, &c.	195 0 0
„ green	33 0 0	Salt	38 0 0
Furniture	95 0 0	Seeds	115 0 0
Glass, Window	22 0 0	Sewing Machines	10 0 0
Glassware	47 0 0	Spices	37 0 0
Grain and Pulse—Pearl Barley	9 0 0	Spirits,—Brandy	203 8 0
„ Beans and Peas	4 0 0	„ Gin	6 0 0
„ Maize	4 0 0	„ Rum	6 0 0
„ Malt	20 0 0	„ Whiskey	4 0 0
„ Oats	48 0 0	„ Other	13 0 0
„ Rice	22 0 0	Starch	10 0 0
„ Wheat	6 0 0	Stationery	102 5 0
Grindery	24 0 0	Steel	22 0 0
Hardware and Ironmongery	1,022 12 6	Stone, Grind	9 0 0
Hats and Caps	29 0 0	Stoneware	12 0 0
Hops	39 0 0	Sugar	225 0 0
Instruments, Musical	111 0 0	Sulphur	7 0 0
Iron, Bar and Rod	71 14 0	Tea	135 3 6
„ Castings	53 0 0	Tents and Tarpaulins	29 0 0
„ Galvanized	498 12 0	Timber	70 0 0
„ „ Wire	551 0 0	Tin	5 0 0
„ Hoop	34 0 0	Tinware	23 0 0
„ Pipes	3 0 0	Tobacco, manufactured	47 2 0
„ Sheet	4 0 0	„ Cigars	10 18 0
„ Wire	285 0 0	Tools and Utensils	88 0 0
Ironware, galvanized... ..	25 0 0	Turpentine	7 0 0
Jewellery	15 0 0	Undescribed articles	59 0 0
Lead, sheet	27 0 0	Upholstery	25 0 0
Leather	56 0 0	Varnish	12 0 0
Lime	21 0 0	Vinegar	25 0 0
Lime Juice	10 0 0	Whiting	4 0 0
Machinery	455 0 0	Wickerware	22 0 0
Maizena	12 0 0	Wine	85 0 0
Matches and Vestas	56 0 0	Woodenware	102 0 0
Meal, Oat	21 0 0	Zincware	3 0 0
Molasses and Treacle... ..	5 0 0	Zinc	5 0 0
Nails and Screws	101 0 0		
		Total	£12,606 15 6

Exports to New Zealand.

Local Products or Manufactures.	Value.	Articles not Victorian Produce.	Value.
	£ s. d.		
Apparel	10 0 0	Nil.	Nil.
Potatoes	670 0 0		
Total	£680 0 0		

Exports to Queensland.

Local Products or Manufactures.	Value.	Articles not Victorian Produce.	Value.
	£ s. d.		
Potatoes	1,703 0 0	Nil.	Nil.

Exports to South Australia.

Local Products or Manufactures.				Value.		Articles not Victorian Produce.				Value.	
BY SEA.				£	s. d.	BY SEA.				£	s. d.
Potatoes	...	...	...	35,48	0 0	Spirits—Gin	...	...	...	2	0 0
Vid MURRAY RIVER.											
Tallow	...	...	...	125	0 0						
Wool	...	...	...	7,065	0 0						
Total				£7,190	0 0	Total				£2	0 0

Exports to Tasmania.

Local Products or Manufactures.				Value.		Articles not Victorian Produce.				Value.	
				£	s. d.					£	s. d.
Bones	...	...	...	12	0 0	Alkali—Soda	...	...	...	40	0 0
Butter	...	...	...	112	0 0	„ Caustic	...	...	...	100	0 0
Live Stock—Horned Cattle	...	...	...	400	0 0	Bags	...	...	...	33	0 0
„ Sheep	...	...	...	187	0 0	Cases, empty	...	...	...	1	0 0
Provisions, Salted—Beef	...	...	...	100	0 0	Cotton Wick	...	...	...	21	0 0
Tallow	...	...	...	1,434	0 0	Dried Fruits—Currants	...	...	...	5	0 0
						Oil, Kerosene	...	...	...	5	0 0
						Personal Effects	...	...	...	156	0 0
						Resin	...	...	...	102	0 0
						Salt	...	...	...	20	0 0
						Spirits—Brandy	...	...	...	6	0 0
						„ Gin	...	...	...	4	0 0
						Sugar	...	...	...	121	0 0
						Tea	...	...	...	50	0 0
						Tobacco, manufactured	...	...	...	23	0 0
Total				£2,245	0 0	Total				£687	0 0

SUMMARY OF EXPORTS FROM VICTORIAN OUTPORTS.

Colony.	Class.	Exported by Sea.		Vid Murray River.		Total.	
		£	s. d.	£	s. d.	£	s. d.
New South Wales	Victorian Products	7,956	0 0	3,673	17 10	24,248	13 4
	Other Exports	12	0 0	12,606	15 6		
		7,968	0 0	16,280	13 4		
New Zealand	Victorian Products	680	0 0			680	0 0
Queensland	Victorian Products	1,703	0 0			1,703	0 0
South Australia	Victorian Products	3,548	0 0	7,190	0 0	10,740	0 0
	Other Exports	2	0 0				
		3,550	0 0	7,190	0 0		
Tasmania	Victorian Products	2,245	0 0			2,932	0 0
	Other Exports	687	0 0				
		2,932	0 0				
Total		...	...	...	...	£40,303	13 4

RICHARD DOWN,
Comptroller of Customs.

JOHN GUTHRIE,
Acting Collector of Customs.

Department of Trade and Customs,
31st July, 1872.



INTERCOLONIAL TRADE.

1ST APRIL, 1871, TO 31ST MARCH, 1872.

PORT OF MELBOURNE.

RETURNS showing the IMPORTS from the several Australasian Colonies into the PORT OF MELBOURNE, distinguishing "Local Products" from "Other Articles," with the Duties levied thereon respectively, being Detailed Statements illustrating the Returns furnished to the Honorable John O'Shanassy, M.L.C., on the 9th July, 1872.

No. 1.—“LOCAL PRODUCTS” IMPORTED.

NEW SOUTH WALES.

RETURN of the Amount of Duties received at the Port of Melbourne on Goods imported from New South Wales, being the Local Product or Manufacture of that colony, from the 1st of April, 1871, to the 31st March, 1872, both inclusive.

Articles.				Value.	Total Value.	Duties.	Total Duties.
				£	£	£ s. d.	£ s. d.
Beer—Draught	...	...	By sea	30	...	11 9 6	
"	"	...	Warehoused	25	...		
"	"	...	Ex Warehouse	...	55	9 7 6	20 17 0
Bones	...	...	By sea	...	27		
Black Sand	...	...	"	...	1		
Brain	...	...	...	...	...		0 2 0
"	...	...	Warehoused	...	103		
Butter	...	...	By sea	77	...		17 4 10
"	...	...	Warehoused	141	...		
Cabbagetree	...	...	By sea	10	218		
Carriage and Cart Materials	...	...	"	37	10		
"	"	...	Warehoused	50	...		1 17 0
Cheese	...	...	By sea	330	87		
"	...	...	Warehoused	60	...		54 2 4
Coal	...	...	By sea	...	390		
Copper Ore	...	...	"	...	156,613		
Curiosities	...	...	"	...	53		
Eggs	...	...	"	...	17		
Fish—Fresh	...	...	"	...	79		
" Shell	...	...	"	1,198	1,198		
Flour	...	...	"	...	11,367		
Fruit, Green	...	...	"	...	2		0 6 0
"	"	...	Warehoused	38,818	...		3,134 12 1
"	"	...	"	23	...		
Glass Bottles	...	...	By sea	...	38,841		
Glue	...	...	"	...	67		12 2 8
Grain and Pulse—Barley	...	...	"	...	135		27 10 6
"	"	...	Warehoused	807	...		103 1 0
"	"	...	"	36	...		
"	Beans and Peas	...	By sea	...	843		
"	Maize	...	"	...	7		0 6 0
"	"	...	Warehoused	119,171	...	17,955 5 3	
"	"	...	Ex Warehoused	30	...	5 12 0	
"	Malt	...	By sea	...	119,201		17,060 17 3
"	Oats	...	"	...	30		0 12 6
"	Wheat	...	"	...	172		20 6 0
Grease	...	...	"	...	12		1 3 0
Gum	...	...	"	...	136		
Hair	...	...	"	...	34		
Hay	...	...	"	...	92		
Hides	...	...	"	...	2		
Honey	...	...	"	...	15,808		
Horns and Hoofs	...	...	"	...	144		60 7 8
Kerosene Shale	...	...	"	...	17		
Lead	...	...	"	...	4,862		
Lead Ore	...	...	"	...	15		
Leather	...	...	"	...	147		
Leather—Fancy	...	...	"	...	620		14 9 3
Live Stock—Birds	...	...	...	...	179		10 6 6
" Horned Cattle	...	...	...	...	14		
" Horses	...	...	...	...	213		
" Pigs	...	...	...	...	2,823		
" Poultry	...	...	...	...	20,453		
" Sheep	...	...	...	...	18		
" Snakes	...	...	...	...	1,004		
Maizena	...	...	By sea	805	...	224 3 4	
"	...	...	Warehoused	267	...		
"	...	...	Ex Warehouse	...	...	29 13 4	
Meal—Linseed	...	...	By sea	...	1,072		253 16 8
Molasses and Treacle	...	...	"	...	13		1 2 0
Oil—Black	...	...	"	...	360		57 0 0
" Coconut	...	...	"	...	388		19 10 9
" Kerosene	...	...	"	...	2,329		
"	...	...	Ex Warehouse	...	1	0 2 0	
"	...	...	"	...	...	14 18 0	
Plants	...	...	By sea	...	958		15 0 0
Potatoes	...	...	"	...	3		0 4 0
Preserves	...	...	"	...	6	0 19 4	
"	...	...	Ex Warehouse	...	...		0 19 4

NEW SOUTH WALES—continued.

Articles.					Value.	Total Value.	Duties.	Total Duties.
					£	£	£ s. d.	£ s. d.
Provisions—Preserved	...	...	By sea	...	...	146	...	4 6 6
"	Salted	...	"	...	...	67	...	11 3 9
"	"	Bacon	"	...	...	113	...	32 10 10
"	"	Beef	"	...	...	1	...	0 5 0
"	"	Hams	"	...	...	126	...	9 6 8
"	"	Pork	"	...	24	...	2 8 9	
"	"	"	Warehoused	...	75	...	...
"	"	"	Ex Warehouse	...	...	...	1 1 3	
Rags	...	...	By sea	...	...	99	...	3 10 0
Salt	...	...	"	...	...	785	...	
Seeds	...	...	"	...	...	6	...	2 0 0
Silver Ore	...	...	"	...	...	373	...	21 11 11
Skins	...	...	"	...	...	20	...	
"	Kangaroo	...	"	...	...	23	...	
"	Sheep	...	"	...	...	50	...	
Specie—Gold	...	...	"	...	...	466	...	
Specimens of Natural History	...	...	"	...	...	971,865	...	
Stone, Unwrought	...	...	By sea	...	...	29	...	
Tallow	...	...	"	...	...	84	...	
Timber—Dressed	...	...	"	...	...	401	...	
"	Undressed	...	"	...	...	40	...	3 18 0
"	Logs	...	"	...	...	2,676	...	156 17 3
"	Sawn	...	"	...	...	16,078	...	
"	Shooks and Staves	...	"	...	...	192	...	9 12 0
"	Spokes and Felloes	...	"	...	...	58	...	0 7 6
"	Miscellaneous	...	"	...	...	484	...	23 7 6
Vegetables	...	...	"	...	...	10	...	0 10 0
Wool	...	...	"	...	...	91	...	
						12,249	...	
						£1,387,763		£21,167 3 3

JOHN GUTHRIE,
Acting Collector of Customs.

NEW ZEALAND.

RETURN of the Amount of Duties received at the Port of Melbourne on Goods imported from New Zealand, being the Local Product or Manufacture of that Colony, from the 1st of April, 1871, to the 31st March, 1872, both inclusive.

Articles.					Value.	Total Value.	Duties.	Total Duties.
					£	£	£ s. d.	£ s. d.
Beer, Draught	...	...	By sea	...	40	...	...	13 15 0
"	...	...	Warehoused	...	70	110	...	
Black Sand	...	...	By sea	...	40	40	...	
Bones	...	...	"	...	16	16	...	
Bran	...	...	"	...	669	...	150 5 0	
"	...	...	Warehoused	...	150	...	...
"	...	...	Ex Warehouse	...	...	...	50 6 0	
Butter	...	...	By sea	...	...	819	...	200 11 0
Cheese	...	...	"	...	1,927	53	...	8 11 6
"	...	...	Warehoused	...	190	...	...	309 14 7
Coal	...	...	By sea	...	671	2,117	...	
Curiosities	...	...	"	...	...	671	...	
Flour	...	...	"	...	...	12	...	
Fruit, Green	...	...	"	...	...	2,252	...	230 3 0
Gold	...	...	"	...	...	...	...	0 0 9
Grain and Pulse—Barley	...	...	"	...	21,023	1,269,301	...	
"	...	...	Warehoused	...	80	...	2,438 12 0	
"	...	...	Ex Warehouse	...	...	...	11 8 9	
"	...	...		...	...	21,103	...	2,450 0 9
"	Pearl	...	By sea	...	86	...	9 14 0	
"	"	...	Warehoused	...	60	...	...
"	"	...	Ex Warehouse	...	...	...	9 9 0	
"	Beans and Peas	...	By sea	...	173	146	...	19 3 0
"	Malt	...	"	...	...	173	...	22 3 0
"	Oats	...	"	...	...	178	...	33 3 0
"	"	...	Warehoused	...	83,720	...	8,997 12 9	
"	"	...	Ex Warehouse	...	7,746	...	...
"	"	...		...	...	...	904 6 0	
"	Wheat	...	By sea	...	22,986	91,466	...	9,901 18 9
"	"	...	Warehoused	...	400	...	1,917 7 9	
"	"	...	Ex Warehouse	...	...	...	67 2 10	
Gum	...	...	By sea	...	...	23,386	...	1,984 10 7
Hair	...	...	"	...	...	224	...	4 6 0
Hemp	...	...	"	...	...	5	...	
Hides	...	...	"	...	...	26	...	
Hops	...	...	Warehoused	...	...	12,547	...	
"	...	...	Ex Warehouse	...	...	190	...	28 17 9

NEW ZEALAND—continued.

Articles.					Value.	Total Value.	Duties.	Total Duties.
					£	£	£ s. d.	£ s. d.
Horns and Hoofs	...	...	By sea	...	...	8		
Iron Scrap	...	...	"	...	...	28		
Lead Scrap	...	...	"	...	...	21		
Leather	...	...	"	...	...	91		1 17 6
" Fancy	...	...	"	...	...	55		3 19 0
Meal, Oat	...	...	"	...	2,318		244 4 0	
" "	...	...	Warehoused	...	550			
" "	...	...	Ex Warehouse	...	...		105 13 0	
Oakum	...	...	By sea	...	...	2,868		349 17 0
Oil, Black	...	...	"	...	1,105	160		
" "	...	...	Warehoused	...	55			
" "	...	...	Ex Warehouse	...	...	
" Coconut	...	...	By sea	...	...	1,160		5 7 9
" Pine	...	...	"	...	...	35		
Phormium	...	...	"	...	...	30		6 0 0
Plants	...	...	"	...	...	14,661		
Preserves	...	...	"	...	...	67		
Provisions, Preserved	...	...	Warehoused	...	...	3		0 13 2
" Salted, Bacon	...	...	"	...	...	35		
" "	...	...	Warehoused	...	44			10 8 4
" "	...	...	Warehoused	...	20			
" Hams	...	...	"	...	9	64		2 5 8
" "	...	...	Warehoused	...	20			
Quartz	...	...	By sea	...	...	29		
Rags	...	...	"	...	...	5		
Seeds	...	...	"	...	...	32		
Skins	...	...	"	...	...	987		71 9 2
" Sheep	...	...	"	...	...	287		
Specimens of Natural History	...	...	"	...	...	3,176		
Stone, Unwrought	...	...	"	...	...	8		
Tallow	...	...	"	...	...	51		
Timber, Dressed	...	...	"	...	...	1,619		18 12 0
" Undressed	...	...	"	...	...	36		202 10 9
" Logs	...	...	"	...	...	1,525		
" Sawn	...	...	"	...	...	4,627		
Vegetables	...	...	"	...	...	1,111		55 11 0
Wool	...	...	"	...	...	1		
						8,783		
						£1,466,398		£15,935 10 0

JOHN GUTHRIE,
Acting Collector of Customs.

QUEENSLAND.

RETURN of the amount of Duties received at the Port of Melbourne on Goods imported from Queensland, being the Local Product or Manufacture of that colony, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.					Value.	Total Value.	Duties.	Total Duties.
					£	£	£ s. d.	£ s. d.
Arrowroot	...	...	By sea	...	37	...	18 8 0	
"	...	...	Warehoused	...	83	...		
"	...	...	Ex Warehouse	...	...	...	27 17 10	
Cheese	...	...	By sea	...	...	120		46 5 10
Curiosities	...	...	"	...	...	32		4 1 3
Fruit, Green	...	...	"	...	...	45		
Grain and Pulse—Maize	...	...	"	...	...	2		0 2 6
Guano	...	...	"	...	...	349		37 11 6
Hides	...	...	"	...	...	1,100		
Honey	...	...	"	...	...	621		
Live Stock—Turtles	...	...	"	...	...	2		
Oil Black	...	...	"	...	...	10		
Plants	...	...	"	...	...	680		
Skins	...	...	"	...	...	2		
Skins, Sheep	...	...	"	...	...	33		
Spirits—Rum	...	...	Warehoused	...	...	48		
"	...	...	Ex Warehouse	...	...	306		
"	...	...	"	...	...	...		319 1 9
Sugar, Raw	...	...	By sea	...	2,850	...	270 18 10	
"	...	...	Warehoused	...	1,222	...		
"	...	...	Ex Warehouse	...	...	...	9 3 3	
" Refined	...	...	"	...	...	4,072		280 2 1
" Undescribed	...	...	"	...	...	...		12 0 0
Timber, Undressed	...	...	By sea	...	...	64		106 8 11
" Logs	...	...	"	...	...	2,230		3 12 0
						£9,716		£809 5 10

JOHN GUTHRIE,
Acting Collector of Customs.

SOUTH AUSTRALIA.

RETURN of the amount of Duties received at the Port of Melbourne on Goods imported from South Australia, being the Local Product or Manufacture of that Colony, from the 1st April, 1871, to 31st March, 1872, both inclusive.

Articles.		Value.	Total Value.	Duties.	Total Duties.
		£	£	£ s. d.	£ s. d.
Agricultural Implements	... By sea	131	131	...	23 12 0
Bark	... "	...	1,007	...	1 13 0
Bones	... "	...	847	...	...
Bran	... "	589	...	153 5 0	...
"	... Warehoused	188	...	...	...
"	... Ex Warehouse	...	777	73 5 0	226 10 0
Butter	... Warehoused	2	2	...	0 7 6
"	... Ex Warehouse	...	...	...	1 0 0
Carriage and Cart Materials	... By sea	...	10	...	21 10 6
Cheese	... "	...	252	...	...
Copper	... "	...	295	...	...
Copper—Ingot	... "	...	460	...	...
Copper Ore	... "	...	57	...	...
Eggs	... "	...	4,696	...	32 2 0
Fish—Shell	... "	...	139	...	...
" Salted	... By sea	...	962	208 7 6	...
"	... Ex Warehouse	...	...	0 10 0	208 17 6
Flax	... By sea	...	35	...	...
Flour	... "	13,201	...	842 18 0	...
"	... Warehoused	25,397	38,598	...	...
"	... Ex Warehouse	...	...	735 11 0	1,578 9 0
Fruit—Green	... By sea	...	1,899	...	140 1 4
Grain and Pulse—Barley	... "	...	2,089	...	260 5 3
" Beans and Peas	... "	...	120	...	14 13 0
" Oats	... "	...	94	...	9 3 0
" Rye	... "	...	18	...	2 5 9
" Tares	... "	...	5	...	0 13 0
" Wheat	... "	126,318	...	10,450 2 6	...
"	... Warehoused	35,272	161,590	...	...
"	... Ex Warehouse	...	...	2,612 16 3	13,062 18 9
Guano	... By sea	...	90	...	...
Gum	... "	...	5	...	0 5 0
Hay	... "	...	2	...	...
Hides	... "	...	624	...	...
Honey	... "	...	62	...	3 2 0
Iron—Scrap	... "	...	33	...	...
Lead—Scrap	... "	...	28	...	...
Leather	... "	...	97	...	6 4 0
Lime	... "	...	1	...	0 2 6
Live Stock—Horses	... "	...	1,140	...	...
" Sheep	... "	...	440	...	...
" Poultry	... "	...	110	...	...
Manure	... "	...	18	...	...
Mats and Rugs	... "	...	2	...	0 8 0
Nuts—Almonds	... "	185	...	...	49 16 6
"	... Warehoused	105	290	...	...
Oil—Black	... By sea	...	192	...	12 11 0
Onions	... "	...	75	...	4 18 0
Plants	... "	...	7	...	...
Preserves	... "	...	4	0 9 4	...
"	... Ex Warehouse	...	...	39 12 0	40 1 4
Provisions—Preserved	... By sea	...	4	...	0 13 8
" Salted—Bacon	... "	...	30	...	5 13 10
" " Hams	... "	...	123	...	20 8 0
Rags	... "	...	84	...	...
Seeds	... "	...	160	...	14 6 0
Skins	... "	...	305	...	...
" Kangaroo	... "	...	1,621	...	...
" Sheep	... "	...	1,021	...	4 10 0
Slates	... "	...	29	...	...
Spirits—Cordials	... "	39	...	23 14 9	...
"	... Warehoused	15	54	...	...
"	... Ex Warehouse	...	...	8 16 4	32 11 1
Tallow	... By sea	...	636	...	...
Vegetables	... "	...	2	...	0 2 0
Wine	... "	953	...	506 5 1	...
"	... Warehoused	474	1,427	...	...
"	... Ex Warehouse	...	...	134 8 9	640 13 10
Wool	... By sea	...	101,660	...	...
			£324,459		£16,420 8 4

TASMANIA.

RETURN of the amount of Duties received at the Port of Melbourne on Goods imported from Tasmania, being the Local Product or Manufacture of that Colony, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.		Value.	Total Value.	Duties.	Total Duties.
		£	£	£ s. d.	£ s. d.
Bark	... By sea	...	474	...	3 9 0
Beer—Draught	... "	...	166	...	59 4 3
Bones	... "	...	8	...	...
Bran	... "	...	26	...	9 17 0
Butter	... "	...	672	...	120 16 1
Carriages and Cart Materials	... "	...	64	...	3 4 0
Cheese	... Warehouse	525	...	...	106 15 6
"	... Warehouse	12	...	...	...
Cider and Perry	... By sea	3	537	...	1 1 0
Coal	... "	...	3	...	...
Eggs	... "	...	108	...	0 6 0
Fish—Fresh	... "	...	74	...	...
Fish—Salted	... "	...	662	...	...
Flax	... "	...	62	...	17 2 6
Flour	... Warehouse	14,154	...	1,059 15 0	...
"	... Ex Warehouse	2,381	...	98 15 0	...
"	... Warehouse	...	16,535	...	1,158 10 0
Fruit—Bottled	... By sea	...	51	...	8 14 0
" Green	... "	...	12,494	...	1,766 17 11
Gold	... "	...	5,683	...	...
Grain and Pulse—Barley	... Warehouse	4,426	...	423 0 6	...
"	... Ex Warehouse	791	...	117 12 0	...
"	... Warehouse	...	5,217	...	540 12 6
"	... Ex Warehouse	...	10	...	1 13 0
" Pearl Barley	... By sea	...	...	...	...
" Beans and Peas	... Warehouse	2,690	...	334 4 9	...
"	... Ex Warehouse	2	...	0 6 9	...
"	... Warehouse	...	2,692	...	334 11 6
" Oats	... By sea	44,863	...	4,431 16 2	...
"	... Warehouse	1,475	...	71 1 6	...
"	... Ex Warehouse	...	46,338	...	4,502 17 8
" Rye	... By sea	...	20	2 17 9	2 17 9
" Tares	... "	...	259	21 4 9	21 4 9
" Wheat	... Warehouse	20,040	...	1,398 5 3	...
"	... Ex Warehouse	190	...	14 1 3	...
"	... Warehouse	...	20,230	...	1,412 6 6
"	... Ex Warehouse	...	228	...	8 6 0
Grease	... By sea	...	6	...	...
Hair	... "	...	955	...	...
Hides	... "	...	24	...	0 13 0
Honey	... "	...	...	...	...
Hops	... Warehouse	13,343	...	2,134 4 2	...
"	... Ex Warehouse	8,499	...	1,935 16 1	...
"	... Warehouse	...	21,842	...	4,070 0 3
Horns and Hoofs	... By sea	...	15	...	...
Iron—Scrap	... "	...	6	...	...
Lead—Scrap	... "	...	30	...	...
Leather	... "	...	1,518	...	100 9 4
" Fancy	... "	...	1,274	...	116 18 2
Live Stock—Asses	... "	...	8	...	...
" Birds	... "	...	24	...	...
" Deer	... "	...	10	...	...
" Dogs	... "	...	30	...	...
" Horned Cattle	... "	...	400	...	...
" Horses	... "	...	6,725	...	...
" Kangaroo	... "	...	1	...	...
" Pigs	... "	...	5,650	...	...
" Poultry	... "	...	5	...	...
" Sheep	... "	...	4,822	...	...
Mats and Rugs	... By sea	31	...	...	3 17 6
"	... Warehouse	12	43	...	10 17 0
Meal—Oat...	... By sea	...	167	...	...
Oil—Black...	... "	...	394	...	4 12 0
" Mutton Bird	... "	...	35	...	0 1 0
Onions	... "	...	...	...	...
Plants	... "	...	81	...	...
Potatoes	... "	...	866	...	174 5 6
Preserves	... Warehouse	4,646	...	1,099 18 7	...
"	... Ex Warehouse	1,595	6,241	163 10 0	1,263 8 7
"	... Warehouse	...	...	...	0 7 6
Provisions—Salted	... By sea	...	4	...	23 13 8
" Bacon	... "	...	78	...	0 19 2
" Hams	... "	...	5	...	46 11 6
" Pork	... "	...	616	...	...
Rags	... "	...	70	...	...
Seeds	... "	...	370	...	24 8 7
Skins	... "	...	254	...	...

TASMANIA—continued.

Articles.						Value.	Total Value.	Duties.	Total Duties.
						£	£	£ s. d.	£ s. d.
Skins—Kangaroo	...	...	...	By sea	...	...	49		
" Sheep	...	...	...	"	...	...	1,395		
Stone—Unwrought	...	...	...	"	...	...	1,548		
" Grindstones	...	...	...	"	...	...	65	...	10 0 0
Tallow	...	...	...	"	...	...	49		
Timber—Undressed...	...	...	...	"	...	...	3,664	...	534 12 9
" Logs	...	...	...	"	...	...	855		
" Palings	...	...	...	"	...	...	9,529	...	644 6 0
" Posts and Rails	...	...	...	"	...	...	32		
" Sawn	...	...	...	"	...	...	1,177	...	58 17 0
" Shooks and Staves...	...	...	...	"	...	...	2,712	...	50 18 6
" Spokes and Felloes	...	...	...	"	...	...	23	...	0 11 6
" Miscellaneous	...	...	...	"	...	...	83	...	4 2 0
Woodenware	...	...	...	"	...	...	245	...	48 14 3
Wool	...	...	...	"	...	...	93,020		
Woollens	...	...	...	"	...	...	208	...	23 5 2
							£279,838		£17,296 16 10

JOHN GUTHRIE,
Acting Collector of Customs.

WESTERN AUSTRALIA.

RETURN of the Amount of Duties received at the Port of Melbourne on Goods imported from Western Australia, being the Local Product or Manufacture of that colony, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.						Value.	Total Value.	Duties.	Total Duties.
						£	£	£ s. d.	£ s. d.
Butter	...	...	...	By sea	...	...	3	...	0 7 10
Curiosities	...	...	...	"	...	...	1		
Oil—Black...	...	...	...	"	...	...	300		
Seeds	...	...	...	"	...	...	62		
Tallow	...	...	...	"	...	...	4		
Timber—Dressed	...	...	...	"	...	...	137	...	18 6 6
" Undressed	...	...	...	"	...	...	705	...	55 2 9
" Logs	...	...	...	"	...	...	402		
							£1,614		£73 17 1

JOHN GUTHRIE,
Acting Collector of Customs.

No. 2.—IMPORTS OF "OTHER ARTICLES," NOT BEING LOCAL PRODUCTS.

NEW SOUTH WALES.

RETURN showing the Value, with the Amount of Duties received at the Port of Melbourne, on Goods imported from New South Wales, not being the Local Products or Manufactures of that Colony, from 1st April, 1871, to 31st March, 1872, both inclusive.

Articles.	Value.	Total Value.	Duties.	Total Duties.
	£	£	£ s. d.	£ s. d.
Apparel and Slops, Other Products ... Duty paid from ship ...	...	892	...	158 11 6
Arrowroot By sea ...	...	23	...	10 14 8
Bags and Sacks ... .. " ...	...	2,833	...	...
Ditto, Woolpacks ... .. " ...	...	5,371	...	168 5 3
Beer—Bottled ... .. " ...	...	58	...	9 0 0
Biscuits ... .. " ...	...	2	...	1 5 0
Books ... .. " ...	...	1,544	...	...
Boots and Shoes ... .. " ...	...	604	...	85 9 2
" " Warehouseled ...	273	...	...	...
Bottles By sea ...	...	877	...	...
" " Ex Warehouse ...	...	24	13 16 0	...
Brushware By sea ...	1,102	...	8 15 6	22 11 6
" " Warehouseled ...	234	...	...	...
" " Ex Warehouse ...	...	1,336	49 18 0	194 12 1
Building Materials By sea ...	...	110	...	...
Canvas ... .. " ...	...	20	...	5 0 0
Carpeting and Druggeting ... .. " ...	...	50	...	13 4 0
Carriages ... .. " ...	...	66	...	8 14 8
Casks—Empty ... .. " ...	...	56	...	0 18 0
Clocks ... .. " ...	...	9	...	...
Coffee Warehouseled ...	...	2,135	...	162 7 4
" " Ex Warehouse ...	...	...	...	...
Cordage By sea ...	...	2	0 4 0	...
" " Ex Warehouse ...	...	...	0 3 3	0 7 3
Cordage—Unserviceable By sea ...	...	143	...	...
Cotton—Raw ... .. " ...	...	143	...	...
Cotton Wick ... .. " ...	...	154	...	...
Cotton Piece Goods ... .. " ...	...	1,149	...	...
Cutlery ... .. " ...	...	1	...	0 2 0
Drapery " ...	517	...	...	52 3 0
" " Warehouseled ...	60	...	...	...
Drugs By sea ...	787	...	...	74 16 6
" " Warehouseled ...	165	...	...	...
Dye By sea ...	15	952	...	...
Earthenware " ...	4	15	...	0 10 0
Fancy Goods ... .. " ...	...	4	...	8 1 0
Fibre ... .. " ...	...	70	...	...
Fibre—Cocoanut ... .. " ...	...	102	...	...
Fish—Preserved " ...	92	80	9 6 2	...
" " Warehouseled ...	976	...	...	...
" " Ex Warehouse ...	...	1,068	129 11 8	138 17 10
Fish—Salted By sea ...	2,630	...	322 13 9	...
" " Warehouseled ...	1,327	...	...	...
" " Ex Warehouse ...	...	3,957	65 3 9	387 17 6
Fruit—Dried By sea ...	348	...	90 13 2	...
" " Warehouseled ...	355	...	...	...
" " Ex Warehouse ...	...	703	87 12 2	178 5 4
" " Currants By sea ...	16	16	...	10 0 4
" " Raisins " ...	90	90	...	15 18 0
Furniture ... .. " ...	...	87	...	10 16 6
Glassware ... .. " ...	...	54	...	9 0 0
Gloves ... .. " ...	...	44	...	4 8 0
Grain and Pulse—Rice Warehouseled ...	1,937	...	487 3 9	...
" " Ex Warehouse ...	1,910	3,847	400 19 8	888 3 5
Grindery By sea ...	...	18	...	0 18 0
Haberdashery ... .. " ...	...	57	...	...

NEW SOUTH WALES—continued.

Articles.				Value.	Total Value.	Duties.	Total Duties.
				£	£	£ s. d.	£ s. d.
Hardware and Ironmongery	...	By sea	...	207	...	...	20 14 0
"	"	Warehoused	...	4	211	...	
Hats, Caps, &c.	...	By sea	...	1,444	...	...	233 17 5
"	"	Warehoused	...	118	1,562	...	
Hops	...	By sea	...	682	...	197 8 3	
"	...	Warehoused	...	2,120	2,802	...	
"	...	Ex Warehouse	...	...	...	58 19 4	
Hosiery	...	By sea	...	...	415	...	256 7 7
Indiarubber Goods	...	"	...	...	27	...	41 10 5
Instruments—Musical	...	"	...	...	121	...	23 12 6
" Scientific	...	"	...	...	3	...	
Iron—Bar	...	"	...	...	14	...	
" Galvanized Cordage	...	"	...	...	60	...	6 0 0
Iron—Wire	...	"	...	...	79	...	9 1 0
Jewellery	...	"	...	...	39	...	7 16 6
Lead—Pig	...	"	...	...	59	...	
Leather—Cut	...	"	...	...	129	...	12 17 5
Leatherware	...	"	...	...	5	...	1 2 0
Linen Piece Goods	...	"	...	...	80	...	
Live Stock—Turtles	...	"	...	...	64	...	
Machinery	...	"	...	259	...	...	29 0 0
"	...	Warehoused	...	165	424	...	
Matches and Vestas	...	Warehoused	...	...	4	...	
Matting	...	By sea	...	286	...	...	28 17 5
"	...	Warehoused	...	196	482	...	
Metals, Manufactures of	...	By sea	...	...	21	...	4 3 6
Millinery	...	"	...	...	25	...	2 7 6
Metal, Yellow	...	"	...	...	12	...	
Military Stores	...	"	...	...	2,590	...	
Miscellaneous	...	"	...	...	2,324	...	22 16 8
Mouldings	...	"	...	...	3	...	0 10 2
Mustard	...	"	...	...	8	...	0 16 0
Nails and Screws	...	"	...	...	104	...	9 8 7
Nuts	...	"	...	...	31	...	24 14 6
" Cocoa	...	"	...	...	393	...	1 6 0
Oil—Chinese	...	"	...	...	4	...	0 10 0
" Lubricating	...	"	...	...	2	...	0 4 0
Oilmen's Stores	...	"	...	...	82	...	14 7 1
Opium—Raw	...	Warehoused	...	...	174	...	
" Prepared	...	"	...	...	290	...	
"	...	Ex Warehouse	...	...	...	...	528 0 0
Paintings and Engravings	...	By sea	...	...	19	...	0 14 0
Paper	...	"	...	...	1,342	...	
" Wrapping	...	"	...	...	1	...	0 3 0
Pepper	...	"	...	...	20	...	
Perfumery	...	"	...	...	31	...	3 2 4
Personal Effects	...	"	...	...	2,480	...	
Phormium	...	"	...	...	12	...	
Photographic Goods	...	"	...	...	10	...	0 10 0
Pipes, Meerscham	...	"	...	...	23	...	
Pitch and Tar	...	"	...	...	196	...	
Platedware	...	"	...	...	46	...	4 12 0
Printing Materials	...	"	...	...	1,393	...	6 4 0
Quicksilver	...	"	...	...	12,310	...	
Resin	...	"	...	...	368	...	
Saddlery and Harness	...	"	...	...	104	...	20 16 0
Sewing Machines	...	"	...	...	1,024	...	
Silks	...	"	...	...	475	...	48 2 2
Soap	...	"	...	...	1	...	0 9 4
Specie—Silver	...	"	...	...	20	...	
" Copper	...	"	...	...	240	...	
Spices	...	"	...	...	280	...	14 0 0
Spirits—Brandy	...	"	...	121	...	84 0 0	
"	...	Warehoused	...	1,660	1,781	2,256 18 3	
"	...	By sea	...	11	...	7 0 0	2,340 18 3
"	...	Warehoused	...	8	19	...	
"	...	Ex Warehouse	...	...	...	4 11 4	
"	...	By sea	...	...	...	...	11 11 4
"	...	Warehoused	...	267	...	26 15 11	0 15 8
"	...	Warehoused	...	204	471	...	
"	...	Ex Warehouse	...	...	...	59 8 0	
"	...	By sea	...	...	...	0 6 0	86 3 11
"	...	Warehoused	...	...	160	...	
"	...	Ex Warehouse	...	...	...	1,545 15 0	
"	...	By sea	...	...	1	...	1,546 1 1
"	...	"	...	4	...	0 8 9	1 0 0

NEW SOUTH WALES—continued.

Articles.				Value.	Total Value.	Duties.	Total Duties.
				£	£	£ s. d.	£ s. d.
Spirits—Other	...	...	... Warehoused	55	59		
"	"	...	... Ex Warehouse	...	...	31 7 6	31 16 3
Sponge	...	...	... By sea	...	6	...	0 6 0
Starch	...	...	... Ex Warehouse	...	...	...	14 8 8
Stationery	...	...	... By sea	...	413	...	51 3 6
Steel	...	...	... "	...	3	...	
Stone, Mill	...	...	... "	...	28	...	1 4 0
Sugar—Candy	...	...	... Warehoused	...	50	...	
"	"	...	... Ex Warehouse	...	...	...	9 7 10
"	Raw	...	... By sea	9,954	...	846 10 2	
"	"	...	... Warehoused	11,229	21,183	...	
"	"	...	... Ex Warehouse	...	...	188 8 2	1,034 18 4
"	Refined	...	... By sea	...	198	...	16 3 11
"	Undescribed	...	... Warehoused	...	170	...	
"	"	...	... Ex Warehouse	...	...	...	18 12 9
Tea	...	...	... By sea	998	...	162 5 3	
"	...	...	... Warehoused	19,155	20,153	...	
"	...	...	... Ex Warehouse	...	...	1,864 14 4	2,026 19 7
Telegraphic Materials	...	...	... By sea	...	972	...	
Timber—Laths	...	...	... "	...	118	...	7 7 0
Tin, Sheet	...	...	... "	...	390	...	
Tobacco—Manufactured	...	...	... "	53	...	69 10 0	
"	"	...	... Warehoused	2,482	2,535	...	
"	"	...	... Ex Warehouse	...	...	3,602 11 0	3,672 1 0
"	Unmanufactured	...	... By sea	26	...	25 13 0	
"	"	...	... Warehoused	360	386	...	
"	"	...	... Ex Warehouse	...	...	344 11 6	370 4 6
"	Cigars	...	... By sea	16	...	6 0 0	
"	"	...	... Warehoused	790	806	...	
"	"	...	... Ex Warehouse	...	...	290 2 6	296 2 6
Tools and Utensils	...	...	... By sea	...	1	...	0 2 0
Toys	...	...	... "	...	3	...	0 6 6
Travellers' Samples	...	...	... "	...	150	...	
Turpentine	...	...	... "	...	363	...	
Vegetables, Preserved	...	...	... By sea	...	35	...	3 18 9
Vermicelli	...	...	... "	...	12	...	2 0 0
Watchmakers' Materials	...	...	... "	...	79	...	7 18 0
Wickerware	...	...	... "	...	6	...	1 4 0
Wine	...	...	... "	276	...	44 14 1	
"	...	...	... Warehoused	498	776	...	
"	...	...	... Ex Warehouse	...	...	905 19 10	950 13 11
Woodenware	...	...	... By sea	...	247	...	49 7 5
Woollens	...	...	... "	...	45	...	4 10 0
Woollen Piece Goods	...	...	... "	3,288	...	...	168 10 4
"	"	...	... Warehoused	78	3,366	...	
Zinc	...	...	... By sea	...	7	...	
					£116,769		£16,735 1 10

Port of Melbourne, 3rd August, 1872.

JOHN GUTHRIE,
Acting Collector of Customs.

NEW ZEALAND.

RETURN showing the value, with the amount of Duties received at the Port of Melbourne, on Goods imported from New Zealand (not being the Local Products or Manufactures of that Colony), from 1st April, 1871, to 31st March, 1872, both inclusive.

Articles.	Value.	Total Value.	Duties.	Total Duties.
	£	£	£ s. d.	£ s. d.
Agricultural Implements By sea ... ..	...	13	...	1 6 0
Apparel and Slops ... .. " ... ..	...	831	...	37 13 10
Arms and Ammunition—Ammunition ... ..	...	8	...	0 16 0
" " Fuze ... ..	...	123	...	13 14 0
" " Shot ... ..	...	6	...	2 13 8
Bags and Sacks ... ..	...	7	...	...
" " Corn ... ..	...	5	...	0 5 0
Beer—Bottled ... ..	...	16	2 17 9	...
" " Ex Warehouse ... ..	...	...	2 11 0	5 8 9
Books By sea ... ..	...	112	...	8 10 0
Boots and Shoes "	61	...	...	...
" " Warehoused	57	118	...	...
Bottles By sea ... ..	...	2	1 11 3	...
" " Ex Warehouse ... ..	...	...	0 12 3	2 3 6
Brassware By sea ... ..	...	1	...	0 2 0
Brushware ... .. " ... ..	...	33	...	6 12 0
Carriages ... .. " ... ..	...	301	...	30 2 0
Casks, Empty ... .. " ... ..	...	7	...	0 17 6
Copper ... .. " ... ..	...	35	...	...
Cordage ... .. " ... ..	...	56	...	5 12 9
Cordage, Unserviceable ... ..	...	15	...	...
Cotton Piece Goods ... ..	...	336	...	...
Cutlery "	40	...	...	4 0 7
" " Warehoused	165	205	...	...
Drapery By sea	102	102	...	10 16 0
Drugs "	51	...	...	4 0 3
" " Warehoused	22	73	...	...
Dye By sea ... ..	...	4	...	...
Fancy Goods ... .. " ... ..	...	68	...	6 16 5
Fish—Preserved "	1	...	0 6 3	...
" " Warehoused	445	446	...	...
" " Ex Warehouse ... ..	...	...	109 7 4	109 13 7
" Salted By sea ... ..	...	217	...	31 3 0
Fruit—Dried "	2	...	0 14 0	...
" " Warehoused	46	48	...	...
" " Ex Warehouse ... ..	...	...	0 6 11	1 0 11
Furniture By sea ... ..	...	14	...	2 16 9
Glassware "	50	...	...	5 14 0
" " Warehoused	52	102	...	...
Gloves By sea ... ..	...	63	...	6 6 0
Grain and Pulse—Rice Warehoused ... ..	...	580	...	...
" " Ex Warehouse ... ..	...	...	...	0 15 5
Grindery By sea ... ..	...	508	...	...
Haberdashery ... .. " ... ..	...	20	...	...
Hardware and Ironmongery ... ..	...	214	...	14 14 0
Hats, Caps, &c. ... ..	...	94	...	9 12 0
Hosiery Warehoused ... ..	...	166	...	...
Indiarubber Goods By sea ... ..	...	38	...	...
Instruments—Scientific ... ..	...	18	...	...
Iron—Bar ... .. " ... ..	...	16	...	...
" Castings ... .. " ... ..	...	3	...	0 6 0
Jewellery ... .. " ... ..	...	83	...	10 7 0
Lead ... .. " ... ..	...	39	...	...
" Pig ... .. " ... ..	...	61	...	...
Leatherware ... .. " ... ..	...	15	...	1 12 0
Macaroni ... .. " ... ..	...	3	...	0 9 4
Machinery By sea	274	...	...	45 8 2
" " Warehoused	16	290	...	...
Maizena By sea	20	20	...	2 8 0
Matches "	43	...	4 6 0	...
" " Warehoused	15	58	...	...
" " Ex Warehouse ... ..	...	...	0 14 0	5 0 0
Metals—Manufactures of By sea ... ..	...	25	...	5 1 7
Metal—Yellow ... .. " ... ..	...	52	...	...
Military Stores ... .. " ... ..	...	22	...	...
Miscellaneous ... .. " ... ..	...	1,016	...	9 15 0
Nails and Screws "	49	...	3 13 0	...
" " Warehoused	6	55	...	4 3 0
" " Ex Warehouse ... ..	...	...	0 10 0	...
Oars By sea ... ..	...	17	...	3 4 0

NEW ZEALAND—continued.

Articles.				Value.	Total Value.	Duties.	Total Duties.
				£	£	£ s. d.	£ s. d.
Oilmen's Stores	...	...	By sea	18	18	2 17 0	
"	...	...	Ex Warehouse	...	...	6 16 0	9 13 0
Opium—Prepared	...	...	Warehoused	...	160	...	0 11 0
Paintings and Engravings	...	...	By sea	...	96	...	2 0 0
Paints	...	...	"	...	33	...	1 12 6
Paper	...	...	"	...	690	...	
Perfumery...	...	...	"	...	16	...	
Personal Effects	...	...	"	...	850	...	
Platedware	...	...	Ex Warehouse	...	21	2 2 0	
"	...	...	"	...	...	1 12 3	3 14 3
Printing Materials	...	...	By sea	...	117	...	
Quicksilver	...	...	"	...	683	...	13 4 0
Saddlery and Harness	...	...	"	...	86	...	
Sewing Machines	...	...	"	...	28	...	0 16 0
Silks, Manufactures containing	...	...	"	...	8	...	0 9 4
Soap	...	...	"	...	2	...	
Specie, Gold	...	...	"	...	40,000	...	
Spices	...	...	"	...	40	...	
Spirits—Brandy	...	...	Warehoused	84	...	122 3 0	
"	...	...	"	200	...	...
"	...	...	Ex Warehouse	...	284	309 19 0	432 2 0
"	"	
"	Cordials	...	Ex Warehouse	...	1	1 1 11	19 10 1
"	"	...	"	...	...	18 8 2	
"	Gin	...	Warehouse	...	43	...	1 5 0
"	Perfumed	...	By sea	...	1	...	
"	Whiskey	...	"	15	...	35 4 0	
"	"	...	Warehoused	109	...	...
"	"	...	Ex Warehouse	...	124	157 11 0	192 15 0
"	Other	...	By sea	7	...	...	1 1 3
"	"	...	Warehoused	39	...	...
Stationery	...	...	Ex Warehouse	...	46	77 17 0	84 17 0
"	...	...	"	...	683	7 0 0	
Sugar—Raw	...	...	By sea	3,239	...	371 6 0	
"	"	...	Warehoused	165	...	...
"	"	...	Ex Warehouse	...	3,404	6 5 1	377 11 1
"	Refined	...	Warehouse	...	150	...	10 1 0
"	"	...	Ex Warehouse	...	...	...	3 14 3
"	Undescribed	...	By sea	...	40	...	
Tea	...	...	"	370	...	112 4 6	
"	...	...	Warehoused	1,586	...	...
"	...	...	Ex Warehouse	...	1,956	234 3 0	346 7 6
Timber—Deals	...	...	By sea	...	67	...	3 7 0
"	Palings	...	"	...	7	...	0 11 0
Tin	...	...	"	...	35	...	
Tobacco—Manufactured	...	...	"	18	...	44 14 0	
"	"	...	Warehoused	3,073	...	...
"	"	...	Ex Warehouse	...	3,091	1,253 10 0	1,298 4 0
"	Unmanufactured	...	Warehoused	10	10	...	154 8 6
"	"	...	Ex Warehouse	...	...	...
"	Cigars	...	By sea	1	...	1 0 0	
"	"	...	Warehoused	848	...	...
"	"	...	Ex Warehouse	...	849	240 9 0	241 9 0
Tools and Utensils	...	...	By sea	...	2	...	0 2 0
Toys	...	...	"	...	3	...	0 7 6
Travellers' Samples	...	...	"	...	180	...	1 5 0
Watches	...	...	"	...	10	...	
Wine	...	...	"	55	...	16 1 0	
"	...	...	Warehoused	193	...	...
"	...	...	Ex Warehouse	...	248	92 7 7	108 8 7
Woodenware	...	...	By sea	...	293	58 12 0	
"	...	...	Ex Warehouse	...	...	7 7 6	65 19 6
Woollens	...	...	By sea	...	38	...	4 0 6
Woollen Piece Goods	...	...	"	...	1,017	...	84 2 6
Zinc	...	...	"	...	54	...	
					£62,264		£3,874 9 4

J. GUTHRIE,
Acting Collector of Customs,

QUEENSLAND.

RETURN showing the Value, with the amount of Duties received at the Port of Melbourne on Goods imported from Queensland (not being the Local Products or Manufactures of that colony), from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.		Value.	Total Value.	Duties.	Total Duties.
		£	£	£ s. d.	£ s. d.
Books	... By sea	5	5		
Bottles	... Ex Warehouse				0 1 6
Coke and Fuel	... By sea	6	6		
Matches and Vestas	... Warehoused		6		
Metals, Manufactures of	... By sea		14		2 17 7
Miscellaneous	... "		351		
Nails and Screws	... "		56		5 12 0
Pepper	... "		1		0 3 4
Perfumery	... "		33		3 6 0
Personal Effects	... "		103		
Soap	... "		9		0 18 8
Spices	... "		15		3 17 0
Spirits—Brandy	... Warehoused		120		
"	... Ex Warehouse				222 16 0
" Whiskey	... Warehoused		95		
"	... Ex Warehouse				52 18 2
Tea	... "				15 18 9
Telegraphic Materials	... By sea		44		
Tinfoil	... "		7		0 14 0
Tobacco—Manufactured	... Warehoused		30		
"	... Ex Warehouse				47 16 0
" Cigars	... Warehoused		69		
"	... Ex Warehouse				32 2 6
Varnish	... By sea		20		6 3 0
Wine	... Warehoused		145		
"	... Ex Warehouse				32 8 3
Woollen Piece Goods	... By sea		3		0 4 6
			£1,132		£427 17 3

Port of Melbourne,
3rd August, 1872.

JOHN GUTHRIE,
Acting Collector of Customs.

SOUTH AUSTRALIA.

RETURN showing the Value with the amount of Duties received at the Port of Melbourne on Goods imported from South Australia (not being the Local Products or Manufactures of that colony), from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.		Value.	Total Value.	Duties.	Total Duties.
		£	£	£ s. d.	£ s. d.
Apparel and Slops	... By sea		87		17 2 0
Arms and Ammunition—Firearms	... Ex Warehouse				0 16 0
Bags and Sacks—Corn	... By sea		2,089		
" Woolpacks	... "		495		
Beer—Bottle	... "		496		83 17 6
" Draught	... Ex Warehouse				60 0 0
Books	... By sea		176		
Boots and Shoes	... "	432			83 19 0
"	... Warehoused	151			
			583		
Bottles	... By sea		31	31 8 3	
"	... Ex Warehouse			0 13 0	
					32 1 3
Building Materials	... "		24		3 0 0
Candles	... By sea	1,605			194 15 10
"	... Warehoused	1,798			
			3,403		
Casks—Empty	... By sea		6		1 4 0
Coffee	... "	1,490		444 14 6	
"	... Warehoused	2,380			
			3,870		
"	... Ex Warehouse			410 5 4	
					854 19 10
Cordage	... By sea		110		11 0 0
" Unserviceable	... "		4		
Cotton Piece Goods	... "		162		0 12 0
Corks	... "		3		3 14 0
Cutlery	... "		37		70 11 3
Drugs	... "		733		0 6 0
Earthenware	... "		3		11 11 0
Fancy Goods	... "		113		
Fish—Preserved	... "	359		91 19 4	
"	... Warehoused	1,211			
			1,570		
"	... Ex Warehouse			201 2 10	
					293 2 2

SOUTH AUSTRALIA—continued.

Articles.	Value.	Total Value.	Duties.	Total Duties.
	£	£	£ s. d.	£ s. d.
Fruit, Dried—Currants By sea	750	...	258 2 4	
" " " Warehoused	1,172	1,922		
" " " Ex Warehouse	446 18 2	705 0 6
" " Raisins Warehoused	18	...	6 3 0	
" " " Warehoused	174	192	48 2 6	54 5 6
Furniture By sea	180	...	22 10 0
Glassware "	87	...	10 5 0
Grain and Pulse—Rice Warehoused	1,477	...	280 4 0	
" " " Warehoused	2,564	4,041		
" " " Ex Warehouse	328 3 9	608 7 9
Hardware and Ironmongery By sea	2	...	0 4 0
Hats, Caps, &c. "	4	...	0 16 0
Hops Warehoused	90	...	
" " " Ex Warehouse	13 2 6
Instruments—Musical By sea	65	...	13 0 0
" " Optical "	7	...	
" " Scientific "	10	...	
Iron—Bar "	100	...	
" Castings "	5	...	0 19 10
Jewellery "	55	...	11 0 0
Lead "	165	...	
" Pig "	18	...	
Leatherware "	4	...	0 8 0
Machinery "	134	...	21 2 0
Matches and Vestas Warehoused	155	...	
Metals, Manufactures of By sea	12	...	2 8 0
Military Stores "	5	...	
Miscellaneous "	382	...	
Mustard "	11	...	1 10 0
Nails and Screws "	17	...	1 14 0
Oil—Castor "	44	...	4 8 0
" Kerosene Ex Warehouse	93 8 0
" Salad By sea	165	...	...	16 10 0
" " " Warehoused	339	504	...	
Oilmen's Stores By sea	8	...	1 11 8
Paper "	28	...	
Pepper "	123	...	12 6 0
Perfumery Ex Warehouse	3 2 0
Personal Effects By sea	869	...	
Pitch and Tar "	151	...	
Platedware "	8	...	0 16 0
Printing Materials "	7	...	
Sewing Machines "	5	...	
Silks "	440	...	44 0 0
Soap "	3	...	0 10 0
Spirits—Brandy Ex Warehouse	177 14 0
" Perfumed By sea	35	...	11 2 6
" Rum Warehoused	49	...	
" " " Ex Warehouse	194 10 0
Spirits—Other By sea	11	...	23 13 0	
" " " Warehoused	65	76	...	
" " " Ex Warehouse	24 4 4	47 17 4
Stationery By sea	73	...	12 1 2
Sugar, Undescribed "	2	...	0 3 0
Tea "	463	...	76 19 9	
" " " Warehoused	1,327	1,790	...	
" " " Ex Warehouse	342 16 11	419 16 8
Tin By sea	50	...	
" Sheet "	80	...	
Tobacco—Manufactured Warehoused	548	...	
" " " Ex Warehouse	272 12 0
" Cigars Warehoused	240	...	
" " " Ex Warehouse	153 5 0
Tools and Utensils By sea	7	...	0 14 0
Travellers' Samples "	380	...	
Turpentine "	247	...	
Woodenware "	1	...	0 4 0
Woollens "	72	...	8 13 6
Woollen Piece Goods "	746	...	43 1 6
Zinc "	12	...	
		£28,256		£4,707 11 3

JOHN GUTHRIE,
Acting Collector of Customs,

Port of Melbourne, 3rd August, 1872.

TASMANIA.

RETURN showing the Value, with the amount of Duties received at the Port of Melbourne, on Goods imported from Tasmania (not being the Local Products or Manufactures of that Colony), from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Total Value.	Duties.	Total Duties.
	£	£	£ s. d.	£ s. d.
Apparel and Slops By sea ... ..	...	107	...	14 1 10
Arms and Ammunition—Shot ... ..	...	5	...	0 5 0
" " Powder, Blasting Warehoused ... ..	...	100	...	
Bags and Sacks By sea ... ..	...	780	...	
" " Woolpacks ... ..	...	220	...	
Beer—Bottled ... ..	...	111	...	22 0 0
Books ... ..	...	55	...	
Boots and Shoes	86	...	...	16 12 9
" " Warehoused	58			
		144		
Bottles By sea ... ..	...	2	1 10 6	
" " Ex Warehouse ... ..	...	...	1 2 6	
				2 13 0
Brushware By sea	9	...	...	1 2 6
" " Warehoused	7			
		16		
Carpeting and Druggeting By sea ... ..	...	33	...	3 10 4
Carriages ... ..	...	5	...	1 0 0
Coffee ... ..	...	68	...	15 1 2
Cordage ... ..	...	19	...	1 18 7
" Unserviceable ... ..	...	17	...	
Cotton Piece Goods ... ..	...	171	...	
Drapery ... ..	...	22	...	3 13 2
Drugs ... ..	...	105	...	10 2 3
Fancy Goods ... ..	...	40	...	4 9 0
Fish—Preserved ... ..	...	18	...	3 2 1
Fruit, Dried—Currants ... ..	...	203	...	103 10 7
" " Raisins ... ..	...	101	...	50 9 0
Furniture ... ..	...	3	...	0 11 0
Gloves ... ..	...	2	...	0 8 0
Grain and Pulse—Rice ... ..	...	40	...	4 0 0
Hardware and Ironmongery ... ..	...	43	...	4 6 0
Hats, Caps, and Bonnets ... ..	...	18	...	1 18 6
Hosiery ... ..	...	25	...	2 9 3
Lead ... ..	...	153	...	
" Pig ... ..	...	31	...	
Machinery	13	...	...	1 16 0
" " Warehoused	110			
		123		
Matches and Vestas ... ..	...	11	...	
Metals—Manufactures of By sea	17	...	...	3 8 2
Millinery ... ..	...	104	...	11 10 0
Metal—Yellow ... ..	...	45	...	
Military Stores ... ..	...	32	...	
Miscellaneous ... ..	...	2,086	...	0 7 4
Nails and Screws ... ..	...	21	...	0 11 0
Oil—Kerosene ... ..	...	20	...	2 0 0
Oilmen's Stores ... ..	...	16	...	1 19 6
Paper ... ..	...	92	...	
Paintings and Engravings ... ..	...	31	...	
Personal Effects ... ..	...	1,689	...	
Pipes—Meerschaut ... ..	...	9	...	
Printing Materials ... ..	...	78	...	
Quicksilver ... ..	...	86	...	
Railway Iron Rails ... ..	...	279	...	
Saddlery and Harness ... ..	...	48	...	9 12 0
Salt ... ..	...	60	...	10 0 0
Sewing Machines ... ..	...	50	...	
Silks	274	...	31 1 11	
" " Warehoused	734			
		1,008		
" " Ex Warehouse ... ..	...	...	55 19 6	87 1 5
Spirits—Brandy By sea	2	...	3 0 0	
" " Warehoused	105			
		107		
" " Ex Warehouse ... ..	...	...	90 4 0	93 4 0
" Gin Warehoused ... ..	...	94	...	187 7 9
" " Perfumed Ex Warehouse ... ..	...	...	...	1 15 0
" Rum Warehoused ... ..	...	51	...	63 4 0
" " Ex Warehouse ... ..	...	...	...	4 2 9
Stationery By sea ... ..	...	24	...	0 15 0
Sugar—Raw ... ..	...	8	...	
" Undescribed... .. Warehoused ... ..	...	27	...	
Tea By sea	147	...	37 9 5	
" " Warehoused	402			
		549		
" " Ex Warehouse ... ..	...	...	42 14 9	80 4 2
Telegraphic Materials By sea ... ..	...	40	...	
Tin ... ..	...	5	...	
" Sheet ... ..	...	30	...	

TASMANIA—continued.

Articles.				Value.	Total Value.	Duties.	Total Duties.
				£	£	£ s. d.	£ s. d.
Tobacco—Manufactured	...	...	Warehoused	...	1,256	...	...
"	"	...	Ex Warehouse	...	...	...	451 9 3
"	Cigars	...	Warehoused	...	70	...	...
"	"	...	Ex Warehouse	...	...	...	17 0 0
Tobacconistware	...	...	By sea	...	3	...	0 7 6
Tools and Utensils	...	...	"	...	20	...	1 4 0
Toys	...	...	"	...	24	...	2 8 0
Travellers' Samples	...	...	"	...	4,225	...	...
Vinegar	...	...	"	...	...	...	0 1 0
Wickerware	...	...	"	...	1	...	0 4 0
Wine	...	...	"	56	...	17 9 6	...
"	...	...	Warehoused	114	...	...	...
"	...	...	Ex Warehouse	...	170	18 17 0	...
Woolen Piece Goods	...	...	By sea	215	...	...	36 6 6
"	"	...	Warehoused	46	...	...	12 2 9
Works of Art	...	...	By sea	...	331	...	...
				...	6	...	...
				...	£15,603	...	£1,347 5 1

Port of Melbourne, 3rd August, 1872.

J. GUTHRIE,
Acting Collector of Customs.

WESTERN AUSTRALIA.

RETURN showing the Value, with the amount of Duties received at the Port of Melbourne, on Goods imported from Western Australia (not being the Local Products or Manufactures of that Colony), from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.				Value.	Total Value.	Duties.	Total Duties.
				£	£	£ s. d.	£ s. d.
Apparel and Slops	...	...	By sea	...	63	...	12 13 3
Coffee	...	...	"	...	70	...	34 11 9
Drugs	...	...	"	...	90	...	8 8 0
Fish, Salted	...	...	"	...	23	...	10 15 0
Glassware	...	...	"	...	10	...	1 5 0
Grain and Pulse—Rice	...	...	"	...	62	...	9 11 6
Machinery	...	...	"	...	22	...	4 8 0
Miscellaneous	...	...	"	...	1	...	...
Oil, Colza	...	...	"	...	40	...	5 3 0
Pepper	...	...	"	...	34	...	3 8 0
Personal Effects	...	...	...	...	100	...	...
Spirits—Brandy	...	...	Warehoused	...	35	...	...
"	"	...	Ex Warehouse	...	...	...	78 1 0
"	Gin	...	Warehoused	...	6	...	...
"	Rum	...	Ex Warehouse	...	...	...	14 19 0
"	Other	...	"	...	...	...	5 1 3
Sugar, Raw...	...	...	By sea	218	...	...	21 15 11
"	...	...	Warehoused	1,000	...	...	...
				...	1,218	...	...
Tobacco, Manufactured	...	...	"	...	365	...	...
Wine	...	...	Ex Warehouse	...	...	...	11 6 2
				...	£2,139	...	£221 6 10

Port of Melbourne, 3rd August, 1872.

JOHN GUTHRIE,
Acting Collector of Customs.

No. 3.—“LOCAL PRODUCTS OR MANUFACTURES” EXPORTED.

NEW SOUTH WALES.

RETURN showing the Value of the Local Products and Manufactures of Victoria exported to New South Wales from the Port of Melbourne, from 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Agricultural Implements	1,280	Miscellaneous	191
Apparel and Slops	55	Molasses and Treacle	3
Beer, Draught	45	Oilmen's Stores	105
Biscuit	3,294	Onions	1,042
Bonedust	4	Paper	201
Brassware	76	Perfumery	8
Building Materials	15	Personal Effects	440
" " Doors	9	Pipes, Tobacco	136
" " Sashes	11	Plants	42
Butter	956	Platedware	48
Candles	980	Potatoes	6,568
Carriages	20	Preserves	258
Carriage and Cart Materials	170	Printing Materials	20
Cheese	30	Provisions—Preserved	691
Coke and Fuel	5	" Salted	41
Confectionery	139	" " Bacon	292
Copperware	400	" " Beef	20
Cordage	290	" " Hams	12
Drugs	423	Saddlery and Harness	315
Fish, Salted	98	Seeds	280
Flock	10	Skins	380
Flour	778	" Kangaroo	215
Furniture	2,241	Soap	814
Glassware	45	Spirits—Colonial, from Malt	12
Gold	474,994	" Cordials	12
Grain and Pulse—Beans and Peas	39	Stone—Unwrought	30
" Barley, Pearl	52	" Paving	10
" Malt	60	Stoneware	7
" Oats	50	Stationery	10
" Wheat	6,496	Sugar—Refined	1,068
Guano	25	Timber—Miscellaneous	5
Hardware and Ironmongery	472	Tin	367
Hay	1,059	Tinware	37
Honey	23	Turnery	20
Iron Castings	321	Varnish	66
* Lead Piping	432	Vegetables	254
Leather	105	Vinegar	6
* Jewellery	230	Wine	481
Live Stock—Horses	100	Woodenware	8
" Leeches	4	Wool	3,560
" Sheep	705	Woollen Piece Goods	150
Machinery	6,590		
Meal, Oat	930		
Military Stores	110		
			£522,396

Port of Melbourne, 7th August, 1872.

NEW ZEALAND.

RETURN showing the Value of the Local Products and Manufactures of Victoria, exported to New Zealand from the Port of Melbourne, from 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Agricultural Implements	2,442	Carriages	329
Apparel and Slops	4,162	Carriage and Cart Materials	569
Arms and Ammunition, Firearms	12	Carts	25
Bark	145	Chaff	1,783
Biscuits	584	Cheese	122
Bonedust	227	Coke and Fuel	3
Boots and Shoes	768	Confectionery	633
Bran	26	Copperware	123
Brassware	34	Cordage	2,303
Bricks	17	Drapery	22
Brushware	60	Drugs	426
Building Materials	54	Druggists' Ware	33
Butter	185	Earthenware	3

NEW ZEALAND—continued.

Articles.	Value.	Articles.	Value.
	£		£
Eggs	30	Paper	725
Fish—Salted	10	Paper, Wrapping	15
Flock	46	Personal Effects	575
Flour	72	Pipes, Tobacco	39
Fruit—Green	15	Pitch and Tar	9
Furniture... ..	2,020	Plants	157
Glassware	57	Platedware	35
Grain and Pulse—Beans and Peas	5	Plumbers' Ware	60
" " Malt	67	Potatoes	807
Hair	149	Preserves	268
Hardware and Ironmongery	224	Printing Materials... ..	25
Hay	116	Provisions—Preserved	274
Honey	8	" " Salted	56
Instruments—Musical	70	" " Beef	27
Iron Castings	187	Saddlery and Harness	1,392
Lead Piping	262	Seeds	891
" Sheet	160	Soap	1,044
Leather	3,379	Stationery	60
Leatherware	22	Sugar—Refined	81,012
Lime	8	Timber—Sawn	10
Live Stock—Horses	7,890	" Miscellaneous	53
" " Leeches	18	Tinware	20
" " Sheep	500	Turnery	51
Machinery	13,123	Tobacco—Snuff	12
Marble—Wrought	11	Varnish	50
Mats and Rugs	10	Vinegar	10
Meal, Oat	128	Wine	1,419
Miscellaneous	107	Woodenware	42
Molasses and Treacle	1,569	Woollen Piece Goods	249
Oilmen's Stores	48		
Onions	208		£134,996

Port of Melbourne, 7th August, 1872.

QUEENSLAND.

RETURN showing the Value of the Local Products and Manufactures of Victoria exported to Queensland from the Port of Melbourne, from 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Agricultural Implements	106	Machinery	1,308
Beer—Bottled	161	Oilmen's Stores	98
" Draught	13	Onions	40
Biscuits	472	Potatoes	126
Building Materials... ..	40	Preserves... ..	155
" " Sashes	60	Provisions—Preserved	71
Butter	25	Saddlery	14
Carriage and Cart Materials	6	Seeds	4
Confectionery	242	Soap	17
Cordage	1,198	Vinegar	17
Drugs	195	Woodenware	21
Furniture... ..	120	Woollen Piece Goods	31
Honey	23		
Instruments—Musical	67		£4,632
Live Stock—Leeches	2		

Port of Melbourne, 7th August, 1872.

SOUTH AUSTRALIA.

RETURN showing the Value of the Local Products and Manufactures of Victoria exported to South Australia from the Port of Melbourne, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Agricultural Implements	691	Candles	4
Beer—Draught	114	Carriages	108
Biscuits	349	Carriage and Cart Materials	93
Books	30	Casks—Empty	117
Boots and Shoes	102	Cheese	150
Brassware	18	Confectionery	76
Bricks	21	Copperware	17
Building Materials... ..	30	Cordage	3,160
" " Sashes	4	Drugs	30
Butter	6	Flock	5

SOUTH AUSTRALIA—continued.

Articles.	Value.	Articles.	Value.
	£		£
Furniture	731	Potatoes	216
Glassware	18	Provisions—Preserved	270
Hardware and Ironmongery	89	" Salted Beef	213
Hats, Caps, and Bonnets	38	Saddlery and Harness	74
Hay	270	Seeds	62
Hides	390	Soap	195
Lead Piping	98	Spirits—Colonial, from Malt	18
Leather	41	Sugar—Refined	881
Live Stock—Horses	250	Tents and Tarpaulins	63
Machinery	1,230	Timber—Palings	36
Meal—Oat	75	" Miscellaneous	52
Miscellaneous	3	Tinware	11
Molasses and Treacle	444	Turnery	123
Oilmen's Stores	35	Varnish	32
Paintings and Engravings	20	Wine	145
Paints	6	Woodenware	36
Paper	132	Woollens	529
Personal Effects	32	Woollen Piece Goods	150
Plants	15		
Platedware	21		
Plumbers' Ware	50		
			£12,219

TASMANIA.

RETURN showing the Value of the Local Products and Manufactures of Victoria exported to Tasmania from the Port of Melbourne from 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Agricultural Implements	124	Mouldings	30
Apparel and Slops	724	Oars	10
Beer, Draught	18	Oilmen's Stores	61
Biscuits	398	Onions	5
Bonedust	674	Paintings	15
Brassware	55	Paper	150
Brushware	21	Personal Effects	264
Building Materials	127	Pipes—Drain	194
Butter	115	Plants	28
Candles	14	Plumbers' Ware	50
Carriages	244	Provisions—Preserved	205
Carriage and Cart Materials	260	Provisions—Salted... ..	21
Clocks	6	" " Beef	259
Confectionery	894	" " Pork	5
Copperware	146	Saddlery and Harness	62
Cordage	964	Seeds	77
Drapery	300	Skins	3
Drugs	92	" Kangaroo	10
Earthenware	15	Soap	108
Fruit, Green	20	Stationery	10
Furniture	808	Stone—Unwrought	35
Glass, Window	30	Stoneware	2
Glassware	11	Sugar—Refined	2,554
Glue	13	Tallow	173
Grain and Pulse—Wheat	33	Timber—Sawn	5
Hardware and Ironmongery	65	" Miscellaneous	32
Hats, Caps, and Bonnets	24	Tinware	56
Hides	3,225	Turnery	18
Iron Castings	137	Varnish	18
Lead Pipe	62	Vegetables	10
Leather	167	Wine	226
Live Stock—Horses	35	Woodenware	21
" Leeches	2	Woollens	150
" Sheep	4,713	Woollen Piece Goods	2,024
Machinery	1,675		
Molasses	124		
Miscellaneous	180		
			£23,406

WESTERN AUSTRALIA.

RETURN showing the Value of the Local Products and Manufactures of Victoria exported to Western Australia from the Port of Melbourne, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Biscuits	413	Oilmen's Stores	196
Bricks	4	Onions	15
Butter	62	Paper	86
Carts	150	Pitch and Tar	5
Cheese	219	Potatoes	402
Cordage	427	Preserves	76
Drugs	13	Provisions—Preserved	6
Earthenware	4	" Salted... ..	51
Furniture... ..	101	" " Bacon	136
Hay	48	" " Beef	329
Iron Castings	90	" " Hams	187
Leather	24	" " Pork	31
Live Stock—Horned Cattle... ..	800	Saddlery and Harness	272
" Horses	400	Seeds	179
Machinery	921	Soap	418
Marble, Wrought	10	Stone, Wrought	10
Mats and Rugs	4		
Meal, Oat	77		
Mouldings	2		
		Total	£6,168

JOHN GUTHRIE,
Acting Collector of Customs.

No. 4.—“OTHER ARTICLES” [NOT LOCAL PRODUCTS] EXPORTED.

NEW SOUTH WALES.

RETURN showing the Value of Goods, not the Product or Manufacture of Victoria, exported from the Port of Melbourne to New South Wales, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Acid—Acetic	40	Grindery	12
Agricultural Implements	167	Haberdashery	53
Alkali, Soda—Caustic	297	Hardware and Ironmongery	4,667
" " Crystalized	5	Hats, Caps, and Bonnets	662
" " Silicate	59	Hay	22
" " Chain Cables	52	Hops	1,127
Apparel and Slops... ..	5,736	Hosiery	1,402
Arms and Ammunition—Ammunition	9	Indiarubber	72
" " Arms	18	Indiarubber Goods	13
" " Caps	40	Instruments—Musical	647
" " Firearms	81	" Scientific	100
" " Fuze	20	Iron Bar and Rod	2,635
" " Powder, Blasting	120	Iron Castings	484
" " Shot	237	" Galvanized	210
Arsenic	6	" Hoop	87
Arrowroot	5	" Pig	429
Bags and Sacks	462	" Pipes	1,949
" " Woolpacks... ..	166	" Plate	1,174
Beer—Bottled	900	" Scrap	1,420
" Draught	2,224	" Sheet	350
Books	7,465	" Wire	1,153
Boots and Shoes	10,156	Ironware, Galvanized	35
Brassware	275	Jewellery... ..	143
Brushware	90	Lead	5
Candles	1,046	" Pipe	86
Canvas	1,760	" Sheet	34
Carpeting and Druggeting	200	Leather	10
Carriage and Cart Materials	29	Leatherware	273
Cement	16	Macaroni	15
Cheese	222	Machinery	1,643
Chicory	25	Maizena	63
Chinaware	9	Matches	1,208
Clocks	154	Mats and Rugs	54
Combs	11	Matting	2
Cocoa	46	" Cocoanut	54
" Nibs	9	Meal, Oat	5
Coffee	6,719	Metal, Yellow	2,700
Confectionery	312	Millinery	206
Copper	383	Miscellaneous	330
" Ore	210	Mouldings	60
" Sheet	373	" Gilt	20
Cordage	1,310	Nails and Screws	452
Corks	156	Nuts	22
Cotton Waste	177	" Almonds	8
" Wick	50	" Walnuts	45
" Piece Goods	1,067	Oakum	2
" and Woollen Piece Goods	105	Oil—Benzole	2
Cutlery	916	" Castor	5,326
Drapery	35,246	" Chinese	52
Drugs	1,989	" Colza	191
Druggists' Ware	491	" Kerosene	3,564
Earthenware	128	" Linseed	322
Engine Packing	7	" Lubricating	4
Fancy Goods	1,660	" Olive	232
Felt	12	" Palm	20
Fish—Preserved	586	Oilcloth	113
" Salted	65	Oilmen's Stores	861
Flour	1,608	Opium—Prepared	6,027
Fruit—Bottled	26	Paintings and Engravings	28
" Dried	214	Paints	932
" " Currants	405	Paperhangings	515
" " Rasins	635	Paper, Wrapping	110
Furniture... ..	373	" 	266
Glass, Plate	732	Pepper	130
Glass, Window	95	Perfumery	84
Glassware	223	Personal Effects	177
Gloves	148	Photographic Goods	113
Gold	169,780	Pickles	19
Grain and Pulse—Barley, Pearl	1	Pipes, Tobacco	371
" " Split Peas	66	Pitch and Tar	22
" " Malt	1,660	Plants	4
" " Rice	18,449	Platedware	88

NEW SOUTH WALES—continued.

Articles.	Value.	Articles.	Value.
	£		£
Plumbers' Ware	221	Stones, Grind	4
Preserves	285	Sugar, Undescribed	886
Printing Materials	714	Sulphur	260
Provisions—Preserved	11	Tanks, Iron	1,321
" Salted—Beef	6	Tea	8,474
" " Hams	11	Telegraphic Materials	1,036
" " Pork	85	Timber—Logs	40
Quicksilver	729	" Miscellaneous	20
Railway Iron Rails	50	" Shooks and Staves	46
" Materials	20	" Spars	10
Saddlery and Harness	719	Tin	249
Sago	71	" Foil	41
Salt	357	" Sheet	872
" Rock	29	" Ware	40
Sausage Skins	30	Tobacco—Manufactured	26,744
Seeds	186	" Unmanufactured	216
Sewing Machines	3,685	" Cigars	8,599
Shipchandlery	37	Tobacco—Snuff	20
Silks	1,783	Tobacconists' Ware	135
Silk, Manufactures containing	73	Tools and Utensils... ..	88
Silk Articles made up	47	Toys	324
Soap	280	Turpentine	176
Specie, Gold	780	Twine	46 ^s
" Silver	1,000	Varnish	212
Spelter	10	Vegetables, Preserved	28
Spices	804	Vermicelli	41
Spirits—Brandy	12,066	Vinegar	56
" Cordials	126	Wine	5,312
" Gin	1,385	Woodenware	701
" Perfumed	145	Wool	2,568
" of Wine	124	Woollens	1,950
" Rum	833	Woollen Piece Goods	1,286
" Whiskey	967	Works of Art	10
" Other	2,512	Zinc	63
Starch	12	Zincware	2
Stationery	3,297		
Steel	479		
			£420,095

Port of Melbourne, 9th August, 1872.

NEW ZEALAND.

RETURN showing the Value of Goods (not the Produce or Manufacture of Victoria) exported from the Port of Melbourne to New Zealand, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Agricultural Implements	38	Building Materials	296
Alkali, Soda—Ash	9	" Doors	43
" Caustic	363	" Sashes	5
" Crystalized	105	Candles	11,987
" Silicate	240	Canvas	1,385
Apparel and Slops	6,080	Carpeting and Druggeting	365
Arms and Ammunition—Ammunition	43	Carriages	70
" " Arms	73	Carriage and Cart Materials	575
" " Caps	84	Cement	92
" " Firearms	40	Cheese	146
" " Fuze	25	Chicory	49
" " Powder	311	Chinaware	46
" " Powder, Blasting	693	Cider and Perry	35
" " Sporting	116	Clocks	195
" " Shot	221	Combs	8
Arsenic	58	Cocoa	1,222
Arrowroot	93	Chocolate	641
Bags and Sacks	1,006	Cocoa Nibs	21
" " Corn	7,700	Coffee	8,081
" " Woolpacks	734	Coke and Fuel	102
Bark	45	Confectionery	2,612
Beer—Bottled	5,171	Copper	215
" Draught	672	" Sheet	14
Blue	198	Cordage	1,307
Books	1,732	Corks	1,054
Boots and Shoes	17,009	Cotton Waste	3
Brassware	146	" Wick	37
Bricks, Fire	3	" Piece Goods	606
Brushware	510	" and Woollen Piece Goods	150

NEW ZEALAND—continued.

Articles.	Value.	Articles.	Value.
	£		£
Cutlery	262	Oil—Olive	30
Drapery	93,838	„ Palm	85
Drugs	6,900	Oilcloth	142
Druggists' Ware	1,936	Oilmen's Stores	7,764
Dye	8	Opium, Prepared	1,850
Earthenware	855	Paintings and Engravings	26
Fancy Goods	2,066	Paints	191
Fish—Preserved	4,680	Paperhangings	228
„ Salted	922	Paper	2,175
Flour	6,273	Paper Bags	108
Fruit—Bottled	126	Paper, Wrapping	460
„ Dried	1,151	Pepper	50
„ „ Currants	2,403	Perfumery	219
„ „ Raisins	4,476	Personal Effects	128
„ Green	35	Photographic Goods	15
Furniture	1,238	Pickles	167
Glass Bottles	232	Pipes, Tobacco	125
Glass, Window	216	Pitch and Tar	45
Glassware	883	Plants	19
Gloves	863	Platedware	35
Gold Leaf	40	Plumbers' Ware	485
Grain and Pulse—Barley	5	Potatoes	18
„ Barley, Pearl	21	Preserves	2,129
„ Split Peas	182	Printing Materials	825
„ Maize	40	Provisions—Preserved	25
„ Malt	7,492	„ Salted	649
„ Rice	12,325	„ „ Hams	544
Grease	2	„ „ Pork	12
Grindery	328	Quicksilver	1,042
Guano	59	Railway Iron Rails	1,175
Haberdashery	73	Resin	213
Hair	111	Saddlery	1,510
Hardware and Ironmongery	14,490	Sago	128
Hats, Caps, and Bonnets	1,759	Salt	794
Hatters' Materials	43	Salt, Rock	26
Hemp	11	Saltpetre	2
Hollowware	127	Sausage Skins	64
Hops	5,368	Seeds	825
Hosiery	2,511	Sewing Machines	6,366
Indiarubber Goods	95	Sheepwash	10
Instruments—Musical	494	Shipchandlery	183
„ Optical	40	Silks	4,975
„ Scientific	75	Silk, Manufactures containing	23
„ Surgical	5	Soap	266
Iron Bar and Rod	2,580	Specie—Copper	33
Iron Castings	185	„ Gold	82,000
„ Galvanized	722	„ Silver	5,375
„ „ Cordage	163	Spices	1,198
„ Hoop	56	Spirits—Brandy	29,059
„ Pig	318	„ Cordials	23
„ Pipes	1,741	„ Gin	5,550
„ Plate	586	„ Perfumed	101
„ Sheet	225	Spirits of Wine	75
„ Wire	245	„ Rum	3,142
Ironware, Galvanized	132	„ Whiskey	4,026
Jewellery	643	„ Other	4,856
Lead	135	Sponge	15
Lead Piping	205	Starch	322
„ Sheet	127	Stationery	16,097
Leather	309	Steel	453
Leatherware	178	Stones, Grind	27
Macaroni	162	„ Mill	60
Machinery	2,496	Stoneware	22
Maizena	1,117	Sugar—Raw	1,198
Marble, Wrought	20	„ Refined	3,005
Matches and Vestas	2,367	„ Undescribed	19,608
Mats and Rugs	13	Sulphur	389
Matting	186	Tapioca	28
Meal—Peas	20	Tanks	87
Metal, Yellow	55	Tea	112,532
Millinery	215	Timber—Deals	190
Miscellaneous	285	„ Dressed	160
Mouldings	33	„ Undressed	8
Mustard	248	„ Logs	88
Nails and Screws	957	„ Sawn	547
Nuts	169	„ Miscellaneous	495
„ Almonds	242	Tin	477
„ Cocoa	2	„ Sheet	557
„ Walnuts	3	Tinware	182
Oars	173	Tobacco—Manufactured	46,138
Oil—Benzole	15	„ Cigars	16,684
„ Castor	5,782	„ Sheepwash	63
„ Chinese	231	„ Snuff	152
„ Cod	32	Tobacconists' Ware	400
„ Cod Liver	5	Tools and Utensils	2,464
„ Colza	902	Toys	314
„ Kerosene	21,444	Turpentine	200
„ Linseed	613	Twine	76

NEW ZEALAND—*continued.*

Articles.	Value.	Articles.	Value.
	£		£
Upholstery	10	Wickerware	24
Varnish	306	Wine	19,008
Vegetables—Preserved	73	Woolens	2,563
Vermicelli	21	" Piece Goods	965
Vinegar	1,076	Woodenware	1,001
Watches	37	Zinc	103
Whiting	23		
			£716,143

Port of Melbourne, 9th August, 1872.

QUEENSLAND.

RETURN showing the Value of Goods, not the Product or Manufacture of Victoria, exported from the Port of Melbourne to Queensland, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Agricultural Implements	15	Iron—Wire	224
Alkali, Soda—Ash	5	Macaroni	23
" " Caustic	181	Machinery	264
" " Crystallized	48	Maizena	30
" " Silicate	84	Matches and Vestas	80
Anchors and Chain Cables	50	Miscellaneous	4
Apparel and Slops	121	Nails and Screws	132
Arms and Ammunition—Powder, Blasting	360	Nuts	2
" " " Sporting	41	Oars	10
" " " Shot	124	Oil—Castor	162
Bags and Sacks	190	" Colza	156
" " Woolpacks	158	" Kerosene	2,402
Beer, Draught	80	" Linseed	42
Boots and Shoes	96	" Palm	62
Brassware	7	" Sperm	10
Brushware	2	Oilmen's Stores	314
Canvas	80	Paints	13
Carriage and Cart Materials	141	Paper	33
Cement	18	Perfumery	26
Cheese	28	Personal Effects	10
Chicory	30	Pitch and Tar	11
Coals	5	Plumbers' Ware	4
Coffee	372	Printing Materials	230
Confectionery	198	Quicksilver	120
Copper	5	Resin	38
Cordage	225	Saddlery	57
Corks	252	Salt	22
Cutlery	39	Sago	9
Drapery	195	Sewing Machines	141
Drugs	372	Shipchandlery	11
Druggists' Ware	142	Spices	45
Fancy Goods	97	Spirits—Brandy	1,973
Fibre, Coconut	45	" Gin	643
Fish, Preserved	242	" Rum	78
" Salted	19	" Whiskey	28
Flour	14	" Other	392
Fruit, Bottled	25	Starch	21
" Dried	225	Stationery	69
" " Currants	140	Steel	31
" " Raisins	200	Sugar Candy	12
Furniture	6	Tanks, Iron	342
Glass, Window	5	Tea	18,568
Glassware	17	Telegraphic Materials	43
Grain and Pulse—Beans and Peas	9	Tin	48
" Malt	14	Tinware	83
" Oats	45	Tobacco—Manufactured	3,981
" Rice	1,262	" Cigars	567
Grindery	50	Tools and Utensils... ..	45
Hardware and Ironmongery	929	Turpentine	16
Hats, Caps, and Bonnets	82	Twine	9
Hops	460	Varnish	72
Instruments, Musical	422	Vinegar	47
Iron, Bar and Rod	321	Wine	267
" Castings	595	Woodenware	25
" Galvanized	15	Woollen Piece Goods	84
" Hoop	68		
" Plate	60		
" Sheet	113		
			£41,475

Port of Melbourne, 9th August, 1872.

SOUTH AUSTRALIA.

RETURN showing the Value of Goods (not the Product or Manufacture of Victoria), exported from the Port of Melbourne to South Australia, from the 1st of April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
Alkali, Soda—Caustic	449	Matches and Vestas	37
" " Crystalized	10	Mats and Rugs	77
Apparel and Slops	1,523	Matting	107
Arms and Ammunition—Arms	20	Metal, Yellow	490
" " Firearms	34	Millinery	237
" " Shot	2	Miscellaneous	711
Bags and Sacks	222	Mouldings	8
" " Corn	156	Nails and Screws	125
" " Woolpacks	1,328	Naphtha	53
Beer, Bottled	957	Oil—Benzole	5
" Draught	120	" Castor	1,064
Books	351	" Chinese	21
Boots and Shoes	6,471	" Coconut	20
Brassware	27	" Colza	71
Brushware	46	" Kerosene	4,607
Building Materials	72	" Linseed	75
" " Doors	10	" Olive	6
" " Sashes	10	" Sperm	3
Candles	1,148	Oilcloth	130
Canvas	135	Oilmen's Stores	202
Carpeting and Druggeting	5	Paintings and Engravings	10
Carriages	23	Paints	127
Carriage and Cart Materials	168	Paperhangings	20
Cement	73	Paper	175
Cheese	190	Paper, Wrapping	69
Clocks	101	Perfumery	71
Coals	22	Personal Effects	138
Coffee	1,074	Pickles	3
Confectionery	74	Pipes, Tobacco	51
Copper Ore	10	Pitch and Tar	5
" Sheet	89	Platedware	21
Copperware	25	Preserves	12
Cordage	359	Printing Materials	212
Cotton Piece Goods	289	Provisions—Preserved	3
Cutlery	94	" Salted	5
Drapery	17,591	" " Pork	20
Drugs	742	Quicksilver	13
Druggists' Ware	64	Railway Iron—Rails	180
Earthenware	168	Resin	309
Fancy Goods	488	Saddlery and Harness	232
Fibre	29	Sago	31
" Coconut	35	Salt	33
Flax	16	Seeds	1
Felt	25	Sewing Machines	3,903
Fish, Preserved	180	Shipchandlery	16
" Salted	4	Silks	1,839
Fruit, Bottled	11	Silk, Manufactures containing	48
" Dried	175	Soap	93
" " Currants	112	Specie, Gold	110,000
" " Raisins	770	Spices	178
Furniture	393	Spirits—Brandy	2,678
Glass Bottles	5	" Gin	365
" Window	3	" Perfumed	37
" Ware	177	" of Wine	190
Gloves	605	" Rum	430
Grain and Pulse—Split Peas	5	" Whiskey	710
" " Malt	487	" Other	650
Grain and Pulse—Rice	959	Starch	3
Grease	40	Stationery	1,588
Guano	20	Steel	19
Guttapercha Goods	5	Sugar, Raw	735
Haberdashery	118	" Refined	576
Hardware and Ironmongery	578	" Undescribed	2,994
Hats, Caps, and Bonnets	275	Sulphur	20
Hops	1,806	Tanks, Iron	115
Hosiery	472	Tea	18,477
Indiarubber Goods	42	Telegraphic Materials	1,147
Instruments—Musical	687	Timber—Deal's	6
" Scientific	10	" Dressed	129
Iron Bar, Rod	747	" Logs	10
Iron Castings	6	" Sawn	281
Iron, Galvanized	1,261	" Miscellaneous	381
" " Cordage	2	" Palings	20
Iron—Hoop	179	" Shooks and Staves	76
" Pipes	752	Tin	115
" Plate	819	" Foil	9
" Sheet	46	" Sheet	40
" Wire	839	Tobacco—Manufactured	13,038
Jewellery	232	" Unmanufactured	80
Leather	5	" Cigars	2,640
Leatherware	44	Tobacconists' Ware	174
Machinery	1,477	Tools and Utensils	231
Maizena	404	Toys	52
Marble, Wrought	35	Turpentine	68
" Unwrought	18	Twine	17

SOUTH AUSTRALIA—continued.

Articles.	Value.	Articles.	Value.
	£		£
Upholstery	48	Woollens	2,762
Varnish	215	Woollen Piece Goods	910
Vegetables, Preserved	361	Works of Art	5
Vinegar	86	Zinc	590
Whiting	1		
Wine	1,254		£220,938
Woodenware	181		

Port of Melbourne, 9th August 1872.

TASMANIA.

RETURN showing the Value of Goods (not the Product or Manufacture of Victoria) exported from the Port of Melbourne to Tasmania, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Acid, Sulphuric	6	Fruit—Dried Raisins	366
Agricultural Implements	38	" Green	2
Alkali, Soda—Ash	25	Furniture	380
" " Caustic	105	Glass Bottles	8
" " Crystallized	101	Glass, Plate	16
Apparel and Slops	5,217	" Window	245
Arms and Ammunition—Fuze	26	Glassware	264
" " Shot	40	Gloves	354
Arsenic	2	Glue	8
Arrowroot	66	Grain and Pulse—Barley, Pearl	9
Bags and Sacks	2,644	" Split Peas	16
" " Corn	2,935	" Rice	1,315
" " Woolpacks	180	Grindery	388
Beer, Bottled	591	Guano	1,219
" Draught	86	Haberdashery	88
Blue	143	Hair	16
Books	321	Hardware and Ironmongery	8,158
Boots and Shoes	4,385	Hats, Caps, and Bonnets	488
Brassware	17	Hemp	5
Bricks, Bath	5	Hollowware	41
Brushware	161	Hops	1,064
Building Materials	482	Hosiery	309
Candles	400	Indiarubber	3
Canvas	26	Indiarubber Goods	16
Carpeting and Druggeting	665	Instruments—Musical	569
Carriages	11	" Scientific	5
Carriages and Cart Materials	293	Iron—Bar and Rod	2,294
Casks, Empty	95	" Castings	78
Cement	67	" Galvanized	92
Chicory	299	" Galvanized Cordage	181
Chinaware and Porcelain	2	" Hoop	92
Cider and Perry	40	" Pig	60
Clocks	321	" Pipes	271
Coals	15	" Plate	210
Cocoa	110	" Sheet	23
Cocoa—Chocolate	5	" Wire	571
Cocoa Nibs	4	Ironware, Galvanized	69
Coffee	1,746	Jewellery	1,310
Coke and Fuel	6	Lead	84
Combs	23	" Piping	26
Confectionery	515	" Sheet	38
Copper	12	Leather	56
Copperware	30	" Fancy	12
Cordage	613	Leatherware	158
Corks	222	Macaroni	14
Cotton Wick	91	Machinery	308
Cotton Piece Goods	201	Maizena	237
Cotton and Woollen Piece Goods	320	Manure	7
Cutlery	133	Marble, Wrought	77
Drapery	62,183	" Unwrought	110
Drugs	3,243	Matches and Vestas	371
Druggists' Ware	323	Mats and Rugs	20
Dyes	23	Matting	122
Earthenware	618	Metal, Yellow	377
Fancy Goods	2,659	Millinery	290
Felt	3	Miscellaneous	7,165
Fibre	20	Mouldings	31
Fish—Preserved	320	Mustard	26
Fish—Salted	41	Nails and Screws	457
Fruit—Dried	28	Naphtha	8
" " Currants	853	Nuts	70

TASMANIA—continued.

Articles.	Value.	Articles.	Value.
	£		£
Nuts—Almonds	24	Spirits—Rum	766
Oars	30	" Whiskey	257
Oil—Castor	956	" Other	336
" Chinese	15	Starch	69
" Colza	97	Stationery	1,814
" Kerosene	6,377	Steel	126
" Linseed	68	Stone—Grave	9
" Olive	27	" Grind	9
" Palm	20	" Mill	12
Oilcloth	26	Stoneware	10
Oilmen's Stores	1,053	Sugar, Raw	5,121
Paintings and Engravings	30	" Refined	4,515
Paints	191	" Undescribed	23,117
Paperhangings	403	Sulphur	200
Paper	1,398	Tapioca	7
" Bags	22	Tanks, Iron	410
" Wrapping	120	Tea	27,241
Pepper	27	Telegraphic Materials	116
Perfumery	31	Timber—Deals	705
Personal Effects	82	" Dressed	80
Photographic Goods	3	" Logs	109
Pickles	6	" Sawn	363
Pipes, Tobacco	79	" Miscellaneous	386
Pitch and Tar	14	" Shooks and Staves	1
Platedware	15	" Spars	18
Plumbers' Ware	105	Tin	72
Preserves	180	Tin, Sheet	1,211
Printing Materials	376	Tinware	42
Provisions—Salted	3	Tobacco—Manufactured	9,199
" " Hams	2	" Cigars	1,572
" " Pork	25	Tobacconists' Ware	208
Quicksilver	48	Tools and Utensils... ..	499
Resin	82	Toys	300
Saddlery and Harness	437	Turpentine	32
Sago	60	Twine	10
Salt	341	Upholstery	5
" Rock	7	Varnish	91
Seeds	14	Vinegar	80
Sewing Machines	1,655	Whiting	30
Sheepwash	122	Wickerware	5
Shipchandlery	53	Wine	1,763
Silk	3,102	Woodenware	179
Silk Manufactures	54	Woollens	2,836
Soap	69	Woollen Piece Goods	1,124
Spices	430	Zinc	138
Spirits—Brandy	2,828		
" Gin	192		
" Perfumed... ..	253		
			£231,567

Port of Melbourne, 9th August, 1872.

WESTERN AUSTRALIA.

RETURN showing the Value of Goods (not the Product or Manufacture of Victoria), exported from the Port of Melbourne to Western Australia, from the 1st April, 1871, to the 31st March, 1872, both inclusive.

Articles.	Value.	Articles.	Value.
	£		£
Apparel and Slops... ..	643	Clocks	36
Arms and Ammunition—Ammunition	6	Cocoa	19
" " Powder	30	Chocolate	11
" " Powder, Blasting	3	Coffee	911
Beer, Bottled	7	Confectionery	124
Biscuit	11	Cordage	39
Blue	3	Corks	28
Books	12	Cutlery	71
Boots and Shoes	651	Drapery	4,850
Brushware	32	Drugs	437
Building Materials... ..	2	Earthenware	157
" " Doors	1	Fancy Goods	190
Butter	265	Fish, Preserved	142
Candles	324	Flour	1,500
Canvas	7	Fruit, Bottled	14
Carriage and Cart Materials	3	" Dried	105
Cement	8	" " Currants	103
Cheese	59	" " Raisins	144
Chicory	18	" Green	5

WESTERN AUSTRALIA—continued.

Articles.	Value.	Articles.	Value.
	£		£
Furniture... ..	51	Preserves	87
Glass Bottles	28	Printing Materials... ..	5
Glass, Window	7	Provisions, Salted—Bacon	56
Glassware	44	Saddlery and Harness	81
Grain and Pulse—Barley	1	Salt	67
" " Barley, Pearl	1	Seeds	46
" " Split Peas	7	Sewing Machines	23
" " Malt	142	Silks	21
" " Rice	14	Soap	21
Grease	8	Spices	96
Hair	16	Spirits—Brandy	625
Hardware and Ironmongery	1,756	" Gin	112
Hats, Caps, and Bonnets	57	" Perfumed	38
Hollowware	25	" Rum	124
Hops	217	" Whiskey	55
Instruments—Musical	24	" Other	50
Iron—Bar and Rod	136	Starch	26
" Castings	29	Stationery	362
" Pipes	15	Sugar, Raw	704
Machinery	4,915	" Undescribed	1,258
Maizena	64	Sulphur	20
Matches and Vestas	24	Tanks, Iron	6
Meal, Oat... ..	70	Tea	1,519
Mustard	3	Timber—Miscellaneous	22
Nails and Screws	27	Tobacco, Manufactured	2,082
Nuts	7	" Cigars	145
Oars	18	Tobacconist's Ware	35
Oil, Castor	15	Tools and Utensils... ..	107
" Colza... ..	5	Toys	106
" Kerosene	2,872	Twine	26
" Linseed	66	Varnish	13
Oilmen's Stores	565	Vinegar	36
Paper	190	Wickerware	10
" Wrapping	7	Wine	64
Perfumery	44	Woodenware	60
Personal Effects	60	Woollens	20
Photographic Goods	20	Woolen Piece Goods	13
Pickles	3		
Pipes, Tobacco	64		
Pitch and Tar	4		
			£30,733

JOHN GUTHRIE.

Port of Melbourne, 9th August, 1872.

MEMO.

7th August, 1872.

In the accompanying "Intercolonial Trade Returns" there is an imperfection in regard to the imports of wool from New South Wales, by way of the River Murray, which may call for remark from the Honorable John O'Shanassy, M.L.C., and of which it is therefore desirable that the Honorable the Commissioner should be informed.

The extent of the importations of wool, *via* the Murray, may be estimated by the fact that, in 1870, according to the New South Wales statistics, wool worth £972,000 and weighing over thirteen millions of pounds, was forwarded from Moama to Echuca. No record of these transactions was kept except on the railway way bills, the Collector at Echuca not having required import entries to be passed during the existence of the Border Treaty—1st February, 1867—31st January, 1872. The letter of instruction under which he acted is appended hereto; and it is matter for regret that, instead of limiting its meaning to the Exports—[Goods transmitted across the Murray into New South Wales]—he considered that the Imports from that colony were also to be dealt with in a similar manner.

WOOL IMPORTED AT ECHUCA.

Telegram to Collector of Customs at Echuca.

5th August, 1872.

"New South Wales Statistics show exports of wool to Victoria *via* Moama in 1870, which represent in value £972,000, and in weight over thirteen millions of pounds. In the Echuca returns for that year wool is not mentioned at all. Please send explanation immediately."

Telegram in reply, same date.

"You will not find any wool mentioned in any of the Echuca returns from 1st February, 1867, date of Border Customs Treaty, excepting that which crossed in January of that year. I was instructed that the import and export entries were not required to be passed for goods going to and fro across the border. The Moama statistics of wool was taken from the Victorian railway way-bills of 1870."

Note.—The "instruction" referred to was contained in a letter from this department, dated 21st January, 1867:—"With reference to the agreement [Border Customs Duties] of the 12th instant, I have the honor to inform you that, during the time the same is in force, it will be unnecessary to cause the owners of goods to pass entries on the transmission thereof across the River Murray into New South Wales. (Signed) J. GUTHRIE."

1872.

VICTORIA.

INTERCOLONIAL TARIFFS.

RETURN TO AN ADDRESS OF THE LEGISLATIVE COUNCIL.

THE HONORABLE J. O'SHANASSY.—28TH AUGUST, 1872.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL
TO BE PRINTED, 4TH SEPTEMBER, 1872.

CANTERBURY,
Governor.

In accordance with the Address of the Legislative Council, requesting that the Despatch to the Secretary of State which accompanied the Memorandum of the Chief Secretary on the subject of Intercolonial Tariffs should be laid on the Table of the House, the Governor transmits copies of the Despatches referred to in that Address.

Government Offices,
Melbourne, 3rd September, 1872.

(Copy.)

No. 132.

VICTORIA.

Government Offices, Melbourne,
8th August, 1872.

The Earl of Kimberley to
Viscount Canterbury. 13th
July, 1871: Circular.

Viscount Canterbury to the
Earl of Kimberley. 8th
September, 1871. No. 117.

Viscount Canterbury to the
Earl of Kimberley. 9th
October, 1871. No. 134.

The Earl of Kimberley to
Viscount Canterbury. 19th
April, 1872: Circular.

Enclosure A.

MY LORD,

With reference to the correspondence marked in the margin, and more especially with reference and in reply to your Lordship's Despatch (the last of the series) of the 19th April, 1872, I have now the honor to transmit to your Lordship a copy (herein enclosed) of a Memorandum submitted to me by the Chief Secretary, on behalf of his Colleagues as well as of himself, which sets forth very fully their views and opinions on the subject of existing impediments to complete freedom of action by the Governments and Legislatures of these Colonies in dealing with Intercolonial Fiscal questions.

2. And I do not doubt that the views and opinions thus expressed by my Advisers will be, if it should be considered necessary or desirable, again endorsed, as they have been already approved by the Legislative Assembly.

3. On the other hand, your Lordship will not fail to observe, that the claims set forth in the Memorandum, and the arguments by which those claims are supported, refer only to Intercolonial, not to International, Treaties or arrangements, which latter class of treaties or arrangements (International) are distinctly excluded from the purview of the Memorandum by the 2nd, 3rd, and 6th clauses of it.

4. I should add that the Resolution of the Legislative Assembly referred to in the 3rd, and again in the 7th (concluding) paragraph of the Memorandum, is to be found in the 13th volume of *Hansard's Reports*, page 1582, 2nd column.

For convenience of reference, I enclose a copy of that resolution (Enclosure B.)

I have the honor to be,

My Lord,

Your Lordship's most obedient and humble servant,

(Signed)

CANTERBURY.

The Right Honorable the Earl of Kimberley,
&c., &c., &c.

ENCLOSURE TO DESPATCH, No. 138, OF 14TH AUGUST, 1872.

(Copy.)

Memorandum for the Honorable the Chief Secretary.

The Governor has received and perused the Memorandum of this day's date, in which the Honorable the Chief Secretary has, on behalf of his Colleagues as well as for himself, explained their views on the Despatch of the Secretary of State, dated the 19th of April, submitted for their consideration by the Governor.

The Memorandum will be transmitted by the Governor to the Secretary of State by the next outgoing mail.

(Signed) CANTERBURY.

Government Office,
Melbourne, 8th August, 1872.

(Copy.)

No. 138.

VICTORIA.

Government Offices, Melbourne,
14th August, 1872.

MY LORD,

I find on referring to my despatch, marked in the margin, that I inadvertently omitted to enclose in that Despatch a copy of my reply to the Chief Secretary's Memorandum, which was therein transmitted to your Lordship.

I now rectify this omission, and have the honor to enclose a copy of the above-mentioned reply, in which, however, I have purposely abstained from discussing or expressing any opinion with respect to the arguments set forth in the Chief Secretary's Memorandum.

I may, however, state to your Lordship that I entirely concur in the opinion expressed in the Memorandum that the people of this colony desire to strengthen, rather than to destroy or weaken, the ties which unite the several parts of the British Empire.

I have the honor to be,

My Lord,

Your Lordship's most obedient humble servant,

(Signed) CANTERBURY.

The Right Honorable the Earl of Kimberley,
&c., &c., &c.

No. 138 of 8th
August, 1872.

ENCLOSURE A.

Copy of a Memorandum prepared by the Ministry in reply to the Secretary of State's Despatch of 19th April, 1872, and transmitted to the Earl of Kimberley by His Excellency the Governor, by the Mail of the 14th August.

(LAID ON THE COUNCIL TABLE 27TH AUGUST, 1872, AND ORDERED BY THE COUNCIL TO BE PRINTED.)

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Her Majesty's Government for Victoria have had under their consideration a Circular Despatch of the Secretary of State for the Colonies, dated 19th April, 1872, on the subject of Intercolonial Free Trade, and having immediate reference to the resolutions signed by the delegates of the Australian Colonies at a Conference held in Melbourne on the 27th September, 1871, and also to a memorandum conveying the views of the New Zealand Government, bearing date the 8th December following.

It is in their opinion matter for regret that the Secretary of State should have dealt in one despatch with the views not wholly identical; and the demands in many respects dissimilar, which have proceeded from the various Australian Colonies in reference to this subject. From this circumstance it has arisen that the despatch in question relates mainly to a claim alleged to be advanced on behalf of New Zealand to make commercial treaties with foreign countries without interference on the part of the Imperial Government of Great Britain.

The resolution adopted by the Legislative Assembly of Victoria, on 17th October, 1871, was confined to the assertion of the principle that the Legislature of this colony should be at liberty to authorize arrangements with other colonies of the Australian group for the reciprocal admission of their products and manufactures on such terms as may be mutually agreed upon; and that such arrangements should not be prevented either by Imperial legislation or by treaties made by the Imperial Government with foreign powers. It does not appear from the despatch of the Secretary of State now under consideration that any insuperable difficulty exists in the recognition, by the Imperial Government, of this principle. The Zollverein Treaty was thought to have imposed obligations upon the Imperial Government inconsistent with it, but is now admitted by the Secretary of State to have no such effect; while the practical exemption of the colonies from the operation of future commercial treaties which may be concluded by

Great Britain appears to be recognized as a claim that may reasonably be made by British communities not represented in the British Parliament, having powers of self-government, but which, without such exemption, are practically deprived of the power of reviewing through their representatives the exercise of the prerogative in matters affecting their fiscal and commercial concerns.

I purposely abstain from comment on the remarks of the Secretary of State, repeated in the despatch under consideration, in reference to the subject of "Free Trade" and "Protection." The opinions of individual members of either Her Majesty's Imperial or Victorian Government upon this abstract question have no inherent claim to authority, and have not therefore any proper place in a correspondence of this nature between the two Governments; and this Government are bound to assert that this, as well as every other question relating to the internal control and welfare of this community, can only be judged and determined by Victorians for Victoria.

The Secretary of State points out that "in order to meet the views of the Colonial Governments, it would be necessary to repeal so much of the Australian Government Act, 13 and 14 Vict. c. 59, as prevents the imposition of differential duties." The law as re-enacted in the Victorian Constitution, sec. 43, would no doubt require to be amended, but the spirit of what is now contended for has been in operation under the Victorian Customs Act 1857, 21 Vict. No. 13. Section 236 of that Act authorizes "the Governor in Council to make regulations and arrangements with the Governors of New South Wales and South Australia respectively for the importation of goods by or across the River Murray, and *for the imposition of duties and the amounts thereof on such goods, or the exemption of the same from duties*, and in other respects so to regulate the trade on the said river as may be from time to time agreed upon by the said Governors or either of them; and also to determine at not less than three months' notice, any such arrangements: Provided that no such duties shall *exceed* the duties of Customs lawfully collected and paid on goods otherwise imported into Victoria." The same principle is also affirmed by the Imperial Act 18 and 19 Vict. c. 59.

As the right of British colonies to make commercial treaties with foreign nations has not been claimed by this colony, this Government do not feel called upon to offer any remarks in regard to it. They may, however, observe that the Murray River Customs Treaty is not an international, but an intercolonial treaty, and His Excellency's Advisers cannot admit that a mere extension of the principle of that treaty to the boundaries other than the River Murray of the Colony of New South Wales, or to other colonies, could have the least tendency to weaken the bonds of the Empire, or be more likely to do so than the arrangement of a similar character which has been concluded between the Dominion of Canada and Newfoundland.

I, therefore, beg respectfully that His Excellency will again press upon Her Majesty's Imperial Government the resolution passed by the Legislative Assembly of Victoria on the 17th October, 1871, and will also convey this explanation of the views of this Government to the Secretary of State, and at the same time assure him that the cordial spirit and friendly feeling which pervade his despatch are fully appreciated, and that there exists in this colony an unanimous and intense desire to strengthen rather than destroy, or in any way weaken, the ties which unite the several parts of the British Empire.

J. G. FRANCIS.

Melbourne, 8th August, 1872.

1872.

VICTORIA.

DANDENONG STATE FOREST.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL
TO BE PRINTED, 10TH SEPTEMBER, 1872.

PARTICULARS OF LAND ADJOINING THE DANDENONG STATE FOREST, SHOWING
THE EXTENT OF EACH ALLOTMENT, BY WHOM SELECTED, AND THE
AMOUNT PAID THEREON.

	Acres.	at 1s. per acre	£	s.	d.
John Zevenboom	80	...	4	0	0
George W. Robinson	120	"	6	0	0
Thomas Miller	250	"	12	10	0
Frederick Peterson	40	"	2	0	0
Farra McDonald	5	"	0	5	0
Peter Morley	150	"	7	10	0
Henry Morris	220	"	11	0	0
Frederick E. Selmon	320	"	16	0	0
William Chandler	20	"	1	0	0
Robert W. Carrick	60	"	3	0	0
John Ferguson	320	"	16	0	0
James Hodgins	50	"	2	10	0
John Thos. Dobson	50	"	2	10	0
Thos. Dobson, jun.	100	"	5	0	0
George Brown	80	"	4	0	0
George Chaundy	40	"	2	0	0
George Bamburry	20	"	1	0	0
Thomas Jones	20	"	1	0	0
W. G. Benson	320	"	16	0	0
William Dean	80	"	4	0	0
James Johnston	100	"	5	0	0
William Edwards	200	"	10	0	0
James J. Miller	115	"	5	15	0
F. Tissot and A. Apotheloy	25	"	1	5	0
Stephen H. Benson	125	"	6	5	0
John Henderson	120	"	6	0	0
	<u>3,030 acres</u>		<u>£151</u>	<u>10</u>	<u>0</u>

VICTORIA.

NOVEL INDUSTRIES.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL
TO BE PRINTED, 10TH SEPTEMBER, 1872.

RETURN of Allotments leased and licensed on the south side of the Yarra, between the south side of the River and the Sandridge Road, for industrial purposes, under the Regulations of the 47th section of *The Land Act* 1869.

Licensee or Lessee.	Purpose for which granted.	Term.	Area.			Annual Rent or Fee.	Date when granted.
			A.	R.	P.		
Fieldhouse and Co. ...	Paper mill ...	7 years ...	0	2	37	30	27th Nov., 1871
Greenland, T. W. ...	Boat builder ...	Annual ...	0	0	20	15	9th Sept., 1867
Ramsden, S. ...	Paper mill ...	7 years ...	2	0	0	60	13th Sept., 1867
Brown, H. J. ...	Distillery ...	7 years ...	2	0	0	60	29th October, 1869
Gray and Waring ...	Cooperage ...	7 years ...	0	3	5	25	2nd June, 1868
Bright, Bros. ...	Smelting works ...	21 years ...	0	3	13	50	7th Nov., 1871
Hoffman and Co. ...	Sugar refinery ...	Annual ...	0	2	32	50	16th Nov., 1870
Crain, Thos. ...	Coach builder ...	7 years ...	0	3	3	35	7th April, 1870
Foden, Thos. ...	Marble works ...	7 years ...	0	1	0	13	7th Nov., 1871
Adams, R. F. ...	Filter works ...	7 years ...	0	1	0	13	26th Feb., 1871
Messrs. Caughey ...	Colonial wine stores ...	21 years ...	1	2	10	50	11th July, 1870
Marie, L., and Co. ...	Colonial wine stores ...	21 years ...	1	2	25	50	10th June, 1870
Jones, W. B. ...	Kerosene stores ...	21 years ...	1	0	25	100	22nd August, 1864
Jones, W. B. ...	Kerosene stores ...	21 years ...	2	1	0		
Stevenson and Elliott ...	Kerosene stores ...	21 years ...	1	0	10	25	Promise of lease, 11th Sept., 1871
Forbes, J. ...	Asphalte dépôt ...	Annual ...	1	0	20	50	11th Sept., 1871
Furness, J. ...	Patent fuel ...	Annual ...	0	2	25	25	Previous to Land Act, 1862
Miller, Jas., and Co. ...	Rope works ...	21 years ...	0	2	0	16	30th May, 1872
Borthwick, A. ...	Varnish works ...	21 years ...	1	3	9	50	11th March, 1872
Robison, Bros. ...	Brass founders ...	21 years ...	0	2	6	25	11th March, 1872
Davis and Co. ...	Locomotive works ...	21 years ...	0	2	0	35	5th June, 1871
Quiggan, J. ...	Moulding woodwork ...	Annual ...	0	2	0	30	21st Feb., 1871
Skeats, J. ...	Sash woodworks ...	Licence ...	0	2	0	50	28th March, 1871
Keogh, D. P. ...	Depository for materials ...	Annual ...	0	1	0	32	4th March, 1870
Baird, J. ...	Paper-bag manufactory ...	Annual ...	0	1	0	20	21st July, 1871
Galvin, J. ...	Hat maker ...	Annual ...	0	1	0	20	30th May, 1871
Brandeth, W. ...	Occupation licence ...	Annual ...	0	0	20	10	4th June, 1872
Quiggan, J. ...	Manufactory of woodwork by steam	Annual ...	0	1	9	25	9th March, 1871
Danks, J. and S. ...	Brass foundry ...	7 years ...	0	0	10	10	January, 1869
Mooney and Co. ...	Cooperage ...	Annual ...	0	2	0	32	19th April, 1871
Welch, H. P. ...	Machinery manufactory ...	7 years ...	0	2	0	30	16th May, 1870
Walker, H. F. ...	Kerosene stores ...	21 years ...	0	2	0	30	23rd May, 1870
Walker, H. F. ...	Storage ...	Annual ...	0	2	0	30	31st May, 1872
Taylor and Co. ...	Marble works ...	Annual ...	1	0	0	45	5th June, 1871
Tope, H. ...	Marble works ...	Annual ...	0	1	0	15	26th October, 1871
Murphy, E. ...	Statuary works ...	Annual ...	1	0	0	54	13th Jan., 1872
Fitzgerald, N. ...	Brewery ...	7 years ...	0	0	32	12	13th Jan., 1872
			0	0	32	12	13th Jan., 1872
			0	3	27	52	4th June, 1872

RETURN of Allotments leased and licensed on the south side of the Yarra, &c.—*continued.*

Licensee or Lessee.	Purpose for which granted.	Term.	Area.			Annual Rent or Fee.	Date when granted.
			A.	R.	P.		
McFeat, J. ...	Iron foundry ...	7 years ...	0	2	30	30	8th May, 1872
Hilliard, J. ...	Ferry-house site ...	Annual ...	0	2	0	46	17th July, 1872
Hilliard, J. ...	Inn site ...	Annual ...	0	2	0	46	17th July, 1872
Smith and Symnot ...	Coal storage ...	Annual ...	0	1	28	16	17th June, 1871
Snowball, J. ...	Fuse factory ...	21 years ...	1	1	36	64	6th June, 1872
Hanna, P. ...	Ferry-house site ...	Annual ...	0	2	16	24	31st July, 1871
Freeman and Co. ...	Boiler works ...	21 years ...	0	3	28	50	8th Sept., 1868
Carrick, R. W. ...	Storage of materials ...	Annual ...	1	2	28	94	28th March, 1871
Cook, A. ...	Ferry site ...	Annual ...	0	0	32	30	Previous to 1862
Fulton and Co. ...	Iron foundry ...	21 years ...	3	0	0	150	27th April, 1872
Brennan, — ...	Hair factory ...	Annual ...	0	1	20	20	
Gordon, J. ...	Inn site ...	Annual ...	0	1	0	25	1st March, 1872
Collins and Co. ...	Bone mills ...	Annual ...	1	0	0	32	Previous to 1862
Woolf, P. ...	Residence site ...	Annual ...	0	0	20	10	4th July, 1870
Early, M. ...	Inn site ...	Annual ...	0	0	24	25	8th April, 1872
Smith, D. ...	Sailmaker ...	Annual ...	0	0	14	10	19th May, 1871
Twedale, J. ...	Boat builder ...	Annual ...	0	0	14	10	Previous to 1862
Lyons, A. ...	Boat builder ...	Annual ...	0	0	18	15	19th April, 1871
Clarke, J. ...	Boat builder ...	Annual ...	0	0	30	10	Previous to 1862
Hughes and Synnot ...	Ship dock ...	7 years ...	1	0	36	35	20th May, 1867
McClarty, D. ...	Boat builder ...	Annual ...	0	2	0	15	30th Nov., 1870
Wright, R. ...	Ship dock ...	21 years ...	1	2	0	50	12th Jan., 1872
Finlay, R. ...	Boat builder ...	Annual ...	0	0	30	10	8th Sept., 1868
Norton and Co. ...	Dock ...	Annual ...	1	2	0	50	17th Feb., 1869
Lumsden, J. ...	Boat builder ...	Annual ...	0	0	12	10	Previous to 1862
Langlands' Foundry Co. ...	Iron and boiler foundry ...	7 years ...	1	1	14	60	13th May, 1872
Kennedy, — ...	Boat builder ...	Annual ...	0	0	15	10	13th Jan., 1872
Fairchild, J. R. ...	Woolwasher ...	Annual ...	1	1	0	50	18th August, 1868
Lowry, J. ...	Boat builder ...	Annual ...	0	1	0	15	15th Jan., 1867
Jones, W. R. ...	Boat builder ...	Annual ...	0	0	20	15	Previous to 1862
Langford, R. ...	Fish curing ...	Annual ...	0	0	32	15	10th April, 1872
McCallum, Mrs. ...	Ferry site ...	Annual ...	0	0	10	20	14th Sept., 1868
Goldsborough and Co. ...	Wool washing ...	Annual ...	0	2	20	25	14th Dec., 1868
Forbes, J., and Co. ...	Asphalte works ...	Annual ...	0	1	24	15	21st March, 1870
Kitchen and Sons ...	Soap and candle works ...	Annual ...	0	3	0	30	9th Sept., 1862
Felton Grimwade ...	Sulphuric acid works ...	7 years ...	2	2	0	40	26th July, 1872
Frere and Scott ...	Boiling down works ...	Annual ...	2	0	0	15	Previous to 1862
Rae and Hall ...	Candle works, &c. ...	Annual ...	1	0	0	15	Previous to 1862
Pitts, Chas. ...	Glue works, &c. ...	Annual ...	1	0	0	25	Previous to 1862
Ascherberg, E. ...	Patent manure ...	7 years ...	3	0	0	50	5th June, 1872
Kenneth, — ...	Abattoirs ...	Annual ...	1	1	14	16	Previous to 1862
Smith, Mr., now Dennis Quin ...	Boiling down works ...	Annual ...	0	2	0	10	Previous to 1862
Ingles, D. E. ...	Boiling down works ...	Annual ...	0	2	0	25	Previous to 1862

VICTORIA.

WATERWORKS.—APPLICATIONS FOR AID FOR.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE J. O'SHANASSY.—2ND OCTOBER, 1872.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL
TO BE PRINTED, 2ND OCTOBER, 1872.

RETURN, showing the Amount of all sums asked for Waterworks from the Government, and also the pecuniary extent of assistance promised towards the construction of Waterworks, indicating the Names of the Places and Amounts respectively.

SUMS APPLIED FOR FOR WATERWORKS.

	£
BALLARAT The Ballarat Water Commission has already received a loan of £100,000. They ask for a further loan of £170,000.	170,000
SEBASTOPOL In 1866, wished to borrow £5,000 to extend the mains from Ballarat to Sebastopol.	5,000
CLUNES.—Water Commission apply for	15,000
CHILTERN The Indigo United District Road Board ask for the amount to carry out the Barambogie scheme.	8,000
STOCKYARD HILL Many applications have been received from the Ripon Shire Council for assistance in providing a Water Supply. Their last application was for £400.	400
DUNKELD.—Apply for	150
BACCHUS MARSH The inhabitants have several times asked for the construction of waterworks. Partial surveys have been made. The late Chief Engineer estimated that a water supply scheme would cost £50,000. Subsequently the inhabitants asked for £10,000 towards the cost.	50,000
LANDSBOROUGH In 1865 inhabitants asked for a sum of money for water supply purposes; amount not stated. The late Chief Engineer's estimate was £6,000.	6,000
KYNETON In 1871 the local body asked that steps might be taken with the view of obtaining a water supply; but nothing was done, and there is no information as to the probable cost.	?
SMYTHESDALE The Borough Council have repeatedly urged the construction of water works. The late Chief Engineer considered £50,000 would be required. A surveyor was for some time at Smythesdale, but nothing definite was done. The Borough Council did not approve of the scheme initiated by the department.	50,000
BUNINYONG.—Application for	3,000

	£
BALLAN	500
The Shire Council stated in 1866 they would guarantee 6 per cent. on £500, for the construction of a reservoir. They have since repeated their application for assistance.	
EAGLEHAWK	126
Apply for reimbursement of portion of expenditure on local reservoirs, amount £125 17s. 6d. They also urge the completion of that portion of the Coliban scheme upon which they will depend for water.	
WALHALLA.—Inhabitants apply for	20,000
YACKANDANDAH.—Application for	1,400
DUNOLLY.—Application for	5,000
AVOCA	60,000
Several applications have been made for the construction of waterworks. The sum put down by the late Chief Engineer as required for this district was £60,000.	
ASCOTT	?
Inhabitants in 1865 petitioned for the construction of a dam. No information as to sum needed.	
DAYLESFORD	60,000
The local body has repeatedly urged the construction of waterworks. Partial surveys have been made. The late Chief Engineer estimated that £60,000 would be required.	
MALDON	25,000
The Shire Council has repeatedly urged the construction of waterworks for this district. The late Chief Engineer estimated their cost at £25,000. Surveys have been made.	
OVENS DISTRICT	100,000
Many applications have been made by the various local bodies for the construction of waterworks. Surveys and partial surveys of various schemes have been made. The late Chief Engineer estimated that £100,000 would be required.	
STAWELL	?
The Borough Council ask for 57 chains of 6-inch pipe, and that a detailed survey may be made for a water supply from the Grampians. No information as to probable cost.	
WARRNAMBOOL	?
The inhabitants last year requested that steps might be taken to assist them in carrying out works of water supply. There is no information as to the amount required.	
HAMILTON	7,000
The local body has long urged the construction of waterworks. Surveys have been made. The late Chief Engineer estimated that £7,000 was needed. Also ask for a mile of pipes.	
CHERRY TREE FLAT (COY'S DIGGINGS)	?
The residents made application in 1865 for a water supply, but there is no information as to the probable cost.	
SHIRE OF RIPON (BEAUFORT).—Application for	8,000
MARYBOROUGH DISTRICT	400,000
There have been numerous applications from the various local bodies for the construction of waterworks. Partial surveys have been made. The late Chief Engineer's estimate of the sum required for this district was £400,000.	
RAYWOOD	10,000
When there was a large population at Raywood several attempts were made to induce the Government to construct water supply works. A surveyor was there for some time. The local body afterwards asked for £10,000 (in 1868).	
STEIGLITZ	3,000
The inhabitants have continually asked that steps might be taken to supply their town with water. Mr. Cuthbert estimated the cost at about £3,000.	
DANDENONG	?
The Road Board asked for a grant to enable a weir to be constructed across the Dandenong Creek. The amount required is not stated.	
EDWARD'S REEF (NORTH GIPPSLAND)	3,000
Ask for £3,000 to construct reservoir at the "Springs".	
GRAYTOWN	8,400
The estimate of the sum required for the waterworks to this place is £8,400. Subsequently to the estimate being made the local body asked that a sum might be placed on the Estimates to construct the works.	
ALEXANDRA	5,000
In May, 1868, the inhabitants asked if any funds were available for water supply. They thought about £5,000 would be sufficient.	

ST. ARNAUD	£	5,000
In 1866 the Borough Council stated the inhabitants would guarantee 6 per cent. on such outlay as was required for a water supply scheme. On the 19th September, 1867, the late Chief Engineer stated £500 would be needed.		
INGLEWOOD		?
In 1867, asked that catchment drains to reservoir might be made.		
HEATHCOTE		12,000
The late Chief Engineer's estimate for works to supply water to Heathcote was £60,000. The scheme designed by the department was stated by the local body to be in excess of the requirements, and £12,000 asked for		
TARADALE		?
Local body desired that a reservoir might be constructed. There is no information as to the probable cost. It was intended to supply this place from the Coliban.		
BELFAST		?
The local body has made numerous applications for the construction of waterworks; but there is no information as to their probable cost.		
CARRAWA—Agricultural District of		5,000
A petition from the settlers asked that the waters of the Broken River might be conserved. A surveyor was sent to examine the place, and reported that the cost would be, roughly, £5,000.		
MORNINGTON		4,000
The inhabitants, in 1865, asked for money to construct a reservoir. They did not state the amount. The late Chief Engineer estimated that £4,000 would be required to supply this place with water.		
WALLAN-WALLAN		4,000
The inhabitants, in 1865, asked for a water supply, and a surveyor was sent. The late Chief Engineer estimated the required works at £4,000.		
WARANGA		1,000
The Shire Council, last year, requested that the water supply works, to cost £1,000, might be constructed.		
COROP (LAKE COOPER)		1,500
The settlers have repeatedly asked that Lake Cooper might be made into a means of water supply. A surveyor having been sent to examine the lake, &c., reported the works would cost £1,500.		
RUTHERGLEN		?
In 1870, the Borough Council asked if they could borrow money to construct a reservoir. They did not state the amount required. They were informed that an application for a share in a vote taken of £15,000 for water supply purposes would be favourably considered, but they made no application.		
WOODEND		1,000
In 1866, the Borough Council requested that a water supply might be got from Mount Macedon. A report was furnished. The cost estimated at £1,000.		
BALLARAT		407
Shire Council, in 1866, requested the Government to take charge of Lake Learmonth. The Chief Engineer estimated that it would require in repairs, &c., £407 10s.		
WANGARATTA		?
In 1865, ask whether the Borough Council would be likely to receive assistance from the Government in constructing waterworks. No information as to amount required.		
CRESWICK.—Apply for		5,000
KORONG		?
In 1867, apply for the construction of a reservoir. No amount stated.		
OVENS GOLDFIELDS, WATERWORKS COMPANY.—In 1867 offer their works for		12,000
ARARAT, STAWELL, MOYSTON, ETC.		190,000
At the request of the local bodies, a water supply scheme was partially surveyed in 1870. Mr. Wilks estimated the cost of this—the Mount Cole scheme—at £190,000. Moyston asks also for £600, or 1200 yards of 4-inch pipes.		
BOROUGH OF CRAIGIE.—On 13th September, 1872, request assistance. Their scheme will cost about £5,000		?
INGLEWOOD.—On 16th September, 1872, apply for		5,000
Total	£	1,269,883

PROPOSED SCHEMES OF WATER SUPPLY AND PROMISES OF ASSISTANCE IN
THE CONSTRUCTION OF WATERWORKS.

	£
BALLARAT	170,000
CLUNES.—Letter, dated 4th March, 1869	10,000
CHILTERN.—Letter, dated 12th July, 1869	2,000
MALDON.—On the 12th April, 1867, a promise was made that the works would be carried out as soon as the monetary arrangements could be completed. Estimate	25,000
See letter to Mr. Ramsay, M.P., of above date, and letter to the Shire Council of 24th April, 1867.	
OVENS DISTRICT.—The Honorable Mr. Macgregor stated in the House on 26th June, 1867, that when financial arrangements could be made, the works would be commenced. Estimate	100,000
MARYBOROUGH DISTRICT.—The Honorable Mr. Macgregor stated in the House on 9th April, 1867, that when the necessary financial arrangements were made, the works would be commenced. Estimate	400,000
STEIGLITZ.—By letter of the 10th September, 1867, promised that an apportionment should be made from the further loan	3,000
HAMILTON.—By letter of 16th November, 1867, informed that there was no probability of the department laying a mile of pipes for them until a further loan was obtained	?
HEATHCOTE.—Promised in October, 1867, that, as soon as the Yan Yean can be sold, or a further loan raised, the works will be proceeded with. See letter of 24th October, 1867, to Town Clerk. Estimate (see memo. on Z 69 | 5128)	60,000
Also promise to pay £1 for every £4 raised by the inhabitants.	
TARADALE.—Promised on the 5th April, 1867, that a supply should be given from the Coliban	?
AMHERST AND TALBOT.—By letter of 7th April, 1869, promised £1 for every £4 raised by the inhabitants. As a lump sum of £500,000 has been put down for the Maryborough district, which would be reduced by the amounts granted under this promise, no amounts are here taken into account	?
CARRAWA.—By letter of 29th November, 1866, promised that the Government will carry out the works, if the inhabitants will reimburse the Government. Amount required about £5000	?
DUNKELD.—By letter of 29th December, 1869, informed that the Honorable the Minister of Mines is prepared to recommend a grant of £1 for every £4 raised by the inhabitants. Estimated amount	150
RIPON SHIRE.—	
Do. do. do.	?
By letter of 29th July, 1869.	
BUNINYONG.—	
Do. do. do.	600
By letter of 10th March, 1869, to Town Clerk.	
BALLAN.—	
Do. do. do.	100
By letter of 7th April, 1869, to Shire Secretary.	
DUNOLLY.—	
Do. do. do.	700
By letter of 6th April, 1869, to Town Clerk.	
LAKE GOLDSMITH—(Stockyard Hill).—	
Do. do. do.	400
By letter of 23rd April, 1870, to Shire Secretary.	
GRAYTOWN.—By letter of 16th February, 1869, informed that the Honorable the Minister of Mines is prepared to recommend a grant of £1 for every £4 raised by the inhabitants	1,700
ARARAT.—	
Do. do. do.	10,000
By letter of 11th February, 1870, to Town Clerk.	
SEBASTOPOLE.—By letter of 15th October, 1866, informed that no advance could be made until debentures had been disposed of	?
BACCHUS MARSH.—By letter to Mr. Riddell, M.P.	50,000
On the 11th April, 1867, promised that their works would be one of the first undertaken by the Government on completion of monetary arrangements; also, promised £1 for every £4 raised by the inhabitants (by letter of 10th September, 1869).	
CROWLANDS.—On the 30th May, 1867, Mr. Macgregor stated in the House that when monetary arrangements were made, these works would be commenced. No information as to cost	?
AVOCA.—By letter to Mr. Davies, M.P., of the 17th August, 1867, promised that it was the intention of the Government to apply to Parliament for means to carry out these works as soon as possible. Estimate for Avoca district	60,000
MOYSTON.—By letter to Mr. Cameron, of 30th March, 1870, promised £1 for every £4 raised locally. Amount estimated at	150
RUTHERGLEN.—By letter of 10th May, 1870, told that an application for a grant from a then existing vote for £15,000 will be favorably considered	?
ARARAT—(Oliver's Gully Reservoir)	700
By letter of 22nd May, 1870, to Town Clerk.	
	£894,500

INDUSTRIAL AND REFORMATORY SCHOOLS.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL TO BE PRINTED, 15TH OCTOBER, 1872.

NUMBER OF INDUSTRIAL AND REFORMATORY SCHOOLS IN WHICH DEVOTIONAL EXERCISES ARE CARRIED ON AND RELIGIOUS INSTRUCTION IMPARTED.

RETURN showing the Number of Industrial and Reformatory Schools in which Devotional Exercises are carried on and Religious Instruction imparted.

Schools.	Extent and character of Instruction imparted.	Persons engaged in conducting or imparting, or who are permitted to conduct or impart instruction.	Regulations under which the clergy of the various denominations are permitted to give Religious Instruction.	Record of Visits from Clergymen from 1st October, 1871, to 30th September, 1872.				
				Denominations.				
				Church of England.	Roman Catholic.	Presbyterian.	Wesleyan.	Independent.
INDUSTRIAL SCHOOLS.								
Melbourne	Half-hour morning and evening by teachers, and instruction by clergymen	Instruction by Protestant teachers to Protestant children; by Roman Catholic teachers to Roman Catholic children; and by clergymen of the various denominations	Clergymen can visit under section 36 of <i>The Neglected and Criminal Children Act</i> whenever convenient to themselves	54	31	...	27	...
Sunbury				12	1	27	55	...
Ryrie street, Geelong				22	19	...	...	...
Myers street, Geelong				24	30	...	...	...
Ballarat ... ..				...	...	...	...	...
Sandhurst				10	14	1	...	2
Nelson				46	22	...	...	...
REFORMATORIES.								
Boys (<i>Sir Harry Smith</i>)	Catechism for half-hour daily, with an occasional sermon on Sundays	Roman Catholic clergymen and the Nuns of the Good Shepherd	Roman Catholic clergymen, daily	48	21	...	...	...
Girls (Sunbury) ...				12	1	27	55	...
DENOMINATIONAL SCHOOLS.								
Abbotsford Convent Industrial	Half-hour daily on the catechism and principles of Catholic religion	The Sisters of Mercy	Roman Catholic clergymen, daily	...	{ Mass celebrated daily }	...	...	...
Abbotsford Convent Reformatory				...	{ One visit each month }	...	...	...
Geelong Convent Industrial				...	{ One visit each month }	...	...	...

GEO. O. DUNCAN,

15 | 10 | 72.

1872.

VICTORIA.

EFFICIENCY OF SCHOOLS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE T. T. A'BECKETT.—14TH NOVEMBER, 1872.

A RETURN compiled from those presented by the School Inspectors to the Board of Education, showing the relative efficiency of non-vested and vested schools, judged of by the standard of efficiency fixed by the Board, distinguishing those in cities and the principal borough towns from those in the shires and road or rural districts.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL TO BE PRINTED, 19TH NOVEMBER, 1872.

RETURN showing the relative efficiency of the different classes of schools, compiled from the returns of examinations for results furnished to the Board of Education by Inspectors of Schools during the year 1871, distinguishing those in cities and the borough towns from those in the shires and roads or rural districts.

Classes of Schools.	Per centages of Passes obtained at Examination.
For all schools in the colony	62·600
Non-vested only	64·284
Vested and quasi-vested combined	60·513
Vested only	60·227
Quasi-vested only	61·657

All schools situated in cities, towns, and boroughs	68·435
Non-vested only	68·293
Vested and quasi-vested combined	68·738
Vested only	68·130
Quasi-vested only	70·415

All schools situated in shires and roads or rural districts	55·266
Non-vested only	55·512
Vested and quasi-vested combined	55·108
Vested only	55·708
Quasi-vested only	51·881

The examination for results is not a complete test of the efficiency of a school. On this subject attention is requested to the following extract from the Report of the Board of Education for 1871:—"The state of instruction in common schools, as tested by the per centage of passes obtained in the examinations for results, is generally satisfactory, the per centage having risen from 53 in 1869, to 60 in 1870, and to 63 in 1871. In Appendix V will be found the per centage of passes for results obtained by each school. This per centage affords a very fair although not a complete criterion by which to judge of the efficiency of a school. There are, however, cases in which, from exceptional causes, such as the recent admission of children of advanced age and neglected education, a smaller per centage will be shown than might have been expected from the character of the school."—(Par. 48.)

B. F. KANE,
Secretary.

Education Office, 18th November, 1872.

By Authority: JOHN FERRES, Government Printer, Melbourne.

1872.

VICTORIA.

MR. DENIS TUOHY.

REPORT OF BOARD OF ENQUIRY, WITH MEMORANDUM THEREON,
BY THE ASSISTANT-COMMISSIONER OF LANDS AND SURVEY.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 28TH NOVEMBER, 1872.

E.
72 | 23380.

Re Denis Tuohy.

28 | 10 | 72.

Board of Enquiry forward their Report.

Urgent.

Mr. Blundell to state if he is aware of the evidence which has led the Board to report that there is no record of advices to Land Officers.

C. H.
29 | 10 | 72.

I am not aware of the evidence that led to such a report. I think there must have been some misapprehension, as press copies of all advices to Land Officers are kept. I do not see that the matter is referred to in copy of evidence sent herewith.

J. J. BLUNDELL.
29 | 10 | 72.

I beg respectfully to state that, at the period when the errors alluded to in this report occurred in the division for issue of licences under 42nd section, such errors were more excusable than similar errors would be now. At that period the number of clerks in the division in question was inadequate to perform the work of the division satisfactorily. All of them, except the senior officer thereof, had comparatively little experience in the work, and that officer was absent from duty, owing to the illness which caused his death.

C. HODGKINSON.
30 | 10 | 72.

Thank the Board for the able and exhaustive report they have submitted.—[Letters sent accordingly,
1 | 11 | 72.—J. L. LEWIS.]

(1.) Let Tuohy be placed in possession at once of the land that has been given to him, and prepare any necessary proclamation to give effect to this.

(2.) Assistant Commissioner is requested to notice those parts of the report which disclose a want of concert among the various branches of the Land Department, and to suggest such means as he thinks will prevent conflicting directions being given and enforced with respect to the same matter and by the same department as are herein so plainly detailed.

J. J. C.
31 | 10 | 72.

Urgent.

Mr. Blundell to take action relative to paragraph 1, and then return papers to me.

C. H.
4 | 11 | 72.

~~CONFIDENTIAL~~ I presume the first step to be taken is the revocation of the exemption under s. 14, Mining Statute, so far as relates to the land to be now licensed to Tuohy.

J. J. BLUNDELL.
11 | 11 | 72.

Urgent.

Mr. Robertson and Mr. Agg prepare notice for submission to Governor in Council.

C. H.
11 | 11 | 72.

Noted.—Revocation notice will be prepared immediately.

A. ROBERTSON.
12 | 11 | 72.

See 69 | 11984.

Mr. Lewis—Inf. Tuohy of action intended to be taken.

C. H.
12 | 11 | 72.

Infid.—G. K.
12 | 11 | 72.

Mr. Blundell.

J. L. L. 13 | 11 | 72.

REPORT OF BOARD OF ENQUIRY.

Melbourne, 28th October, 1872.

SIR,

We have the honor to return to you herewith the papers referred to us in the complaint of Denis Tuohy, together with such evidence as we have taken in writing, the greater part of our investigation having necessarily been into maps and other office records.

2. The subject, as explained to us by yourself, can best be treated under two heads:—

- (1.) The merits of Denis Tuohy's claim to the land.
- (2.) The management of the business by the Lands Department.

(1.) As to the merits of Denis Tuohy's claim, little need be said. It appears that he made an application for a licence, under the 42nd section, of a piece of land containing 11a. 3r. 34p.; that, under special instructions from the President of the Board of Land and Works, the land was surveyed, advertised, and all necessary steps taken; that the application was at first disallowed, on the recommendation of the Local Land Board, but that afterwards a letter of allotment was issued, authorizing Tuohy to go upon about twelve acres, and the Land Officer at Creswick was also advised by the Lands Department to the same effect; that Tuohy thereupon went upon the land, fenced it, put in twenty-two chains of stone drains, lived on it, and cultivated the whole area, of which he still holds possession; he paid also to the Land Officer rent for two complete years, on an area named in the receipt of 11a. 3r. 34p., before being informed that a mistake had been made, and that it was intended to restrict him to 6a. 2r. 16p. These facts appear to us to contain all the elements of a contract; and good faith requires, in our opinion, that Denis Tuohy should retain the full area of 11a. 3r. 34p.

(2.) As regards the management of the business by the Lands Department, the case is not so clear, several *ex parte* representations (which do not affect the merits of Denis Tuohy's claim, as he was not a party to them) having to be considered, and a number of mistakes having been made. It will be best, perhaps, to give, as shortly as may be, a history of the allotment, and afterwards to set out the defects in administration, and the conclusions at which we have arrived.

The land in question adjoins allotment 12 of sec. B and allotment 12 of sec. C, parish of Spring Hill, county of Talbot. On the 19th August, 1867, one J. McCarty applied for the portion adjoining sec. C, having an area of 6a. 2r. 26p., but his application was not recommended by the Local Land Board, on the ground that the land was required as a water reserve; the application was accordingly refused on the 29th October, 1867. On the 15th October, 1868, Tuohy, accompanied by W. Fraser, Esq., M.P., made verbal application to the President of the Board of Land and Works, who, by minute, requested the surveyor for the district to see Tuohy, and report if he could be authorized to take up, under the 42nd section, without detriment to the public, the portion of the reserve he wanted to settle on. The minute was not recorded in the Lands Department, and it reached the contract surveyor, Mr. W. S. Reeves, by the hands of Tuohy. It accordingly came to our knowledge only on taking Mr. Reeves's evidence. Upon receipt of this instruction Mr. Reeves surveyed, on the 20th October, 1868, the area which, in his opinion, might be taken up pursuant to the minute, and which contained 11a. 3r. 34p. This survey reserves a spring which is south of part of sec. B, and reserves also access to the water from and to the high road by a route similar to the bush track previously in use. Had the high road been made straight through the allotment, it would, it seems, have cut off access to the water. Mr. Reeves's report was, "That the part where the track is shown" (on his plan) "is sound land, and most suitable for a road; a considerable outlay would be required to form the direct road as surveyed." On the 21st October, 1868, the President ruled that Mr. Reeves might send in to the district surveyor the application from Tuohy for the land indicated by him as available, and which the sketch shows to have been the whole 11a. 3r. 34p.

On the 27th November, 1868, Mr. Reeves was requested by the District Surveyor, Ballarat (to whom the President's minute of 15th October had, it would appear, not been referred), to return the survey fees to Tuohy, as the land had been applied for before, under the same section; but Mr. Reeves replied, on the 4th December, that his report was consequent upon the minute from the President referred to above.

On the 11th December, 1868, a report adverse to the issue of the licence was made by the District Surveyor, Ballarat. "The Shire Surveyor," he said, "states that the ground is used as a camping ground; has seen as many as six teams at a time camped there." On the 1st February, 1869, the Board of Land and Works accordingly refused Tuohy's application of the 20th October, 1868, on the double ground that he was not the first applicant, and that the land was not available. The original letter to Denis Tuohy, dated 10th February, 1869, refusing the licence, is among the papers, and though he declares that he never received it, it appears to have been duly posted to him.

In this condition matters stood at the 7th April, 1869, when, as appears by a minute on the original letter last mentioned, the case was specially considered by the Honorable the President, who, after hearing the statements of Mr. Richardson on behalf of the shire council, and of Mr. Keane, the owner of several allotments adjacent to the reserve, resolved to allow Tuohy to occupy the portion thereof within the limits shown on plan by letters A, B, C, D, the remainder to be retained as a reserve for public use and convenience. The plan thus referred to was the original plan by Mr. W. S. Reeves, bearing his signature, and as it stands now, the 11a. 3r. 34p. is struck out, a road in direct continuation of the high road drawn across the land, and the portion south of part of sec. C is enclosed with the letters A, B, C, D, and stated as 6a. 2r. 16p. This, though differing 10 perches in measurement, is the portion already refused to J. McCarty as was before explained. At this interview Tuohy was not present, not having been summoned to attend;

and he declares that he did not in any way consent to the reduction. Mr. Reeves also did not consent to the alteration in his signed plan; and the written application of Denis Tuohy for the 11a. 3r. 34p. signed also by Mr. Reeves, was altered in ink to 6a. 2r. 16p., and the description struck out, and another inserted to correspond with the reduced allotment. We are not prepared to say by whom, or when, these alterations were made; they are not initialed or dated, and there is nothing to show under what authority it was done. We were at first led to believe that the application had been altered by the contract-surveyor; but on sending for him to town, his figures did not correspond with the alteration, and he positively denies making it and all previous knowledge of it.

On the 12th April, 1869, a letter was sent to Tuohy, informing him of the intended reduction in the allotment. This letter as given in the office copy does not mention the area to which the allotment was to be reduced, but refers to a plan, and no tracing of the plan was kept. The letter was duly posted, and there is no doubt in the mind of the writer that the plan was copied from the altered plan above mentioned, and was for 6a. 2r. 16p. Tuohy, however, declares that the letter never reached him.

On the 26th April, 1869, the Governor in Council approved of the customary Schedule of Licences, and in this Tuohy's name appears. The entry is as follows:—

“13732. 1. Dennis Tuoy, Ellesmere.”

The figure (1) we are informed was meant to indicate that Tuohy was to get one licence; and the area was not set out. This was the usual practice of the department. In submitting these schedules, we ought to state that it was customary to furnish a list of licences recommended, and another of licences *not* recommended; and that, by what must be supposed to have been a clerical error on this occasion, all the licences, including Tuohy's, were set down as not recommended.

On the 30th April, however, the department believed that the licence had been approved, and the usual printed form called Circular No. 1 was sent to Tuohy, and reached him in due course. Of this circular no copy was kept, and the original was given up by Tuohy, when he paid his first rent. The advice same day to the land officer authorised him to accept the rent of about 12 acres from Tuohy, and there is no doubt in the minds of the officers of the Lands department that the letter of allotment, Circular No. 1, also said about 12 acres. Whether the application of 20th October, 1868, at that time stood at 11a. 3r. 34p., or had been altered as now to 6a. 2r. 16p., it is impossible to ascertain; but the notice sent was clearly an error after the ruling of the President on the 7th of the same month.

In what manner soever the error was occasioned, it is clear that Tuohy believed the notice to be a compliance with his application; the land officer also, who was now for the first time communicated with, could not suspect a mistake; and the one therefore paid, and the other received the rent of 11a. 3r. 34p., on the 13th May, 1869. We may here anticipate by mentioning that the second rent was paid for the 11a. 3r. 34p., on the 10th May, 1870, and that the land officer's minute, dated 30th August, 1872, stating that £4 was received on 10th May, 1870, for the second payment on 6a. 2r. 16p. is clearly in error, for we have seen the original receipt in which the area is set out as 11a. 3r. 34p., and the rent, £4, is for that quantity. The rent for 6a. 2r. 16p. would have been but £2 10s.

As before stated, when dealing with the merits of Tuohy's claim, we may shortly repeat here, that Tuohy, after paying his first year's rent, went upon the land, cleared, fenced, drained, and cultivated it, and has been in possession ever since.

But on the 20th December, 1868, the secretary of the shire council at Creswick, that body having been informed that application had been made for the land, had requested, by letter to the Honorable the President of the Board of Land and Works, that it might not be granted, because it was small and of great value to the district as a camping place for carriers; and because large numbers of sheep and cattle were watered there. This was recommended by the district surveyor on the 5th January, 1869, but nothing done upon it until the 14th July, 1869, as will hereafter be mentioned. On the 2nd March, 1869, the same secretary requested by letter that the surveyed road might be continued across the reserve in a straight line, and this was recommended by the district surveyor, Ballarat, on the 6th April, 1869; but the paper was put away on the 10th April, with a note that this had already been done. On the 23rd June, 1869, the president of the same shire council, by letter to the Honorable the President of the Board of Land and Works, requested that the land, both that opposite allotment 12, sec. B, and that opposite allotment 12, sec. C, be proclaimed exempt from occupation under the 14 section of the Mining Statute. This was approved by the Honorable the President, on the 23rd June, 1869, and the necessary Orders in Council were prepared and were approved by the Governor in Council on the 3rd August, 1869. At this time, as we have previously seen, one lot had been intended to be licensed to Tuohy, as arranged in his absence at the interview of 7th April, 1869; both lots had actually been licensed to him on 30th April; and the Order in Council of the 26th April, intended to approve of his licence, had not been revoked.

On the 14th July, 1869 (Tuohy's licence having meantime been advised to him on the 30th April), the shire secretary's letter of the 20th December, 1868, was referred by the Assistant Commissioner to bailiff Jones, who was instructed to inspect the reserve, and report what had been done thereon by Tuohy, and whether the roadway, proposed by the shire, through the centre was wanted and *usable*. Also, if Tuohy could be allowed to occupy more land without interfering with any public rights or convenience. On the 13th December, 1869, bailiff Jones reported that, except a roadway on the western boundary, the whole of the reserve had been inclosed, cleared, and was under crop. He thought that the road through the centre could at a very small outlay be made available, and would be much more convenient than the existing circuitous route. Also, that Tuohy could not occupy more than 6a. 2r. 16p., without detriment to the public convenience; but that Tuohy had paid a year's rent until April, 1870. On the 26th January, 1870, the Surveyor-General accordingly recommended (both the Orders in Council, it will be remembered being then, as now, unrevoked) that Tuohy be restricted to 6a. 2r. 16p., that he be allowed to remove his crop from the land illegally occupied, and that the Crown lands' bailiff be instructed to take action. This being approved by the Board of Land and Works, the bailiff was instructed accordingly on the 18th February, 1870.

On the 31st May, 1870, bailiff Jones reported his proceedings, and, among other things, he stated that, on Tuohy being summoned, he had produced a receipt “to occupy 11a. 3r. 34p. until April, 1871,” and that the land officer had informed him that he had not received instructions to issue a receipt for the contracted area. The rent had, as we now know, already been paid to the land officer on 10th May, 1870.

On the 4th July, 1870, bailiff Jones returned certain correspondence, and stated that, as it did not arrive in time for the hearing, he had withdrawn the case. He suggested also that instructions be issued

to the land officer not to renew the licence except for 6a. 2r. 16p., and the land officer was advised accordingly on the 18th July, 1870.

On the 3rd August, 1871, the President of the Board gave directions that no action was to be taken in enforcing payment of further rent from Tuohy without special instructions to that effect : and this was noted in the office registers on 14th August, 1871.

3. The above narrative furnishes, we trust, most of the essential facts. We cannot but think, also, that the evidence taken by us, and herewith submitted, contains matter which may be studied with advantage to the public service. It must not be forgotten that the revenue will derive from this land (after deducting, as usual, the survey fees) a sum of less than £11 ; and it is pretty evident that the cost of management to the State and the cost of the proceedings to the applicant must have exceeded that sum. On the other hand, it is undeniable that the difficulties in managing a system of tenancies increase in a ratio much greater than that due to increase of numbers. A small number of tenancies can be managed with a minimum amount of error, because one mind can manage the whole ; but where the tenancies are multiplied by tens of thousands a great many persons have to be employed in the management, and errors out of due proportion arise in consequence of the necessity for correspondence, of the multiplication of papers, and of want of unison. A proper co-operation among the branches of an office, and with the country offices, ought, however, to have prevented such errors as have occurred in this case.

4. We promised, in the early part of this Report, to set out these defects in administration, and we consider the principal to have been as follow :—

- (1.) The issue of the President's minute of 15th October, 1868, without registration in the head office ; its non-advice also to the District Surveyor, Ballarat.
- (2.) Granting a licence to Denis Tuohy, there being a previous applicant.
- (3.) The alteration of the Contract Surveyor's signed plan and Tuohy's signed application without their consent. The making also of the alterations without initialing them, and without leaving any record when, where, by whom, or upon whose responsibility the alterations were effected.
- (4.) Sending a plan in the letter of 12th April, 1869, without mentioning the area in the letter, or keeping a copy or tracing of the plan, so as to enable the area to be afterwards ascertained with certainty.
- (5.) Submitting at all times, and particularly on 26th April, 1869, schedules of 42nd section licences for the approval of the Governor in Council, without setting out the area intended to be licensed.
- (6.) Advising Tuohy, on the 30th April, 1869, that he could occupy about twelve acres, the President having, on the 7th April, decided that he should occupy 6a. 2r. 16p. only ; and advising the land officer, Creswick, to the same effect.
- (7.) The practice of sending out notices without proper record ; in particular, sending circular No. 1 to Tuohy, and advice to the land officer, Creswick, on 30th April, without keeping copies.
- (8.) Not advising the land officer, Creswick, against receiving the second year's rent until too late ; and not forwarding papers to the bailiff in time for the hearing of the summons.

5. The conclusions which may be drawn from the whole case are sufficiently obvious. It is quite clear that the business cannot be correctly managed without having in the head office a record of all past transactions connected with each tenancy. The President's minutes should therefore be recorded, or his officers may undesignedly go in opposition to his intention, and thus lead to error. It is plain, also, on the same ground, that copies of all minutes, letters, advices, and a tracing of all plans sent out should be preserved in the head office.

It is in the next place apparent that, wherever the source of authority resides, the document conveying the authority should be full and explicit. In this case the Governor in Council was the source of authority, yet the instrument of the 26th April (as indeed in other cases) was prepared by the Lands department without stating the areas. A solemn document of this importance, on which titles to property depend, ought not to be prepared in a hurry, or before the areas were known. The insertion of the word "not" also changed the meaning of the Order in Council, yet it does not appear to have been observed until now.

Lastly, uniformity of action is essential in the conduct of a great business. When the President, or other competent authority, has issued an instruction, it should be noted, in country as well as in town, by the officers who may afterwards have occasion to act upon it. We are perfectly aware of the difficulty of systematising the work, and anticipating future requirements, so that this can be done ; but if the Land laws are to be administered with success, it is clear, from what has been revealed in this case, that the errors pointed out must be guarded against in the future.

We have the honor to be,

Sir,

Your most obedient servants,

JOHN O'SHANASSY.
ALFRED J. AGG.

The Honorable the President of the Board of Land and Works.

Schedule of Papers returned to Lands Department, with Report of 28th October, 1872.

Evidence, pp, 1 to 43.
 President's Minute of 15th October, 1868.
 Contract Surveyor Reeves's handwriting, dated 15th October, 1872.
 File 67/9051.—J. McCarty's application.
 File 69/13732.—Denis Tuohy's application, with Mr. W. S. Reeves's Report of 20th October, 1868.
 Letter 69/691.—Of 10th February, 1869—to Denis Tuohy.
 Letter 68/5.—Of 27th November, 1868—Henry Morres to W. S. Reeves.
 File 68/20995.—Letter from Secretary to Creswick Shire Council, dated 20/12/68.
 File 69/3980.—Letter from Secretary to Creswick Shire Council, dated 2/3/69.
 File 69/27061.—Bailiff Jones's Report—13th December, 1869.
 File 70/13403.—Bailiff Jones's Report—31st May, 1870.
 File 70/16302.—Bailiff Jones's Report—4th July, 1870.
 File 71/22347.—Letter from Secretary to Creswick Shire Council, 16th November, 1871, with Memo. from Land Officer, Creswick, of 13th August, 1872.
 File 71/13623.—President's Minute of 3rd August, 1871.
 File 72/18185.—Honorable J. O'Shanassy's consent.
 File 72/18521.—A. J. Agg's consent.
 File 72/20315.—Honorable J. O'Shanassy fixing date.
 File 72/21316.—Bailiff Jones—notices.
 Order in Council of 26th April, 1869, as to 42nd section Licences.
 Two Orders in Council of 3rd August, 1869, excepting land under 14th section of Mining Statute.

A. J. A.
 28 | 10 | 72.

Bd., 28 | 11 | 72.

Assistant Commissioner of Crown Lands and Survey submits Memo. relative to Report of Board on Tuohy's case.

CRESWICK SHIRE COUNCIL.

MEMO.

Adverting to the instructions of the Honorable the Commissioner of Crown Lands and Survey that I should notice those portions of the report of the Board of Inquiry on Tuohy's case, which disclose a want of concert between the various divisions of the Department of Lands and Survey, I beg respectfully to state that, under the present system of conducting departmental business, the future occurrence of such conflicting directions as those alluded to by the Board is almost impossible.

It is proper to observe that, at the period of Mr. Denis Tuohy's application being dealt with in the office of Lands and Survey, Melbourne, the practice of persons resorting to this office in company with Members of Parliament was so prevalent, that almost daily the office was thronged by unfortunate applicants, many of whom, having been disappointed by the recommendations of Local Commissions, sought to set aside such recommendations by personal persuasions and remonstrance.

Such was the course pursued by Mr. Tuohy, who, having entered on a reserve and been subsequently refused a licence because the land was deemed to be required for watering purposes, came to Melbourne, and succeeded, by his representations and importunities regarding his position as resident on the land with a widowed sister and children dependent on him for support, in persuading the Minister to let him have a part of the land he had applied for.

It will be readily conceived that, in connection with the numerous applications so made, minutes or memoranda from verbal instructions were necessarily rapidly recorded, and there was a possibility of such decisions not being carried into defect with the usual order and system, as the following remarks show to have been the case in the instance of Mr. Tuohy.

I beg to make the following observations on the conclusions of the Board, the latter being distinguished by red ink* :—

The memo. by Mr. Grant dated 15/10/68, being only directory, is not, I think, of very material consequence in the case, as it merely instructs the Contract Surveyor to see if there is any land available. The Contract Surveyor reports 20/10/68, and forwards a sketch of the land, and upon this there is recorded officially, 21/10/68, the President's direction that Tuohy's application might be sent in to the District Surveyor. The minute of decision is not that of the 15th, but that of 21st October.

Memo.—The District Surveyor was not made aware (apparently) of the minute of 21st October until 4th December following. Directions by the President are now recorded by Mr. Lewis, and copies passed to the officers concerned.

It does not follow that, because a person applies for land, he will be granted what he applies for. The power to grant or refuse rests with the Governor. This Department can decline to recommend the issue of a licence to an applicant.

It would be undesirable to make fresh plans in cases where only portion of the land applied for is granted, nor is the plan of any value, *per se*, but only as it accords with the recommendation of the Board or decision of the Governor.

For a similar reason the alteration of the forms of application under section 42 Amending Land Act 1865 was made, as the simple application was not binding upon either Crown or applicant.

1. *The issue of the President's minute of 15th October, 1868, without registration in the head office. Its non-advice also to the District Surveyor, Ballarat.*

2. *Granting a licence to Denis Tuohy, there being a previous applicant.*

3. *The alteration of the Contract Surveyor's signed plan and Tuohy's signed application without their consent. The making also of the alterations without initialing them, and without leaving any record when, where, by whom, or upon whose responsibility the alterations were effected.*

* The matter written in red ink is here printed in Italics.

I think the area, actual or approximate, as granted, should have been stated in the letter, but it was unknown at the time, and the tracing forwarded was evidently a copy of the modification marked upon the plan attached to Tuohy's application.

The practice of forwarding schedules of applications to the Governor for approval has long since been abandoned. The signature of the Governor being now only obtained when all preliminaries are disposed of, and the exact area to be licensed has been finally settled.

The clerical error herein brought under notice is much to be regretted, but it is somewhat excusable when it is considered that the division was short-handed by the absence, through illness, of the officer in charge (which resulted in his death a few weeks afterwards), and the staff had been just previously reduced by removal of a clerk; that a third was also suffering from an illness which afterwards compelled him to resign, and that the remaining two other clerks were quite new to the work.

The report that no copy was kept of the advice of 30th April, to the land officer, must have been made under some misapprehension, as a press copy of all such advices is retained in this office. With respect to keeping copies of circulars, notices to occupy, or to pay rent, I would submit that such a course would be undesirable, as the press copy would only show some few written details filling up certain blanks in a printed circular.

The object is, I think, met by the system now adopted, viz., of recording upon the face of the application the area for which circular is sent; and also, registering the same information in the books kept in the office.

The non-advice of the land officer against receiving second year's rent was an oversight by one of the clerks, but the papers were forwarded to the bailiff in due course, as, in the first instance, a licence had to be prepared and signed.

As already stated, the system now in operation for disposing of departmental business, and the increased staff of assistants provided for the carrying out of such system, will preclude the occurrence of such delay and errors as were displayed in connection with Tuohy's case.

4. *Sending a plan in the letter of 12th April, 1869, without mentioning the area in the letter, or keeping a copy or tracing of the plan, so as to enable the area to be afterwards ascertained with certainty.*

5. *Submitting at all times, and particularly on 26th April, 1869, schedules of 42nd section licences for the approval of the Governor in Council without setting out the area intended to be licensed.*

6. *Advising Tuohy, on the 30th April, 1869, that he could occupy about 12 acres, the President having on the 7th April decided that he should occupy 6a. 2r. 16p. only, and advising the land officer, Creswick, to the same effect.*

7. *The practice of sending out notices without proper record. In particular, sending circular No. 1 to Tuohy, and advice to the land officer, Creswick, on 30th April, without keeping copies.*

8. *Not advising the land officer, Creswick, against receiving the second year's rent until too late, and not forwarding papers to the bailiff in time for the hearing of the summons.*

CLEMENT HODGKINSON,
Assistant-Commissioner of Lands and Survey.

PROPOSALS FOR A NEW POSTAL SERVICE.

LAI'D ON THE LEGISLATIVE COUNCIL TABLE BY THE HONORABLE A. FRASER, AND ORDERED BY THE COUNCIL TO BE PRINTED, 22ND OCTOBER, 1872.

CANTERBURY,
Governor.

The Governor transmits to the Legislative Council a copy of a despatch from the Secretary of State for the Colonies, forwarding a copy of a letter from the Lords Commissioners of the Treasury, containing proposals for a new Postal Service, on the termination of the present contract with the Peninsular and Oriental Steam Navigation Company, at the end of the year 1873.

Government Offices,
Melbourne, 21st October, 1872.

[CIRCULAR.]

SIR,

4th September, 1872.

I transmit to you a copy of a letter from the Lords Commissioners of the Treasury, containing proposals for a New Postal Service with the Australasian Colonies, on the termination of the present contract with the Peninsular and Oriental Steam Navigation Company, at the end of the year 1873.

14th Aug., 1872.
8246.

I request that you will inform me of the views of your Government on their Lordships' proposals.

I have the honor to be,

Sir,

Your most obedient humble Servant,
KIMBERLEY.

Treasury Chambers,
14th August, 1872.

SIR,

I am commanded by the Lords Commissioners of Her Majesty's Treasury, to request that you will state to the Earl of Kimberley, with reference to the correspondence that has recently taken place relative to the Packet Service between this country and the Australian Colonies and New Zealand, that my Lords have given this subject their attentive consideration.

My Lords would observe, that the several colonies (with the exception of West Australia) having requested that an end should be put to the contract under which the Peninsular and Oriental Steam Navigation Company now convey the Australian mails between Point de Galle and Sydney, the necessary notice has been given to the Company, and the contract will expire at the end of next year (1873).

It therefore becomes necessary to determine in what manner and by what route the postal communication should be maintained when the contract in question comes to an end.

The several routes which have been suggested are :—

- 1st. The present route *viâ* Suez and Point de Galle.
- 2nd. As an alternative route, the route *viâ* San Francisco ; and
- 3rd. (Incidentally) The route *viâ* the Cape of Good Hope.

The advantages, however, attendant upon the present route appear to my Lords to be so conclusive, that they are decidedly of opinion that it should not be changed.

The advantages are, first, that it is the shortest ; and secondly, that, by making use of the vessels under contract with Her Majesty's Government for the India and China service as far as Point de Galle, the carriage of the Australian mails is provided for a considerable portion of the distance over which they have to be conveyed.

As several of the Australian Colonies have, on repeated occasions, complained of the manner in which the service between Point de Galle and Australia has been performed, and so much difficulty has hitherto been experienced by the Home Government in providing a service satisfactory to the colonies, my Lords have come to the conclusion that it is not advisable that the Imperial Government should any longer be parties to any contract for the service between Point de Galle and Australia, but that it would be better that the colonies should, at the expiration of the present contract, themselves, in combination, provide such service, leaving it to the Imperial Government to provide for the conveyance of the mails between England and Point de Galle.

A considerable sum has hitherto been contributed by the Australian Colonies and New Zealand towards the expense of the conveyance of their mails between this country and Point de Galle. My Lords propose, at the termination of the present Point de Galle and Australian contract, to relieve the colonies from any payment on this account ; and to undertake, on the part of the Imperial Government, so long as the present contract for the India and China mail service is in existence, that is, until the 31st January, 1880, to convey the colonial mails between England and Point de Galle and *vice versâ*, free of all charge, to the colonies, on the colonies, in combination, providing an efficient line of packets, fitted at Point de Galle, to the Suez and China packets, to run once every four weeks (or once every fortnight, whichever the colonies may deem most essential to their own interests) between Point de Galle and whatever port or ports in Australia the colonies may themselves consider most expedient, and *vice versâ* ; and my Lords will be prepared to contribute a sum not exceeding one half of the expense of a four-weekly service between Point de Galle and the Australian Colonies and New Zealand (in the event of the latter colony becoming a party to the arrangement), subject, however, to the *distinct limitation* that the contribution to be made on the part of the Imperial Government in any one year shall in no case exceed £40,000, and on the understanding that the packets shall call at King George's Sound to land and embark the West Australian mails ; that colony being, however, called upon to pay her share, in proportion to her correspondence, towards the expense of the packet service between Point de Galle and Australia ; and in the event of the colonies arranging conjointly, or by a substantial majority, for a fortnightly service, my Lords will be prepared to entertain the question of a further contribution.

But this undertaking is given upon the express condition that any second service towards which the Imperial Government may render assistance is alternative with the other, *i.e.*, that there shall be sufficient interval between the arrival and departure of the steamers for the purposes of correspondence.

As it appears from the letter from the colonial office, dated the 24th ultimo, and its enclosures, that it is the wish of the Government of Queensland that the correspondence of that colony shall be conveyed once every four weeks *viâ* Torres Straits, my Lords have no objection, on the part of the Imperial Government, to conveying such correspondence between England and Singapore free of all charge ; but they are not prepared to make any contribution towards a service between Singapore and Brisbane, which must be left to the colony to provide.

My Lords have only to state, in conclusion, that the arrangement at present in force as regards the division of the postage on the mail matter conveyed between this country and the Australian Colonies should not be disturbed.

I am, &c.,
CHARLES W. STRONGE,
Pro Sec.

R. G. W. Herbert, Esq.
Colonial Office.

1872.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. GRAHAM, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 6TH AUGUST, 1872.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

REPORT.

IN pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report, as appears by such Table :—

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Statistics of Colony of Victoria, 1870.—Part VIII.	7th May, 1872	By Command	No order made.
Statistics of Colony of Victoria, 1870.—Part IX.	"	"	"
Import, Export, Transhipment, and Shipping Returns, 1871	"	"	"
Silting-up of the Bay.—Report of Royal Commission (12th April, 1872)	"	"	"
Industrial Schools and Sanatory Station.—First Report of Royal Commission (23rd March, 1872)	"	"	"
Health Officer.—Report of, for year ending 31st December, 1871	"	"	"
Sanatory Station.—Report of Chief Medical Officer for year ending 31st December, 1871	"	"	"
Mining Surveyors and Registrars.—Reports for quarter ending 31st December, 1871	"	"	"
Friendly Societies.—Return of Registered, &c., in 1871	"	"	"
Post Office Savings Bank.—Statement of Accounts for year ending 31st December, 1871	"	"	"
Castlemaine.—Mining on Railway Reserve.—Order in Council (11th December, 1871)	"	"	"
Evelyn—County of.—Lands excepted from Occupation for Mining purposes.—Order in Council (11th March, 1872)	"	"	"
Castlemaine. — Mining on Railway Reserve authorized.—Order in Council (13th November, 1871)	"	"	"
Castlemaine. — Mining on Railway Reserve authorized.—Order in Council (11th December, 1871)	"	"	"
Buninyong.—Mining on the Springs Reserve authorized.—Order in Council (20th November, 1871)	"	"
Maryborough Mining District.—Polling Place.—Order in Council (22nd January, 1872)	"	"
Beechworth Mining District.—Polling Place.—Order in Council (3rd January, 1872)	"	"
Castlemaine Mining District.—Polling Place.—Order in Council (9th February, 1872)	"	"
Sandhurst and Beechworth Mining Districts.—Polling Places.—Order in Council (2nd February, 1872)	"	By Command	"
Sandhurst.—Mining on Railway Reserve authorized.—Order in Council (11th December, 1871)	"	"	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Ballarat Mining District.—Polling Place.—Order in Council (26th February, 1872)	7th May, 1872	By Command	No order made.
Public Accounts—Regulation respecting (8th February, 1872)	"	"
Victorian Volunteer Corps—Regulations respecting (3rd January, 1872)	"	"
Mineral Statistics of Victoria, 1871	14th May, 1872	By Command	"
Savings Banks—General Order of Commissioners of (23rd April, 1872)	"	"
Post Office and Telegraph Department.—Report for 1871	15th May, 1872	By Command	"
Mail Service.—Correspondence with Government of New Zealand on proposed Mail Service <i>viâ</i> San Francisco	"	"	"
Penal Establishments.—Report of Inspector-General for year ending 31st December, 1871	"	"	"
Telegraphic Messages from Railway Stations.—Regulation (10th January, 1872)	"	"	"
Intercolonial Tariffs.—Circular Despatch from the Right Honorable the Secretary of State (13th July, 1871)	21st May, 1872	"	"
Border Customs Duties.—Further Papers to 19th January, 1872	"	"	"
Foreign Industries and Forests.—Second Progress Report of Royal Commission	"	"	"
Castlemaine District.—Mining on Railway Reserve authorized.—Orders in Council (29th April, 1872)	"	"	"
Industrial and Reformatory Schools.—Report of Board of Education on Schools inspected in 1871	"	"	"
Telegraphic Messages to Exchange Company, Sydney.—Reduced Scale of Charges (30th April, 1872)	"	"	"
Post Office Savings Bank.—Statement of Accounts for year ending 31st December, 1871	"	"	"
Border Duties, Murray River.—Correspondence (15th May and 28th May, 1872)	28th May, 1872	... ..	"
Mining Surveyors and Registrars—Report of, for quarter ending 31st March	"	"
Electoral Provinces.—Returns to an Order of the Council (7th May, 1872)	Hon. J. Cumming	"	... ..	"
Land Act 1862, and Amending Land Act 1865.—Report of Proceedings under, to 31st December, 1871	4th June, 1872	By Command	"
Schedule D, and 19 Vict. cap. 55.—Statement of Expenditure to December, 1871	"	"	"
Victoria—Statistical Summary of (1836 to 1870 inclusive)	"	"	"
Census of Victoria, 1871.—Part I.	"	"	"
Census of Victoria, 1871.—Part II.	"	"	"
Papers on the Resignation of the Duffy Government	6th June, 1872	"	"
Statistics of Colony of Victoria, 1871.— Part I.—Blue Book } Part II.—Finance }	9th July, 1872	"	"
Observatory.—Eighth Report of Board of Visitors, with Annual Report of Government Astronomer	"	"	"
Diseases—Return of (1871)...	"	"	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Education—Tenth Report of Board of (1871)...	9th July, 1872	By Command	No order made.
Border Customs Duties.—Further Correspondence, from 10th June to 4th July inclusive	"	"	"
Steiglitz Court of Mines—Intervals for holding.—Order in Council (4th June, 1872)	"	"
Trawallo Bridge Common—Selection of Land at	Hon. R. Simson 21st May, 1872	"	... ..	"
Statistics of Colony of Victoria, 1871.—Part III.—Population	16th July, 1872	By Command	"
University of Melbourne.—Report for year ending 31st May, 1872	"	"	"
Statistics of Colony of Victoria, 1871.—Part IV.—Production	23rd July, 1872	"	"
Industrial and Reformatory Schools.—Report of Inspector for year 1871	"	"	"
Health—Central Board of.—Report for year 1871	"	"	"
Belvoir—Mining Operations on Reserved Lands at, authorized.—Order in Council (4th July, 1872)	"	"	"
Gippsland Mining District.—Polling Places at Donnelly's Creek and Briagolong authorized.—Order in Council (8th July, 1872)	"	"	"
Estimate of Expenditure during the year ending 30th June, 1873, for Construction of Railways, authorized by the Railway Construction Act of 1871, 35 Vict., No. 415	"	"
Mail Service.—Further Correspondence on proposed Service <i>via</i> San Francisco	30th July, 1872	By Command	"
Intercolonial Tariffs. — Message from the Governor, transmitting further Circular Despatch from the Right Honorable the Secretary of State	"	"	"

JAS. GRAHAM,
Chairman.

Committee Room, Parliament Houses,
6th August, 1872.

1872.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

THE DISEASES IN STOCK BILL;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 22ND OCTOBER, 1872.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 2ND OCTOBER, 1872.

DISEASES IN STOCK BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable H. M. Murphy moved, That the Order of the Day be discharged, with a view to the referring of the Bill to a Select Committee.

Debate ensued.

Question—put and passed.

The Honorable H. M. Murphy moved, That the Select Committee consist of seven members, and that the Honorables N. Black, J. O'Shanassy, W. Highett, A. Fraser, W. Skene, W. Campbell, and the mover, be members of the Committee.

Question—put and passed.

The Honorable H. M. Murphy moved, That the Committee have power to sit during any adjournments of the House, and that they have power to call for persons and papers.

Question—put and passed.

TUESDAY, 22ND OCTOBER, 1872.

DISEASES IN STOCK BILL.—SELECT COMMITTEE.—The Honorable N. Black brought up the Report of the Select Committee appointed on the 2nd instant, to which Committee was referred the Bill intituled "*An Act for the Prevention of Diseases in Stock.*"

The Report was read at the Table by the Clerk.

The Honorable A. Fraser moved, That the Report and Proceedings be printed.

Question—put and passed.

DISEASES IN STOCK BILL.—The Honorable A. Fraser moved, That the Order of the Day for the second reading of this Bill be restored to the paper for to-morrow.

Question—put and passed.

REPORT.

THE SELECT COMMITTEE appointed by the Legislative Council on the 2nd October, 1872, and to which was referred the Bill, intituled, "*An Act for the prevention of Diseases in Stock,*" have the honor to report :—

1. The Committee have given the subject much consideration, and are of opinion that the present advanced state of the Session of Parliament renders it inexpedient that the Committee should suggest the comprehensive amendments which they believe necessary to adapt the Bill to the public requirements, especially in relation to the recommendations made to the Government by the Commission appointed to inquire into the existence of Foot and Mouth Disease in the Colony.

2. They therefore deem it desirable to return the Bill to the House, in the hope that certain amendments suggested will be made in Committee of the House, whereby the Bill may be rendered more useful and acceptable to the public.

NIEL BLACK,
Chairman.

PROCEEDINGS OF COMMITTEE.

TUESDAY, 8TH OCTOBER, 1872.

Members present:

The Hon. A. Fraser	|	The Hon. W. Skene
W. Campbell		N. Black.

The Honorable N. Black was appointed Chairman.

The Committee deliberated, and adjourned until half-past Three o'clock next day.

WEDNESDAY, 9TH OCTOBER, 1872.

Members present:

The Hon. N. Black, in the chair;		
The Hon. J. O'Shanassy	|	The Hon. W. Skene
W. Highett		A. Fraser.

Committee deliberated, and adjourned until half-past Three o'clock on Tuesday.

TUESDAY, 15TH OCTOBER, 1872.

Members present:

The Hon. N. Black, chairman;		
The Hon. J. O'Shanassy	|	The Hon. A. Fraser.
W. Skene		

Committee deliberated, and an adjournment took place until next day at half-past Three o'clock.

WEDNESDAY, 16TH OCTOBER, 1872.

Members present:

The Hon. N. Black, chairman;		
The Hon. W. Skene	|	The Hon. A. Fraser.

Certain proposed amendments considered, and Committee adjourned until Monday at Two o'clock.

MONDAY, 21ST OCTOBER, 1872.

Member present:

The Hon. N. Black.

No quorum. Chairman directed a meeting to be called for Three o'clock next day.

TUESDAY 22ND OCTOBER, 1872.

Members present:

The Hon. N. Black, chairman;		
The Hon. W. Skene	|	The Hon. A. Fraser
H. M. Murphy		W. Campbell.

The Chairman submitted a series of amendments proposed to be made in the Bill. Committee deliberated. Draft Report considered. Chairman directed to report to the House.

1872.
VICTORIA.

LEGISLATIVE COUNCIL.

SECOND REPORT

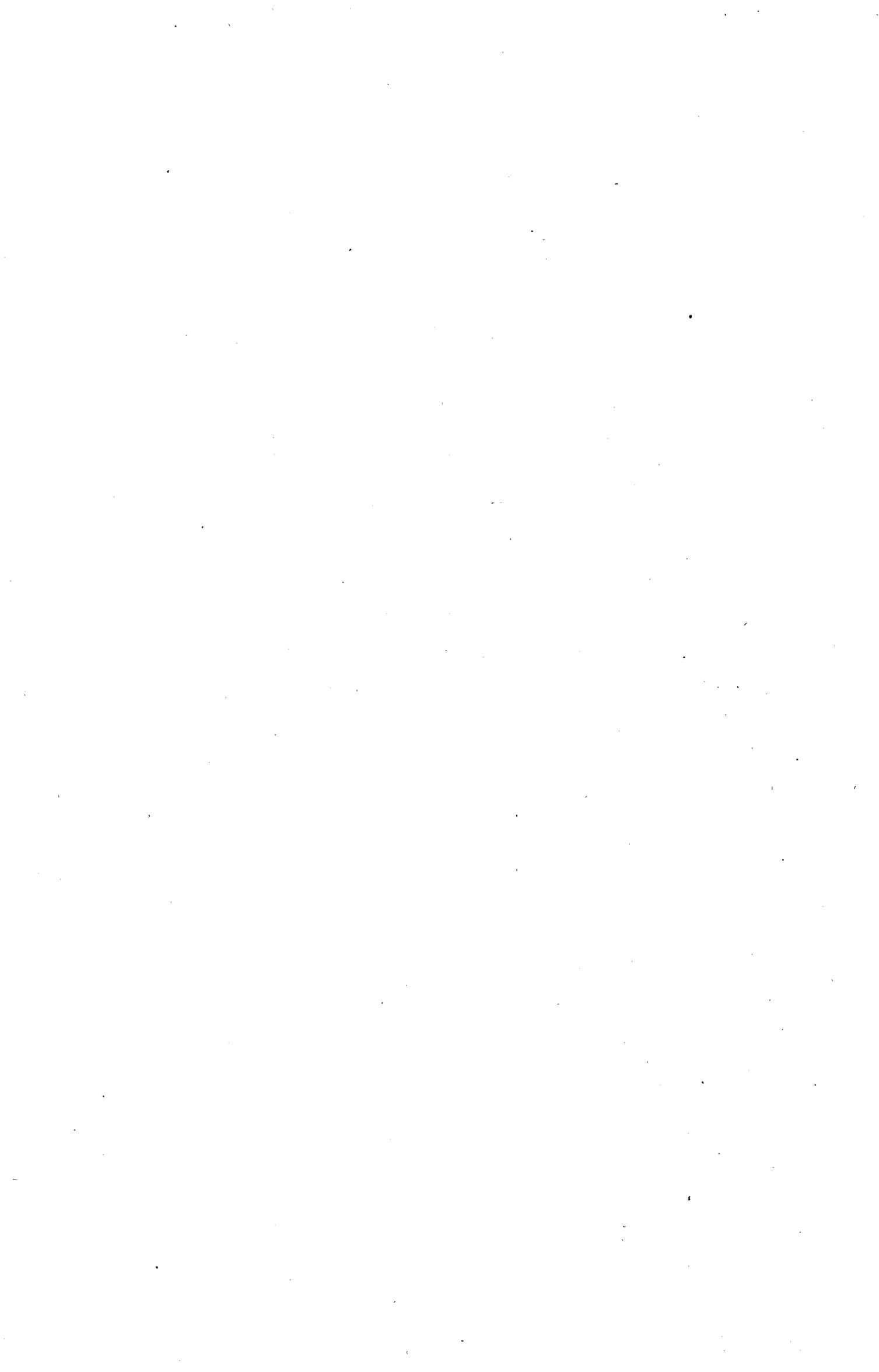
OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. GRAHAM, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 26TH NOVEMBER, 1872.

By Authority:

JOHN FERES, GOVERNMENT PRINTER, MELBOURNE.



REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report, as appears by such Table :—

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Border Customs Duties.—Further Correspondence (4th to 27th July, 1872)	1872.	1872. 6th August.	By Command	No order made.
Diphtheria.—Report of Royal Commission	"	"	"
Silting-up of the Bay.—Remarks of Inspector-General of Public Works	"	"	"
Savings Banks.—Post Office.—Amended Regulations (1st August, 1872)	"	"	"
Broad and Narrow Gauge Railways.—Further Correspondence	"	"	"
Foot and Mouth Disease.—Progress Report of Commission (15th July, 1872)	13th August	"	"
Yan Yean Water Supply.—Report of Board (29th July, 1872)	"	"	"
Mining Surveyors and Registrars—Reports of, for quarter ending 30th June, 1872	"	"	"
Penal and Prison Discipline.—Report (No. 3) of Royal Commission.—Industrial and Reformatory Schools.	20th August	"	"
Census, Victoria, 1871.—Part III.—Ages of the People	"	"	"
Border Customs Duties.—Further Correspondence (4th July to 12th August, 1872)	"	"	"
Schedule of Estimated Expenditure on Works of Construction, &c., under the Loan Act 1868, 32 Victoria, No. 331, from 1st January to 30th June, 1873	"	"
Statistics of the Colony of Victoria for 1871.—Part VI.—Law, Crime, &c.	29th August	By Command	"
Statistics of the Colony of Victoria, 1871.—Part V.—Accumulation	4th September	"	"
Aborigines.—Eighth Report of Board for Protection of	"	"	"
Ballarat.—Certain lands at, excepted from occupation for Mining purposes	10th September	... ..	"
Foot and Mouth Disease.—Report of the Commission (23rd August, 1872)	24th September	By Command	"
Statistics of Colony of Victoria, 1871.—Part VII.—Vital Statistics, &c.	"	"	"
Spring Hill—Mining Operations on Reserved Lands at, authorized.—Order in Council (3rd September, 1872)	"	"
Savings Banks.—Return, &c., for year ending 30th June 1872	1st October	By Command	"
Census of Victoria, 1871.—Part IV.—Religion of the People	"	"	"
Discipline Act 1870.—Regulations respecting (17th September, 1872)	8th October	... ..	"
Discipline Act 1870.—Additional and Amended Regulations (18th September, 1872)	"	"
Victorian Volunteer Force.—Regulations for Emerald Hill Volunteer Artillery Corps (11th September, 1872)	"	"
Border Customs Duties.—Further Correspondence (14th August to 15th October, 1872)	22nd October	By Command	"
Education—General Regulations of Board of (to date from 1st February, 1873)	"	"	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Census of Victoria, 1871.—Part V.—Education of the People	1872.	1872. 23rd October	By Command	No order made.
Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872)	"	"	"
Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872)	"	"	"
Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872)	"	"	"
Castlemaine District.—Mining on Railway Reserve authorized.—Order in Council (7th October, 1872)	"	"	"
Railways, Victorian.—Report of Board of Land and Works for year ending 30th June, 1872	29th October	"	"
Report of Inspecting Surveyor on damage done by Deposits of Sludge in Yarrowee or Leigh River (2nd October, 1872)	"	"
Message from His Excellency the Governor, transmitting Copy of Despatch from the Secretary of State for the Colonies, respecting application from Oriental Bank Corporation for a renewal of their charter	"	"
Message from His Excellency the Governor, transmitting Copy of Despatch from Secretary of State for the Colonies, forwarding copy of Her Majesty's Order in Council approving of award by Privy Council of Pentland Island to Colony of Victoria	"	"
Message from Governor transmitting Copy of Despatch from Secretary of State for the Colonies, on the subject of the question as to whether, beyond the limits of the new state of Fiji, British subjects can be accepted as citizens and exempted from British jurisdiction	30th October	... ..	"
Sandhurst District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872)	5th November	By Command	"
Sandhurst District.—Mining under Railway Reserve authorized.—Order in Council (21st October, 1872)	"	"	"
Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872)	"	"	"
Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872)	"	"	"
Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872)	"	"	"
Castlemaine District.—Mining under Railway Reserve authorized.—Order in Council (14th October, 1872)	"	"	"
Message from His Excellency the Governor, forwarding copies of further correspondence, &c., respecting new Postal Service between Australia and Galle	12th November	... ..	"
Border Customs Duties.—Further Correspondence (18th October to 4th November, 1872)	"	By Command	"
Whale Fishing.—Regulations (28th October, 1872)	13th November	"	"
Mining Surveyors and Registrars.—Reports for quarter ending 30th September, 1872	14th November	"	"
Pental Island.—Return to an Order of the Legislative Council	Hon. J. O'Shanassy, 12th November	19th November	... ..	"
Castlemaine District.—Mining on Railway Reserve at, authorized.—Order in Council (28th October, 1872)	"	By Command	"
Press Telegrams.—Rates chargeable in Victoria.—Order in Council (30th October, 1872)	21st November	"	"

Parliament House,
Melbourne, 26th November, 1872.

JAS. GRAHAM,
Chairman.

1872.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

TRAWALLA BRIDGE COMMON;

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED, 27TH NOVEMBER, 1872.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 21ST MAY, 1872.

TRAWALLO BRIDGE COMMON, SELECTION OF LAND AT.—The Honorable R. Simson, in accordance with notice, moved, That there be laid upon the Table of this House all papers relating to the granting of a licence for a selection of land on the Common at Trawallo Bridge, lying between the line of railway from Ballarat to Arrarat, with a sketch or tracing showing the position of the selection to the railway and the creek which it cuts off from the line at that reserve.

Question—put and passed.

TUESDAY, 9TH JULY, 1872.

TRAWALLO BRIDGE COMMON, SELECTION OF LAND AT.—The Honorable A. Fraser laid on the Table a Return to an Order of the Council made on the 21st May, 1872.

TUESDAY, 27TH AUGUST, 1872.

TRAWALLO BRIDGE COMMON.—The Honorable R. Simson, in accordance with *amended* notice, moved, That the papers *re* Crudden's selection be referred to a Select Committee of this House, consisting of five members.

Debate ensued.

The Honorable A. Fraser moved, That the debate be now adjourned.

Debate ensued.

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

Question—That the debate be adjourned until Tuesday next—put and passed.

WEDNESDAY, 4TH SEPTEMBER, 1872.

TRAWALLO BRIDGE COMMON.—The Order of the Day for the resumption of the debate on the motion, That the papers *re* Crudden's selection be referred to a Select Committee of this House, consisting of five members, being read—the debate was resumed.

Question—That the papers *re* Crudden's selection be referred to a Select Committee of this House, consisting of five members—put and passed.

The Honorable R. Simson moved, That the Honorables J. O'Shanassy, P. Russell, the President, W. Degraives, and the mover, be members of the Committee, and that the Committee have power to call for persons and papers.

Question—put and passed.

WEDNESDAY, 27TH NOVEMBER, 1872.

TRAWALLO BRIDGE COMMON.—The Honorable R. Simson brought up the Report of the Select Committee, appointed on the 4th September, to consider the papers relating to the granting of a license for selection of land on the Common at Trawallo Bridge, and moved, That the Report be printed, together with the Evidence and Appendices, and the Proceedings of the Committee.

Question—put and passed.

R E P O R T .

The piece of land in question is situated on the Emu Creek, in the parish of Trawalla, county of Ripon, and is of exceptional value.

The land on the northern side of the creek is private property, and the public revenue has derived the benefit of no inconsiderable amount of money from its sale.

On the south it abuts upon the land set apart for the railway from Ballarat to Ararat.

This piece was applied for by one Geoghan, some time previously to 1870, and was surveyed by contract surveyor Poeppel. It was refused at the local land board at Beaufort, at which the Surveyor-General, Mr. Ligar, was present, and also Mr. Adair, the district surveyor. Mr. Poeppel was instructed by the Surveyor-General to return the survey fees to Geoghan, as he ought not to have surveyed this land for any applicant.

In 1870 Matthew Crudden applied for it, and Mr. Simson represented in a memorandum, dated 14th July in that year, to the Surveyor-General the injustice to individuals, and the impolicy as regards the public, of giving the land to Crudden.

The Surveyor-General took the same view of the matter, recommended that the land should be permanently reserved, and submitted Mr. Simson's representation to the Board of Land and Works.

The Board, on the 29th July, approved of effect being given to the Surveyor-General's recommendation.

The next step was to send the matter to the Executive Council for the reserve to be authorized by the Governor in Council. This was done on the 5th August, 1870, but the chief draftsman put upon the documents the following minute:—"The portion of land proposed to be withheld from sale, leasing, and licensing, under the 102nd section, is situated between the main road from Ballarat to Ararat and the railway line north of allotment 13, parish of Trawalla, as shown by pink tint on the plans in this office." There is no evidence to show whether any or what tracings accompanied the papers to the Executive Council; a tracing was exhibited to the Committee which would accord with the chief draftsman's minute, but the Surveyor-General cannot say what that tracing is taken from, nor whether it was sent to the Executive Council. One thing is certain, that it does not represent the order of the Board of Land and Works, whilst the chart in the Survey office, called the Exemption chart, and in charge of the chief draftsman, was marked in accordance with that order.

It is to be observed that all this took place through the Surveyor-General, the permanent head of the Lands department.

Crudden renewed his application through an agent, who had held a prominent position in the Lands department, and whose connection with it had only recently terminated. This time the matter came before the Assistant-Commissioner of Lands and Survey, who stated to the Committee that he was responsible for dealing with the Crown lands after they were surveyed, the Surveyor-General for their measurement. From this moment a desire to give Crudden the land was manifested. His application was referred to the local land board, which refused to entertain it. It was sent to the Engineer-in-Chief of Railways, who recommended that the land should not be alienated; but it was not referred to the Surveyor-General, who had originally dealt with the matter, and who was and is still opposed to Crudden's occupation.

The Assistant-Commissioner deemed it his duty to recommend that Crudden should have the land. Your Committee would here draw special attention to this term—"recommend," because the evidence and documents submitted to them show that a recommendation by the Assistant-Commissioner is a final disposal of a question. Whatever the amount of property involved, whatever may be the extent of the interest of individuals or the public, the recommendation of the Assistant-Commissioner

is never discussed, consequently, never traversed by the Board of Land and Works ; the proceedings of which are stated by one of the witnesses, himself a member of the Board, to be a mere matter of form.

The next point was to discover the reason which actuated the Assistant-Commissioner of Lands and Survey in exercising his powers in favor of Crudden, in disregarding the decision of the local land board, and overriding the opinion of the Engineer-in-Chief of Railways as to the extent of ground it was prudent to reserve in the neighbourhood of a possible Railway station. The Assistant-Commissioner himself states that—"My recommendation was in accordance with the policy which has been carried out by several successive Ministers of Lands, of favorably entertaining the applications of working farmers for small portions of land of comparatively high market value, when such portions were situated in districts wherein extensive areas had been absorbed in large landed estates."

In other words, the Assistant-Commissioner assumed the task of correcting, as far as he could, the inequalities in the fortunes of his fellow colonists, not for the purpose of settling the people on the lands ; because not only are these exceptional portions too small for that purpose, but he himself has urged, as justifying his act in Crudden's and similar cases, that such holdings are not permanent, but are liable to be resumed at any time.

The Committee would here point out, in the Assistant-Commissioner's own words, that "acting on this principle" these small allotments of admittedly very high value have been allowed to be occupied to the extent of upwards of 12,000 acres ; and that a clause in the Land Bill, recently rejected by your Honorable House, contemplated surrendering to the occupants this valuable property at almost nominal value, and at the discretion of what is termed the Board of Land and Works—thus opening the door to a vast amount of favoritism if not of corruption.

When Crudden's case was brought under the notice of your Honorable House, and the documents relating to it called for, the Assistant-Commissioner addressed the following questions to the Chief Draftsman in the Lands office :—

"Adverting to Mr. Poeppel's memo., dated 24th August, 1870, will you state if the land applied for by Crudden, containing 5, 1, 20, was exempted under 102nd section, or any other sections."

The Chief Draftsman replied—"The land is withheld from leasing and licensing."

The Assistant-Commissioner again asks, and marks his query "Urgent" :—

"Mr. Robertson's minute refers to land *between* road and railway, and not that north of the railway. The land indicated by pink tint on tracing attached to 70 | 17002, is on north side of road, but does not extend beyond railway line."

"Referred to Mr. Robertson for further report."

The Chief Draftsman replied :—"I was verbally requested to answer the Assistant-Commissioner's minute at a moment's notice. I referred to the exemption map, which apparently shows that the land is withheld as stated above. On referring to the exemption papers, I find that my former minute is not correct. The land containing 5, 1, 20, has not been exempted under the 102nd or any other section. I have corrected the exemption map, dated 26th July, 1872."

Your Committee would here again advert to the facts that the Surveyor-General had, in July, 1870, recommended that the land, 5a. 1r. 20p., which is the subject of these minutes, should be exempted from occupation ; that the Board of Land and Works approved of that recommendation being adopted ; that it was indicated as exempted on the exemption map ; that, without reference to the Surveyor-General, it was granted by the Assistant-Commissioner—an act of which he has voluntarily assumed the responsibility—and equally without reference to the Surveyor-General, and without his knowledge, was the exemption map altered, so as to suit the views expressed by the Assistant-Commissioner, by a gentleman who is described by him as not his officer, but the Surveyor-General's.

With regard to the allotment itself, your Committee concur in the opinion expressed by the local land board, the Engineer-in-Chief of Railways, and the Surveyor-General, that it ought not to be allowed to pass into private hands, and your Committee recommend that Crudden's license to occupy should not be renewed beyond the present

year. They are aware that, under the terms of it, possession can be resumed at any time, but they have before them in evidence that no such resumption has ever yet been made by the Board of Land and Works, which, as already stated, actually contemplated by the Land Bill submitted this session the surrender in fee simple of all such valuable allotments ; and the Surveyor-General states his experience to be that, once a man gets on the land, it practically ends in his having the freehold.

Your Committee therefore think, that the time has arrived for measures to be taken to assert the rights of the colonists generally to shew the licensees of these valuable allotments that they have no rights beyond those of yearly tenants at will, and to terminate a system of disposing of the public estate which has no public benefit of any kind to justify it ; for your Committee cannot concur in the policy propounded by the Assistant-Commissioner, that, because one man has acquired an estate, however large, another, because he has less means, should have a valuable allotment presented to him at the public expense.

Your Committee cannot refrain from calling attention to clause No. 49 of the Land Act, which is the plea for the course which has been, and they have reason to believe is still being, pursued ; it contemplated the use by yearly tenants at will of land *on the gold-fields* ; but it has been shown to your Committee that so well is understood the manner in which this clause is proposed to be worked by the Lands department, that the Mining department, which is consulted in all cases before occupation is given under this clause, actually objects to any such license being granted with regard to any land which is deemed likely to be workable for gold ; and, as far as your Committee can learn, occupation in all such cases is refused. The clause, however, by means of "Regulations," has been made to embrace almost every valuable reserve in the colony, including township allotments ; and its extension to the suburbs of the city of Melbourne is only *suspended*, not by law, but by a *departmental* regulation of the so-called Board of Land and Works, which sets forth, that land within ten miles of the city shall not be occupied under the 49th clause, but which departmental regulation may, as has been shown in somewhat similar cases, be cancelled at the will of the Minister, or the so-called Board of Land and Works.

Your Committee do not consider it necessary to pursue this matter further at the present time. The enquiry into Crudden's case has necessarily opened out questions of the gravest nature beyond the proceedings of the officers of the Lands department in relation to it. Some of the most important papers connected with the subject have only been very recently received from that department. All that has been submitted to them suggests the urgent necessity of a searching enquiry into the whole working of the Lands administration, and they recommend that that should be undertaken as soon as Parliament shall re-assemble.

They would, in conclusion, record their opinion that such a state of affairs as has been disclosed in this enquiry could not have had existence if the Legislature had not abandoned its functions, and allowed the great property of the State entrusted to its care to be at the disposal, by means of "regulations," of officers whose duties it was never contemplated could include such responsibility.

ROBERT SIMSON,
Chairman.



PROCEEDINGS OF COMMITTEE.

WEDNESDAY, 4TH SEPTEMBER, 1872.

Members present:

The Hon. R. SIMSON, in the chair ;	
The Hon. The President	The Hon. J. O'Shanassy.
W. Degraives	

The Committee deliberated, and ordered summonses to be sent to Messrs. Robertson, Lewis, Byron Moore, and Blundell.

Committee adjourned to Monday, 16th instant, at Two p.m.

MONDAY, 16TH SEPTEMBER, 1872.

Members present:

The Hon. R. Simson	The Hon. J. O'Shanassy
P. Russell	The President.

Mr. Byron Moore called in and examined.

Mr. Lewis called in and examined.

Mr. Blundell called in and examined.

Mr. Robertson called in and examined.

Committee adjourned to Tuesday, 24th September, at Two p.m.

TUESDAY, 24TH SEPTEMBER, 1872.

Members present:

The Hon. R. Simson	The Hon. The President
P. Russell	J. O'Shanassy.
W. Degraives	

Mr. Byron Moore again examined.

Committee adjourned till to-morrow at Three p.m.

Mr. McGibbon (clerk in Lands office) produced schedules of Board of Land and Works.

WEDNESDAY, 25TH SEPTEMBER, 1872.

Members present:

The Hon. R. Simson	The Hon. P. Russell
The President	J. O'Shanassy.

Committee deliberated and examined schedules of Board of Land and Works.

Committee ordered summonses to be sent to Mr. Morrah and Mr. Skene (Surveyor-General).

Committee adjourned till Tuesday, 1st October, at Three o'clock.

TUESDAY, 1ST OCTOBER, 1872.

Members present:

The Hon. R. Simson	The Hon. J. O'Shanassy
The President	W. Degraives.
P. Russell	

Mr. Morrah called in and examined.

Mr. Skene called in and examined.

Mr. Skene was requested to attend again to-morrow.

Committee adjourned till Wednesday, 2nd October, at Three p.m.

WEDNESDAY, 2ND OCTOBER, 1872.

Members present:

The Hon. R. Simson	The Hon. The President
W. Degraives	P. Russell.

Mr. Skene called in and examined.

Committee adjourned to Tuesday, 8th October, at Three o'clock.

TUESDAY, 8TH OCTOBER, 1872.

Members present:

The Hon. R. Simson	The Hon. P. Russell.
W. Degraives	

Mr. Morrah called in and further examined.

Committee ordered summons to be sent to Mr. Skene.

Committee adjourned to to-morrow at Three o'clock.

WEDNESDAY, 9TH OCTOBER, 1872.

Members present:

The Hon. The President	The Hon. W. Degraives.
R. Simson	

Mr. Skene called in and further examined.

Mr. Skene was ordered by the Chairman—in writing—to produce certain papers.

Committee adjourned till Tuesday, 15th October, at Three p.m.

TUESDAY, 15TH OCTOBER, 1872.

Members present:

The Hon. The President	The Hon. R. Simson
W. Degraives	J. O'Shanassy.
P. Russell	

Mr. Skene further examined.

Committee adjourned till to-morrow at Three p.m.

WEDNESDAY, 16TH OCTOBER, 1872.

Members present:

The Hon. R. Simson	|	The Hon. P. Russell.
The President	|	

Mr. Skene attended and produced papers—(Licences under 49th section, Land Act, ordered on the previous day).
Committee adjourned to Wednesday, 23rd October, at Two p.m.

WEDNESDAY, 23RD OCTOBER, 1872.

Members present:

The Hon. R. Simson	|	The Hon. P. Russell
The President	|	W. Degraives.

Committee deliberated and adjourned to Tuesday, 29th inst.

TUESDAY, 29TH OCTOBER, 1872.

Members present:

The Hon. R. Simson	|	The Hon. P. Russell
The President	|	W. Degraives.
J. O'Shanassy	|	

Mr. C. Hodgkinson (Assistant Commissioner of Lands) called in and examined.
Mr. Hodgkinson handed in further statement in Crudden's case.
Committee adjourned *sine die*.

WEDNESDAY, 13TH NOVEMBER, 1872.

Members present:

The Hon. R. Simson	|	The Hon. P. Russell
The President	|	J. O'Shanassy.

Committee deliberated.
Committee adjourned to to-morrow at Two p.m.

THURSDAY, 14TH NOVEMBER, 1872.

Members present:

The Hon. J. O'Shanassy	|	The Hon. P. Russell.
The President	|	

Letter from Mr. Hodgkinson received, read, and ordered to be entered in the minutes as follows:—

Crown Lands Office, 14th November, 1872.

SIR,

I have been informed, by the Clerk of the Legislative Council, that some alterations made by me in the proof of my evidence, are deemed inconsistent with the shorthand writer's notes. I beg, therefore, to respectfully state that I found that the proof of my evidence required more than the usual amount of correction and alteration, owing to the following two causes—

First.—That, in consequence of the assumption by me of the responsibility of the granting of Crudden's application, I appeared before the Committee more as a defendant against a charge of maladministration of the public lands than as an ordinary witness; and this fact, by rendering me somewhat nervous when giving evidence, obviously caused some of my answers, as taken down by the shorthand writer, to be so incoherent as to require considerable correction to make them intelligible.

Second.—That some of the questions had reference to matters not connected with Crudden's case, and on which matters I did not expect to be examined. As my replies to such questions were therefore necessarily somewhat vague in the absence of departmental documents appertaining to such matters, I subsequently, after consulting such documents, made some slight alteration in my replies so as to render them more specific.

Under such circumstances, I respectfully beg to request that the Committee will kindly allow the corrections and alterations made by me to stand.

I have the honor, &c.,
CLEMENT HODGKINSON,
Assistant Commissioner.

Mr. Hodgkinson called in and examined as to corrections made in his evidence given on a former day, which was ordered to be printed as explained.

Mr. Robertson called in and examined.

Mr. Skene called in and examined.

Committee adjourned to Tuesday, 19th instant, at Two p.m.

TUESDAY, 19TH NOVEMBER, 1872.

Members present:

The Hon. R. Simson	|	The Hon. P. Russell.
The President	|	

Mr. Skene called in and examined.

Mr. Skene produced original map.

Committee adjourned to to-morrow at Two p.m.

WEDNESDAY, 20TH NOVEMBER, 1872.

Members present:

The Hon. R. Simson	|	The Hon. The President.
P. Russell	|	

Mr. Skene called in and examined.

Mr. Skene produced the Exemption Map.

Committee adjourned *sine die*.

WEDNESDAY, 27TH NOVEMBER, 1872.

Members present:

The Hon. R. Simson	|	The Hon. The President.
P. Russell	|	

The Chairman read the Draft Report paragraph by paragraph, which was agreed to.
The Chairman was ordered to report to the House.

MINUTES OF EVIDENCE

TAKEN BEFORE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL ON
TRAWALLO BRIDGE COMMON.

MONDAY, 16TH SEPTEMBER, 1872.

Present:

The Hon. R. SIMSON, in the chair;

The Hon. W. H. F. Mitchell
J. O'Shanassy

The Hon. P. Russell.

H. Byron Moore, Esq., examined.

1. *By the Chairman.*—You are the Assistant Surveyor-General?—Yes.
2. What are your duties?—To assist Mr. Skene in his general duties and to act for him in his absence. H. Byron Moore,
Esq.,
16th Sept., 1872.
3. Mr. Skene is the Surveyor-General?—Yes; those are my duties as Assistant Surveyor-General; besides that, I am District Surveyor for the Geelong and Camperdown Districts.
4. *By Mr. Mitchell.*—Has Mr. Skene or yourself anything to do with giving opinions upon applications for land?—In certain cases we may have.
5. *By the Chairman.*—Are there no regularly defined duties laid down for your guidance?—I can scarcely say there are. I can deal with anything that Mr. Skene has been dealing with, in his absence.
6. *By Mr. O'Shanassy.*—Do you mean, that you deal with them in your own person in relation to your office?—In relation to the office, of course.
7. Solely in your own person?—No.
8. How do you deal with them?—Anything that may be referred for Mr. Skene's opinion, if he was away, I should deal with.
9. Does that mean a final decision?—No, merely a recommendation to the Board.
10. Do you form part of the Board?—No.
11. Who are the Board of Land and Works?—The President, the Surveyor-General, and the Assistant Commissioner for our office.
12. For the Lands?—For the Lands.
13. When you then act for Mr. Skene in his absence, and you give an opinion, it goes or may go before Mr. Skene as a member of the Board?—It may go.
14. Is he bound by your opinion?—Not at all.
15. Do you in the meantime write to the persons concerned stating what you have done?—No, it is not consummated till it comes before the Board as a rule.
16. *By the Chairman.*—Have the members of the Board of Land and Works any power irrespective of the Minister of Lands?—In what way?
17. Can the Minister not do what seems to him right, and the members of the Board have no power to gainsay the act?—No, this Board is not complete without the Minister as President; it must have the Minister as President, or Vice-President, present to make a Board.
18. *By Mr. O'Shanassy.*—Does he give verbal instructions?—Very often.
19. There is no record of them?—It is very possible.
20. And those verbal instructions affect the rights of persons, or may affect them?—Yes.
21. Then, in such a case, what is done?—If the Minister give me a verbal instruction, I should simply put upon the paper, "I am instructed by the Minister, so and so."
22. But his own signature is not obtained?—It might not be.
23. Would it not be in his power afterwards to say he never did authorize you to do anything of the kind?—Of course he could.
24. Is not that the rule rather than the exception?—Not at all.
25. But he does do it?—He may have done it.
26. Does not he do it in cases affecting individual rights?—It is a very general question; as far as I am concerned, I get the Minister's signature to everything.
27. Before you act?—I would not say before I act, but before the case is consummated.
28. Is that the invariable practice?—Certainly.
29. Do not, in fact, the members of the Board invariably act in the several stages of the case by their own action?—Yes, but —
30. Do not the local boards, for example, send something to the persons concerned, something like a decision of their own mere act, before the case is consummated?—Referring a thing to a local board is not a final act.
31. But has not the person who does such a thing the power to keep a man who may have a right running backwards and forwards, and playing what may be called circumlocution with him?—Of course, any officer has that power.
32. Does not that interfere very seriously with the persons concerned?—It may be done.
33. Is it not generally done?—That is a very general question.

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34. Is it not the case that men come down, for instance, from the local board and discover they have no right, though they think they have got some?—I should rather speak of my own knowledge, and I should say, No.

35. There is no such case?—Not within my knowledge. I have never done such a thing myself.

36. There is no such case within your knowledge?—I do not think there is. When I say "within my own knowledge," I saw that case of Ryan's reported in the paper the other day; but, officially, I know nothing about it.

37. What is the process for these men getting land under the regulations?—They first peg it out, and that gives them priority; then they apply to the land officer, and pay half a year's rent; he sends it to the district surveyor, who keeps the application for the next local board; the local board hear it, and their recommendation is sent to the Board of Land and Works.

38. In the meantime, what happens to the man?—Nothing.

39. Does not he get an occupation order?—He did about six months ago, after his case had been heard by a local land board, but that was stopped.

40. That is in cases where there is no dispute?—Yes.

41. Where there is a dispute?—The same course; it is kept for the next local board, and the case is heard and the recommendations sent up to the Board of Land and Works, and they generally approve.

42. What is the largest cost that a man has to go to to get, say 50 or 100 acres?—I have not the smallest knowledge.

43. May it cost him as much as the land is worth?—It may, if he is a very contumacious fellow, and chooses to run up and down to town three or four times a week, as some of them do.

44. Supposing he gets no answer from town?—He may come up.

45. Would he not do more—get some person to go and get his case heard?—It is very possible.

46. Then it may happen under the existing law, that it may cost a man as much as the land is worth to get land?—It may, if he is a very contumacious person.

47. But he may find himself without any in the end, supposing he does not take any active steps?—He may, supposing he finds a man with a better claim than himself.

48. Or what may be decided to be a better claim?—Or what may be decided to be a better claim.

49. Then a man may find that he cannot get the land right off the reel—he has an immense amount of circumlocution to get through?—Speaking of my own district, I can say, No.

50. What is your own district?—As far as Warrnambool.

51. Is there any land open there?—There are many hundreds of applications every year.

52. Is there any land open there?—Yes.

53. How much?—Two-thirds of the county of Heytesbury.

54. Is that any good for agricultural purposes, as it stands?—When they clear it.

55. What will that cost?—From £2 to £10 an acre.

56. Is there any available country where a man may sit down, and without spending that money, settle down and farm?—Very little at all, unless he goes further out.

57. Then your duties are very light, as to that department of your duty?—Not at all. From time to time they throw land open, and then there is a great rush.

58. What is the extent of that land?—It is very difficult to say from memory. There may be 20,000 or 30,000 acres left there now—timber reserves and other reserves.

59. When those are thrown open there is a great rush?—Yes, the land is of special value.

60. *By Mr. Russell.*—How do you decide who is to have the lot?—We draw lots.

61. How many applications may you have for a lot?—Last week at Camperdown we had 660 for four lots.

62. Does not that show that there is not much land open in your district?—It is of exceptional value.

63. *By Mr. O'Shanassy.*—Is there much land under farming there?—Yes, a good bit.

64. What is your duty as to improvements and residence?—I have very little to do with that; it is under Mr. Hodgkinson.

65. Though you are the officer of the district, you have not full control?—No; that is under Mr. Hodgkinson.

66. What is your experience of the plan?—It works very well.

67. Do you think that in all cases there are residences and improvements?—Not in all cases.

68. If it was stated that 75 per cent. did not reside or improve?—That is not the case in my district.

69. Are the regulations constantly changed by the department?—They are varied from time to time—not to any great extent.

70. *By Mr. Mitchell.*—With regard to the Board of Land and Works, the President and one member constitute a board?—Yes.

71. Do not two members, without the President, constitute a board?—No, unless the Vice-President is one member.

72. You have no Vice-President in your department?—No, but he sits occasionally for us if the President is absent.

73. But as regards the Lands, there is no Vice-President?—No, he is Commissioner of Public Works.

74. And the Vice-President?—Yes.

75. Then the Minister and one other member make a board—but can the Minister make a board without a member?—The Minister by himself?

76. Yes?—No.

77. But if he chooses to do a thing without a board, he can?—He can.

78. In fact, the board is a fiction?—To a certain extent.

79. Is it not a common practice in the department to inform the public outside, that the Board of Land and Works have done certain things before it has gone before the board at all?—No, never.

80. That you are quite sure about?—Quite sure, as far as I am aware. Mr. Lewis is the secretary to the Board, and all papers are scheduled and numbered and stamped with the decision of the Board before Mr. Lewis informs any party what conclusion the Board has come to.

81. Then are there regular minutes of the proceedings of the Board?—Yes; they are bound up in volumes and indexed.

82. *By Mr. Russell.*—Have you any land sales in your district?—Yes.
83. Can you give any reason why certain allotments are put up for sale and others for selection?—Just the decision of the Board, which says it shall be done.
84. *By Mr. Mitchell.*—That means, the decision of the Minister?—Yes.
85. It is all nonsense to talk about "the Board"?—The Minister.
86. *By Mr. O'Shanassy.*—He can sell as much in a year as he thinks proper?—It is generally limited by the Legislature.
87. By an expression of opinion merely; there is no law upon the subject?—I think it is generally a resolution of the Lower House.
88. The financial Minister may make a statement to that effect, but how does that affect the Minister of Lands? the Minister of Lands can sell as much land as he pleases in a year?—I am not quite clear upon that point. I forget whether there is a clause in the Land Act or not; I do not think there is.*
89. He has power to sell; he may sell (as he does) 200,000 acres one year and 300,000 acres the next?—Yes, I think he can.
90. It is all in his own discretion as to how much he will sell by auction or not?—Yes.
91. When, and how, and in what part of the country?—Yes.
92. Are you aware of any schedule being prepared in the Board of Land and Works by which, under any regulated plan, land is set apart for sale by auction?—There is none.
93. It is all done from hand to mouth?—He may ask for a general estimate from the land sales clerk at the commencement of the year as to what he would sell, specifying town, country, and suburban lands.
94. So that he has no general scheme?—He has no general scheme.
95. So that he may get up some fine morning and find that he could not sell any more—that it is all gone?—When it is all gone, that will be so.
96. But, so far as he knows, it may be so any day?—I do not think that; the records of the department are kept pretty well posted up; we know within two or three per cent. the state of the colony.
97. How much land can be now sold according to that plan, if there is one?—We have no such plan.
98. How much of the colony is available for auction?—It depends upon the Minister, I should say, how much will be sold by auction and how much by selection.
99. Then it is an india-rubber law; the Minister can do as he likes; either he can sell the whole by auction, or a part by auction, or a part by selection, or the whole by selection?—I see no restriction.
100. None at all?—No.
101. His entire will upon the matter is law?—Yes.
102. *By Mr. Russell.*—Is the Board of Land and Works entirely ruled or supposed to be so by Act of Parliament?—I believe so.
103. *By Mr. Mitchell.*—By regulations under the Act of Parliament?—I believe the Constitution Act fixed it.
104. *By Mr. Russell.*—Are you aware of any allotments having been sold and immediately cancelled?—Yes.
105. Is there a regulation to that effect?—There is power to cancel within thirty days.
106. Where is the power?—There is a regulation that we shall be able to cancel a sale within thirty days after the date of sale.
107. *By Mr. Mitchell.*—Is the land sold subject to that condition?—Yes.
108. *By the Chairman.*—That is only lately?—No, the last eighteen months or two years.
109. *By Mr. Russell.*—Are those regulations advertised in the *Government Gazette*?—I cannot say whether they are or not, but it is a condition of sale that is always read out.
110. *By the Chairman.*—Can you produce the regulations under the existing land laws?—I dare say I could get you up a set. There are a great many of them.
111. *By Mr. Mitchell.*—Are there regulations now under which land can be settled, and lands can be sold by auction?—Yes, I can collect them.
112. Still, they do not bind the department, for the Minister can exercise his own will outside the regulations?—I think not; I think he is bound by them.
113. But he can make a new regulation any day?—Yes.
114. If he writes a thing out and puts his name upon it, it is a regulation, is it not?—No, it must come to the Governor in Council.
115. *By Mr. Russell.*—Have these land regulations been advertised in the *Government Gazette*?—About the thirty days?
116. Cancelling a sale within thirty days?—I do not know.
117. Supposing a sale is cancelled, how is the money returned to the person who may have purchased?—You simply fill up a refund form; it is certified to by our land officer, who received the money, and it is payable at the Treasury.
118. Supposing that the person who bought the allotment declines to do that, and preferred holding the land, would the land be taken from him?—Then he would lose his money. He never had the land; there is nothing to take from him.
119. He must have had it, if he paid the money at the day of sale?—Not at all, if it is subject to cancelling within thirty days. It is merely a conditional receipt of money.
120. *By Mr. O'Shanassy.*—What is about the number of persons who have selected land and threw it up since 1869 to the present time—the number in each year?—I could get it, but I do not know it.
121. Was not the quantity very large, as shown in one of the reports?—No, not much.
122. Was not the quantity said to be more than a million in one of the reports?—I think not.
123. Have you one of the reports with you?—I have not.
124. Can you tell us the amount of money forfeited and the number of acres the next time you come?—I will get it.
125. *By Mr. Mitchell.*—Would it be possible to give us a return of the number of persons and the acreage in each case who are liable now to forfeiture for breach of conditions?—No, not for breach of conditions; but I could give it for non-payment of rent.

* I find clause 34 limits sale to 200,000ac. per annum. H. B. M.—[Note added when evidence was corrected by the witness.]

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126. *By the Chairman.*—You do not know those liable to forfeiture for breach of conditions?—No we do not.

127. Is it the case that the regulations have to appear in the *Government Gazette*?—I think so; but I am not sure.

128. One of the regulations was, that the land might be resumed by the Government and the money returned without interest?—That is the regulation referred to by Mr. Russell.

129. What are the duties of the Surveyor-General?—He superintends the professional branch of the department.

130. *By Mr. Mitchell.*—Then, excepting as a member of the Board of Land and Works, he has nothing to say as to the policy of the giving away lands or selling them?—Not much. He may be consulted by the Minister.

131. Merely as an act of courtesy, or for information that the Minister may want?—Exactly so.

132. But not from the nature of his office?—I could hardly say that. The duties are not clearly defined, so far as I know.

133. Would you prefer that we should ask the question of the Surveyor-General himself?—I would prefer it.

134. *By the Chairman.*—What are the duties of the Assistant Commissioner?—He superintends the administrative branch of the department.

135. *By Mr. Mitchell.*—What do you mean by “the administrative” as distinguished from “the professional” branch?—We would make the surveys and send them in, and he informs the public of the decisions.

136. *By Mr. O’Shanassy.*—Has he nothing to do with the policy?—Nothing more than any other officer whom the Minister may consult.

137. Has he anything to do with the quantity of land sold by auction or by selection?—No.

138. Can he recommend to the Minister as to what the rights of persons are?—Any officer can do that.

139. They determine in their own minds from the papers what are the rights of parties?—Yes.

140. And recommend to the Minister?—Yes.

141. What does he do with them?—They go to the local board.

142. If he reads them he may act upon them?—Yes.

143. If he does not read them, he may put his signature upon them and they are carried out?—They are carried out.

144. So that practically there may be hundreds of cases in which these things are done without his reading them?—Yes, necessarily.

145. Then, as a rule, he is merely in the hands of the officers administering the department?—As a rule, if cases are not disputed he does not read them.

146. But does he know that they are disputed?—That is entered on the précis of the whole.

147. Does it ever happen that papers are lost?—Very seldom.

148. Have they ever been lost?—I have known it to happen.

149. Can you account for that?—I cannot.

150. Are there not some cases where the papers have been lost, and the man’s area has been reduced, and there is no redress—the papers being lost?—Not that I know of.

151. If the Minister is not there, and there should be pressure in consequence of the great number of selections—what is done then?—He might depute the Vice-President to come over and do it for him.

152. Does he depute the Vice-President?—Occasionally, it has been done.

153. For the purpose of clearing off arrears?—Yes.

154. So that he could be absent entirely from the Board of Land and Works, and the officers could administer the department under his authority?—Yes.

155. And he does do it?—Occasionally.

156. Is that authority in writing, or verbal?—He may send a note over to the Vice-President to come and sit at the Board for him—he will be absent.

157. To ask him to perform his functions for him?—Yes.

158. *By Mr. Russell.*—Do the local boards work satisfactorily?—I think so, as far as my experience goes.

159. Are their decisions generally accepted by the Board of Land and Works?—As a rule they are.

160. Are the recommendations ever contradictory?—Not that I know of.

161. *By Mr. Mitchell.*—Are there ever cases where the recommendations of local boards have been approved of by the Minister, and afterwards, upon representations made directly to the Minister, they have been sent back to the boards?—Yes.

162. And, is it common that, where the boards have insisted upon their first recommendations, still decisions have been contrary to those recommendations?—I cannot call to mind any case in my district. It is frequent that fresh evidence may have been given, or fresh circumstances may have arisen, or evidence not before the Board in the first instance, and then, it is common to send it back to be re-heard.

163. *By Mr. O’Shanassy.*—Are there any cases when other than the merits of the particular application come under consideration?—Other than the merits?

164. Yes—local influence, for example?—Not that I know of in my district.

165. But you cannot say, generally, as to the Board of Land and Works, whether other than the merits of the case alone come into the decision?—No.

166. No cases have come to your knowledge where other influence has been brought to bear to influence the decision?—In plenty, it is attempted.

167. But, where it is used?—Not where it is successful.

168. No case has come to your knowledge where any influence external to the Board of Land and Works has influenced a decision?—Not that I remember.

169. *By Mr. Mitchell.*—Does the Assistant-Commissioner commonly sit upon these local boards?—Now and then—upon important boards.

170. Are there not cases which have been recommended by the local board, and upon a representation made to the Assistant-Commissioner referred back to that local board, and the Assistant-Commissioner has then gone and sat upon the local board himself?—Not to my knowledge. These general questions are very difficult to answer in examining me upon a case; they are not in my own knowledge.

171. *By Mr. O'Shanassy.*—You must have read that, upon numerous representations—what are called “proper representations”—things may be done at the Board of Land and Works?—We read of many things that we do not believe: but there must be, as you know, plenty of representations made in our office.

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172. But, according to your knowledge, there never was a case where other than the merits of the case influenced the decisions?—I would not like to say yes or no to that question. It is a general question.

173. There may or may not?—There may or may not.

174. *By the Chairman.*—Is it at all common that cases such as these occur in the land office, where a Land Board recommends that the land should not be allowed for selection, and it has been remitted again, and still recommended that it should not be allowed for selection as being reserved for public purposes, and still the Assistant-Commissioner of Lands and Survey did gainsay those recommendations upon his own responsibility?—I know nothing about this case; I have never seen it, and therefore I could scarcely say whether a similar case has ever arisen.

175. *By Mr. O'Shanassy.*—Are you acquainted with the system in the Land department called “expedition fees”?—Certainly not.

176. Does it exist?—Not that I am aware of.

177. You never heard of it?—No.

178. Are you aware of what is meant by the words “expedition fees”?—Yes, I can form a very good idea.

179. *By Mr. Russell.*—Upon what authority are selections granted upon reserves?—What sort of reserves?

180. Is there such a thing as a reserve in the country?—The word “reserve” used to be written upon the old plans, in many cases between land and creeks—certain pieces that we thought it necessary to keep for the public—that was prior to any of the late liberal land Acts.

181. By the last land Bill there were reserves mentioned?—No, not at all; they might be exempted under special clauses of the Act; but unless they are exempted and gazetted, the land is available for selection.

182. *By the Chairman.*—Is that by regulation, or by the Act?—By the Act. The 102nd section gives the Governor power to withhold any land he likes, and the 14th section.

183. There are plenty of special reserves between land and the creeks?—They are not reserves.

184. Do not you call them reserves?—No, they are Crown land, available for any one who likes to take them up.

185. For instance, around a sheep-farmer's sheep-wash?—There is no reserve under this Act, unless he applies under the 110th section, and gets a reserve proportionate to the amount expended in improvements.

186. If a person buys land on a scheduled map which has the word “reserved” written upon a certain piece of land, is that land still open for selection—say it is a water reserve, for instance, and that the whole of the land except that one lot is bought by different people?—That is a legal question which I do not feel able to answer.

187. Do you know what is done with this sort of reserves?—They are not reserves unless they are gazetted under the Act; they have no legal significance at all, except they are under the 14th, the 110th, or the 102nd clause.

188. Do not you consider that they have—if not a legal—then an illegal significance by having the word printed upon the map sent out by the land department, and handed to people at the time of the sale—does not it, in fact, bind the Government?—It binds the Government till the law changes. We never write the word “Reserve” upon the map now, and never have done since the Land Acts have come in these last few years.

189. But, if I bought under a previous Land Act, and the whole of the land was bought by different individuals, and upon one piece upon the map the word “Reserve” was printed?—Then the new law comes into force, which says that no lands in the colony shall be reserved, unless they are set apart under clauses so-and-so and so-and-so, and those lands are not. You might have an equitable right against the Crown for misleading you, but I think not a legal right.

190. *By Mr. O'Shanassy.*—You suppose that every buyer then, notwithstanding he sees the map, must read the law for himself?—I presume so.

191. If that was done by a private individual, would it not be considered an act of dishonesty?—A private individual has no power to make fresh legislation.

192. But if a private person sets out ground upon a plan and sells by it, and then he afterwards changes the plan—would it be considered honest dealing?—That is difficult to answer. These are all legal points.

193. There is something more like a moral point in it. If a man were to change his plan after selling to me upon it, what would be considered in society about his moral conduct?—We are all in the same boat there, because the law is passed by yourselves, as well as the lower House. If you wished to have preserved the rights of these men, that should have been put in the Act; you make the laws.

194. You know that the law gives power to administer, but it does not contemplate the Minister's proceeding beyond the ordinary provisions of morals and good faith?—But the Act expressly says that all the colony shall be open, except it is reserved under special sections.

195. You are aware that it was the intention of the Council to have all those regulations laid upon the table before they were enforced?—I beg your pardon—it is not the regulations, it is the Act itself which says that those lands shall be open.

196. The Act of 1869 has no such provision as to a person having a map shown to him at the time of sale?—No; but it says, that all the lands shall be open unless they are excepted under certain clauses.

197. You have some experience in administering the land laws; do you think any improvement could be effected, either in the Act itself or its administration?—No; I think, as it is, it works very well.

198. You think it is perfect?—Not at all; you cannot get anything perfect.

199. Is there no improvement suggested to your mind from your long experience in working it?—It is a very difficult question to answer, without thinking about it, seeing I had not the slightest knowledge of what you were going to examine me upon.

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continued,
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200. Your opinion is asked as an officer who has been administering the Act. Take, for instance, the point of view of selection; might the law be improved, or its administration?—Yes, it might be, in many ways.

201. In what direction can you indicate?—I do not think I could just now.

202. Nothing strikes you?—Not immediately.

203. Has no forcible point ever struck you as an officer?—No. Except in minor details, I think the Act works very well.

204. *By Mr. Russell.*—I understood you to say, that all the wood reserves are open to selection?—No, I never said that.

205. Wood reserves were not mentioned, but you made a firm stand that reserves were open for selection?—Certain reserves, but not reserves which have been set apart under clauses of the Act.

206. Do you know of any wood reserve having been set aside according to that?—Yes, there was the Terang timber reserve selected last year.

207. Selected?—Selected last year; the reserve was abolished.

208. You do not know of any wood reserve at all in the country but what may be selected to-morrow?—Yes; all the wood reserves are legally exempted.

209. *By the Chairman.*—How was the Terang one selected?—It was found unnecessary, being close upon the forest by Camperdown; so we threw it open.

210. Was that done merely by Ministerial authority?—By the Governor in Council; the exemption was taken off.

211. *By Mr. Mitchell.*—Then, in fact, there are no real reserves?—Yes.

212. Only reserved till the Governor in Council changes them?—Yes; but there must be four weeks' notice in the *Gazette*. It is not done without people knowing it.

213. But nobody has power to stop it?—No actual power.

214. If the Minister determines to do it, he puts it up into a schedule and it passes a form?—Except the permanent reserves.

215. In point of fact, there are no permanent reserves for timber?—They can all be thrown open, but there is a legal reserve in law, being set apart by the Act.

216. *By Mr. Russell.*—Before the Governor in Council did away with these reserves, do you know any case of a selection having been granted upon one of these reserves?—No.

The witness withdrew.

John Lewis, Esq., examined.

John Lewis, Esq.,
16th Sept., 1872.

217. *By the Chairman.*—What office do you hold?—I am the chief corresponding clerk, and I also attend upon the Board of Land and Works.

218. Do you keep reports of the Board of Land and Works?—Yes.

219. In the form of minutes?—They are kept in a schedule form, as dealt with by the Board.

220. In fact those schedules are prepared before the business goes before the Board?—Yes, and those schedules are put into guard books made for the purpose.

221. *By Mr. Mitchell.*—Those in fact are the minutes of the Board?—Yes.

222. Can they be produced?—Yes.

223. Are they in your charge?—Yes.

224. *By Mr. O'Shanassy.*—How are the schedules prepared?—They are prepared by assistants in my branch, the correspondence branch of the office, compiled from the papers which are referred to me for that purpose; applications with the minutes of recommendations of permanent officers whose duty it is to deal with those matters.

225. They send them to you?—Yes.

226. You have nothing to do with creating any original paper?—No.

227. Then, if any paper is lost in other branches of the department, and the rest of the papers are sent to you, you could not trace them?—No, that would devolve on the registry.

228. But if lost before they came to the registry?—Then the registry would only have a record of the officers to whom they were marked off as last referred.

229. They may be lost on the way round from the central office?—It is possible, but I do not think such a case is likely to occur, and I am not aware that such has occurred.

230. It may be a matter of information to you that papers have been so lost?—It may be, as I might not know it.

231. In making out a schedule in a given case, how do you show it?—The application reaches the registry, the clerk in charge of the registry puts the application in a foolscap cover and endorses thereon the subject of the application; that goes to the Head of the Department, whose duty it is to deal with the application, and finally it reaches me, if it is a matter for the Board of Land and Works, with the minute of recommendation of the Head of the Department who has had to do with it.

232. In preparing the schedule, what do you show upon the schedule?—The number of the correspondence, name of applicant, the subject of report and recommendation, and the outer column contains a space for the Minister's decision.

233. Then the case is ripe for decision?—Yes, usually; there may be cases where further information may be required.

234. Generally, what time does it take between the application and its being finally dealt with, in the event of there being no dispute?—Do I understand an application to a local land board?

235. An application for land?—The district surveyor is allowed I think eight days after the hearing of the application by the local land board, then he sends it to Melbourne. It should then be dealt with in the office. All those applications are recorded in local land board schedules, which schedules do not come to me; they are dealt with by another officer in another branch of the office.

236. What time does it take to reach you?—They do not come to me; they are dealt with in separate local land board schedules.

237. What is in your schedule?—All matters of general business of the office, except ordinary applications under the 19th and 49th sections of the Land Act.

238. *By Mr. Mitchell.*—They do not come to you?—No, except there is something special or irregular connected with them, and they have been referred to the district surveyor, or there has been correspondence. John Lewis, Esq.,
continued,
16th Sept., 1872.

239. *By Mr. O'Shanassy.*—Then, do I understand you to say that no case even of dispute comes before you?—No, there are cases when there is a dispute they come into my schedule.

240. But innumerable cases are dealt with by other branches of the department that you know nothing of at all?—Yes, a large proportion.

241. But in cases of dispute, they come to you?—Generally they do; but they may be dealt with in the other schedule; where there has been reference back to the local land boards or any local officers, they may come to me for the Board.

242. Is it in the power of the President, in receiving applications for land, to receive them from other branches of the department with which you are not connected, and then minute them off and say, so and so shall be done?—Applications are not received by the President, but they might be placed before him by one of the permanent officers.

243. And he may decide upon them without receiving any schedule from you?—I do not think he would—all those matters require to be dealt with by the board in its corporate capacity.

244. But where the President has done it without any schedule, merely minuted, what is to be done?—Then it comes into the schedule to be passed by the board.

245. Afterwards?—Yes.

246. But if I could bring you a case where that was not done?—I should not know of it, as it would not have come to me.

247. You have no absolute control?—No.

248. You only deal with what is referred to you?—Yes.

249. There may have been, for all you know, innumerable cases dealt with in other branches of the land office without your knowing it?—In other branches; if the President makes a minute I might not know it. If it is a subject that requires to be dealt with by the Board of Land and Works, it should go either into the local land board schedule or into my schedules. Of course, I cannot say what cases do not go into the local land board schedules—there might be some.

250. *By Mr. Mitchell.*—Supposing a man to apply in the usual way, peg off, and go through all the forms, and his case goes to the local board, and the local board recommends that the man shall not have the land, the man comes down to the Minister and sees him, and he orders the papers to go back again to the local land board, the local land board then sends it back again, and this time reverses their former decision—it then comes before the Board of Land and Works, does it?—Yes, either in the local land board schedule, or in my general schedule.

251. Why does it go before the Board of Land and Works?—Because the Act incorporating the Board of Land and Works empowers that board to deal with all matters appertaining to public lands.

252. But if the local land boards recommend that the man shall have the land in the first instance it would pass as a matter of course—it would not go to the Board of Land and Works?—Yes it would.

253. Then all lands given through the local land board pass through the Board of Land and Works? Yes; the province of the local land board is only to recommend.

254. Then the Minister does not deal with it without reference to the Board of Land and Works?—No, the local land board schedules are brought up into the board-room and dealt with by the President.

255. Is it not a fact, that the applicant goes into possession immediately upon the recommendation of the local board?—There was an order comparatively recently which the chairman of the local land board might issue to an applicant whose application is recommended an "order of occupation".

256. And have not persons gone into possession in virtue of those orders?—Yes.

257. Have they not been dispossessed since?—I think so, in a few cases.

258. Then this order of the local board is not a real authority for occupation?—In my humble opinion, it never was legally so.

259. But it has been deemed so?—It may have been by the public.

260. And honest and poor men, unable to distinguish between the action of the local and of the central board, have gone into occupation upon the land?—Yes.

261. And have since been dispossessed?—I do not know of any cases in which it has occurred, but there is always a possibility of it.

262. It does not at all follow that the Board of Land and Works will confirm the decision of the local board?—No.

263. And a man may, after some years, find himself out of possession?—That has never arisen, for the thing was only in existence a few months, and it is not now deemed necessary to continue it, for the local land board schedules can be now dealt with more rapidly in Melbourne than formerly. Those land orders were only issued conditionally, subject to confirmation, and to appease the desire of the selector to enter upon the land.

264. Was it so understood by the selector, or did it give him an idea that he had a right to the land in law?—I could scarcely give an opinion.

265. From your experience of the working of the land law, have not the selectors been put to a large amount of trouble coming backwards and forwards?—Yes, in many cases they have taken such trouble.

266. Did they come to town unnecessarily?—They need not have come to town; but no doubt they incurred great trouble and expense in coming to Melbourne, for there was often delay in getting a final answer.

267. Then the system is not self-adjusting?—It is now, I think; very little delay will occur in any case.

268. You know that this class of persons are not good penmen generally, and that they are not able to put their views before the officers without professional assistance in such a form that they can be replied to?—Yes, frequently.

269. Is not that a very costly proceeding?—Yes, very; but in many cases they take a journey to Melbourne.

270. Because they feel they cannot help themselves otherwise?—Yes, I believe so.

271. In cases of small lots of land, say twenty acres or ten acres, does it come within your knowledge

John Lewis, Esq., that men have spent more in coming to Melbourne than the land is worth?—I could not say; I do not know what they spent in coming down, but no doubt great expenses have been so incurred.

continued.
16th Sept., 1872.

272. *By the Chairman.*—As secretary to the Board of Land and Works, do you know whether the Minister of Lands reads those schedules for himself, or does he take the word of the permanent officer?—As far as I can state, the President sees the recommendation against each application, and that is generally so direct that he is able at once to decide thereon.

273. Does he take the recommendation without inquiry into the merits of the case at all?—If there is any difficulty in connection with the case, the officer in charge of the applications would bring that difficulty under notice.

274. If there is none, he just takes the words of the permanent head?—In case of difficulty, there would be probably no recommendation, so that the hand of the President would be stayed before he initialed it; he would be attracted by the absence of recommendation, and would ask for information on the case.

275. *By Mr. Mitchell.*—He puts his initials opposite the recommendation, and that means approved?—Yes.

276. *By Mr. Russell.*—Is it usual to answer all letters received by the Board of Land and Works?—Certainly.

277. Then, there could have been no reason for the Commissioner of Land and Works making those statements when he was before his constituents, some time ago, that letters were not answered?—There may be cases where long delay has led to the conclusion that a letter would not be answered, but the practice of the department is to answer every letter.

278. It has come under my notice that many letters have not been answered, and it must have come under his notice also?—I am not aware of those cases, as, of course, I could only be responsible for the correspondence that comes into my possession, and I never return papers from my room to the registry without replying, if reply be directed.

279. *By Mr. O'Shanassy.*—Is it in your experience that the department has been greatly increased because they have to answer such a great quantity of correspondence from the Crown tenants?—Yes, the correspondence has been enormously increased.

280. And is increasing?—I think it is about stationary now—the number of letters is not now increasing.

281. Do you think that the gradual operation of the payment being taken in rent will very soon get rid of that correspondence, when the Crown grant issues?—Yes, all those will cease to be tenants of the Crown, and so cease to correspond with the department.

282. Can you suggest any mode by which that might be hastened?—I think arrangements have been made by the present Minister to hasten all applications from licensees who are anxious to get fee-simple of their holdings, and as applications come in, they are to be disposed of without any delay at all in ordinary cases.

283. As long as the system prevails, you think, however, that the correspondence will be of a very enlarged nature?—It necessarily must be so.

284. It is, in fact, the landlord system on a huge scale?—Yes, it is.

285. *By the Chairman.*—I do not think you understood my question about these matters coming before the Board of Land and Works. What I wish to ask you is this—does the Minister just look at those papers and sign without asking any questions, having gone through the recommendation of the permanent head of the department—does he take that for granted?—No; allow me to explain—not only is the schedule brought to the Minister, but every application recorded in the schedule, and every application is numbered relatively to the number in the schedule; so, as the President passes through the schedule the papers are turned over, and at any moment he can refer to the papers and see the particular history of the case.

286. Does he inquire into the particulars of the case, or take it for granted?—I presume, if he thinks it necessary, he inquires. I have heard the President inquire into many cases.

287. But does he, as a rule, inquire into every case?—Many cases are so plain that he can dispose of them at once. We should never get through the work, if he inquired into all the simple cases.

288. *By Mr. O'Shanassy.*—Does the Vice-President act for him sometimes?—Not in reference to dealing with those schedules of lands.

289. He never, then, applies to him to do so?—I believe not. He could do so, and it would be competent for the Vice-President to act.

290. Can he take the professional head of the department and give him power to act in his absence for him?—No.

291. Has no such case arisen within your knowledge?—Not within my knowledge. The Act incorporating the Board would not admit of such a course.

292. But outside the Act, cannot he employ the Vice-President to act for him?—The President of the Board of Land and Works being the political director of the Lands Department would not, I think, ask a Vice-President to deal with matters involving questions of policy. He might ask a Vice-President to assist at a public hearing, as Mr. Casey has done on two occasions, being absent from Melbourne, hearing complaints, but not in dealing with the disposal of thousands of acres of lands.

293. Who gets up the policy of the department, so to speak?—The Minister and his Government.

294. As to the quantity of land to be sold by auction and selected?—The Minister will obtain returns for information whereon to form his judgment.

295. Are you aware of any plan by which the thing is systematized over a number of years, to say what may be done for a given number of years forward; is there any plan showing the policy of the department?—No, I believe not.

296. Each year speaks for itself?—Yes, I think so; and the policy I believe has been, to a great extent, regulated by the circumstances of the colony and by the demand for land.

297. And by the demand for money at the Treasury?—No doubt.

298. *By Mr. Mitchell.*—Can you produce the minutes of the Board when you may be summoned here again?—Yes, if the Committee will oblige me with particulars as to the dates of any schedules required.

The witness withdrew.

J. J. Blundell, Esq., examined.

299. *By the Chairman.*—What office do you hold in the Lands department?—I am clerk in charge of the issue of licences under the 19th and 49th sections and section 2, Land Act of 1869.

300. What are your duties in connection with the department?—My duties are to receive applications under the said sections after they are heard by local land boards, and cause them to be examined, to ascertain if there are any objections to them, submit them to the Assistant Commissioner, and carry out the direction of the Board in regard to them.

301. *By Mr. Mitchell.*—Does it devolve upon you at all to make any suggestions to the Assistant Commissioner, or to the Board of Land and Works, with regard to any matter in your office?—At times. Letters relating to applications for licences come to me and I report upon them, and occasionally, in making those reports, I make a suggestion, but simply as a suggestion.

302. But a suggestion as to whether a man should have a piece of land that he applied for or not?—Yes, occasionally.

303. You would suggest?—Yes, under some circumstances.

304. Will you give us an idea of what those circumstances would be likely to be, where you would suggest that a man should not have a piece of land?—In this case I see I made a suggestion that, as the Engineer-in-Chief had objected to the occupation of the land, that Crudden should not receive an extension.

305. An extension, or the land itself?—The extension.

306. He applied for two pieces of land, both of which the Engineer-in-Chief objected to?—I am not aware of the second piece.

307. *By the Chairman.*—He applied for ten acres?—Yes; and he got 5a. 1r. 20p.

308. *By Mr. Mitchell.*—Did you make any such suggestion as to the ten, when he got the five acres?—I was not called upon to do so.

309. There is nothing upon the paper to show that you were called upon to make a suggestion in the second case?—No; except that, in the first case, the papers came to me with a direction upon them; in the second instance they came to me without any such direction, and I reported.

310. *By the Chairman.*—Why was the extension curtailed?—It was never granted.

311. What was the reason that he got the ten, as the applications go through you?—I cannot say.

312. *By Mr. Russell.*—Why were those ten acres made a reserve originally?—They were not reserved.

313. They never were reserved?—No, as far as I know.

314. *By the Chairman.*—How did it come, after this minute, that an application for five acres is received and approved of in contradistinction to the ten for which he applied?—It was done upon the direction of the board—the licence was issued by the direction of the Board of Land and Works.

315. You had nothing to do with it at all?—I had nothing to do with it at all.

The witness withdrew.

Andrew Robertson, Esq., examined.

316. *By the Chairman.*—What is your office in the Lands department?—Chief draftsman.

317. Are applications referred to you at all for selections?—No, not generally.

318. I see, in the case before the Committee, Mr. Hodgkinson minutes his letters thus: "To Mr. Robertson—Do you see any departmental objection to the licence of this land under 49th section?—C.H. 2 | 12 | 71?"—Because he had some reason to think, probably that there was an objection, he might have thought so; in such cases they are referred to me.

319. Three days after you reply, that you are not aware of any objection?—Yes.

320. What are your duties in the Lands department in your office as draftsman?—I have charge of the whole of the professional branch, and the whole of the draftsmen and gentlemen connected with the professional branch.

321. *By Mr. Russell.*—Have you ever seen the word "reserve" upon any Government maps?—Yes.

322. How do you rule them from those charts, or have they been ruled?—There are various water reserves—some are proclaimed by the Governor in Council; some are departmental reserves; some under the 102nd section of the Land Act. There are various ways of creating a water reserve.

323. Wood reserves—is there such a thing as a wood reserve?—Yes, there is.

324. Marked off upon the map?—Yes.

325. Have any of those been erased and selectors been allowed to go upon them?—I have known of some being revoked by the Governor in Council, and then selectors went upon the lands.

326. What was put upon the map then?—The reserve is merely crossed out—the words "reserve," or "timber reserve," or "fire-wood reserve," are crossed out, and "cancelled" is written across that portion.

327. *By Mr. Mitchell.*—That is, if lands have been sold when at the time of the sale, the map was exhibited as having those reserves upon them?—No, I think not; it would be done before the land was sold.

328. *By the Chairman.*—For instance, there are plenty of old maps of the colony containing 5,000 or 10,000 acres, with an allotment on a creek marked "reserved," the whole of the lands in that map have been sold at various times, and those maps with the word "reserved" placed upon them, put in the hands of the purchaser in the sale room, and they bought with the conviction that there was a reserve left there for the public; how is that reserve removed from the maps from which those people bought?—In many cases the reserve was merely made by the surveyor who made the plans; he considered perhaps that that was a place that ought to be reserved; there is no other consideration but his own will.

329. *By Mr. O'Shanassy.*—But in giving maps to the public with the word "reserve" upon them, is there any explanation that they may be cancelled?—I believe not.

330. Is it not then a fact, that people buy with an obligation upon the Government to keep it?—There is no obligation I believe in that case.

331. If a map is put into your hand, and you buy from the Government upon that understanding, may that be fairly withdrawn?—Yes, I think so.

332. And no moral wrong done?—In some cases not; I think they ought to make inquiries.

333. Is not the map a mere deception upon the man?—I do not know that I could say that.

A. Robertson,
Esq.,
continued,
16th Sept., 1872.

334. *By the Chairman.*—If a man be selling a block of land in town, and there was a square or reserve for plantation, would not that person be guilty of deception or something worse, if, after selling all the other land, he was to sell the centre blocks also?—That construction might be put upon it.

335. *By Mr. Russell.*—Suppose there was a mistake made, and it was put down fifteen acres, whereas it ought to have been twenty acres, would those lands be rubbed out?—I think not.

336. You know no such instance?—I know no such instance.

337. *By Mr. O'Shanassy.*—Do you think it fair or justifiable to put charts in the hands of buyers and those charts to be subsequently altered?—I do not know, I am sure.

338. What is the practice of the department in this respect? Can they issue a chart showing anything, the same as if they were puffing auctioneers, and then afterwards alter it?—I think the Governor in Council has power to cancel reserves.

339. Have you not noticed that they have been brought up by the Supreme Court for doing such acts?—Yes.

340. In the case of Sandhurst and in the case of Melbourne?—Yes.

341. And therefore the practice has been condemned as immoral?—They were not real reserves.

342. But the word upon the documents was held to show in good faith what the Government intended to do?—Yes.

343. Supposing a chart was got out, with a railway upon it, and the buyers bought upon the faith that they would have a railway there, would they not be bound?—If they put "projected railway" I do think they would not be bound.

344. Then the notion of the Board of Land and Works upon the subject of issuing a map at the time of sale seems to be different from that of a private individual?—I do not know the kind of reserve that is upon the map you speak of.

345. "Proposed railway" written upon the map showing allotments to be sold?—I think it would be wrong to put that upon the map, unless it was intended that the railway should be constructed.

346. Would not that lead a man to the supposition that he was going to have something beside his land when he bought it?—It would appear so.

347. Is it not the same in the case of the reserve?—It would appear so.

348. Is there much surveying going on?—Yes.

349. For what purpose?—Selection.

350. Is there much land available that is surveyed?—Yes.

351. Can you inform the Committee why that land is not selected, and why it is necessary to have other surveys after selection is made?—The selectors choose for themselves—usually they do not take the Government surveys; they do in many cases.

352. Is there much surveying apart from selection going on?—Not much.

353. Is any required?—I believe a great deal is required, but the department will not sell always in the quantities desired.

354. That is by auction?—By auction chiefly—squattling properties; squatters wish to increase their areas.

355. Town lands?—There is a great demand; but chiefly we survey when the demand arises.

356. Have you any plan by which you can lay down, with something approaching to certainty, an estimate in your office, the quantity of land to be sold and the amount it will realize for any given number of years?—No, we have not.

357. How is that done?—I do not know. The Ministry for the time being are restricted to the quantity of land they shall sell by auction.

358. They restrict themselves you mean?—No, the Legislature restricts them.

359. How?—To 200,000 acres a year.

360. But they are not actually restricted to that, if they think proper?—No, they can do as they choose, I presume, with the consent of Parliament.

361. There is no settled plan of that kind that the department will carry out?—No, there is not.

362. With respect to the surveys for pastoral tenants who want to increase their area, the whole subject is subject to the discretion of the President?—Yes.

363. *By the Chairman.*—Do you find those surveys turn out generally correct?—Yes, tolerably correct now.

364. They were not so at one time?—Some of the surveys were not correct.

365. *By Mr. O'Shanassy.*—What is the cost of the surveys to a selector now, by the system of employing other than Government surveyors?—I think he pays £2 for 20 acres; there is a regular scale—paying more, according to quantity.

366. What does it cost the Government to survey under the present system?—I really could not say; the surveys are so isolated, one piece may be twenty miles away from the other, and the cost of travelling is great.

367. But if the surveys were continuous?—About fourpence.

368. And isolated surveys for private persons are sixpence?—Yes, more or less, according to area.

369. *By Mr. Mitchell.*—That is allowed afterwards in the rent?—Yes.

370. *By Mr. O'Shanassy.*—What is the rate for 20 acres?—£2 I think, £4 for eighty acres, and £6 for 160.

371. For 320 acres, how much?—I forget.

372. Those payments are allowed in the rent?—They are allowed in the rent—they are allowed in the final purchase.

373. Does this surveying give rise to much dispute, as between surveying on private account and the Government plan?—I think not.

374. Are you able to bring the surveys into connection without trouble about title?—Yes.

375. You have no cases of what are called shingle-titles—over-lapping?—I do not know of a single case.

376. *By Mr. Russell.*—In this case of Crudden's, is there a mark upon the map that it is reserved?—No, it is not marked. It never was marked as a reserve.

377. Is the line of railway laid off near to this?—It is close to it.

378. Does it go through it?—No, it does not.

379. *By the Chairman.*—I see in the correspondence Mr. Skene's minute to my letter, requesting that the land may not be approved for selection on account of being close to the railway—it is to this effect—“The land to the south of the road is colored on the charts as exempted from application; that to the north of the road being required for railway purposes (probably), I would recommend should at once be exempted from application”—that is on July 20th, 1870?—That is a portion to the south of Crudden's, it is south of the railway line.

A. Robertson,
Esq.,
continued,
16th Sept., 1872.

380. *By Mr. Russell.*—Is it near water?—I believe it is on the creek.

381. Will it be quite necessary for the engines to receive water there?—I really could not say, but the reserve mentioned has no connection with Crudden's land—it is about six or seven chains away from it.

382. *By the Chairman.*—It is only upon the other side of the railway—it is only one chain wide?—It is six chains wide.

383. All along?—Yes, at that place it goes up to the piece reserved for watering purposes.

384. The piece reserved for watering purposes goes up to the Telegraph road?—There are two—one on the north side of the telegraph line, and one on the south side.

385. Is there any fixed area of frontage to the creek which a person gets in taking up a selection?—I think the rule is twenty chains for a 320 acre piece, and a lesser frontage in proportion to area.

386. How does it happen that this person gets that frontage for five acres of land?—He gets no part of the water frontage.

387. *By Mr. O'Shanassy.*—He merely has access to it?—He merely has access to it.

388. *By the Chairman.*—Is it the duty of any person in the department to see that the public have access to the water?—Yes.

389. Who is that?—The Crown lands bailiff.

390. Had you a bailiff there?—Yes.

391. Does he do his duty?—I believe so.

392. Has he ever told you that the road is shut up?—If he got any complaint, he would report upon it.

393. He would not do that of himself?—It is part of his duty to remove any obstruction.

394. *By Mr. O'Shanassy.*—You have long experience of the Board of Land and Works?—Yes.

395. Have you met with anything in which the system wants improving, or, is it perfect?—It is very good, so far as I know.

The witness withdrew.

Adjourned to Tuesday, 24th instant, at Two o'clock.

TUESDAY, 24TH SEPTEMBER 1872.

Members present:

The Hon. R. SIMSON, in the chair;
The Hon. W. H. F. Mitchell | The Hon. W. Degraives.
P. Russell

Henry Byron Moore, Esq., further examined.

396. *By the Chairman.*—Do you produce the regulations which were asked for at the last meeting?—Yes—[*The witness handed in the same*]—they are all in the book but one, which I cut out of the *Gazette*; as to the return, I am sorry to say it is not ready. I only came down from the country yesterday, but the Minister has made a minute to the effect that it is being prepared with as great dispatch as the urgent business of the department will permit.

H. Byron Moore,
Esq.,
24th Sept., 1872.

397. *By Mr. Mitchell.*—Are there no private regulations or instructions to officers as to the principle upon which lands are to be given away either by the department or by boards?—There may be circulars from time to time, but they are not regulations; they are only directions. I understood you only wanted the regulations under the Act.

398. *By the Chairman.*—Are not all regulations supposed to be under the Act—are there any regulations beyond the Act?—Those are departmental orders—instructions issued to officers. I could get you a copy of the circulars issued, if you wish.

399. *By Mr. Mitchell.*—If a man applies for land, it goes before a local land board, and the report of the land board comes before the department—are there any regulations to the officers of the department how to treat those applications?—I do not think any, beyond what there are there.

400. There does not seem to be any system here indicated how those recommendations of the local land board are to be dealt with?—Yes; I can show it you in the printed regulations.

401. But is it not a fact that those printed regulations are not adhered to?—Yes.

402. But in particular cases, it is as the Minister pleases, or, as you call it, the board?—[*The witness pointed out a paragraph in the regulations.*]

403. This does not show the principle upon which the land is disposed of—this merely shows that the land board recommends?—That is all they ever do, and, as a rule, their recommendations are carried out by the Board of Land and Works.

404. *By the Chairman.*—In this particular case into which we are inquiring, the recommendation of the local land board was set aside altogether?—There are such cases, I know.

405. What other influence is brought to bear *versus* the influence of the local land board?—As far as my own district is concerned, as I can only speak of that of my own knowledge, they are carried out; and if the Minister does not approve of the recommendation, they are referred back specially to take evidence before the board.

406. In this special case it came twice, if not three times, before the local land board, and in each case it was recommended not to be alienated, and yet I think it is alienated—what influence was brought to bear upon the department in this case?—I do not know anything of this particular case.

H. Byron Moore,
Esq.,
continued,
24th Sept., 1872.

407. *By Mr. Mitchell.*—This particular allotment was not granted but leased under one of the clauses of the Act—which would it be?—Either the 19th or 49th; those are the two clauses under which land may be licensed under the Act.

408. Will you point out that 49th clause?—[*The witness did so*].—There is a regulation under the 49th clause restricting it to one licence to one person.

409. Under that clause did the licensee acquire any right to the land?—In this special case?

410. Yes?—No right, under the 49th section; it is merely a licence not convertible into a freehold—it is a yearly licence.

411. He merely is a tenant for a year?—That is all.

412. Are there no cases in the department of a man obtaining land under the 49th clause having obtained a freehold?—Not unless it is put up to auction; there is no other way of his obtaining it; there is no possibility of it.

413. No possibility of it?—No; it is no step towards alienation, a licence under the 49th section.

414. *By the Chairman.*—Can you tell the Committee the acreage of commonages throughout the colony?—I think I can from the last report, which I have brought up with me—[*The witness referred to the same*].—No, I could not give you the total commonage; there are only the year's transactions.

415. Can you get it for the Committee?—I could obtain the information approximately, but we do not keep count of the selections made off commons.

416. But the gross amount of acreage that has been proclaimed as commons in the colony?—Yes.

417. *By Mr. Mitchell.*—In fact, are not all the commons open for selection?—Yes. The proclamation of a common does not withdraw it from selection.

418. *By Mr. Russell.*—To what extent—320 acres?—Three hundred and twenty acres under the 19th section.

419. *By the Chairman.*—Is the third introductory clause to the Land Bill, defining the amount of water frontage that may be given to a selection, observed by the department?—Yes, we never exceed that.

420. You never exceed that?—No.

421. There is no regulation to alter that, for I know cases where that has been exceeded, and that very much?—There was a departmental order the other day that, if streams were not permanent, that clause did not apply—it was only to apply to permanent creeks.

422. *By Mr. Mitchell.*—What does the department understand by a permanent stream?—Permanent water, not running, but that it should hold water always.

423. *By the Chairman.*—For instance, take a water channel like the Emu Creek; is that considered permanent water?—Yes, I should say so; I should consider it permanent water.

424. Then the regulation of the third introductory clause allows a quarter of a mile for 320 acres?—Yes, and in like proportion, for a lesser area.

425. That is invariably carried out, you think?—Yes, invariably carried out. Of course I only speak to my own knowledge, and more particularly to my own district.

426. I may say, that I had a letter to-day from a gentleman in another part of the country drawing attention to the fact, that the department allows a much larger area, and reserves two or three chains for frontage to the water, and then he is allowed to take up a strip?—It is not frontage if it is a strip, but he is not allowed to take it in. If any claimant notified that to us and we found any inconvenience took place from it, we should set a bailiff upon him to make him take off his fence.

427. Is it the duty of the bailiff to look after these things?—No, I do not think it is; he has so much else to do.

428. What has the bailiff to do?—To carry out our instructions to him.

429. Is it not part of his instructions to see the selectors do not take land that does not belong to them?—Yes.

430. Would he not have to look after it?—Yes, but they might escape his attention.

431. *By Mr. Russell.*—Can any person settle down upon a reserve?—How settle down?

432. Build a hut?—He cannot settle down anywhere without permission, even if it is not reserved. I think it is a ground of refusal if he takes possession without leave from the department.

433. The land bailiff must know if he settles down without permission?—We rout them out wherever it is pointed out to us. He might have gone down under a miner's right, and that is not under our control; a man pays five shillings per annum, and he can settle down anywhere he likes.

434. *By Mr. Mitchell.*—What are the duties of the Crown lands bailiff?—To prevent the illegal occupation of land and illegal removal of stone, timber, and sand.

435. Is it their duty to report that the conditions upon which lands have been leased or licensed are not fulfilled?—They are not instructed to do so; the districts are so large and they have so much else to do, that it would be impossible for them to do it.

436. What means has the department of knowing that the conditions upon which the land is parted with are fulfilled?—General knowledge of the officers.

437. They have no means of knowing?—No systematic means.

438. I suppose you know it is a fact, that a very large number of people now are holding lands upon which the conditions are not carried out?—Not a very large per-centage.

439. There is a return from your own department of twenty-five per cent. all in that condition?—I do not believe that it is so at all; that was not a return, it was merely a hap-hazard statement.

440. We know in many cases the conditions are not fulfilled, for we know of those?—It may be so in many cases.

441. In fact, the department do not know it; they never trouble their heads about it at all?—No, but generally that is pretty well known and conveyed to us. I know it is so in my district, and immediately I call upon the man to show cause why his land should not be forfeited.

442. I know a large district of country where the men are all dummies, and yet nobody takes any notice?—It will do no good to them; they cannot get the fee-simple at the end of three years.

443. Why?—Because continuous residence is necessary.

444. But in the meantime a Bill may be introduced to do away with that?—We cannot help that.

445. *By Mr. Russell.*—If a man is brought up before a local land board in that way, do you recommend that his licence should be cancelled?—We do.

446. *By Mr. Mitchell.*—Have many such cases occurred where the licence has been recommended to be cancelled?—Not very many.

447. In fact, there are districts where no such thing has ever occurred?—That I could not say.

448. *By the Chairman.*—Are the circulars sent to officers containing further instructions generally printed?—They are generally lithographed.

449. *By Mr. Mitchell.*—But as to the land boards, are there no instructions to land boards excepting what there are here?—Yes; a few circulars have been issued to chairmen of local land boards.

450. Is that very recently?—I think one was issued about six weeks ago.

451. *By Mr. Russell.*—Does the Act say anything about local land boards?—Yes, the 100th section provides for them.

452. Then how does the law apply, for the Minister of Lands to over-ride a local land board, supposing that the local land board recommends and you recommend differently?—But I am generally upon those land boards.

453. But as Chairman, you might not agree with the other members of the Board, and you may, on your return to the office, report your own views on such a case, and your views are carried out in opposition to the other members of the local land board—has the Minister that power?—The Minister has power to do just what he likes.

454. *By the Chairman.*—Then the local land board is a mere farce?—No; it is very useful. I can say from my own experience in my own district—the land there is within settled districts and is good, and nobody applies for it but wants it and it is good enough to keep. With reference to any returns or circulars issued, I think it would be better to apply to Mr. Hodgkinson; they are issued by the Administrative department, with which I have nothing to do.

455. *By Mr. Mitchell.*—There are portions of your district reserved because they are of special value—reserves for water and so on?—Yes.

456. Then all at once, there is a policy starts up in the department to give away those blocks?—If they are found not to be required.

457. In your own district, where those portions of land have been reserved and retained on account of their peculiar value, and they have been given up, upon what principle has the applicant for those lands been selected; or rather, the person to whom it should be given?—We generally draw lots; you cannot pick the applicant out of fifty or sixty.

458. Those pieces of land are generally very small in quantity?—Very small; we make them small, because of their value.

459. And when they are given away they are too small for people to settle upon?—No, I think not; they are valuable enough for people to settle upon.

460. Suppose two men are equal in every point, date of application, and other things, upon what principle is it decided that one man shall have it in preference to another?—We generally make them draw lots; it would be invidious for us to select a man.

461. Is it not the principle in the Land department that the poorest man shall have the land?—No, it is not the principle I adopt.

462. *By Mr. Russell.*—If a man have 640 acres, he cannot select?—Any man who has been a selector under any Land Act of 320 acres cannot select.

463. But by purchase?—There is nothing to bar him in purchase.

464. But it is never granted?—If a man came up with a great quantity of land, and another wanted the same land who had none, I should recommend the man who had none, all other things being equal.

465. *By Mr. Mitchell.*—Though he had no means of making use of it?—You would have to prove that.

466. But you say, you would give him it, if he had nothing?—He may have a good account at his bankers, though he may have no land.

The witness withdrew.

Mr. John McGibbin examined.

467. *By Mr. Mitchell.*—What is your occupation?—Clerk in the Crown Lands Office.

468. Do you produce the Minutes of the Board of Land and Works which the Committee at its last meeting ordered to be brought?—Yes; on behalf of the Secretary of the Board of Land and Works.—
[*The schedules referred to were produced and handed in.*]

469. You do not know how far they extend?—The dates are marked upon them.

The witness withdrew.

Ordered—That this Committee be adjourned to to-morrow at three o'clock.

TUESDAY, 1st OCTOBER, 1872.

Members present:

The Hon. R. SIMSON, in the chair;

The Hon. W. H. F. Mitchell
P. Russell

The Hon. J. O'Shanassy
W. Degraives.

A. Morrah, Esq., examined.

470. *By the Chairman.*—What is your department in the Lands Office?—I am chief clerk in the department, and I have special charge of the revenue of the land sales and leasing of land; not licensing, but leasing.

471. Did this case upon which this Committee is sitting come before you?—I have no recollection of ever seeing it till after the papers were moved for in the House.

472. Have you anything to do with recommending the licences at all?—Not as a rule; I have sometimes done it in Mr. Hodgkinson's absence.

Mr. J. McGibbin,
24th Sept., 1872.

A. Morrah, Esq.,
1st Oct., 1872.

473. Are you his deputy in his absence?—Yes.
474. Do you hold the same position with regard to Mr. Hodgkinson that Mr. Moore does with regard to Mr. Skene, in his absence?—Yes, in that respect; Mr. Moore always is Mr. Skene's deputy.
475. Mr. Moore says that, in Mr. Skene's absence, he can go on with anything that Mr. Skene has been going on with?—Yes.
476. So that, in Mr. Hodgkinson's absence, you can undertake anything that he could?—Yes, except in some special duties which he has, such as the parks and public gardens and professional work.
477. Do you sit upon the Board of Land and Works?—No.
478. You have nothing to do with that?—I have nothing to do with that.
479. *By Mr. Russell.*—Has any correspondence passed between you and any one respecting this application of Crudden's?—I have no recollection of anything of the sort till after the papers were ordered by the House.
480. *By the Chairman.*—Do you make memos. or recommendations to the Board of Land and Works upon any recommendations?—Yes.
481. In Mr. Hodgkinson's absence?—Whether he is there or not; I minute a great many for the Board.
482. The applications for licence of land?—No, applications for purchase and for leases. I have to see that the territorial revenue is kept up to the mark.
483. *By Mr. O'Shanassy.*—That is, after the policy of the department is determined by the President, you only carry it out?—Yes.
484. You have nothing to do with any originating of policy?—We furnish an estimate of the revenue every year when the Treasurer calls for it.
485. To show what will probably come in?—Yes.
486. How is it done?—As far as rentals are concerned, of course it is based chiefly upon what has been done in the preceding year, and the quantity of land we expect to be selected; as to auction sales within the limit fixed by the Act, it is within the discretion of the Minister.
487. What is the limit?—Two hundred thousand acres.
488. What sort?—All sorts of land.
489. Estimated to bring in—?—There is no limit to the amount.
490. Is there any way of getting any uniform estimate of the quantity and the amount; that is, when you have 200,000 acres to sell, you may sell it in pieces here and there throughout the country, in continuous blocks, or in pastoral districts; for I imagine that the agricultural land must be nearly gone?—Yes, a great part of the revenue from land lately has been from town lands about Melbourne, which has brought very high prices.
491. Will not that die out as population increases?—I imagine it will.
492. There is no settled plan to ascertain the income from sales?—No.
493. How is it done? is it by picking up pieces about towns?—Principally by persons making applications to purchase lands.
494. But I speak of town lands?—It is done in the same way, by persons making applications for land.
495. Then it is not a settled system—it is dependent upon circumstances?—If of course there was not a sufficient number of applications to keep up the revenue, of course I should report it.
496. Have there not been a great number of applications for pastoral country to be put up lately?—Yes, they are standing over for the present.
497. That can be fallen back upon for money?—Yes, it could be done.
498. Can you approximately state the quantity of land now left open?—I could not say.
499. Are there ten million acres?—I should think not.
500. Are there five?—There may be.
501. If that is sold at a pound an acre, it being pastoral land, you could make an estimate?—I could make an estimate.
502. Would it be inconvenient to you to make an estimate of the probable income to be obtained in five years from the sale of land by auction, apart from town lands or lots; country lands, naming the localities and the counties; and also of the amount and value of the lands likely to be selected in the same period: keeping up the same ratio that they have now, what would be done?—It could be done.
503. Of course selection has to be taken into account?—Yes.
504. Is it dying out or is it extending?—It is kept up pretty well; there is not the same excitement that there was.
505. That is, there is not the same number of persons securing land?—No, I think not.
506. *By Mr. Russell.*—Are not the same individuals selecting a second time?—Not as a rule; there are a few cases of that sort.
507. *By Mr. O'Shanassy.*—You have nothing to do with the looking after the fulfilment of the conditions?—Under the present Act the time has not expired yet.
508. That is done, I understand, by bailiffs in the locality?—Yes, they have done it under the 42nd section.
509. Would you describe the process by which you carried out the law with regard to improvements and residence?—The 42nd section requires residence. A man sends in a form applying to purchase his holding; we apply to the Crown Lands bailiff or to a policeman and get a report upon his improvements.
510. Have you no other check in the locality than that the improvements are certified to by a policeman or a bailiff?—None beside that. We then send to the district surveyor to know if he has any objection, and to the Mining Department, and if there is no objection we recommend the application.
511. Upon the valuation made by the policeman or the bailiff, as the case may be?—Yes.
512. How do you find those valuations come in?—Very fairly, upon the whole.
513. What are the valuations upon forty or fifty acres of land under the 42nd section—do they invariably come up to a pound an acre?—Not invariably, but in far the greater number it is made up.
514. How is this done?—By ploughing, clearing trees, making water-holes occasionally, drainage, fencing, and dwellings.
515. Do you consider houses and fences as improvements?—Yes.
516. Burning off timber?—Yes, sometimes.

517. All these sometimes come in in the bailiff's report?—Yes.
518. But strictly there is no very direct supervision over it?—No.
519. There are cases where those reports are sent in that are not *bonâ fide* from people not in the strict sense of the word settlers?—Of course cases have been reported to us where they have not been *bonâ fide*.
520. Have there been many of those cases?—No, not many.
521. Is there any check upon that?—We trust entirely to the bailiffs.
522. *By the Chairman.*—Is the bailiff a paid servant of the Crown?—Yes.
523. What salary does he receive?—I think about £180 a year beside forage allowance.
524. *By Mr. O'Shanassy.*—Does he travel about?—Yes, about his district.
525. And reports when called on to do so by the department?—Yes.
526. *By the Chairman.*—Does he get house accommodation too?—Only in one or two cases.
527. *By Mr. O'Shanassy.*—You have had large experience in the working of the Act; can you suggest anything in the way of improvement of it?—I should not like to do so upon the spur of the moment.
528. You have not thought over it?—Occasionally things have struck me.
529. Is there not occasionally great contradiction between the central department and the local land board, and going round of papers and decisions before a man knows finally where he is?—There has been a good deal of delay.
530. Even now, when a man purchases his freehold, is not the process you described of going to the bailiff and the Mining department and the district surveyor a lengthy process?—Yes, it takes a long time.
531. Two or three months before the thing can be dealt with finally?—Sometimes it does.
532. *By the Chairman.*—Is there any systematic description of lands open for selection in the department, or are they all open for selection, however valuable they may be?—I believe the Act says that all lands shall be open for selection.
533. *By Mr. Russell.*—Wood reserves?—It empowers the Governor to make reserves.
534. *By the Chairman.*—Does it recognise the reserves that are marked upon charts used at sales in the early days of the colony?—We do not recognise such reserves as irrevocable.
535. That is, you put maps into the hands of intending purchasers in the sale-room with the word "Reserve" marked upon those, and sell every lot save those marked "Reserve," and people buy with the feeling that that is a permanent reserve, and yet those reserves are looked upon by the department as no reserves at all?—They are not looked upon as irrevocable reserves at all.
536. Do not you think it is dishonest to put a map into an intending purchaser's hands, with all the other lots open and about to be sold in the room except that one lot, and then, after that purchaser had bought the land, to do away with the reserves by a mere stroke of the pen—is there no dishonesty in anything of that sort?—I do not think it was the intention of the law that those reserves should be permanent.
537. *By Mr. Russell.*—Was it the intention that those reserves should be selected?—Even in the case of a gazetted reserve, there is power in the law to revoke it by a certain process.
538. Is it not a sort of deception upon purchasers if they bought the land upon that understanding—would it not have been wiser to take the word "Reserve" altogether out of the map?—Perhaps it might be, but there was nothing to justify those persons in supposing those reserves would be kept for ever.
539. Yet the Supreme Court has said they were justified in it?—In the Wellington Parade case; it was a proclaimed reserve.
540. Merely in the same sense as the land was purchased from a map with the word "Reserve" upon it?—The reserve was mentioned in the proclamation of the Governor's.
541. At the time of the sale, or before, or after?—After the sale.
542. Do you know anything of a selection which Mr. Hodgkinson refers to, as being opposed to be selected by me, about five miles distant from Crudden's selection, which Mr. Grant, the then Minister of Lands, upon a written application from me, put up for sale?—I do not recollect the case. What was the name of the selector?
543. Burn. Mr. Hodgkinson refers to that particular application, that I opposed it strenuously; did it come under your notice?—I recollect a man of the name of Burn.
544. I have an answer from you, stating that there was no objection, from the Minister of Lands, to putting up the land for sale; it was put up for sale and withdrawn; it was gazetted again, and again withdrawn. Why, I do not know, but Mr. Hodgkinson, in a letter read to the House, stated that he considered it to be his duty to allow the land to be selected?—I recollect a man named Burn who used to come to the office and wanted a piece of land in that neighborhood sold.
545. That was the lot; every acre in the map was sold but that one; and the word "Reserve" was marked upon it upon the map in the sale room, and it was applied for by a person who bought all the surrounding land, to be put up for sale, and it was put up at £2 an acre; and yet Mr. Hodgkinson says that the policy of the Government, and of all preceding Governments, was to put up that land for selection; is that the practice of the Department?—It has been frequently done, to withdraw land after it has been gazetted.
546. *By Mr. Russell.*—There is a circular issued on the 8th of February, 1870?—That is the one on the 4th February, 1870, which I think must be the one referred to.
547. What is it about?—I do not know that it has any particular bearing upon the point—[*handing in a paper*]; I believe that is the circular referred to.
548. *By the Chairman.*—When land that has been put up for sale is withdrawn from sale and opened for selection, how is it done?—By an order of the Minister.
549. Written or verbal?—That has been done upon the verbal authority of the Minister.
550. Is it ever done without the Minister's consent at all, or his being asked about it?—Land is often withdrawn from sale without his consent.
551. Or knowing anything about it?—If he is absent, we have frequently to withdraw it from sale, on account of mining objections, at the last moment.
552. Have you ever known of land being withdrawn from sale and thrown open for selection without the Minister knowing?—I should think he would be consulted.
553. *By Mr. Russell.*—Crudden's application, objected to by Mr. Hamblin, and Mr. Simson, and Mr. Morres; and the remarks go on to say also, "See circular, February 8th, 1870," which would look as if

A. Morrah, Esq.,
continued,
1st Oct., 1872. the circular supported the views of Messrs. Simson and Morres, and that is the circular I would like to see. As it appeared, the circular forbade the application to be entertained?—I made search for that circular and could not find one of that date; that is the nearest date that I could find.

554. I should like to see the circular?—I will have further search made for it.

555. *By Mr. Mitchell.*—How much land was sold last year? was it up to the 200,000 acres allowed by the Act?—No; I think about 170,000 acres.

556. *By Mr. O'Shanassy.*—How much was selected?—I could not say at present, but I can have a return made of it, and send it in to you.

The witness withdrew.

Alexander John Skene, Esq., Surveyor-General, examined.

A. J. Skene, Esq.,
1st Oct., 1872. 557. *By the Chairman.*—Will you state to the Committee what your duties are?—They are rather numerous and diversified. I have the superintendence of all the survey operations in the colony, and when in Melbourne attend of course to any particular duties that the President for the time being may direct me to take in hand; the pastoral occupation of the country is also under my particular charge.

558. Is it your duty to recommend lands for sale, to indicate where lands are for sale, and what lands should be sold?—Not particularly; of course the Minister may request me to report.

559. But it is not part of your duty as Surveyor-General?—No, I think not.

560. You are not supposed to indicate land?—Every portion of land put up for sale does not come within my cognizance; in the sale of country lands, I am generally consulted.

561. Or in the alienation of them by leasing or selection, or otherwise, or merely by sale?—Principally by sale of course. I sit as a member of the Board while applications under the 19th section are being considered, but not always so.

562. Under the 19th section?—Yes.

563. Only under that section?—I say, in addition to the duties of reporting upon lands offering for sale by auction, I sit at times upon the Board when applications under the 19th section are being considered.

564. But only under that one section of the Act, because there are other sections under which selections are made, are there not?—There is the 49th, but the Board does not—

565. Do you generally sit as a member of the Board?—Not always.

566. *By Mr. Mitchell.*—Whenever requested?—Whenever requested.

567. *By the Chairman.*—Do you make any schedule of the lands in the colony that may be offered for sale, and the computed revenue from those lands for a series of years?—No.

568. Is it done from year to year from hand to mouth?—It is done from hand to mouth.

569. Did the case of Crudden, upon which the Committee is sitting, come before you at all?—I have dealt with it, I think, on more occasions than one.

570. There is no minute of yours, I think, in those books that have been put before us respecting it?—No? The book would show at once whether I had any dealing with it originally at the sitting of the local board.

571. The local land board?—Yes.

572. You sat upon the country board once, when it was before you, did not you?—I am not very positive, unless I saw the papers. I have an impression that I sat at a local land board, and the recommendation made was, that the land should not be placed under licence.

573. *By Mr. Mitchell.*—Why should it not be put under licence?—From my knowledge of the country at that particular spot, and knowing the projected railway crossed the river at that point, I thought it was very desirable that the small portion of land which was, to my recollection, always above the highest flood mark should be reserved in connection with the requirements of the railway at that point.

574. You mean, by not being put under licence—you mean under the 49th clause?—Under licence of any sort, that the possession of it should not, in any form, go from the Crown.

575. But when the land is put under licence, as it was, say under the 49th clause, the occupation of the land was only for one year?—Yes, from year to year.

576. And the licensee was tenant-at-will?—Yes.

577. Where was the danger of letting a man have it for one year?—Practically, the difficulty is, that if a man is once allowed to go upon the lands, it is difficult to get him off in any way.

578. *By Mr. Russell.*—Was there any circular to the district surveyors not to allow such applications as those?—I think not.

579. *By Mr. Mitchell.*—You say that the effect of giving a licence is generally recognised in the department as ending in a freehold?—Practically, I must say that it is so.

580. Are you aware of what was the nature of this Land Bill that was proposed?—I did not study it very particularly.

581. Had not the department a good deal to do with it?—I can only say for myself that I had very little indeed to say to it.

582. You did not know the contents of it?—I never studied it.

583. Do you know that one clause of it proposes to give all the licensees under that 49th clause the land they hold in freehold; are you aware of that?—I really would not like to commit myself upon the subject; I know generally that the provisions of the 19th section were to be extended to licensees under the other sections.

584. But that practically would have made no difference; for, as it is now, a man licensed to hold land has retained it?—I know no instance in which a man licensed has been ejected by the Board of Land and Works.

585. *By Mr. O'Shanassy.*—In licensing in the first instance, do they give him land worth £20?—It may be; it is in their discretion.

586. And according to the practice of the department, that which is in appearance only a licence from year to year becomes a freehold for a payment of only about 16s.?—That does not necessarily follow; the value of the land is not necessarily fixed at the price of £1 an acre; higher prices have sometimes been taken.

587. That is, you send and have it valued?—Yes.

588. But is not that a nominal valuation?—Not in all cases.

589. But does not the bailiff or the policeman fix the valuation?—Mr. Morrah has generally dealt with it.

590. If Mr. Morrah states, as he did a few moments ago, that it is left to the bailiff or the policeman, and that that is usually taken?—If Mr. Morrah says so, I cannot contradict him.

591. Those are fortunate men who get these fine pieces of land in that way?—No question about that.

592. Would it not be essential that, in the case of pieces of land of extreme value like that, the system of licensing should not be adopted, but that it should be sold by auction according to the intention of Parliament, so as to get its full value—is there not an unfairness in giving to one man pieces of exceptional value in that way?—Parliament, in its wisdom, declared that all lands in the colony should be open for selection.

593. Then why is any land sold by auction?—The law also lays it down that a certain quantity shall be sold by auction.

594. Then Parliament, in declaring that some shall be sold by auction, has not in the first instance declared that all lands shall be licensed—do you think that Parliament knows really what is done under this Act?—There is a report by the department from year to year, of the lands alienated and sold, and the prices.

595. Is there any special attention drawn to this class of licensing, and the effect it has in giving valuable pieces of territory without getting full value?—No.

596. They are not informed of that?—No.

597. If I were to tell you that, having been a member of Parliament twenty-five years, I never knew till this moment what you just tell us, what would you think of the administration?—I think you must have been rather more unobservant than people generally give you credit for.

598. Is it not the case, that there are such things as proper representations—in plain terms, many of those lands are given under political influence brought to bear upon the Minister for the time being?—In most cases I should say certainly not.

599. Then how were those special advantages obtained?—The first man that came got it.

600. If there was no competition?—Yes.

601. By merely applying?—By merely applying.

602. How is it that you have no lands thrown open for auction under such circumstances, of any exceptional value?—Lands within boroughs?

603. I am talking of country lands?—There is a very small extent of country land left now worth more than a pound an acre.

604. It is becoming inferior every year?—The most valuable lands are being absorbed.

605. As a matter of practice, is there difficulty in adjusting boundaries with a view to give title?—We have had considerable difficulties there.

606. You are aware that in America they have what they call “shingle” titles, which overlap, and give rise to great controversy?—Yes.

607. Have you any difficulty arising out of the district surveyors being not responsible to the Government?—We have no cases of actual overlapping.

608. *By the Chairman.*—I think I know of one at present?—When I say no cases, I mean none of consequence.

609. *By Mr. O'Shanassy.*—You think that, upon the whole, the general surveys and special surveys for selectors will harmonize?—Yes.

610. Is that a costly process?—Not very.

611. Where you have a case of that sort, what fee does the surveyor get over and above his original fee of 2s. 6d. an acre?—He is paid according to a schedule of prices—so much per mile.

612. Supposing you gave him 2s. 6d. in the first instance upon 100 acres, and afterwards sent him down the papers again to get the boundaries re-adjusted, what do you pay him then?—We pay him per mile, and he makes the actual surveys at the rate of 30s. to 35s. a mile—a mile of boundary line.

613. When a modification takes place, what would it come to per acre?—That depends entirely upon the extent of modification required.

614. In any case within your experience, has it come to four or five shillings an acre?—Certainly not.

615. It is 2s. 6d. in the first instance?—Barely that, I think.

616. *By Mr. Mitchell.*—It would be more than that upon a small allotment?—No; if you will give me the Land Act, I will show you the provision.

617. *By Mr. O'Shanassy.*—My object is to see how much the Crown gets nett, having allowed the tenant so much in the survey, assuming the average of selections to be 100 acres, as I believe it has proved to be?—Yes.

618. How much would the Crown get nett upon that 100 acres?—[*The witness referred to the Land Act and made a computation.*]—It would cost for 100 acres 10d. an acre.

619. That is £4 3s. 4d.?—£4 10s. for 100 acres.

620. Then there is the title deed—is not that allowed?—No, he pays the title fee.

621. But in modifications, how much more would it come to?—Modifications, where required, might come to about half that amount; to take one case with another, half the amount of the original survey.

622. We have asked Mr. Morrah to supply us with an estimate, for the next five years, of the probable quantity of land to be sold by auction, and the value of land, and the quantity to be selected. Have you, since you were examined at the Bar of the House, made an estimate of the time before the moderately good lands of the colony will be exhausted by selection. At the present rate of progression you get about 800,000 or 900,000 in the year; part is squatting lands, and that dies out, and the others are payments as they go on, and that dies out: at what period do you estimate the land will have passed from the Crown?—I cannot form an idea, because lands that now would not be offered for at a £1 an acre, as money becomes cheap and would rise in price, will be bought, if the wool market were to fall again—

623. Have you formed any estimate of the time—have you ever considered the matter?—I have not thought it over. I see that there are so many fluctuating elements in the calculation—

A. J. Skene, Esq.,
continued,
1st Oct., 1872.

624. Taking the average selector at 90 or 100 acres, how many sheep are there upon that class of selection?—I have no knowledge whatever.

625. Are there any at all? Are there any exporters of wool of that class?—I cannot speak of my own knowledge; I have heard—

626. You have been over the country very much?—Yes.

627. Have you ever seen any?—I have seen sheep being depastured upon lands that have been selected under the present Act.

628. Speaking of the small selections, the average of the hundred acres men, have you ever seen sheep upon the small farms?—Not upon the small ones. I have seen sheep upon the farms of 200 and 300 acres.

629. Where?—In the western district.

630. In the northern parts of the colony?—I have not been there very much.

631. Did you ever see a fat bullock upon a farm of a hundred-acre selector depastured by the man himself?—I cannot say.

632. I see that the Registrar-General states in his report that the increased quantity of wool is owing to selection—I want to find out whether that is from the small selectors, or whether it arises from the large run holders having fenced their runs, and so improved the value of them?—No doubt the great landed proprietors have increased the productive power by fencing.

633. Those freeholders are now called squatters?—They were originally squatters.

634. The name sticks to them, though they have transformed their holdings into freeholds?—I think not; we still distinguish between them and the Crown tenants.

635. You do in the office; but is it not popularly so?—No, I think people at large distinguish between the squatter pure and simple and the landed proprietor.

636. At any rate, you have not seen and cannot estimate whether the persons who have land in small quantities, are doing anything to produce an export article in wool?—I have seen a number of selectors with from 200 to 300 acres who keep sheep.

637. But a man with a 100 acres?—No, I think those men are not producers of wool.

638. Have you noticed the class of fences put up between men of 100 acres upon the average?—Yes, I have seen a good many of their fences.

639. In what districts?—The western.

640. What class of fences do they put up as between two small selectors?—Very commonly log, or log and brush.

641. Subject to be burned down at any moment as to the brush?—Yes.

642. You have not seen a two or three-railed fence—a good class of fence, such as you see round large freeholders' estates?—The log and brush fence is the general fence; you will find exceptions in cases where men have gone into farming pursuits with a little money.

643. There are many cases of selectors affected by the circumstances that they are upon squatters' runs, and both parties would require to fence?—The great bulk of selections would be now in country occupied under pastoral licence.

644. But are they taken up in such a way as to be continuous, or are they dotted upon the run?—That depends a good deal upon the character of the country. Upon some stations the selections are continuous, and in other cases few and far between.

645. In such a case as that, how could the Crown tenants join in fencing each man in as he came to settle down upon his run?—He would be incurring a continuous expense; when he had assisted in fencing round one man, another man abuts on him.

646. And takes the fence?—And takes the fence.

647. Would he not be practically made insolvent by any system of dotting upon the run in which he was called upon to fence in conjunction with another?—That depends altogether upon the length of his purse.

648. Suppose he has 50,000 acres, and is a moderately well off man, and he has, say, 100 selectors, how could he possibly afford to fence with those persons as they come on day to day and week to week?—It is a pursuit I should very soon give up, if I were in those circumstances.

649. Would you not consider it a great hardship, under those circumstances, to make him fence by law, while next morning another man might come and take his fence?—It would be a very great hardship.

650. Could it be morally sustained as a moral action in itself?—It has not a good look.

651. You would not wish to say that it is immoral?—No; it is not immoral.

652. But it would be a great hardship?—It would be a great hardship.

653. It has not a good look?—No.

654. *By Mr. Russell.*—Do you know what circular is referred to in that minute in the Board Minute Book?—I cannot speak from memory, but I can get a copy of the circular for you.

655. *By Mr. O'Shanassy.*—How much do you annually take off by virtue of those selections upon the pastoral licence—how much of the rent?—I could not speak for the moment.

656. Do you know whether it is large—a tenth, or a fifteenth, or a twentieth?—Speaking from recollection, pastoral rent has been reduced by £16,000 during the continuance of the present Act.

657. Since 1869?—Since 1869; that is from recollection, and round numbers.

658. As the thing progresses, if it should progress to that extent in the dotting upon the runs, the rent must come to an end?—Certainly; rent must diminish year by year as selections go on.

659. And if selections should be small areas of about 100 acres, there is no substitution of wool for the diminution caused by driving off the pastoral tenants?—I think the tendency of selection for some short time back, and the probable tendency, is for larger average selections than have taken place hitherto.

660. That is different from agricultural settlement, as stated in the first idea?—No; I think it is more from the quality of the land; the small portions that were taken up at the first initiation of the Act were pieces detached in the middle of alienated lands. A selector there could only obtain a certain small quantity; he preferred taking up those small quantities to going further out and taking up the maximum selection that the Act permitted.

661. If that process goes on, what will be the product from the land so taken up for selection?—A great deal of the land that will be selected henceforward will be principally used for pastoral purposes.

662. Not for agriculture?—Combined with a small proportion of agriculture, those inferior lands might be cultivated in small portions by the aid of manure from stock.

663. Will the selectors be able to get water in any large degree over those areas?—Not naturally; but there are very few parts in the colony that I have seen yet where a man, with *nous* about him, may not succeed in securing a proper supply of water, if he takes advantage of the natural facilities that the country affords him.

664. Rainfall and drainage?—Yes; if he goes the proper way about it, he may collect and store up a sufficient supply of water for his wants.

665. But all that is in the future?—Yes.

666. And the supply and the product is problematical so far?—If a man selects 320 acres now in the portion of the colony open to him, a great portion of that selection must be devoted to pastoral purposes, from the very character of the country.

667. *By the Chairman.*—Is there any case of a licensee under the 49th clause having obtained a right to freehold?—I am not aware of anyone that has as a 49th section holder.

668. And if so, under what law?—I am not aware of any single case. I may explain that he may have obtained his freehold by purchasing the land at auction—getting his holding put up at sale by auction, with the value of his improvements added, if there were no objections; but as a simple 49th section licensee he has no right to a freehold.

669. But he may have got it?—But he may have got it in the way I have mentioned.

670. *By Mr. O'Shanassy.*—Are there many of that class?—I cannot charge my memory with many. I know of some individual instances.

671. *By the Chairman.*—Has the interpretation clause of the Land Act of 1869, respecting the length of water frontage, been adhered to hitherto?—It has been.

672. You know no cases in which it has been exceeded?—Certainly not.

673. In this case of Matthew Crudden's, is not the extent of water frontage far exceeding what is usual under a selection?—If I recollect aright, he has no water frontage at all.

674. But is it not a mere quibble to reserve a chain round the water, and then let the man select on the other side of that chain?—I cannot see that.

675. In many cases in the country that reserved chain has been applied for, and abandoned since?—No, I think not—the frontage has been cut off to comply with the Act; but I know of no case where a frontage that was once excised has been added.

676. Mr. Poeppel, the district surveyor at Beaufort, is here prominently brought forward in the correspondence as recommending Crudden's application. Was Mr. Poeppel dismissed from the Survey Department?—He was relieved.

677. May I ask for what reason or cause?—He was not a good surveyor to begin with, and some monetary transactions that he had with a selector did not meet with approval.

678. Has no overlapping been found in his surveys in the Beaufort district?—None that I know.

679. Has it not come to your knowledge that a road laid down in the maps between the applications of a man named Davidson and a man named Grant has disappeared altogether, and that Grant's land got into Davidson's selection?—That has not come to my knowledge—I will make a note of it, and look into it.

680. I wish to know what is your opinion of Mr. Poeppel, for this reason:—The Assistant Commissioner of Lands, in his answer read in the House, lays great stress upon Mr. Poeppel's having seen no objections to this selection being allowed, and that the objections raised by Mr. Hamblin were frivolous. Have you seen Mr. Poeppel's letter to the District Surveyor in Ballarat? He says:—"I have the honor herewith to hand you a letter which I received from Mr. Crudden. The request contained therein, for me to make a special report of his case to the Board of Land and Survey, I think should be attended to, as there appears to me no doubt that the opposition which was offered at the Commission, or Land Board, was not given in a public spirit. The objector, Mr. Hamblin, also made a few false statements, which I consider reflected discreditably upon me. He stated that the allotment would cut off the best water frontage; that Crudden held three or four eighty-acre blocks; to which I can only state that such is untrue. No permanent water exists in that portion of the creek to which the allotment has a frontage; and besides, in the survey, I have left sufficient room all round the allotment near the creek for stock to go about. In conclusion, I beg most respectfully to state that no possible objection can exist to a licence under the 49th section being granted to Mr. Crudden, and I hope you will permit me to make the report Crudden asks me to make?"—No, I have not seen the letter.

681. From your knowledge of Mr. Poeppel, would you have taken his recommendation in this matter against the express recommendation of a majority of the Board, Messrs. Morres and Simson, who were sitting upon the Board as members, since Mr. Morres is an officer of the department and responsible, and Mr. Poeppel is not an officer of the department, and not responsible?—He is responsible so far, that if he does wrong he would be dismissed.

682. If you had been called upon to adjudge in the matter, would you have taken Mr. Poeppel's recommendation *versus* the recommendation of the local land board, who recommended that the application be refused, as the land would probably be required for railway purposes?—I think, in such a case, that the district surveyor and Mr. Simson were better judges of the case before them than Mr. Poeppel could be.

683. Mr. Poeppel would be, to some extent, interested in getting the survey fees, being a contract surveyor?—Yes.

684. After the board has reported, the Engineer-in-Chief of railways is applied to, and requested to state "if there be any objections to issue of licence for the land applied for by Mr. Crudden, which land being near the creek does not appear likely to be wanted for railway purposes." To which Mr. Higinbotham replies, "This land is within a quarter of a mile from a trial survey of the line from Ballarat to Ararat, and ought not therefore to be alienated at present," and this is 8 | 11 | 70, and yet upon 7 | 12 | 70 Mr. Hodgkinson says, "I think that the application under the 49th section may be allowed to be received at the risk of applicant," that is, within one month of applying to the Engineer-in-Chief whether the land should be given or not; it is recommended by the Assistant Commissioner in the schedule and merely "ditto" marked by the Minister: did that come before you at all in your official capacity of Surveyor-General?—I think the correspondence there will show that, at one period, I considered that that portion of land should be reserved for railway purposes.

A. J. Skene, Esq.,
continued.
1st Oct., 1872.

685. I wrote you a letter here, which I daresay you will remember, the 14th of July 1870, and here is a memo. attached—[*handing papers to the witness*] ?—My intention was, that the whole of the land up to the bend of the creek should be reserved. I thought that it would be a better situation for a railway station than the land to the south, which would be more liable to inundation.

686. This land was granted to Crudden before you knew anything about it ?—Yes ; I was not aware at the time you spoke to me upon the subject that Crudden's application was granted at all. I was under the impression that my recommendation was sanctioned and carried out ; my recommendation was meant to include the land from the road up to the creek.

687. *By Mr. Mitchell.*—In Mr. Hodgkinson's letter, which was exhibited by the Commissioner of Public Works, he says, "My recommendation was in accordance with the policy which has been carried out by several successive Ministers of Lands, of favorably entertaining the applications of working farmers for small portions of land of comparatively high market value, when such portions were situated in districts wherein extensive areas had been absorbed in large landed estates. In faithful adherence to such policy I recommended the granting, under the Land Act, of another small portion of ground five miles distant from the allotment assigned to Crudden, and the application for which small portion was strenuously opposed by Mr. Simson, as he considered it ought to be offered for sale by auction." Do you know anything of such a policy in the department ?—Yes, I believe it is the policy.

681. Is it publicly announced that those small portions of special value are to be given up to people merely because they have not got other property ?—Such has been the policy of the department.

689. Is it not a most astonishing thing ?—Of the political heads of the department ? That is the policy of the Ministerial head of the department.

The witness withdrew.

Ordered—That this Committee be adjourned to to-morrow at three o'clock.

WEDNESDAY, 2ND OCTOBER, 1872.

Members present :

The Hon. R. SIMSON, in the chair ;	
The Hon. W. H. F. Mitchell	The Hon. W. Degraves.
P. Russell	

Alex. John Skene, Esq., further examined.

A. J. Skene, Esq.,
2nd Oct., 1872.

690. *By Mr. Russell.*—Have you got the circular that I asked for ?—I have directed inquiry to be made for it.

691. You have not got it ?—I have not got it yet.

692. *By Mr. Degraves.*—What is the mode of doing business in your department in reference to selection of land on the south side of the Yarra—is it granted by the board to the parties who ask, or by you ?—I have never dealt with any of those applications personally myself—they are entirely in Mr. Hodgkinson's branch.

693. You do not know the form of application, or by what influence it is taken up ?—So far as I can say, by written application, that comes in the usual way to Mr. Hodgkinson, and is by him submitted to the Board of Land and Works.

694. Do not you constitute one of the Board ?—I am a member of the board.

695. Have they not come before you—any of those applications ?—No.

696. Only before Mr. Hodgkinson. Who constitutes the board beside him ?—The President for the time being.

697. How many are there upon the Board ?—The board work is generally done by two—the President and one member.

698. Is the President supposed to be Mr. Grant, or Mr. Casey ?—Yes.

699. Then it is Mr. Hodgkinson and Mr. Grant that gave those lands ? Can Mr. Hodgkinson give those lands without the sanction of the President ?—Certainly not.

700. *By the Chairman.*—But he can recommend them in those schedules, and by looking over the schedules we see that what he recommends is invariably passed ?—That is the course.

701. So that Mr. Hodgkinson recommends, and then sits in judgment to pass the recommendations ?—He has never a vote.

702. This case requires application under the 49th section, "The Assistant-Commissioner thinks that the application under section 49 may be granted." "Approved," written at the back of it and signed "J. M. G." ?—Yes, that is the usual course.

703. This public record of schedules, which are the minutes of the Board of Land and Works, shows what action they take upon them ?—Yes.

704. *By Mr. Degraves.*—Can you place your hand upon this application for extension of lease—Fulton's Foundry, for instance ?—I could ascertain in the office in what schedule it is.

705. Have you any recollection of that case coming before you ?—No, none whatever.

706. Would it come before you, or would it rest entirely with Mr. Hodgkinson ?—With Mr. Hodgkinson—he has dealt all through with those applications.

707. Then he can give an extension of this lease for seven years entirely upon his responsibility ?—Certainly not.

708. He cannot ?—No, he only recommends ; that is all he can do.

709. Then your Board was only composed of Mr. Hodgkinson and Mr. Casey—did none of those cases come before you ?—It is possible I might be sitting at the Board.

710. *By Mr. Russell.*—And not know anything of what was going on ?—Yes, I should know what was going on ; but I mean this, that I personally have had nothing to do either in recommending or dealing with those applications on the south side of the Yarra ; they have all gone to Mr. Hodgkinson and been dealt with by him, and prepared for submission to the President.

711. Then it stands in this way, that Mr. Hodgkinson can recommend any portion or all of that land to be given away in this way?—Yes, he would deal with any application that came before him for a site there. A. J. Skene, Esq.,
continued,
2nd Oct., 1872.

712. Suppose there were fifty applications for land on the south side of Sandridge road, is it in his power to give fifty allotments away?—It is not in his power to give at all; he may recommend the granting of an application, but he does not personally grant the application; he may recommend the Minister to refuse an application.

713. Then, can the President give it away without the recommendation of Mr. Hodgkinson?—The President is not bound by any recommendations that may be made.

714. Then he could give the fifty allotments away, if he wished?—If he wished to exercise that power, certainly.

715. Will you be kind enough to look up this application of a lease from seven years to twenty-one years, and why it was granted, and the reason of the extension of the term of the lease?—Yes.

716. *By Mr. Mitchell.*—You are under the impression you had nothing to do with giving Crudden his land?—Yes, certainly, I am under that impression.

717. Will you just look here [*pointing out an entry in the schedules of the Board of Land and Works to the witness*]?—is it not a fact that those things go merely as a matter of form?—Yes, as a matter of form very much.

718. You did not know that it really was going through. The clerk reads out the Commissioner's recommendation, and the President approves of it?—Yes, there is no deliberative proceeding at the Board—there is nothing put to the vote.

719. *By Mr. Degraives.*—It is all a fiction?—[*No answer.*]

720. *By the Chairman.*—There is no debate upon anything when the Board sits?—No.

721. There is no deliberation upon any matters that come before the Board at its sittings, if a subject is recommended?—It is dealt with upon that recommendation.

722. *By Mr. Mitchell.*—The schedule is submitted, and the whole proceeding of the Board is a matter of form?—Yes.

723. Will you send us a return of all the lands licensed under the 49th clause, showing the position and quantity of the land held under each licence, with the form of licence?—Yes.

724. Do the men get any promise with regard to getting any compensation for improvements?—Certainly not.

725. They get them, though?—Not under the 49th section.

726. *By the Chairman.*—Are you sure?—Quite. Many 49th section holdings have been converted into freeholds, but they have been converted in this way—on the application of the licensee the land may be put up for sale by auction, with a valuation of the improvements in his favor.

727. *By Mr. Mitchell.*—Are there any regulations to determine the value of those improvements?—We send our bailiffs round to make valuations, and sometimes authorize surveyors to make valuations.

728. In making a valuation, is ploughing reckoned as part of the expenditure upon the land?—Cultivation would, certainly.

729. When a man ploughs the land, and takes the value out of the land, you pay him for doing it?—Yes.

730. You are aware that ploughing land takes the value out of land?—I am also aware that, in the Land Act, ploughing is declared to be an improvement.

731. Is it in the present Act—I know it was in the older Act?—I think it is in the interpretation clause [*referring to the Act*]. “The word ‘cultivation’ shall include planting cereal or root crops, planting an orchard, vineyard, nursery, or shrubbery, or laying down land with artificial grasses.”

732. But that is a very different thing from ploughing land and taking a crop off?—It says, “planting cereal or root crops,” and that must be done by ploughing.

733. *By the Chairman.*—Concerning the matter of Crudden's selection—in a letter which Mr. Fraser read in the House from the Assistant Commissioner of Lands, there is this passage:—“On the 6th September, 1870, contract surveyor Poeppel reported no possible objection could exist to a licence being granted under the 49th section to Crudden, to occupy the land in question (and which land was not included in the exemption made on the 8th August, 1870, from exemption on the recommendation of the Surveyor-General.)” Yesterday, on looking at the chart which Mr. Comyns has in his possession, you stated that the whole of that land you meant to be included in your exemption?—That was my intention. I wished that the whole of the land, from the road up to the bend of the creek, should be exempted.

734. *By Mr. Russell.*—But you and the President, through the Assistant-Commissioner's recommendation, have granted this land to Crudden?—That is the case; a portion of it.

735. Is that the width of the railway land there, six chains at that particular spot?—I should say so, judging by the eye; yes, it is six chains.

736. Is it six chains merely for that small portion between the sold land on the one side and the leased land on the other, taking that pegged line?—No, I think it is generally where the line passes through Crown lands that a reservation of six chains is made.

737. Then the reservation merely commences outside the purchased land, on the east side of the creek?—Yes.

738. Do you know anything of the allotment on the road from Trawallo bridge to Carngham? it is on a reserve; I have a copy of a letter stating that there were no objections either by you or Mr. Grant, then the President, to my application that the land should be put up for sale; it was put up and withdrawn; it was put up again, and withdrawn, for what reason I do not know, and then it was thrown open for selection. Did that come under your cognizance at all, for Mr. Hodgkinson draws attention to it?—I cannot recollect, unless I have the papers before me; I cannot recollect those isolated cases.

739. *By Mr. Degraives.*—Can you account for the reason why the lands upon the south side of the Yarra should so vary, for instance, Mr. P. Hanna's ferry house site, 2 roods 16 perches, £24 per annum, that is the annual rate; then Mr. McCallum's ferry site, annual, 10 perches only, £20; now Mr. P. Hanna has 2 roods 16 perches. There seems a wonderful difference in the rent between the one and the other; how do you account for that? One man has three times as much land, and there is only a difference in the rent of £4; is that favouritism?—No, it is very possible that the one ferry may be more profitable than the other.

A. J. Skene, Esq.,
continued,
2nd Oct., 1872.

740. Why should one only have 16 perches for a landing place and the other three quarters of an acre?—Unless I had the particular plans before me, I could not say.

741. Those have not come before you at all?—No; Mr. Hodgkinson deals entirely with those; he fixes the rents and recommends a course of action upon the application.

742. In reference to the Dandenong forest, does that come under your notice at all?—No.

The witness withdrew.

Ordered—That this Committee be adjourned to Tuesday next at three o'clock.

TUESDAY, 8TH OCTOBER, 1872.

Members present:

The Hon. R. SIMSON, in the chair;
The Hon. W. H. F. Mitchell | The Hon. P. Russell.

Arthur Morrah, Esq., further examined.

A. Morrah, Esq.,
8th Oct., 1872.

743. *By the Chairman.*—Have you any information to give to the Committee?—No, I have none.

744. You mentioned something to me on Friday or Saturday, and I told you to come down and state it here?—Yes; when I was examined last, the Committee requested me to produce certain information to-day; I mentioned the matter to Mr. Casey, the President of the Board of Land and Works, and he is of opinion that such a request should be addressed to him as the head of the department, and not to any subordinate officer.

745. *By Mr. Mitchell.*—But the information that was required, as far as I know, was from the Surveyor-General?—No, from myself.

746. *By the Chairman.*—What were you asked for?—To furnish an estimate of the land that could be sold by auction for the next five years, and also a return of the land sold and selected during the last year.

747. *By Mr. Mitchell.*—Then, in fact, you have no information directly to give?—No. I should like to make a correction upon my evidence given last time. Mr. Mitchell asked me the amount of land sold during last year. I said 170,000 acres. I gave the figures for the year 1872; but I think you meant the figures for last financial year, which are 145,000 acres.

The witness withdrew.

Ordered—That this Committee be adjourned to to-morrow at three o'clock.

WEDNESDAY, 9TH OCTOBER, 1872.

Members present:

The Hon. R. SIMSON, in the chair;
The Hon. W. H. F. Mitchell | The Hon. J. O'Shanassy.
W. Degraives

Alex. J. Skene, Esq., further examined.

A. J. Skene, Esq.,
9th Oct., 1872.

748. *By Mr. Mitchell.*—Mr. Skene, when you were here before, you were asked for certain papers; have you got them with you?—No, I have not.

749. A memorandum has been given by you:—"I have submitted to the Hon. the Commissioner of Lands the request of the Committee of the Legislative Council that the following information should be supplied"—Will you have the kindness to explain what is the meaning of that memorandum?—I mentioned to the Committee at the last sitting I was present, that I should obtain that information. I submitted the request of the Committee to the President for his sanction, which I did not get, the Commissioner being of opinion that the Committee should address such a request to himself.

750. Neither the Commissioner nor yourself appears to be aware of the authority of the Committee, and we should be very sorry to take any steps that would involve you in personal trouble; but unless the orders—and the request of that sort from the Committee is an order—be complied with, it will be necessary for the Committee to report what you have now informed the Committee to the House, and the House will then give an order as they may think proper. I will show you now for your guidance, to prevent you from misunderstanding your position, what are the powers of the Committee—what is the law of the case—"As the object of select committees is usually to take evidence, the House of Commons, when necessary,"—and this House possesses precisely the same powers as the House of Commons—"give them 'power to send for persons, papers, and records.' By virtue of this authority, any witness may be summoned by an order, signed by the chairman, and he must bring all documents which he is informed will be required for the use of the Committee. Any neglect or disobedience of a summons will be reported to the House, and the offender will be treated in the same manner as if he had been guilty of a similar contempt to the House itself"?—I must explain to the Committee, that I cannot personally direct any returns to be made; I must obtain the sanction of the Commissioner.

751. The Committee have nothing whatever to do with that; the Committee, if it be necessary now that you should receive an order, will give you an order to produce those papers, signed by the chairman, in accordance with the Standing Orders of the House of Commons—as the same Standing Orders apply here—and if you do not obey it, it will be then for the House to call you to the Bar and to dispose of you as they think fit. It is necessary now to ask you whether you will produce those papers, or not?—I should prefer that the Committee may give me a distinct order, that I may produce it to the Commissioner.

752. It is just the same order that you have had already. We know perfectly well what your position is; but you must see on the other hand, that the law must be obeyed and carried out?—Yes.

753. *By the Chairman.*—Can you inform the Committee what number of selectors, or selections have been taken up in the colony under the various Land Acts?—I do not carry it in my recollection, but it could be obtained from the records of the department. A. J. Skene, Esq.,
continued
9th Oct., 1872.

754. You can supply the Committee with that information about the number of selectors?—The information is in the office and can be obtained.

755. Will you take a note of it, to get us the number of selectors throughout the colony under the various Land Acts; that is to say, unless it is putting the department to an immense amount of trouble to find it out?—If the Committee does not require most particular information, it could be given without much trouble within a hundred or two.

756. The approximate number will do; I do not wish you to define it within one, or within one hundred or two?—I will take a note of it—[*The witness did so*].

757. *By Mr. Mitchell.*—I may tell you that we have a Standing Order which provides that, where not otherwise provided for, we are bound by the privileges and practices of the House of Commons?—Yes.

758. Is Crudden's land under the 49th section?—Yes.

The witness withdrew

Adjourned to Tuesday next, at three o'clock.

TUESDAY, 15TH OCTOBER, 1872.

Members present:

The Hon. R. SIMSON, in the chair;

The Hon. P. Russell

W. H. F. Mitchell

The Hon. J. O'Shanassy

W. Degraives.

Alexr. John Skene, Esq., further examined.

759. *By Mr. Mitchell.*—Have you brought the papers that we requested you to produce?—I have not brought the return that you ordered me to produce. A. J. Skene, Esq.,
15th Oct., 1872.

760. Do you wish to give any explanation why you have not?—Such a paper or document has no existence in the office.

761. But when you were asked for the information, you said you would have no difficulty in giving us it?—No doubt the document might be compiled in the office; the information is in the office, and may be compiled.

762. You stated here that it could be readily compiled and that it would take no extraordinary time to do so?—I was requested to produce a return from the office; such a return does not exist.

763. I asked you, "Will you send us a return of all the lands licensed under the 49th clause, showing the position and quantity of the land held under each licence, with the form of licence?"—Yes, that was the first time. Of course I submitted your request to the Minister; he directed me to furnish the Committee with all papers and documents in the department. Such a paper or return I could not find.

764. But surely you can give us a return of the number of licences under the 49th clause and the locality of each licence?—I believe that is a request that should be made to the Minister at the head of the department. I have no power to give it.

765. The Committee do not think so?—I have no power—

766. You have been summoned here now to bring with you this return, and you have not brought it?—I have not.

767. What is your explanation why you have not?—That it is not a document or paper now in the archives of the department.

768. How long will it take you to compile one?—I should say, a week or ten days.

769. *By the Chairman.*—Do you mean to say, that you have no document in the department showing the number of selections taken up under the 49th clause?—I can give you the number.

770. *By Mr. Mitchell.*—We want the name of each person who has been allowed to select under the 49th clause?—That can be obtained from the documents in the department, those documents I have the Minister's authority to say will be laid before the Committee.

771. *By the Chairman.*—That is to say, you send the whole documents?—Yes.

772. But has the department no schedule of all the selections that have been taken up under every clause in the various Land Acts, compiled by themselves for their own information?—No.

773. *By Mr. O'Shanassy.*—Have they not a book showing the persons who have to pay money and the time of payment?—We have a rent roll, certainly.

774. You are in the position of landlord in that respect—you know your estate—the tenants and the time of payment, and what conditions are complied with and registered upon that rent roll, and what are not?—We have all that information upon our rent roll.

775. Surely that will give it?—Yes.

776. *By Mr. Mitchell.*—Do you mean, that it would take a week to give us a return of the number of persons who have been licensed under the 49th clause, showing the position of their licensed land?—I believe it would.

777. A week?—Yes.

778. *By Mr. Russell.*—There are so many?—They are very numerous.

779. *By Mr. Mitchell.*—Can you give us a return of the number of persons licensed under the 49th clause, and showing the localities of the land?—Under the instructions of the Minister, I can.

780. We have asked you to bring that return with you?—I cannot do so without the direct authority of the Minister.

781. Then, in fact, you do not obey the order you have received from the Committee?—No.

782. *By Mr. O'Shanassy.*—What position do you take up, Mr. Skene? I do not understand Mr. Mitchell's question to mean that you have wilfully disobeyed an order of a Committee of the Legislature to produce a public document?—I have intimated to the Minister that the Committee require a certain return to be made up and furnished. Such a return at the present moment has no existence in our office.

783. Nor could it be compiled from the documents in your office?—No doubt it could be compiled. The Minister conceives that an order for an original return should be directed to him,

A. J. Skene, Esq.,
continued,
15th Oct., 1872.

784. I merely want to get at the facts?—Yes.
785. *By Mr. Russell.*—The Minister does not refuse to give up the documents, so that they may be compiled by this Committee?—No; every document and paper in the office the Minister says is at the disposal of the Committee.
786. *By Mr. O'Shanassy.*—But he refused to allow you to compile a return from those documents, as asked by the Committee?—He did not refuse, but I got no instructions from him to do so.
787. Assuming that you were asked by this Committee to do so, and you proceeded to do so, is there any incompatibility in that with your employment under him as Minister?—I must acquaint him with all that I do.
788. Supposing he prevented you?—I am bound to obey his instructions.
789. And to disobey the Committee?—Yes, so far.
790. And you take up that ground?—Yes.
791. *By Mr. Mitchell.*—Are we to understand that you do not bring the return ordered by the Committee, because the President of the Board of Land and Works withholds from you the authority necessary for you to do so?—Yes.
792. *By Mr. Russell.*—He does not withhold?—He does not give it.
793. *By Mr. O'Shanassy.*—My object in asking those questions is not to put an officer of the Government in a false position, since he is not, strictly speaking, exercising his own authority?—Yes.

The witness was directed to withdraw.

The Committee deliberated.

After a short time, the witness was again called in.

794. *By Mr. Mitchell.*—The Committee have determined to require you to attend at three o'clock to-morrow, and to bring with you the records of all the licences issued under the 49th clause of the Land Act?—I will produce all the documents.
795. Will you undertake to do so without receiving a formal summons?—Quite so.
796. Will those records give the full particulars of each case?—Yes. There is, I believe, some other information that the Committee wanted?
797. *By the Chairman.*—I asked about the number of selections?—I have got that under the Land Act of 1862.
798. Will you also give the Committee the number of licences under the 49th clause where the holders obtained freeholds?—I may say, that I was under a misapprehension about that; I thought some had got a freehold, but I find there is no such case. I cannot now state the number, but the area selected under the Act of 1862 was 1,423,235 acres.
799. *By Mr. O'Shanassy.*—Was that from 1862 to 1865?—Under the operation of that Act—under the Land Act of 1865, there were 5,900 selectors under section 12; the area taken up 1,499,910 acres; 3078 persons selected under certificate an area of 559,423 acres; there were 18,768 licensees under the 42nd section who occupied an area of 753,795 acres; the total number of selectors under that Act 27,746, embracing a total area of 2,813,128 acres.
800. *By the Chairman.*—That is under the Land Act of 1865?—Yes; under the Land Act 1869, up to the 31st December, 1871, there were 9153 selectors under the 19th section, embracing an area of 930,450 acres; under the 49th section, there were 902 selectors, taking an area of 12,667 acres. Those figures are taken from the printed returns of the department.
801. You do not know the number of selectors under the Land Act of 1862?—I could obtain the number with a little trouble.
802. Could you give the approximate number, so as to give an approximation to the total number of selectors in the colony?—I could give a close approximation. I remember making up at one time the average of the selections by each man to be about 400 acres.
803. You think the number of acres taken up by selectors under the 42nd clause in 1862 would be 1,423,235?—That section was not in operation during Act of 1862.
804. But those were taken up under the Land Act—there were 1,423,235 acres taken up?—Yes.
805. That would be very nearly 4000 selectors, according to your estimate?—Yes.
806. That would make nearly 70,000 selectors—4000 under the Land Act of 1862?—About 3500.
807. And then 5900 under section 12?—Yes.
808. Then there is 18,000 under the 42nd—then there is altogether 27,746 selectors?—Yes.
809. Under the Land Act of '62, about 4000, and 9153 under the Act of 1869?—41,000 odd.
810. About 41,000?—Yes.

The witness withdrew.

Ordered—That this Committee be adjourned to to-morrow, at Three o'clock.

WEDNESDAY, 16TH OCTOBER, 1872.

Members present:

The Hon. R. SIMSON, in the chair;

The Hon. W. H. F. Mitchell | The Hon. P. Russell.

A. J. Skene, Esq., further examined.

A. J. Skene, Esq.,
16th Oct., 1872.

811. *By Mr. Mitchell.*—Do you produce the papers requested by the Committee yesterday?—Yes, part of them. There are a number of applications in the district offices in course of being dealt with.—
[*The witness produced and handed in the papers referred to.*]
812. Is the form of licence there?—Yes.
813. *By the Chairman.*—Is every particular there?—Yes, every particular; the whole history of each case.
814. Do you know how many you have brought there?—Somewhere about 800.
815. *By Mr. Russell.*—How many more will there be in the county offices, in a rough way?—I imagine that is about half.

The witness withdrew.

Ordered—That this Committee be adjourned.

TUESDAY, 29TH OCTOBER, 1872.

Members present:

The Hon. W. H. F. Mitchell P. Russell	The Hon. R. SIMSON, in the chair ;	The Hon. J. O'Shanassy W. Degraives.
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Clement Hodgkinson, Esq., Assistant Commissioner of Crown Lands and Survey, examined.

816. *By the Chairman.*—Have you given any attention to the evidence taken in this case about Crudden's selection at Trawallo?—I have not seen any report of the examinations. C. Hodgkinson,
Esq.,
29th Oct., 1872.

817. Have you any statement of this case to make further than the statement read to the House?—I have written a statement somewhat fuller than that submitted to the House, which, with all respect, I would be glad to now submit. [*The witness read and handed in the following statement:*]—

Memorandum relative to circumstances under which Matthew Crudden's application for 5 acres 1 rood 20 perches, under 49th section of Land Act 1869, near Trawallo Bridge, was granted.

The allotment containing 5 acres 1 rood 20 perches, for the occupation of which, under the 49th section of Land Act 1869, Matthew Crudden's application was approved by the Board of Land and Works, is situated in a bend of the Emu Creek, north of the proposed railway to Ararat, and is $1\frac{3}{4}$ miles distant from 80 acres of land previously acquired by Matthew Crudden under the 42nd section of Amending Land Act 1865, in the Beaufort ranges.

On the 14th July, 1870, the Honorable Robert Simson wrote a memo. calling attention to the desirableness of reserving for railway purposes the land marked out by Matthew Crudden, and also of reserving other land north of the main road.

On 8th August, 1870, the Governor in Council made an exemption from selection of the land between the main road and the proposed railway line, but such exemption did not include the portion of land applied for by Matthew Crudden.

On 2nd September, 1870, Matthew Crudden's application was recommended to be refused by the Local Land Board at Beaufort, as two members of such board, Messrs. John Simson and Morres, were adverse to the application, and the other member, Mr. Brown, in favor of it.

On 3rd September, 1870, Crudden wrote to the Commissioner of Lands and Survey, complaining of the action of the Local Land Board. He stated that, as he only held in the Beaufort ranges 80 acres of land, whereon water was almost unprocurable, he was desirous of obtaining the small lot near the creek, subject to any conditions that might be imposed with regard to its resumption for any local purpose.

On 6th September, 1870, contract surveyor Pöppel reported that no possible objection existed to grant of a licence to Crudden.

On 3rd November, 1870, was received a memorial signed by twenty-five persons who held under 42nd section 1500 acres of land near the small allotment applied for by Matthew Crudden, and which persons in such memorial expressed their convictions that the statement made by Crudden's opponent, Lewis Hamblin, at the meeting of Local Land Board at Beaufort were erroneous, not in accordance with fact, and made from a private motive most discreditable to himself; and they emphatically asserted that no grounds of a public nature existed to the granting of Crudden's application for it.

On inquiry, it was found that the nearest holdings to the small allotment applied for by Matthew Crudden were those of persons who had signed this memorial, and who, having no water frontage to their respective holdings would, if such small allotment were required for water and other public purposes, have had the greatest interest in its exemption from selection; whereas, Mr. Lewis Hamblin, who opposed Crudden's application for it, held $79\frac{1}{2}$ acres under 42nd section, with a frontage to the Emu Creek, about one mile from the small lot in question.

On the 16th November, 1870, the Board of Land and Works approved of a report by Engineer-in-Chief of Railways, that land within a quarter of a mile of the trial line of railway from Ballarat to Ararat should not be alienated at present.

On 21st November, 1870, Mr. Adair, as agent for Matthew Crudden, asked if his application could be made under 49th section, reserving the right of re-entry or resumption for railway purposes if required; and on 9th March, 1871, the Board of Land and Works ultimately approved of a recommendation made by me on the 6th February, 1871, that the application under the 49th section be granted.

Irrespective of the memorial in favor of Crudden by neighboring selectors under 42nd section, I may submit the following reasons as having influenced me in making the recommendation alluded to:—

- 1st. That there was no probability of the central line of railway being moved further north, owing to the proximity of a bend of the creek on north side of the line; the validity of which reason was subsequently established by a verbal statement to me by the Engineer-in-Chief of Railways that the central line would not be moved further north.
- 2nd. That the width of the strip of land along the central line of railway south of the small lot applied for by Crudden was six chains, which width was ample for the permanent way and station, especially when it was considered that the width for the permanent way and station of the Hobson's Bay Railway at the Elizabeth street terminus was only three-fourths of the width of the strip of land retained for railway south of the lot applied for by Crudden; and that the total width for permanent way and station at Kyneton was only 5 chains 93 links.
- 3rd. That ample reserves had been made on the Emu Creek, between the railway and the main road, and south of the main road near the Trawallo bridge; also, that a long strip of land had been departmentally reserved along the margin of the Emu Creek, above the small allotment applied for by Crudden.
- 4th. That the report of Engineer-in-Chief as to the inexpediency of alienating for the present land within a quarter of a mile of the trial line of railway could not be held to apply to issue under 49th section of a mere annual licence to occupy land within such limit; especially when such licence need not be renewed if the land described therein be wanted for railway purposes, and for which the land could be resumed, without compensation, during the tenure of such licence, under seventh condition thereof.
- 5th. That, in localities wherein large areas of land suitable for farms have been absorbed under the auction system in large estates, it has been the practice of the Board of Land and Works to afford facilities for occupation under Land Act 1869, of small unappropriated allotments in such localities, even though the marketable value of such allotments was considerably higher than the ordinary upset price at which land had been offered for sale by auction in such localities. That, although the small allotment applied for by Crudden came under this category, the rent he would have to pay for it under 49th section would be 50 shillings per annum, or at the rate of nine shillings and three pence per acre, and which rent would not be reckoned as any part of the purchase money of the allotment whenever it be alienated. Such practice of the Board of Land and Works was obviously in accordance with the principles sanctioned by Parliament in the Land Act 1869; for, although it was generally known to Members of the Legislature that the average value per acre of the great extent of land held under 42nd section of the Amending Land Act of 1865 was very much greater than the ordinary upset price of country lands, the Legislature gave power under the 31st section of Land Act 1869 for licensees under 42nd section of Amending Land Act 1865 to acquire their holdings in fee at less than the upset price per acre of auction sales of adjacent lands, as the 31st section allowed rent and survey fees to form part of purchase money.

818. There is a circular which came under our notice here in taking evidence, dated February 8th, 1870, which is mentioned frequently, and which was read before this Committee, which is to the following effect:—"District surveyors and contract surveyors are requested to observe that strips of land which have been left on the banks of rivers, creeks, &c., similar to those colored red on the accompanying plan, are to be considered as Departmental Reserves; and are, therefore, not available for selection?"—Yes, but while Mr. MacPherson was in office, an order was issued throwing open all departmental reserves, and it was published in the *Government Gazette*. All applications for departmental reserves could subsequently be dealt with on their merits.

C. Hodgkinson,
Esq.,
continued,
29th Oct., 1872.

819. Then there are no departmental reserves at all?—None for which applications cannot be dealt with on their merits.

820. In the paper you laid before Parliament, through the Minister of Public Works, you mentioned here, "That my recommendation was in accordance with the policy which has been carried out by several successive Ministers of Lands, of favorably entertaining the applications of working farmers for small portions of land of comparatively high market value, when such portions were situated in districts wherein extensive areas had been absorbed in large landed estates. In faithful adherence to such policy, I recommended the granting under the Land Act of another small portion of ground five miles distant from the allotment assigned to Crudden, and the application for which small portion was strenuously opposed by Mr. Simson, as he considered it ought to be offered for sale by auction, as it was surrounded by his purchased land." On the 13th of September I wrote to the Honorable the Commissioner of Lands and Survey—?—Allow me to remark that such statement was not intended to throw the faintest censure upon you for opposing the application; it was merely intended to elucidate what I had done in a somewhat similar case.

821. But the head of the department took a somewhat different view of this adherence to the policy from what you did, notwithstanding you say it was in faithful adherence to such policy that you recommended this. The Minister of the Crown gave me distinctly to understand that he had no objection to the land being put up for sale; and the reason I gave for it in the personal interview with Mr. Grant was, because it was the only unalienated piece of ground in the neighborhood being of special value, and he quite agreed with me that it ought to be put up for sale. However, it was withdrawn both times, for what reason I do not know, beyond what is stated in the correspondence. Can you give some explanation of the difference between the permanent and the political Head of the Department?—Some person named Burns made application for this land. He came down to Melbourne and saw Mr. Grant relative thereto. I may mention, that I am taken rather at a disadvantage; for I did not know that I was to be questioned relative to Burns's application, and, therefore, have not any of the papers appertaining to it, and do not recollect any dates.

822. No dates are given?—It will be understood that the statement I am now going to make is from memory, viz.:—That Mr. Burns, who had previously acquired a small piece of land under the 42nd section, came to Melbourne, saw Mr. Grant and said he was an applicant for this land and objected to its being sold. Under such circumstances Mr. Grant told him the case would be looked into when I was at Ballarat, and withdrew the land from sale; when Burns's case was publicly investigated by me at Ballarat I looked upon it as only one of a large class of cases which in different parts of the colony had been favorably entertained, and therefore recommended the application. I may say, when I did so, I was totally unaware of any promise by Mr. Grant to you that the land should be put up for sale. In accordance with the practice of the department, it is understood that, when an application of that nature is granted, the applicant can at once commence to make his arrangements to go upon the land. I submitted to Mr. Grant, upon my return from Ballarat, a schedule of the cases that I had gone into there; among others was this case. He approved of my recommendations relative to such cases, and this man got a notice to occupy.

823. Are you aware that there is evidence that the District Surveyor at Ballarat recommended that the application should not be approved?—Yes, he said the land was too valuable.

824. *By Mr. O'Shanassy.*—Does that finish the case, to your knowledge, of what you had to do with it?—No; Mr. Ross, on behalf of Mr. Simson, called upon me to protest against the granting of Burns's application, because Mr. Grant had promised that the land should be sold; and I said, if that was the case, it rested with Mr. Grant, as the Minister of the department, to revoke his previous approval of my recommendation in favor of Mr. Burns.

825. How did this man Crudden come up in the meantime to be approved?—Crudden's application was for a totally different piece of land; the allusion to the case of Burns arises from my having mentioned it as a somewhat similar case.

826. Did you call Mr. Grant's attention to the apparent contradiction between his decision to sell by auction and your recommendation that it should be given to this man in accordance with the general policy at the time you came to be aware of the fact of Mr. Grant's previous promises?—I think so.

827. What did he say to it?—I do not recollect; I think it was to the effect that the decision could not be altered.

828. Whose decision?—His decision in favor of Burns.

829. There was a previous decision that it should be sold by auction?—Yes, but not a formal decision duly registered.

830. Which did he adhere to?—To that in favor of Burns's application.

831. With a full knowledge that, before that, he had said it should be sold by auction?—Yes.

832. Did he give you any reason for that change?—I think not.

833. Was he influenced by your reason for the selection, or the previous reason for the sale?—I think he was influenced by the general rule that has been acted upon in similar cases, to withdraw from sale land for the selection of which application has been made after approval of sale.

834. Notwithstanding he had previously approved of the sale?—Notwithstanding that he had previously approved of the sale.

835. And that the land might be of special value?—Yes; there have been numerous cases in which land was of special value, and which land under several Ministers since 1869 has been allowed to be taken up by selectors.

836. Therefore with the full knowledge that the Treasury would lose in a finance point of view?—In my humble opinion, such policy has influenced not only the Ministers, but the Parliament; for the 31st section of the Land Act 1869 gave to a large army of selectors, under the 42nd section, privileges that they never dreamed of getting.

837. But here were special cases of lands of special value, and the Minister had special knowledge, and yet the Ministers seemed to have ignored the fact that the Treasury would get more money by the sale?—Yes.

838. The policy had two heads—one to sell land to selectors, and the other by auction; but in this case there was a previous promise to sell by auction, yet upon your recommendation he abandoned that idea to give it to a man for a small amount?—Yes.

839. Though the whole country was not absorbed by selection at that time?—No, I consider that, in making that recommendation in favour of Mr. Burns, I was carrying out the policy which Mr. Grant had carried out on numerous previous occasions.

840. In fact, it was from your previous knowledge of what the Ministers did ordinarily that you made the recommendation?—Yes.

841. What is your own policy?—I have no policy; I carry out the policy of the Minister for the time being.

842. But finding out what the policy of a Minister is, you, being an officer, when cases come before you that seem to harmonize with that policy, feel no difficulty in doing it?—No.

843. But you yourself profess to have no policy?—I have none.

844. *By the Chairman.*—In this case, did anybody else ask about the land beside Burns?—I do not remember.

845. Any member of Parliament?—I cannot recollect at present; it is very possible that some member of Parliament may have asked to have his case brought forward. But when I was at Ballarat, I met the man publicly there, he made his statement, and I recommended that he should get the land.

846. In a chart that was sent to the House, and the first application that was made in connection with it, there is a chart of Crudden's allotment, which is shown not only alongside the railway, but actually abutting into it. And with regard to another statement, that Matthew Crudden had no land within several miles, there is an allotment almost next to it?—That allotment is held by Michael Crudden, his brother; this plan—[*producing a paper*—] shows more in detail the particulars of the selections.

847. But Michael Crudden does not reside near?—I do not know.

848. But what good is that water there—he would be flooded out in winter time?—I do not know.

849. *By Mr. O'Shanassy.*—What is the area of the first piece he has?—The piece near the road is not Matthew Crudden's, it is Michael Crudden's.

850. What is the area of this?—Seventy-nine and a half acres.

851. And it was deemed necessary for the working of one to grant the other?—Crudden deems it necessary in his communication.

852. Does the department deem it necessary?—We did not consider that point; we considered mainly the point whether there was any objection to the land being licensed.

853. Are all the pieces marked blue, selections?—Yes, the pieces marked dark blue are those held by selectors who signed the petition in favor of Crudden getting the land. I must say that I was somewhat influenced by that petition.

854. What does he gain by the fact of his taking up a small piece?—Nothing, as rent is proportionably higher for a small piece; but if this land had been required for watering purposes, it would have been a great loss to the persons who signed the petition, for they have no water frontage.

855. But, according to this letter, they never would have gone near; it was a memorial, one of those usual ones that are got up; it did not affect them at all, one way or the other, and so they said, "Let the man have it"?—If this land was required for a watering place, the persons who would specially want it would be those men whose land is colored blue, for they have no water whatever upon their lots, and they would come nearest to it.

856. How do they get on without water?—I suppose we have reserved plenty for them.

857. If they have water enough for all purposes at present, what matter to them what happened to this piece at all of Crudden's?—That is exactly what I say; they signed the petition in favor of him, because they were under the impression that the taking up of this small piece of land would not affect their access to the water; if it had affected their access, if anybody complained on just grounds, it would have been those persons.

858. But they have plenty of water, and therefore they did not object?—That is what I say.

859. Would they be the judges of the public requirement of the land for this particular piece for railway purposes?—They have nothing to do with the railway purposes. I think the petition has weight, for the reasons I have stated, upon the water question.

860. They do not want it for water?—They do not want that piece for access to water.

861. But if they do want it for access to water, why should they petition for another man to have it and put them out of the way of getting to it?—Because the taking of that land by Crudden does not affect their access to water—that is the conclusion we must draw from the petition.

862. That is, as far as they are concerned locally, but how are they judges of people coming along the road from a public point of view?—They would not be.

863. But the department having to hold the reins between the interests of those coming along the road, and persons interested in having it kept for a railway, and those persons who have water upon their own selections—would not the conclusion be that it was a suspicious kind of memorial?—I do not think so, for those who signed it are all the nearest selectors to the land in question; they sign their names and show what land they hold; and as to the public interest generally, I think it is sufficiently protected, for the land upon that plan colored green, and also the land colored red, is all exempted from selection, and it is a larger area than usual that is so exempted.

864. But with regard to this memorialising influence upon the department from persons who have already got land, is it not quite out of the way of the department to be influenced by these memorials, seeing that a "fellow feeling makes us wondrous kind"?—As a rule I quite agree with you; and upon the document submitted to the Committee I have mentioned the reasons I had for recommending the land irrespective of the petition of selectors in favor of Crudden.

865. You have stated that the land was recommended by the Land Commission—I think you say under the 49th section?—It was approved by the Minister on my recommendation.

866. And notwithstanding that recommendation, the department set it aside twice, by advertising it on two separate occasions for auction; but through misdescription it was withdrawn the first time?—No, that is another lot.

867. *By the Chairman.*—In the reasons you gave relative to this matter submitted to the Minister of Lands, and afterwards through him to the House, is it usual with you, as the permanent head of the department, to give much weight to the recommendations of the local land boards, or are they merely a fiction?—I generally assign weight to the recommendations of local land boards; the per centage of cases in which I differ from them is very small.

868. *By Mr. O'Shanassy.*—What proportion is it generally?—I am afraid it would be impossible for me to give a reliable reply to this question without consulting the schedules of proceedings of local land boards.

869. *By the Chairman.*—Could you form any idea?—Not so great as ten per cent. at present. I should not say on any vital point, one in a hundred. In the per centage first mentioned would be included cases in which local land boards had recommended applications for land previously appropriated, or objected to on behalf of miners.

870. *By Mr. O'Shanassy.*—Assuming there is no special case, the land distributors are the local land boards at present?—Unless they arrive at a decision which is clearly adverse to the policy of the Minister for the time being, or based on erroneous assumptions.

871. Then in that case they are practically the distributors?—Yes, subject to that proviso.

872. That would be only exercised in case of some extraordinary decision on their part, favoritism for instance?—No, the local land boards are not chargeable with favoritism. They are very fair, I think. Taking them generally throughout the country, they do their duty satisfactorily.

873. They have no bias in favor of one candidate more than another for lands?—Some of the local members of the local land boards have occasionally had different views to the Minister with regard to the extent of land to be reserved for public purposes, or to give access to back country.

874. I am not speaking of that so much as partiality between two individuals; there are two men up upon the same day, and one gets the land more than the other—are there no cases of favoritism in that way?—There have been cases in which I have recommended the reversal of decisions of local land boards, because in my opinion such decisions were contrary to evidence upon the rival claims.

875. Does not that show that there was partiality?—I could hardly say that.

876. After hearing the evidence, you did not come to the conclusion that it was a partial decision?—I should not like to say that.

877. But you reading it, came to the conclusion there was an injustice about to be done, and you reversed the decision, or recommended the reversal?—Yes.

878. On the ground that you saw by the evidence they were acting wrongly?—Yes.

879. Does not that clearly prove partiality?—I think not. I would mention a case in point. A good many erroneous impressions prevail with regard to land becoming open to selection after being reserved and thrown open by proclamation; it is necessary that the notice should be gazetted four times in the *Gazette*, and then a final order of the Governor in Council should issue to throw it open. Some persons considered that it was open to be pegged out after the four notices, and pegged it out accordingly. In reality, such pegging was illegal, the land was not open. In such cases some local land boards arrived at wrong conclusions.

880. That was merely upon the interpretation of the proper legal time?—Yes.

881. But I ask particularly upon the evidence as to persons applying, is there any partiality exhibited in your experience in the working of the land boards as between two individuals making a claim for land?—As a general rule, I do not think local land boards have displayed partiality of that nature, though there have been some very few instances in which I suspected that some members of local land boards had done so.

882. With regard to the point of the proper legal time and starting fairly to put pegs in, has it come to your knowledge that some persons, well advised, had been watching the proclamation, and starting out forthwith, with special knowledge over and above what persons in the country had, either by the *Gazette* or by advertisement—is that within your knowledge?—Yes, that has been the case.

883. Then the persons who get the early tip, as they call it, have the start?—I think a person who comes to a survey office or land office and makes inquiry, when land is likely to be thrown open, certainly gets an advantage over those who do not make inquiry; but then that is a reward for his taking the trouble. We cannot refuse to give the information.

884. But even attending to the birth of it, as it appears in print, is not that an important element in a selection?—Yes.

885. The general public are not acquainted with the fact?—I think they are now.

886. After they have paid for it by the action of those knowing ones?—Yes, because the knowing ones at first took more trouble to obtain information.

887. That was while the lands were of special value, they would do that?—We adopt a different principle where the land is of special value.

888. How do you prevent the knowing ones getting advantage in that case?—The Act says, "That the Governor may (not 'shall') grant a license." Notices were issued in *Government Gazette* and local papers that, with regard to some of the land in the Western district, and in other districts wherein such land was of special value, applications will not be received for such land until after a specified day and hour.

889. And that is a departmental regulation?—Yes.

890. And if that is not well and fairly carried out, persons will still get the advantage through this early knowledge?—Those who take more trouble than others to obtain information from district surveyors or land officers might get the benefit.

891. Is not there another way of defeating the purpose? You know the Mining Act, and the power of invoking the Governor in Council to come in, and after the persons have actually selected and resided and even cultivated, do not you bring the Governor in Council into play to stop their getting the land finally there?—I do not quite catch the question.

892. After persons have selected under the 42nd clause and have resided upon the lands, cultivated, fenced, enclosed, and cropped it, is it not the practice of the Lands department, under the Mining Statute, to invoke the Governor in Council and reserve those lands, so that the parties could not become the holders in fee?—They do not reserve the lands, but they decline to grant the lands in fee, pending the existence of mining objections; if they have—

893. The Governor in Council may at any time, either by a general or particular description, except from occupation for mining purposes or for residence or business, under any miner's right or business licence, any specific portion of Crown lands or any class of Crown lands, and no land so excepted or included in any class so excepted shall be occupied under any miner's right or business licence until such exception shall be revoked. Are there not cases where this power is put in operation upon men who are actually in possession for agricultural purposes by the Land Act of 1869 or 1865 under the 42nd section?—It can be done by a condition in the licence itself.

894. No, but done by proclamation under this clause, without any conditions in the licence; are there not cases of that kind?—I think not.

895. Are you pretty well sure?—I am pretty well sure.

896. Suppose I can tell you, then, that I saw yesterday the proclamation and the papers sent up for the Governor in Council, and it was signed by a gentleman named Clement Hodgkinson, would not that be tolerable evidence that it can be done and that it is done—exempting lands long after they have been occupied under the Act?—My signature was merely attached to the recommendation by Board of Land and Works. I did not personally recommend the exemption of this land under 14th section of Mining Statute.

897. No, but a man in actual possession?—I do not at present remember such a case as that.

898. I may inform you, that I have seen the proclamation and read the papers, and I know the handwriting, and I saw it yesterday?—Land may be held for mining purposes after being licensed under 42nd section.

899. This was not held for mining purposes; it was held for agricultural purposes and cropped, and was exempted by you under that clause; might I say that, if it was done generally, the Mining Act could be worked so as to defeat the Land Act?—Of course it might, if it were decided that the 14th section of the Mining Statute could extinguish occupation rights under clauses of Land Acts.

900. I merely wanted to know if it is the practice, for I saw it yesterday; is it the practice or merely an accident?—It is not the practice; for, if land is exempted in the way you have said, it has reference to lands, unalienated Crown lands, within the bounds of the description.

901. At the time you wrote that, probably you were under that impression, but the fact was the other way; the man was in possession for more than two years, and had cropped it, and the schedule was signed by yourself. I do not doubt that that was probably an error, but I wish to know whether it is the practice—to know whether the land law cannot practically be set aside by the 14th section?—It is not the practice. I do not know the case you refer to.

902. The case I refer to is reported upon by Mr. Agg and myself yesterday; it is the case of Twohy, of Creswick?—In that instance the application for the exemption under 14th section of Mining Statute was made by Shire Council of Creswick, and approved of by the Honorable J. M. Grant in his own handwriting before I even saw the application.

903. I only wanted to know, as this Committee has drifted into a general inquiry, whether this clause is operated upon generally, or is it accidental?—It is accidental. I may mention, about these exemptions under the Mining Statute to which you allude, that my signature is attached to recommendations that do not emanate from me; they come as a rule from the Mining department; I do not make any recommendations to exempt land for mining, though my signature may be attached *pro formâ* to recommendations of Board of Land and Works. I may say that, at the particular period that Twohy's case was dealt with, the officer in charge of the division for issue of licences was dying of consumption, and some mistakes were made by an inexperienced clerk in connection with such case.

904. If it was found that the Mining department was really clashing with the Land department, would it not be more advisable that the whole business connected with land should be under the Lands department than have the two-headed distribution?—I do not think that any clashing need occur with the Lands department. I find that I work very well with the officers of the Mining department.

905. I do not speak of the feeling, I speak of the law; do the two Acts clash?—No, they work well together; the chief difficulty in the Lands department arises from the enormous privileges held by holders of miners' rights, which enable them to take up any Crown lands not reserved.

906. And hold them ostensibly for mining purposes?—And hold them ostensibly for mining purposes, or residence purposes, but really to be bought off in some instances.

907. By persons who want to settle?—Sometimes holders of miners' rights occasionally take possession of lands in cities or towns when likely to be required for public purposes.

908. They jump them, in fact?—They see a choice portion of land, and if they know that persons have applied for reservation of such portion for any public purpose, they put a residence upon it; and then, of course, they require compensation for removal.

909. Does a great deal of that sort of business go on?—I think many cases have occurred where the land has been held, not for *bonâ fide* residence, but to get money.

910. Levying black mail?—Levying black mail.

911. But that is not confined to that class of the public—there is a pretty general desire to levy black mail by settling in other places?—Cases have occurred.

912. Has not there been an invariable attempt to override the section by which improvements of pastoral tenants are reserved by the Legislature—have you not frequent cases of that sort?—Yes.

913. They do not so much desire *bonâ fide* settlement as to extort money?—I do not think the object has been to extort money, but to acquire the ground. The improvements have been generally put upon nice patches of land suitable for settlement.

914. And they try to get the improvements without paying for them?—They often try to do so.

915. And feel no compunction at taking another man's improvements, and not paying for them?—I suppose not.

916. *By the Chairman.*—Though I asked for the papers in Crudden's case, I knew perfectly well that another person applied for the land before him, and it was refused by Mr. Ligar, the then Surveyor-General, on the ground that the land should never be selected, and that Mr. Poeppel got instructions from the Surveyor-General that the land should be given up, because it was so close to a railway. You are also aware no doubt that Mr. Skene sat upon the Land Board, and recommended that the land should not be given out under licence?—I am not aware of that.

917. And then there is Mr. Morres, who ought to carry some weight, if he is at all fit for his place; he recommended that Mr. Crudden's application should not be entertained upon the 2nd of September. Upon the 3rd of September Crudden writes complaining of the decision of the local board, and on the 6th Mr. Poeppel, for whom you must have a higher regard than for your own officers?—I was not influenced by Mr. Poeppel.

918. He reports "No possible objection could exist to a licence being granted under the 49th section to Crudden to occupy the land in question (and which land was not included in the exemption made on the 8th August, 1870, from exemption)." Now the Surveyor-General most distinctly states, in his evidence here, that the exemption from selection went from the Trawallo Creek right to the telegraph road?—He may have intended that; but the chief draughtsman, who is in his department, did not so interpret it.

199. Clearly, the proper course in the department would be, to ask the head of the Survey department what his intention was, if there was any doubt about it?—I had better submit to you the papers connected with the matter; this is important, for the present Surveyor-General and I have always worked perfectly in harmony upon these matters. I may mention at the period when this reservation was made, the 14th of July, 1870, the Surveyor-General had dealt with a good many matters in the Beaufort district, for he had frequently held the commissions on applications under the 42nd section in such district, and the papers were handed to him on that account. He first wrote this minute, "The land to the south of the road is colored on the charts as exempted from application, that to the north of the road being required for railway purposes (probably). I would recommend it should at once be exempted from application." The papers then passed on to the chief draughtsman, his own officer, to prepare the description. Mr. Robertson writes this memorandum, "The portion of land proposed to be withheld from sale, leasing, or licensing, under the 102nd section, is situated between the main road from Ballarat to Ararat and the railway line, north of allotment 13, parish of Trawallo, as shown by pink tint by plans in the office." This is it—[*producing a tracing*]. I find that this memorandum of the chief draughtsman passed back to the Surveyor-General, who then wrote this minute to Mr. Lewis, who has charge of the Board business, "Please put cover for Executive Council." When I afterwards saw these papers, I assumed naturally from those minutes that Mr. Skene was satisfied with the description; if not, it was for Mr. Skene to have returned that paper to Mr. Robertson, and said, "You have not included the land I intended—include the land north of the railway," and that would have settled the question, as the land would not then have been open for selection.

200. Mr. Skene, in his evidence, says that that was his intention?—I now know that he did intend to include such land; at any rate, he did not carry out his intention.

201. *By Mr. Mitchell.*—Would it not be advisable now to give notice to Crudden that his occupation of the land under his licence should cease, as it was not intended by the department, and had been given by mistake, and the power existing in the licence to resume it?—I could not admit that it had been granted under a mistake, the land being open.

202. You yourself described the mistake?—I assume that Mr. Skene intended to recommend the reservation of the whole of the land, but he did not instruct the chief draughtsman to revise his description.

203. If he intended it, and it had been done as he intended, the land would not have been granted to Crudden?—It would not have been available; but, being available, I saw no objection to its going to Crudden.

204. But it is evident that it is wanted for public purposes?—I do not think it is.

205. Surely it is for the Engineer-in-Chief to determine that question?—The Engineer-in-Chief has not got charge of the public land of the colony.

206. Yes, he has as far as those particulars are concerned; if he says the land is required for public purposes, he is the judge of that?—He does not say that.

207. Yes, he does?—No; I have a somewhat similar case here to show the view we take of these things—[*The witness produced certain papers*]. This application for the land is worded almost exactly like the other one; this is a portion of the land reserved between Ararat and Hamilton for railway purposes. On reference to the Engineer-in-Chief he wrote the following report on the application:—"I do not think it should be alienated." I merely submitted his report to the Board—and the following minute was then written by the officer who has charge of the Board of Land and Works' minutes, "The above report was submitted in Board schedule, and the subjoined memo. in connection therewith is recorded therein by the Honorable the President: 'He does not want it to be alienated, but to make use of it'"—that is the applicant—this was by Mr. Casey. The papers were sent back to the Engineer-in-Chief, who then wrote a second report as follows:—"If the land referred to can be resumed at any time that it is required for railway purposes, and without charge, I do not see any objection to its being used in the meantime."

208. *By Mr. Mitchell.*—Can it be resumed?—Yes.

209. Have you ever resumed land?—I do not think we have, but we can at a moment's notice.

210. Still, Mr. Skene objected to the land being alienated in that way, for he said his knowledge of the practice was, that if once a man was in possession of the ground you never get him out of it—have you ever got a man out?—We have taken valuable improvements from a man's holdings for roads.

211. You have never taken land under the 49th section?—No; not as yet, I believe.

212. *By Mr. O'Shanassy.*—Following up Mr. Mitchell's question, why was no man ever put out of possession?—Because we have not had any necessity so to do as yet; that is the real reason: no one has ever applied to us to put a man holding land under the 49th section out of his own holding. If a public necessity arose for so doing it would be done.

213. What would be the necessity that would cause you?—If this piece of land that Crudden holds, or any similar portion, could be clearly proved to be required for public purposes, it would be done.

214. Do you think there is a Minister game enough to turn a man out of possession in this country? do you think there is one now, from your experience?—I think so, and the applicant knows that beforehand; he takes up the land subject to that condition.

215. Would not the necessary influence be like a large animal going among a hive of bees—would he not be stung to death by all the other bees?—In numerous cases, land held under the 42nd section has been occupied for mining purposes in spite of the improvements upon it.

216. And the occupants turned out?—Yes.

217. And not paid for their improvements?—I have no doubt they were paid for them, but not by the State.

218. Have any cancellations for violations of the law taken place?—Yes.

219. Put out of possession?—Yes.

220. How is it done?—The bailiff of the Crown lands is sent upon the lands to formally take possession.

221. And he does?—He does.

222. And there has been no collision?—There have been threats occasionally in cases of that kind; but, however, we dispossessed them.

223. *By the Chairman.*—Do not you think Crudden's selection might have been useful, if the railway goes there, as a place where the sheep might be shipped; would it not be one continuous reserve with the piece tinted green on the other side of the road?—I am still inclined to think that the existing width of six chains is enough for the station; this—[*producing a plan*—is just a little sketch showing

the position of the Lancefield Road Station, where there is a great deal of traffic; the two red lines show the width reserved at Trawallo.

C. Hodgkinson,
Esq.,
continued.
23rd Oct., 1872.

944. But the land was re-purchased, and that is a very different case from taking your own to begin with?—Since this question has been brought forward by the Honorable the Chairman, I have not had Crudden's selection inspected in any way whatever; but I am inclined to think he must have encroached upon a small portion of land outside of the $5\frac{1}{2}$ acres, or I do not think you would have been so much struck with the obstruction.

945. I was not struck with it at all, till my attention was drawn to it by others?—The piece of land is so small.

946. Of course it is, and that is the very reason that Mr. Hamblin remarked it; the piece of ground is there, of very little value to the Government; but the necessity of Government keeping back land is seen there, for they have gone in upon land which I do not mind selling at the price I paid for it, which was £5 1s. an acre, and which they will have to take north upon my land, because they cannot get any upon the other side of the creek, I suppose?—I can only say, that the Engineer-in-Chief told me that he had no intention of altering it on the west side of the creek.

947. At one sitting of the Board of Land and Works, when this was passed, Mr. Skene was present; and yet, six months afterwards, he did not know that the thing was granted?—I may mention, in explaining that, that Mr. Skene is responsible for the survey of the lands, and I am responsible for dealing with the lands after they are surveyed; I consequently generally sit more often at the Board than Mr. Skene; all the papers appertaining to the cases to be considered by the Board are brought up and put on the table; and as the cases are gone into, the Secretary of the Board turns over each paper, and is ready to read the whole or any part of any paper.

948. Is he ever called upon to read a paper?—Yes, frequently.

949. Is there such a thing as any discussion taking place upon a case that comes before the Board of Land and Works upon which the Assistant-Commissioner recommends?—Yes, very frequently; but it depends upon who the Minister is—some Ministers ask fewer questions than others. The present Minister, Mr. Casey, inquires into almost every case.

950. *By Mr. O'Shanassy.*—But, ordinarily, almost every Minister takes for granted what the Assistant-Commissioner recommends?—I would not like to state that.

951. Were he to inquire in each case, how much time would it take?—If he went into each paper on each case, he could not get through them.

952. *By the Chairman.*—Is it usual to have such an amount of correspondence about selections of this kind as there is in this case?—No, it is very unusual indeed; it is owing to Mr. Crudden being so persistent in his endeavour to get this land.

953. I made some inquiries of former witnesses as to Mr. Poeppe's character and his standing in the department—he reports to you that no possible objection could exist?—Excuse me, he does not report to me; he reports to Mr. Morris.

954. You quote that report as one of the grounds of your action?—Excuse me; I did not say I was influenced by his report—I quite disclaimed that. I mentioned, both in my report to Mr. Casey and in this more elaborate one to-day, what were my reasons, and I did not include in such reasons Mr. Poeppe's report. I am not in the habit of being guided by the reports of any of the contract surveyors in any part of the colony.

955. The memorial to which you make special allusion, and to which you seem to have attached considerable weight, was referred to the Engineer-in-Chief, and he said that no land within a quarter of a mile of the railway should be alienated at present. Crudden was so informed; and the letter is received in November, 1870, from Mr. Adair; did Mr. Adair sit upon the local land board which dealt with that very piece of land when the district surveyor at Ballarat recommended it should not be granted?—I do not know.

956. After much correspondence, which does not seem to be of any weight?—The subsequent correspondence was not of much weight.

957. And yet, upon that correspondence the Board of Land and Works confirm your recommendation; for surely you would not have gone against those two opinions of the Engineer-in-Chief and the surveyor, unless you attached weight to the correspondence?—I may say that, in the meantime, I thought over the matter in connection with the railways, and as I had a good deal of experience in railways before I came to this colony, I saw that there was not the slightest probability of any engineer pushing the line further north upon the Beaufort side of the creek.

958. Did not you think it was of any importance to have any yards for the stock coming to the railway?—I considered that sufficient land had been left on the south of the railway—there is there a reserve of about sixty acres. I consider that that reserve would be more accessible, because it is upon the main road from the Western district.

959. Are you aware that the sheep coming from the Wimmera to Ballarat come down the Waterloo creek and must pass by that reserve of Crudden's? Again, the piece Crudden has got is only about a quarter of the total area of the reserve; and the rest of the total area, perhaps you are not aware, not having seen it, is under water a great part of the winter?—I am not aware that so large a proportion of the land is under water in winter.

960. *By Mr. O'Shanassy.*—Upon the general subject of selection for agricultural purposes, may I ask, is the demand increasing or diminishing?—The demand does not appear to be slackening at all; people seem to be as much excited as ever to get land.

961. Is it for agricultural settlement, or for speculation?—I think the greater portion of the demand is for *bonâ fide* settlement. Land, which a few years ago we would have thought selectors mad if they applied for, is now being eagerly taken up—for instance, in the Wimmera district, the Echuca district, and the open country between the Loddon and the Campaspe.

962. Is that speculative or *bonâ fide*?—I think a good deal of it is *bonâ fide*.

963. Is there a good deal of it speculative, with regard to runs in that locality?—No doubt there is some speculative selection; but I think the major portion of it is *bonâ fide* selection. No doubt many selectors go there with exaggerated notions of the value of land.

964. Have any of them any knowledge at all about the growth of a crop who are going there?—Yes, I think they have.

965. Are they under the impression that crops will grow there annually?—I may quote instances.

C. Hodgkinson,
Esq.,
continued,
29th Oct., 1872.

There is a family named Rooke, who have been farmers for the last twenty years upon the Dandenong creek—the father is a working farmer with a family grown up—they took some land at Warrandyte, in the county of Evelyn, and have migrated therefrom, in consequence of the success of some members of the family upon land north of Rochester, in the Echuca district.

966. Is it grazing or agriculture for which they are all clubbed together?—Principally agriculture. They are quite satisfied with the selections.

967. Is it within your knowledge, that a great number have gone for speculative purposes?—I do not remember individual cases.

968. There is no trial whatever as to their ultimate success; it is a speculation at present?—It is at present, for this reason, that the seasons have been rather exceptional in those northern districts for the last year or two.

969. Favorable?—Favorable.

970. Therefore they have no knowledge, nor can they form an idea of what the seasons will be in a cycle?—I do not know; the German settlers seem to be quite satisfied; they will be able to hold their own in an average of seasons.

971. Apart from those districts, is there any demand for land for settlement?—Yes.

972. Where?—In Gippsland every acre of land available is being taken up.

973. Is that timbered country, or plains?—Timbered country.

974. Is there any in the west?—Not much in the west; there are continually applications for lands which are reserves.

975. Because of special value?—Partly from that reason and partly because so much other land has been absorbed.

976. Has the department made an estimate of the time when it will be at an end as far as the present population is concerned?—No; I thought myself that the demands would very much have ceased this year; instead of that, the work of selection is more vigorous than ever.

977. Can you give us any general notion of the number?—I could not do so off hand; I could do so on reference to office records.

978. Had there been any alteration in the law this year, how would persons in the west, or other places where the land is taken up, have got an extension of area unless they sold out? are there any new settlers coming?—I do not quite understand the question.

979. If there had been an alteration in the law, increasing the area of selection from 320 to 640 acres, how would those persons in the settled districts have availed themselves of the new law, unless they had sold out?—It would depend a good deal upon where the new selection would be.

980. Take all the settled parts where the land is taken up, how would they have increased their areas, seeing there is no land near their holdings?—I do not know.

981. They could not reside in two places at once, I imagine?—No.

982. Are the payments pretty regularly made?—Yes; but these are rather questions of policy, and I respectfully desire to be excused from answering such questions.

983. Are the payments pretty regularly made?—As a rule much more regularly than I expected, some years ago, they would be.

984. Has the strong motive which the Legislature has given—making the payments part of the purchase money—induced that?—Yes, I think so.

985. Before that incentive was given, was not there a disposition to run about and try new places?—Yes; no doubt.

986. And they have a desire to become the owners in fee?—A great portion of the population do desire to become owners in fee.

987. Is there as great a desire to change now as there was?—It depends a good deal upon the nationality of the population.

988. Do you mean the persons of a certain nationality like to go together in places?—Not only that, but certain nationalities make settlements and homes much more readily than others. I have noticed that the Latin and Celtic populations—for instance, Italians, Irish, Scotch, and the few French in Victoria—are very stationary.

989. The Germans?—They are more wandering, but the Anglo-Saxons are much more prone to move about and get rid of their selections.

990. That is not according to their original composition?—That is my experience as regards selection. Taking the applications for transfers, for instance, there are more Anglo-Saxon names for the applications to transfer than there would be of Scotch or Irish.

991. But you know the Scotch and Irish are specially educated to agricultural pursuits, and have no other to fall back upon; but the English, or Anglo-Saxons, as you call them, are more commercial people?—Yes. We have a large number of Italians in the Daylesford district; they are very stationary; when they get land they like to stick to it.

992. *By the Chairman.*—Are the new selections taken up by old selectors?—In a great many instances they have increased their holdings.

993. In the instance of this man Burns—as soon as he got the twenty-two acres he offered to my brother his original holding, upon the other side of the road, at £5 an acre, which shows that it is merely a matter of pounds shillings and pence with the selectors, and it is open for purchase now?—Yes; no doubt a great many persons are willing to dispose of their holdings in that way, when they see a prospect of great profit by so doing.

994. You had a good deal to do with the compilation of the last Land Act, amending the Land Act of 1869. Are you aware that, by a clause of this Act, the holders under the 42nd section of 1865 and 49th section of the Land Act 1869 were to be entitled to lease upon certain conditions, and there were terms upon which holders under the 49th section of the Land Act of 1869 should be entitled to holdings in fee simple?—Yes, it would have put them in a similar position to that of the old 42nd section licensees.

995. There are some 12,000 or 13,000 acres of the most valuable land in the colony, and the men are to be put upon the same footing as the holders of land at 10s. an acre?—Yes; but it is merely following what was done by the Legislature by introduction of the 31st section in Land Bill of 1869. Of course, as far as I am concerned, I have no policy whatever; I merely carry out what I conceive to be the policy of the Minister for the time being.

The witness withdrew.

Ordered—That this Committee be adjourned.

THURSDAY, 14TH NOVEMBER, 1872.*Members present :*

The Hon. R. SIMSON, in the chair ;
 The Hon. W. H. F. Mitchell | The Hon. J. O'Shanassy.
 P. Russell

Clement Hodgkinson, Esq., Assistant Commissioner of Crown Lands and Survey, further examined.

996. *By Mr. O'Shanassy.*—Can you tell us more definitely, than you could the last time you were examined, what is the proportion of cases in which the recommendations of the local land boards have been disallowed?—I have referred to the office records. C. Hodgkinson,
Esq.,
14th Nov. 1872.

997. What do you find is the result?—The statement I made of one in 500 would be right enough as to the present year, 1872; but in 1869, 1870, and 1871, the proportion of alterations suggested by me in the recommendations of the local land boards was very great.

998. What was the proportion in 1869; what in 1870; what in 1871; what in 1872?—I only had time to take the average period. This is a memorandum that I wrote to-day on examination of the schedules of proceedings of the local land boards during about two months, taken at random. In 1871, I find, out of 1566 recommendations of local land boards, 1308 were adopted without modification, 123 were modified, and 35 rejected.

999. Did you act upon those Commissions at the time when those 1566 were dealt with?—No, I did not.

1000. Nor on the 1308?—I acted upon the Board of Land and Works, but not upon the local land boards.

1001. Did you ever go to the local land boards at all?—Yes; I went to one in 1871.

1002. Where?—At Kyneton.

1003. Did not you generally go down to superintend the subdivision of the territory in those proportions, and by your influence as an officer create a decision in any case or any number of cases?—I attended some local land boards in the early period of the Land Act coming into operation.

1004. 1865?—Yes, some of them.

1005. Was not the policy dictated, practically, by you at those local land boards of the distribution of land?—When I sat upon those local land boards, I certainly took the chief part in the investigation of the applications.

1006. You dictated the policy, more or less?—Yes; I think local members of the boards were guided by me.

1007. And it was to distribute territory according to the ideas you suggested to them at that time?—Yes; those ideas being in accordance with the views of the Minister at the time.

1008. Therefore the local land boards, as far as you were attending them and recommending this policy at that time, were, practically, yourself; and the recommendations came back to the Board of Land and Works, of which you were a member; and, having made your recommendations at the local land board, you did not gainsay them when they came to the central authority?—No, with regard to the few local land boards where I attended.

1009. But a few local land boards may have a large amount of recommendations to distribute—they may have the 1566 in 1871, for example; is that so, or not?—Yes; I think that the local members of such boards were a good deal influenced by my views.

1010. But had they not to deal with the principal number? did they deal with the 1566 disposed of in 1871?—I did not sit upon any boards in that year. I was not a member of the board which sat at Kyneton, although present at meeting thereof.

1011. In any case where there was a great number of applications to be disposed of, how far did the officers of the department influence the distribution of land at the local land boards, and to what number of cases?—I cannot say.

1012. But generally, was not the policy so indicated, that those boards were almost invariably followed by the other boards where you did not attend, as well as those which you did attend?—When Mr. Skene or myself did not preside at a meeting of the local land board—and I may mention we have for a very long time past discontinued attending any such board—no doubt the local members of such boards were a good deal influenced by the expression of our opinion upon former cases. My practice was, upon the applicant coming forward, to first of all inspect a map which was before me, and open to the inspection of the other members of the Board, and if I saw no departmental objection to the application as to the boundaries or part of a reserve or land already alienated, I called for objections from the general public, and waited some time for an answer; then I turned over the papers to see if there was any written objection attached to the application; if there were, I then read it out to the other members of the local land board; and then, if such objection seemed to me to be futile, or such as we ought to disregard, I said to the local members, "I think the objection is not such as to warrant us in rejecting the application," and generally they agreed with me.

1013. As far as you possibly could, then, the meaning of your attendance was to endeavour to distribute according to the policy in your mind at the time, gathered from whatever source?—Yes, such ideas being what I believed to be the policy of the Minister of the day.

1014. Then you practically were the distributor of the territory according to your ideas amongst the applicants?—I can hardly say that.

1015. But, subject to the objections you have stated, either from persons in the body of the meeting, or departmental objections, or to objections otherwise made, but you overruling them, you were practically the distributor according to your idea?—I generally followed my idea, but the case was not terminated there; the schedule of applications then had to be submitted to the Minister.

1016. What was done then?—After the schedules were gone through and recommendations of local land board recorded in them, before those schedules were brought up for consideration at the Board of Land and Works, a certain time was allowed to elapse, not less than a fortnight, to afford time for persons who had not an opportunity to bring objections before the local board to appeal against adoption of such

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recommendations, or to deal with any unforeseen objections. It often happened that, though no objections were brought before the local land board, there might be mining objections which were not brought under notice at the sitting of such board; but by allowing a certain time to elapse before the final dealing with such applications by the Board of Land and Works, all such objections were generally brought forward and considered.

1017. Apart from the objections, which we may presume were few, the bulk of the applications of which you approved at the local land boards were practically approved by you, and recommended to the Minister, and carried into effect?—Yes.

1018. Is that so, or not?—It is quite true—still more especially as to the working of the 42nd section of the Act.

1019. From your experience in the distribution of this territory, are you acquainted with any number of cases that relate to local influence, or jealousies, upon the subject of the distribution of the various allotments of land?—Not many cases of that kind occurred.

1020. Is there, or is there not, any instance of any recommendation of your own being upset by the Board of Land and Works, when you came back as a member?—Yes, there have been some instances.

1021. *By Mr. Mitchell.*—Is there one in these three volumes—we cannot find them?—There have been some, not many.

1022. *By Mr. O'Shanassy.*—Then, the general policy of the working of the Act, as to the local boards, was generally your policy?—The Minister would, no doubt, have upset any of the recommendations, if he saw good grounds so to do.

1023. True, but as he did not do that, as you say the number of objections was so very small, and the local members all concurred in your view of the distribution, is it not practically the fact that you were the distributor of the territory by your policy?—I do not admit that, because—

1024. But, who else was, if you were not?—I consider the Ministerial head of the department was.

1025. If he merely sanctioned what you did, was he not more a machine than anything else?—But, there were other local land boards at sittings of which I did not preside.

1026. Was he not a mere machine in that matter, confirming what you did locally?—I could not say that.

1027. What else was he—did he examine each case, and decide it upon its merits?—He examined cases where there were marked objections.

1028. Where there were no objections, he examined no cases—are we to infer that?—In cases where there were no objections, he certainly approved of my recommendations.

1029. As a mere matter of form?—It could not be legal without his approval.

1030. I want to ask that question—was it as a matter of form or a matter upon which he exercised reason, judgment, and discrimination?—I think he exercised his reason to this extent—he knew if there were objections to any particular application, I would bring them under his notice; for when that local land board schedule was placed before him, all the papers were alongside, and as papers were passed on, all those were turned over ready to refer to.

1031. If there were no objection when you sat at the local land board, and if objections were not brought before him, did he do anything else than sign his name to the document?—No.

1032. Then he acted as a mere machine, in a mere matter of form?—I cannot call that acting as a machine.

1033. He relied upon you as an officer?—Upon me and the local land board.

1034. But the local land board you admit were influenced by you?—When I sat upon those boards I sat as chairman; of course, I had some influence in the matter, but I always laid the cases before the other members.

1035. And they did not object to your policy of distribution. I do not want to press you unfairly?—I really did not exercise more power on those land boards than district surveyors do at present.

1036. But did not you really become substantially the absolute authority in the matter in all cases where there were no objections?—I always turned to the other members of the board.

1037. Finding there was no objection, you were the authority?—In the schedule of the proceedings I wrote in the word "Recommended."

1038. I understand you to say, that you put the case regularly to the people present, to see if any of them objected?—Yes.

1039. How were they assembled?—At the court-house generally.

1040. By what process?—They received notice from the district surveyor that the application would be publicly heard at the court-house at the time specified in the notice.

1041. It partook, therefore, of something of the Greek form of legislation, by popular vote. If the majority in that assembly told you there were great objections to that particular case, you would, at all events, have reconsidered it?—Yes; if a large number of persons in the district came forward to raise objections to the granting of an application, I would, of course, carefully consider such applications, and no doubt the other members of the board would too.

1042. Do you think that is a judicial proceeding at all?—It is a *quasi* judicial proceeding.

1043. How is it a *quasi* judicial proceeding?—To this extent, that we took evidence as to priority of applications; it may also be considered a *quasi* judicial proceeding, inasmuch as local land boards are constituted by a clause in the Act, and regulations based upon that clause.

1044. You know that judicial proceedings are conducted by regular process of law; this must be one of the wildest notions about getting justice for or against, when it is objected to by persons casually present, like people in a police court?—I can only say that the system has worked very well.

1045. I have nothing to do with the question how it worked. Had it or had it not, that is the question. What is the fact? Had it not that character? How far was it a judicial proceeding?—I think it is a judicial proceeding, because the boards are constituted by regulations based upon the 100th clause of the Land Act.

1046. Had that anything to do with the public meeting called?—We did not call a public meeting.

1047. What was it?—We called the applicants to come forward.

1048. Did you invite the public to say, by any process at all, "Now, those who are in favor of the cases to be tried to-day, or those who have any objections, let them appear." Was there anything of that kind?—No.

1049. Then what was the value of those persons' opinion to the local land board?—Because a man who wants land has to peg it out and advertise his application for it in the papers. He pegs out a piece of land to which his neighbours object. They find out that he has pegged it, for they see the pegs.

1050. They may or they may not, if they are acquainted with the business?—Then those men know the application is to be heard by the local board, and attend that board, and, when the chairman calls "Is there any objector present; if so, come forward," they do come forward, and then the objections are publicly discussed.

1051. Am I correct in saying that, upon those occasions, one of those points of inquiry was, "Have you a family?" "Have you any other land?" "Has the person who is applying for the land any other land and, if so, how much?" Which is it fairest to give it to—the man with a family, the man that has the largest number of acres, or the man that has no acres at all, or the man to whom no objection is made, though he has thousands of acres in the district? Were not those subjects that cropped up in the local land board?—They cropped up more at sittings of Commissions under the Amending Act of 1865 than at the local land boards approved under the Land Act 1869.

1052. Did they crop up at the inquiry?—At some land boards not at all.

1053. At any at which you were present?—It has not been my practice, as a general rule, to make inquiries as to the number of children of applicants, or their occupations.

1054. But were those questions ever opened up in your presence at local land boards?—They have been at Commissions under the 42nd section, but not in connection with the recent land boards.

1055. Did they crop up in Commissions at which you were present?—Yes, and they have cropped up occasionally in meetings of local land boards where I was not present.

1056. Did they ever crop up anywhere at all where you were present?—Almost invariably under the 42nd section.

1057. You have heard them?—Yes; I have asked the questions myself.

1058. What rule for distribution did you apply in those cases?—If there were two rival applicants for land, and one of them had already acquired by purchase a large extent of land, and the other man none, and their applications were equal in other respects as regards priority, I would give the land to the man who had no land; that rule has been very generally carried out under all Ministers.

1059. *By the Chairman.*—By yourself, or Ministers?—I and other chairmen of Commissions considered we were carrying out the policy of the Ministers.

1060. *By Mr. O'Shanassy.*—It had nothing at all to do with the plain terms of the Act of Parliament?—No, it was only the policy of the Ministers.

1061. And was the policy adopted under the Act, without reference to the terms or words of the Act?—It has been the policy.

1062. Was not the question of family considered?—Yes.

1063. Was there any inquiry as to his capacity to carry on the employment of an agriculturist?—No.

1064. So long as he applied for the land, it was enough?—It was one reason perhaps.

1065. I want an answer to that question. So long as he applied for the land, there was no question about his capacity to carry on as an agriculturist, as to capital, or otherwise?—No; and that may be traced in some measure to an inquiry which I made, soon after the 42nd section came into operation, with regard to some men without means, who had been farm laborers, and had obtained tolerably large patches in the Pyalong district. I inquired some time afterwards, being in that district, what they had done with the land, and found they had gone upon the land by moonlight, made log fences, and worked hard till they left their employments as laborers and gone on the land; and some time afterwards we found all the men fairly established; I consequently thought that men who were farm laborers and who had families who could work, could take up land without capital.

1066. You discovered that after you made the decision?—Yes.

1067. But prior to that, did you make the inquiry, whether they had or had not the means to make the improvements required by law?—No.

1068. Then that was the popular notion of distribution merely?—Yes.

1069. With regard to the occupants, then, did you ascertain whether the persons who were applicants were really possessed of land or were not?—If any question arose, the records of the department would show whether they had land or not.

1070. How could that show, if they had got it by purchase from some other person? how did you know that at the Land Board meetings?—That, of course, we had no check on.

1071. Neither did you know whether the man applying for land was mortgaged to the eyes, and wanted a new piece to start afresh, though nominally appearing to be the owner of acres; you did not make that inquiry?—No, I did not.

1072. Then it was a sort of rough-and-ready business?—Yes, to that extent.

1073. I merely want to get at what has been the administration of the thing?—Some of those local land boards have 400 cases to deal with; and if we attempted to obtain replies to too many personal questions we could not get through the business.

1074. Was your idea of the distribution the mere popular idea present at the moment, or did you take any judicial method at all of finding out the facts before you decided—that is, a judicial mode—that is, averment of facts, examination of the averment of facts, or anything of the kind?—It would have been impossible to find out how much land they acquired by private purchase.

1075. Supposing all those bases to be false, you would acknowledge that, in making those decisions, you were acting unjustly, since you did not take means to find out the facts?—I hardly think that, for there is a distinction between a man who acquires land by purchase from the Crown and the man who acquires it by purchase from an individual.

1076. What is the distinction between their positions at the moment of your inquiry?—Much of the land acquired by direct purchase from the Crown has been acquired at a moderate price; and when they purchase it from other persons, they generally pay a great deal for it, especially farming land.

1077. But how did you know that, at the particular time you were dealing with any case that came before you; how did you know the circumstances of his purchase either from the Crown or a private individual; how did you know his position?—Only by his statement.

1078. Supposing a man had 35,000 acres of land mortgaged for £60,000, was not he really a poorer man than the laborer coming to ask for 50 acres?—Yes.

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1079. But, how did you know it?—Probably, he would tell us.

1080. Would not he be called upon then to reveal his private affairs, and thus to do himself a very grave injustice?—Yes, perhaps.

1081. Was not there a great number of cases disposed of upon your own recommendation as Vice-President of the Board of Land and Works, or by Vice-Presidents not connected with the department?—The proportion is not very large.

1082. *By Mr. Mitchell.*—There are a great number in the schedules?—There may be, but the proportion to the total number of cases is not large. While Mr. Grant was in Sydney, Mr. Longmore acted as Vice-President, and disposed of a large quantity of business.

1083. And he was not responsible for the lands, and knew nothing about them?—[*No answer.*]

1084. *By Mr. Russell.*—Was there no tracing before you when you granted that land to Crudden—were you not aware that the land was not reserved?—I was aware that the land was not reserved, for a description is published in the *Government Gazette*, and this description did not show the reserve.

The witness withdrew.

Andrew Robertson, Esq., examined.

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1085. *By Mr. Mitchell.*—What is that plan?—That is a copy of a tracing from an original plan in the Crown Lands office.

1086. When was this taken?—I could not say.

1087. It has been done this year?—I think so, but I am not positive.

1088. You were asked here—[*referring to the papers*]—by Mr. Hodgkinson, “Adverting to Mr. Poeppel’s memo., dated 24th August, 1870, will you state if the land applied for by Crudden, containing 5a. 1r. 20p., was exempted under 102nd section, or under any other section.” You say, “The land is withheld from leasing and licensing. 25th June, 1872”?—Yes, I did.

1089. At the time you gave that answer, that chart in the office was all colored pink?—No; I explained afterwards that I was misled; the plan in the office is upon a very small scale, and the run boundary line was shown along the creek in pink, and I mistook this line at Crudden’s land in the first instance as being colored pink for withholding. I afterwards explained that in the correspondence, I think.

1090. Here is Mr. Simson’s representation why the land ought not to be alienated; here is Mr. Skene’s recommendation, “The land to the south of the road is colored on the charts as exempted from application; that to the north of the road, being required for railway purposes (probably), I would recommend should at once be exempted from application”?—Yes; that is the piece upon the north of the road—[*pointing it out upon the plan*].

1091. *By the Chairman.*—The railway was not laid out then?—The reserve for the line was laid out.

1092. *By Mr. Mitchell.*—This letter does not apply to the whole of that piece, if you read that?—I did not take that letter; I only took the Surveyor-General’s recommendations; he says, “the piece of land north of the road,” which is that piece between the road and the railway reserve—[*pointing to the plan*].

1093. *By Mr. Simson.*—What constituted the railway then?—The reserve that was marked off.

1094. My letter did not advert to that at all, nor Mr. Skene’s letter?—[*No answer.*]

1095. *By Mr. Mitchell.*—“The portion of land proposed to be withheld from sale, leasing, or licensing under the 102nd section is situated between the main road from Ballarat to Ararat and the railway line, north of allotment 13, parish of Trawallo, as shown by pink tint by plans in the office.” Was that shown as pink?—Yes.

1096. Was this—[*pointing to the plan*]—shown as pink?—No.

1097. When did this become pink?—It has not become pink at all; it is merely marked off as a departmental reserve for railway purposes—it never was actually reserved.

1098. Mr. Skene receives this letter from Mr. Simson, and directs that Mr. Simson’s application shall be complied with?—Yes.

1099. And directs that all the land shall be reserved?—No, I think not.

1100. But here is this letter, and the minute upon the back of it?—I only took the minute.

1101. How is that?—I only took Mr. Skene’s recommendation, “to the north of the road.”

1102. Unless you have the letter, how do you know what the memorandum refers to?—Here is the road.

1103. Who told you that that was the road?—Mr. Skene.

1104. Mr. Skene told you that was the road?—I know it.

1105. Without the letter, how do you know the memorandum refers to that land at all?—There it is upon the memorandum.

1106. What road?—This road upon the plan.

1107. Who wrote that?—A clerk in the office.

1108. Do you mean to say that that minute is all the information in the office?—No; of course, we had the letters.

1109. Had you the letters before you at the time you wrote this?—Yes.

1110. Was Mr. Skene’s recommendation that this letter should be complied with?—No; only so far as respects the land north of the road.

1111. *By Mr. Russell.*—What do you call “the land north of the road”—put your pen round it?—This—[*pointing out the same*].

1112. *By Mr. Mitchell.*—If this letter was sent you to carry out, you would read it?—Yes; but it was not sent to me to carry out. This piece of Crudden’s is north of the railway reserve. Mr. Skene would have said “north of the railway line,” if he had meant to exempt that portion.

1113. But he did mean that, for he has ordered it?—Excuse me.

1114. How is that?—I appended a tracing to that letter, and Mr. Skene signed it.

1115. Give us that tracing?—It is there in the correspondence; there it is—[*pointing to the same*]. I attached it. Mr. Skene signed the minute and sent it up to the Governor in Council. That is a tracing as attached, as I state in my minute, and Mr. Skene sent it to the Governor in Council—there cannot be anything more distinct.

1116. You here say, that it was marked upon the chart as exempt in the first instance?—I do, but I explained afterwards that I was mistaken.

1117. It was marked upon the chart?—It was not marked upon the chart.

1118. You say so?—I made a mistake in consequence of the run boundary having been marked pink at Crudden's land.

1119. *By the Chairman.*—You say so now?—The portion south of the railway line and north of the main road was marked.

1120. *By Mr. Mitchell.*—It does not say a word in the description about the railway line, when it goes to the Executive Council—where is the description?—The tracing is the description.

1121. The tracing is the description?—Yes.

1122. But in what you sent on to the Executive Council, it does not say anything about the tracing—“the portion of land proposed to be withheld from sale leasing or licensing under the 102nd section is situated between the main road from Ballarat to Ararat and the railway line north of allotment 13, parish of Trawallo, as shown by pink tint on the plans in the office”?—It does not mention the tracing, but this description is clear, and the tracing agrees therewith.

1123. Not “this plan”—it is “the plans in this office”?—Yes, that is a copy.

1124. It does not say so, and does not give any description of it?—I think it describes the land.

1125. How much land is there there?—Three or four acres, I should think. What I understand is this, that if Mr. Skene had desired me to put in the two pieces of land, he would have mentioned the two portions of land—the one north of the road and the one north of the railway line. Allow me to explain—I think, if Mr. Skene had meant north of the road to mean as far as the creek, the interpretation might be extended so as to include north to any other creek.

1126. It would not have been Crown land?—No; but, if Mr. Skene had meant that, he would have said “the portion of land north of the road and south of the line, and the other portion of the land north of the railway line.”

1127. *By Mr. Russell.*—By whose instructions did you draw that in pink?—By Mr. Skene's instructions.

1128. Where is that shown?—I had verbal instructions. I showed him this tracing, and, as it agrees with the description sent to the Executive Council, I think, I carried out his instructions.

1129. You understood that those instructions referred to the piece of land between the road and the railway?—Quite so, for he says most explicitly, that piece of land north of the road. Now, I contend that the other piece is separate from that one, and if he wanted to include it, he should have said “pieces of land.”

1130. Was the railway laid down at the time?—Yes; the departmental railway reserve was six or seven chains wide—I attached the tracing and Mr. Skene sent it away, having complied with his instructions; he says “Put in cover for Executive Council” on the next day.

1131. If you had received instructions to include both of those pieces, you would have done so?—Of course I should.

1132. On both sides of the railway?—On both sides.

The witness withdrew.

Alexander John Skene, Esq., further examined.

1133. *By Mr. Mitchell.*—Would you have the kindness to look at this and explain it to us; Mr. Simpson sent in this application to you—that refers to the blue piece, does it?—That is the piece. A. J. Skene, Esq.,
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1134. Then you ordered the land upon the south side of the road to be exempt from application?—Yes, I was alluding to this main road—this portion marked green was reserved to the south, and my intention in writing that minute was, that the portion of land from the north side of the road up to the creek should be reserved.

1135. *By Mr. Russell.*—Read your instructions, though?—“The land to the south of the road is colored on the charts as exempted from application; that to the north of the road being required for railway purposes (probably), I would recommend should at once be exempted from application.” I intended that recommendation to refer to all the land between the road and the creek.

1136. If you give instructions to Mr. Robertson, or whoever draws these plans, to give you a chart of a certain piece of land north of the road, what would that mean, when there is a railway passes between two allotments—how far would that extend?—I do not think that this railway was shown at that time upon the plans.

1137. We are told it did appear, by the last witness?—I knew that the railway passed there, and that was the reason I wished to have the land reserved; and my intention was that the whole of the land should be reserved.

1138. But were those lines there? You order that the land on the north side of the road should be given away, I understand?—

1139. *By Mr. Mitchell.*—At this time, was the railway marked upon the chart in such a manner as to lead any one to suppose that only that little bit—[pointing to the plan]—was to be taken?—I could not say. I do not think this is the original plan.

1140. Would it be inconvenient to have the plan brought down?—No; the plan could be brought down at once. My knowledge of this portion of land is this, that just here—[pointing to the plan]—there is a little dry knoll of land high above any flood mark when the creek is flooded down; the creek runs down so, and comes down there—[pointing to the plan].

1141. *By the Chairman.*—At the time my letter was written, Crudden's land there was fenced in right across there, and all under cultivation where the railway is too; and this was the only unoccupied spot of land; and the school-house stood there, upon the open piece of common land, where the railway is now, without anything to mark the railway there?—Yes.

1142. *By Mr. Mitchell.*—But was there anything upon the chart to show the railway?—No doubt the general direction of the railway would be shown upon each chart.

1143. Would it be shown in that distinct way?—I scarcely think it would be so.

1144. Mr. Robertson says he submitted this chart to you to send on to the Executive Council?—That is very possible; having given my directions to an intelligent officer, I thought they were carried out, without looking very particularly.

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- I do.
1145. *By Mr. Russell.*—You say it should be exempted—all that north of the road?—Certainly’
1146. *By Mr. Mitchell.*—Is there any record of what the Board of Land and Works did approve in regard to exemption?—They approved of the reservation of the land to the north of the railway.
1147. We have not got the schedule?—It would simply show this with the word “Approved.”
1148. *By Mr. Russell.*—Who gave those instructions for this being marked pink upon the north side of the road after those lines were exempted—the question is plain?—Those papers, on being approved by the board, would go to Mr. Robertson to prepare a plan to be attached, and go to the Executive.
1149. But you exempted it all?—I cannot exempt it; I recommend the exemption, and the board approves of that.
1150. Then some one must have given Mr. Robertson an order to mark the pink?—Mr. Robertson did that himself; it is his duty to see that this recommendation of the Board is carried out, by getting the papers put in form to be laid before the Executive.
1151. Then you mean to say, that Mr. Robertson did this of his own accord?—In obedience to those instructions from the Board of Land and Works.
1152. I understood that minute to say, that the land be exempted?—That is the recommendation I made, that it should be exempted.
1153. Then we ought to have some recommendation recommending something else than what you did on ordering Mr. Robertson to do that?—The papers having received the sanction of the Board would go to Mr. Robertson to be prepared to lay before the Executive Council.
1154. Will you read what received the sanction of the Board?—“The land to the south of the road is colored on the charts as exempted from application, that to the north of the road being required for railway purposes probably, I would recommend should at once be exempted from application.”
1155. Did that receive the sanction of the Board?—It did.
1156. Then how comes it that the Board’s exemption is overridden by this?—It must be a misunderstanding of the gentleman who drew this chart, thinking that the portion north of the road was the portion between the road and the railway.
1157. Who is the gentleman responsible for having done that?—Mr. Robertson.
1158. *By the Chairman.*—Is there a schedule of the exemption map?—Yes.
1159. Can they be brought here?—Yes, but the schedule would show nothing more than appears in my minute with the approval of the President.

The witness withdrew.

Ordered—That this Committee be adjourned to Tuesday next at Two o’clock.

TUESDAY, 19TH NOVEMBER, 1872.

Members present:

The Hon. R. SIMSON, in the chair;

The Hon. W. H. F. Mitchell

The Hon. P. Russell.

Alex. John Skene, Esq., further examined.

1160. *By Mr. Mitchell.*—Have you brought the map for which we asked?—Yes.—[*The witness produced the same, which was inspected by the Committee.*]

1161. Crudden applied for all the piece of land north of the road?—He applied for the piece of land north of the road.

1162. All of it?—Yes.

1163. The second time he applied for this piece—[*pointing it out upon the map*] ?—Yes; I ordered the land north of the road to be reserved, conceiving that the reservation would extend over the whole that Crudden asked for.

1164. What was ordered by the Board of Land and Works to be reserved?—I recommended, or intended my recommendation to cover the portion of land north of the road, including the portion of land applied for by Crudden.

1165. Now turn to the schedule and point it out to us?—[*The witness did so*]—“Robert Simson submits memo. relative to a selection by one Crudden at Trawallo Bridge, and also to a selection by one Davies. The Surveyor-General reports: ‘The land to the south of the road as colored on the charts is exempt from application—that to the north of the road being required for railway purposes (probably) I would recommend should be at once exempted from application.’ Approved.”

1166. What was approved by the Board of Land and Works was not Crudden’s application at all, but Mr. Simson’s representation. Afterwards an application comes in at a later date from Crudden. Mr. Hodgkinson refers to this gentleman who colors this piece to know about this piece of land, and he then informs Mr. Hodgkinson that the land was reserved; how was it shown that the land was reserved?—[*The witness inspected the plan*]—It is not shown in this plan.

1167. That is very curious—see what goes on; further, Mr. Hodgkinson applies to him to know whether this land is open for selection. He says, “No, it is reserved, it is on the exemption map.” Mr. Hodgkinson points him again to the papers, “It is not reserved,” and this man looks at the papers and says, “I was wrong, I see it is not reserved; I have altered the exemption map.” Where is the alteration?—I was not aware that such evidence had been given, or I should have made inquiries. I said I would bring up the original, but I was not aware that any plans were altered; had I been aware that such evidence had been given, I would of course have made further examination of the documents.

1168. “The chief clerk is requested to reply to the following queries concerning the papers appertaining to the application under the 49th section of the Land Act 1869, of Matthew Crudden, for 5a. 1r. 20p., in parish of Beaufort, near Emu Creek:—First, after notice dated 28th May was received from Chief Secretary’s Office, to lay the papers on table of the House, did I not, when informed that the papers

A. J. Skene, Esq.,
19th Nov., 1872.

could not be found, cause repeated searches to be made for them on several occasions, both at the Head Office and District Survey Office, and order that the utmost endeavor should be resorted to in order to find them? (*Answered—Yes*). Second, were they found before Parliament was adjourned? (*Answered—No*). Third, to whom were they marked off in the departmental registry? (*Answered—District Surveyor, Ballarat*). Fourth, what was the cause of their temporary loss? (*Answered—The omission of reference No. in 49th section register, and District Surveyor, in his replies, not quoting last correspondence No.*)—(Signed) A. Morrah, Chief Clerk—25 | 6 | 72. Mr. Robertson, adverting to Mr. Poepel's memo. dated 24th August, 1870; will you state if the land applied for by Crudden, containing 5a. 1r. 20p. was exempted under 102nd section, or under any other section.—24 | 6 | 72. (Signed) C. Hodgkinson. The land is withheld from leasing and licensing.—Corr. 70 | 17002. (Signed) A. Robertson.—25 | 6 | 72. Urgent—Mr. Robertson's minute on 70 | 17002 refers to land between road and railway, and not that north of the railway. The land indicated by pink tint on tracing attached to 70 | 17002 is on north side of road, but does not extend beyond railway line. Referred to Mr. Robertson for further report. (Signed) C. H.—25 | 6 | 72. I was verbally requested to answer the Assistant Commissioner's minute of 24 | 6 | 72 at a moment's notice. I referred to the exemption map, which apparently shows that the land is withheld as stated above. On referring to the exemption papers, I find that my minute of 25 | 6 | 72 is not correct. The land containing 5a. 1r. 20p. has not been exempted under the 102nd or any other section. I have corrected the exemption map. (Signed) A. Robertson.—26 | 6 | 72."?—That is another map—the exemption map.

1169. "I have corrected the exemption map." You ordered that land to be exempted—it was exempted and so marked upon the exemption map and then approved, and then after that, this gentleman in your office alters the exemption map?

1170. *By the Chairman*.—So late as the 14th July, 1870, is my memo.?—I find on my original memorandum here this memo. by Mr. Robertson—"The portion of land proposed to be withheld from leasing and licensing under the 102nd section is situated between the main road from Ballarat to Ararat and the Railway line."

1171. What right has Mr. Robertson to go and make a minute of that kind?

1172. *By Mr. Mitchell*.—How comes it that, upon the exemption map, this land is marked?—That is what I must make some inquiry about—it would seem to be an oversight upon my part.

1173. *By the Chairman*.—If, as Mr. Hodgkinson says, Mr. Robertson is Mr. Skene's officer, how does Mr. Robertson take upon himself to do behind Mr. Skene's back, and without consulting him, anything at Mr. Hodgkinson's request?—This is the first time I have seen these papers at all; I have always relied upon my minute that had been approved of by the Board of Land and Works that that had been carried out.

1174. But here is what goes on, and that you know nothing of?—Yes.

The witness withdrew.

Ordered—That this Committee be adjourned to to-morrow at two o'clock.

WEDNESDAY, 20TH NOVEMBER, 1872.

Members present:

The Hon. R. SIMSON, in the chair;

The Hon. P. Russell

The Hon. W. H. F. Mitchell.

Alexander John Skene, Esq., further examined.

1175. *By Mr. Mitchell*.—Have you got the exemption map?—I have brought the exemption map—[*producing the same*]—and I thought, with your sanction, I might bring Mr. Robertson personally, who can explain it better to the Committee than I can do.

1176. Will you first of all explain where is the land?—This is the map that shows the general exemptions under the entire Act—it is one of the general county maps; for instance, these portions colored red are the exemptions; these lines show the boundaries of the runs. Now, at this particular point—[*pointing to the map*]—we have the railway laid down and the boundary of the run, and it appeared to be covered over by the railway line and this run boundary. Mr. Robertson says he was misled by that.

1177. How could he be misled by that, when to have colored that as a reserve would have been in accordance with the decision of the Board of Land and Works?—It appeared to have been covered over by the railway and this line.

1178. Are you satisfied with that explanation?—I believe it is correct.

1179. If you look at the schedule of the Board of Land and Works, was not what you put there the question submitted to the Board of Land and Works; which question was what Mr. Simson applied to have reserved?—Yes, that was it.

1180. That was approved by the Board of Land and Works?—Yes.

1181. And then, when it was tinted, as it ought to have been, as a reserve, it was carrying out the instruction of the Board of Land and Works?—If it ever was so tinted here. Mr. Robertson says not; he says that the tinting here was the tinting of the railway and of the run boundary.—[*The witness explained the same upon the plan.*]—Owing to the smallness of the scale, these various boundaries all coming in at this point covered the *locus in quo*.

1182. *By Mr. Russell*.—The paint there does not look so dark as the railway line?—It is the various shades of color, putting those lines on with a brush; you cannot always carry exactly the same tint.

1183. *By the Chairman*.—So late as the 6th of June, 1872, that land remained exempted upon the exemption map; there is his own minute; he has done it; he has altered it?—[*The witness referred to the papers*]—14th July, 1870.

1184. On the 26th of June, 1870, he says—"On referring to the exemption papers, I find that my minute of 25 | 6 | 72 is not correct. The land containing 5a. 1r. 20p. has not been exempted under the

A. J. Skene, Esq., 102nd or any other section. I have corrected the exemption map." He has done that two years after my letter was written?—Mr. Robertson may be able to explain the matter better than I can.

1185. *By Mr. Mitchell.*—You see it remains so for two years; then at the end of two years that alteration takes place. He then, according to these papers, and as we must understand, under an intimation from Mr. Hodgkinson, alters the exemption map—we do not care how it came there in the first instance; was it not all exempted in the first instance?—It was colored.

1186. Does not that mean exempted!—Yes.

1187. Mr. Robertson takes upon himself, two years after the coloring for exemption was done, to say that that coloring was done in mistake; is not that so?—Yes.

1188. Though that coloring was made in accordance with your minute?—No.

1189. Will you read it?—"The portion of land proposed to be withheld from sale, leasing, and licensing, under the 102nd section, is situated between the main road from Ballarat to Ararat, and the railway line, north of allotment 13, parish of Trawallo, as shown thereon by pink tint on the plans in the office." He misunderstands my directions there.

1190. But how can he misunderstand that, when the chart remains so marked for two years?—The marking there is subsequent to this action.

1191. *By the Chairman.*—The unmarking is subsequent?—It would not be marked here until the Governor approves.

1192. *By Mr. Russell.*—Show me the marking—put the pencil upon it?—[*The witness did so.*] That marking would not be placed upon the map till the Governor sanctioned the reservation.

1193. *By Mr. Mitchell.*—Then that only makes it more certain that, at that time, it was understood by him that it was exempted; he himself says it was scratched out—does not he say so?—Yes; Mr. Robertson has made the exemption map now to correspond with his minute of 5 | 8 | 70, which was approved by the Governor in Council.

1194. *By Mr. Russell.*—Overriding the decision of the Board of Land and Works?—

1195. *By Mr. Mitchell.*—The tracing is not marked as having ever been to the Governor in Council?—No, but that is quite a recent thing, it has not been the practice in the Executive till the last eighteen months.

1196. Will you look at the chart? Mr. Robertson says, that that chart went on to the Governor in Council. Can you say so?—No.

1197. Whose initials are those?—G. K. (George Kershaw), one of the correspondence clerks.

1198. You have no evidence when that map was prepared?—I cannot say of my own knowledge.

1199. Yet this went through your hands and you are assumed to have sent it on to the Executive Council?—Yes.

The witness withdrew.

Ordered—That this Committee be adjourned.

1199. Yet this went through your hands and you are assumed to have sent it on to the Executive Council?—Yes.

1872.

VICTORIA.

LEGISLATIVE COUNCIL.

THIRD REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. HENTY, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

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REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report, as appears by such Table :—

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Mail Service.—Further Correspondence (6th November to 25th November, 1872)	1872.	1872. 26th November	By Command	No order made.
Smythesdale, Selection at.—Return to an Order of the Council	Hon. P. Russell, 19th November	28th November	... ..	"

PETITIONS.

Subject.	Petitioners.	When and by whom presented.	Short purport of prayer of Petition.	Report and Remarks of the Committee.
Education Bill	J. Fitzpatrick and others, styling themselves clergy and laity of the Roman Catholic Church in East Melbourne. (1312 signatures)	1872. 5th November, Hon. J. O'Shanassy	Against the provisions of the Bill	Recommended to be printed.
"	A. Crawford and eight others, styling themselves clergy and laymen of the Church of England	5th November, Hon. W. Campbell	That the Bill may not pass	"
"	Charles Perry, Bishop of Melbourne ...	12th November, Hon. T. T. a'Beckett	That the House will not pass the Bill	"
"	O. Fenwick, mayor of Melbourne, signing for a meeting of certain citizens of Melbourne	"	That the Bill may be amended	"
"	John B. Besley and nine others, styling themselves "The Ovens and Murray District Teachers' Association"	12th November, Hon. R. S. Anderson	In favor of Bill ...	"
"	George Hudson and 150 others, inhabitants of Kilmore	12th November, Hon. F. Robertson	That the Bill may be passed	"
"	C. S. Perry and 778 other inhabitants of Melbourne and suburbs	12th November, Hon. R. S. Anderson	That the Bill may be amended	"
"	Andrew Cameron, D.D., styling himself chairman of Committee of the Conference of Ministers and Laymen, held in Melbourne, on the education question	12th November, Hon. J. Henty	That the Bill be altered on certain points	"
"	Joseph Rudd and 165 ratepayers and others of Yackandandah	12th November, Hon. J. F. Strachan	In favor of Bill ...	"
"	John Watsford, signing as chairman, and J. C. Symons, as secretary, of the Financial District Meeting of the Melbourne District of the Wesleyan Church	13th November, Hon. A. Fraser	That the Bill may be amended	"
"	Samuel J. Levitt and five others, styling themselves members of the Religious Society of Friends	"	In favor of Bill ...	"

Subject.	Petitioners.	When and by whom presented.	Short purport of prayer of Petition.	Report and Remarks of the Committee.
Education Bill (continued)	Richard Connebee, styling himself chairman, and John Halley, secretary, of the Council and Congregational Union and Mission of Victoria	1872. 13th November, Hon. A Fraser	That certain alterations may be made	Recommended to be printed.
”	George Daniel, styling himself chairman of a meeting of Wesleyan ministers at Warrnambool	”	That the Bill may be amended	”
”	Isaac New, signing as Chairman on behalf of the Baptist Association of Victoria in session assembled	14th November, Hon. C. J. Jenner	That the Bill may pass with amendments	”
”	R. H. O'Farrell and 42 others, inhabitants of Dargo Flat, Gippsland	14th November, Hon. R. S. Anderson	In favor of Bill ...	”
”	George Watts, styling himself minister, and four others, as minister and office bearers of the Primitive Church, Lygon street, Carlton	14th November, Hon. C. J. Jenner	In favor of Bill ...	”
”	W. Henderson, Moderator, and signing in the name of the General Assembly of the Presbyterian Church of Victoria	19th November, Hon. R. Simson	That the Bill may be amended	”
”	C. Melbourne, styling himself President of the Assembly of the Bishop, Clergy, and Laity of the Church of England in Victoria	21st November, Hon. T. T. a'Beckett	That the ninth clause of the Bill may be amended	”

JAS. HENTY,
Chairman.

Committee Room,
3rd December, 1872.

1872.

VICTORIA.

PETITION.

MINING ON PRIVATE PROPERTY BILL.

(MINERS AND OTHERS OF BALLARAT.)

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 17TH SEPTEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA
IN PARLIAMENT ASSEMBLED.

The Petition of the Miners, Mine Owners, and others, of Ballarat, in public meeting assembled :

HUMBLY SHEWETH—

1. That an Act to legalize and regulate mining upon private property has been persistently demanded by the mining community for some fifteen years past.

2. That at every election during that period such a measure has been promised, and that though Bills on the subject have from time to time been prepared, and in some instances brought before Parliament, no such Bill has ever before been passed by either branch of the Legislature.

3. It is therefore of the utmost importance, now that a Bill on this subject has for the first time passed the Legislative Assembly, that the consideration of it should not be delayed in your honorable House, lest any sudden political change should in the meantime arise which might indefinitely postpone or utterly prevent its being passed into law.

4. That for years past the miners have had to submit to extortion, or have been prevented from mining for gold upon private property, and in effect, through the want of an Act of Parliament on the subject, the owners of land have really enjoyed the privilege of selling the gold which is not their property, but is the property of the Crown.

5. That all the most valuable auriferous leads and lodes have been traced to the boundaries of alienated lands, and that, if such lands could be thrown open to the miners upon equitable terms, profitable employment would be given, not only to a very large number of miners and others, but also to capital which is now lying idle.

Your Petitioners therefore humbly and earnestly pray that your honorable House will be pleased to proceed at once with the consideration of the Bill referred to, and will, with the least possible delay, pass such an Act as will enable the miners to extract the gold from private lands, and thereby benefit the general public without injuring the landowner.

And your Petitioners, as in duty bound, will ever pray.

ROBERT LEWIS,

Chairman for and on behalf of the Meeting.

Ballarat, 31st August, 1872.

1872.

VICTORIA.

PETITION.

MINING ON PRIVATE PROPERTY BILL.

(MINERS AND OTHERS OF CARNGHAM.)

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 17TH SEPTEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA
IN PARLIAMENT ASSEMBLED.

The Petition of the Miners and others, of Carngham, in public meeting assembled :

SH EWETH—

1st. That an Act to legalize mining on private property has been persistently demanded by the mining community for some fifteen years past.

2nd. That at every election during that period such a measure has been promised, and that, though Bills on the subject have from time to time been prepared, and in some instances brought before Parliament, no such Bill has ever before been passed by either branch of the Legislature.

3rd. It is therefore of the utmost importance, now that a Bill on this subject has for the first time passed the Legislative Assembly, that the consideration of it should not be delayed in your honorable House, lest any sudden political change should in the meantime arise which might indefinitely postpone or utterly prevent its being passed into law.

4th. That for years past the miners have had to submit to extortion, or have been prevented from mining for gold upon private lands; and in effect, through the want of an Act of Parliament on the subject, the owners of land have really enjoyed the privilege of selling the gold which is not their property, but is the property of the Crown.

5th. That nearly all the most valuable leads and lodes have been traced to the boundaries of alienated lands, and that, if such lands could be thrown open to the miners upon equitable terms, profitable employment would be given, not only to large numbers of miners and others, but also to capital which is now lying idle.

Your Petitioners therefore humbly and earnestly pray that your honorable House will be pleased to proceed at once with the consideration of the Bill referred to, and will, with the least possible delay, pass such an Act as will enable the miners to extract the gold from private lands, and thereby benefit the general public without injuring the landowner.

And your Petitioners, as in duty bound, will ever pray.

JOHN EVANS,
Chairman on behalf of the Meeting.

Carngham, 7th September, 1872.

1872.

VICTORIA.

PETITION.

MINING ON PRIVATE PROPERTY BILL.

(RESIDENTS AT WARRNAMBOOL AND VICINITY.)

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 17TH SEPTEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND THE HONORABLE THE MEMBERS OF THE LEGISLATIVE COUNCIL IN
PARLIAMENT ASSEMBLED.

The humble Petition of Land Owners and others resident in the Western District of the colony of Victoria at
Warrnambool and its vicinity:

RESPECTFULLY SHEWETH—

That a Bill to legalize mining for gold on private land has been introduced into your honorable House, which we view with alarm as a mischievous interference with proprietary rights.

That the effect of the Bill is to enable one man to take the property of another against his consent, under complicated and uncertain provisions for compensation which may fail to secure it.

That this power to take land is not given for any work of public benefit, but to enable the private miner to enrich himself out of land to which he has no right or title in law or reason.

That the Bill makes no provision for compensation for loss of trade or business to which the land destroyed may be essential.

That the legal fiction that the gold is the Crown's cannot justify the Bill, as it secures no benefit to the Crown; but, instead of giving the gold to the owner of the land containing it, gives it to the person who desires to trespass on such land.

That if the Bill sought to obtain benefit from the gold for the State, a royalty on gold taken from private land would accomplish that object; but as it only asserts a profitless title in the State, the Bill should destroy the legal fiction instead of perpetuating it.

That by so doing, and giving the gold in land to the owner of the land, the question of mining on private property would be effectually settled on a simple basis.

Your Petitioners therefore humbly pray that your honorable House will reject the proposed Bill.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow eighty-six signatures.]

VICTORIA.

PETITION.

MINING ON PRIVATE PROPERTY BILL.

(RESIDENTS IN THE WESTERN DISTRICT.)

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 17TH SEPTEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND THE HONORABLE THE MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED.

The humble Petition of Land Owners and others resident in the Western District of the colony of Victoria :

RESPECTFULLY SHEWETH—

That a Bill to legalize mining for gold on private land has been introduced into your honorable House, which we view with alarm as a mischievous interference with proprietary rights.

That the effect of the Bill is to enable one man to take the property of another against his consent, under complicated and uncertain provisions for compensation which may fail to secure it.

That this power to take land is not given for any work of public benefit, but to enable the private miner to enrich himself out of land to which he has no right or title in law or reason.

That the Bill makes no provision for compensation for loss of trade or business to which the land destroyed may be essential.

That the legal fiction that the gold is the Crown's cannot justify the Bill, as it secures no benefit to the Crown; but, instead of giving the gold to the owner of the land containing it, gives it to the person who desires to trespass on such land.

That if the Bill sought to obtain benefit from the gold for the State, a royalty on gold taken from private land would accomplish that object; but as it only asserts a profitless title in the State, the Bill should destroy the legal fiction instead of perpetuating it.

That by so doing, and giving the gold in land to the owner of the land, the question of mining on private property would be effectually settled on a simple basis.

Your Petitioners therefore humbly pray that your honorable House will reject the proposed Bill.

And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow two hundred and forty-seven signatures.]

PETITION.

EDUCATION BILL.

CLERGY AND LAITY OF ROMAN CATHOLIC CHURCH IN EAST
MELBOURNE.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA, IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Clergy and Laity of the Roman Catholic Church in East Melbourne :

HUMBLY SHEWETH—

That we observe that a Bill is now before your honorable House entitled "*A Bill to amend the law relating to Education.*"

That we have grave and conscientious objections to that measure.

That the general features of the Bill are not calculated to bring the question of primary education to a definite conclusion.

That it is vague and unsatisfactory in its provisions.

That, while professing to transfer the powers possessed by the present Board of Education to a Minister as political head, it proposes to leave the practical working of the system undefined by the Legislature, and invests in him, for this purpose, extraordinary powers hitherto unknown in any part of Her Majesty's dominions, without attaching to him any personal responsibility, and without affording any legal guarantee that such head will be himself a fit and proper agent, either religiously or morally, for carrying out so grave and extraordinary a system, while there is abundant reason, from the experience of continental countries, to apprehend serious dangers to the social and political well-being of the people from adopting such a plan.

That the Minister, so clothed with such dangerous authority, has, in addition, under the Bill, the power to appoint and remove teachers, irrespective of their moral qualifications, numbering, as estimated, about 2000, whose pay in the aggregate amounts to about £160,000 per annum from the Consolidated Revenue, with the addition of a sum amounting, in round numbers, to nearly £100,000 paid by parents as fees to teachers for the instruction of their children.

That, in order to strengthen the hands of the Minister in the desire, as indicated by the present Bill, to secure to him an absolute control over the system of Public Instruction, Clause 14, in connection with the payment by the State of the whole cost of primary instruction, renders the attendance of all children compulsory, under the penalty to the parents of fine or imprisonment, whilst such clause leaves the Minister a discretion which, judging by experience, in relation to the ordinary administration of existing laws by shifting regulations, your Petitioners are convinced will inevitably prove, under political pressure, tyrannical in its character; and this view of your Petitioners, in regard to the proposed administration, is further exemplified by Subdivision 4 of Clause 15 of the Bill, where Boards of Advice, and not the Minister, are appointed "to use every endeavour to induce parents to send their children regularly to school."

That, further, your Petitioners, in regard to compulsory instruction, can see no grave necessity for such a provision, in the face of the Education Census Returns of 1871, recently laid before the Legislature, in which it is shown by undoubted authority that, between the ages of 15 and 20, not more than 2 per cent., exclusive of Chinese and Aborigines, are unable to read; a state of things which, in regard to primary instruction, is not excelled by any country in the world. At the same time, whilst your Petitioners are rejoiced at such a happy result already obtaining in Victoria, they are not indifferent to the necessity of special supplementary legislation for the exceptional few who have not, from obvious causes, been brought within the beneficial influence of suitable education, but they strongly object to the application of a principle of compulsion, when its necessity is not only not proved, but the contrary is clearly demonstrated.

That, under color of amending the law relating to education, the Minister, as a member of a political organization, will naturally be induced to convert the proposed system into an instrument for the furtherance of purely political ends of an ephemeral character.

That the offer of free education to the parents to the extent of relieving them of the annual payment of the above-mentioned sum of nearly £100,000, hitherto cheerfully tendered as fees, is unnecessary, unwarrantable, and destructive of that due responsibility devolving upon such parents, and relieves especially the well-to-do portion of the public at the expense of the general community.

That the 12th clause of the Bill proposes, in State schools, to set apart four hours each day for secular instruction, while there is no definition of what the teacher may teach under the guise of the term "secular instruction" in the said Bill; nor has any provision been made for the character of the books to be used in communicating instruction during such hours, such books as are now employed in certain of the schools containing not only offensive and historically false matter, but omitting truths which, in your Petitioners' judgment, are vitally essential in the scholastic training of youth; and no provision is made to constitute an impartial tribunal for the compilation, selection, and issuing of fit educational works; nor is any penalty imposed for the violation of the principle of exclusively secular instruction, whatever that may mean.

That, while the Minister, under the 17th clause, is empowered "to determine the instruction to be given," there is no limit to the character of that instruction.

But that, while your Petitioners have, in common with the rest of the people of this country, promoted educational interests to the utmost of their power from the foundation of the colony, they have of late years grievously suffered from the unjust action of the present Board of Education. 1st. That, whilst the total grant for primary instruction amounts to about £200,000 per annum, the Catholic body, as such, for educational purposes, receives about £21,000 only, being little more than a tenth; whilst the legitimate share, in their view, should be at least a fifth, or £40,000 per annum, on the ground that, as the funds are contributed by all, they should be distributed in fair proportion to all, in furtherance of their educational efforts. 2nd. That, after 10 years' administration of the Board of Education, not more than nine Catholic schools can be said to be the nett result of increase allowed to be established by the Board, while the Catholic population has increased by upwards of 60,000; and this mal-administration of the law has compelled your Petitioners, at great personal sacrifice, to found upwards of 60 schools, which are still entirely supported by their own unaided means.

That, while the Roman Catholic body are opposed to the Bill now before your honorable House, and to the existing Board of Education in so far as it has acted unjustly and illegally towards them, they would most respectfully urge their views in favor of a plan of primary instruction, which would, in their judgment, be economical to the State, free from objection on the score of conscience, and fair to all Educational interests, viz., the system known by the term "Results," which now partially prevails, is highly approved of even by inspectors of schools, who were formerly entirely hostile thereto, and which is to some extent provided for even in the Bill now before your honorable House; that the selection of schools should be left to the uncontrolled discretion of parents; that the teacher of the school selected be entitled to receive, in lieu of salary, a capitation allowance in respect to every child instructed by him up to the legal standard, in addition to the ordinary fees to be paid by parents; that the attainment of the legal standard should be ascertained by inspection and examination before an official to be appointed by the State for that purpose, in accordance with existing practice; that all moneys appropriated for public instruction should be paid from the Treasury upon the authority, claim, and certificate usually adopted in the Government departments.

Your Petitioners humbly pray that your honorable House will take the premises into your favorable consideration: and your Petitioners, as in duty bound, will ever pray, &c.

[Signed by J. FITZPATRICK, Vicar-General, and 1312 others.]

VICTORIA.

PETITION.

EDUCATION BILL.

CHURCH OFFICERS OF CHURCH OF ENGLAND.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

[Signed by Archibald Crawford, Archdeacon of Castlemaine and Sandhurst, and seven others.]

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA,
IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Clergy and Laymen, being church officers of the Church of England, in the said Colony,

HUMBLY SHOWETH,

That a Bill to amend the law relating to Education is now before your honorable House.

That by this Bill it is proposed to confer upon the Government for the time being the power, amongst other things, of determining whether any, and, if any, what religious instruction shall be given in all schools assisted by the State.

That the representative body of the Church of England in this Colony, namely, the Assembly of the Bishop, Clergy, and Laity of the Church, had, at its late session (September 16-20, 1872), passed the following resolution upon this subject:—

“That the Assembly would express its dissatisfaction with the Education Bill now before the Parliament, on the ground that its operation, if it becomes law, will so discourage religious instruction from being given in State schools, as practically to prevent many members of our Church from obtaining it for their children.”

That your petitioners quite concur in this resolution, and accordingly pray that your honorable House will not pass the Bill in question.

And your petitioners will ever pray, &c.

[Signed by Archibald Crawford, Archdeacon of Castlemaine and Sandhurst, and seven others.]

1872.

VICTORIA.

PETITION.

EDUCATION BILL.

THE BISHOP OF MELBOURNE—CHURCH OF ENGLAND.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA IN
PARLIAMENT ASSEMBLED.

The Petition of the undersigned Charles Perry, Bishop of Melbourne :

HUMBLY SHEWETH—

That “a Bill to amend the law relating to Education” has been read a first time in your honorable House.

That, by this Bill, it is proposed to establish State schools throughout the colony, and to confer upon the Governor in Council, or upon a Minister of Education, *i.e.*, upon the Government for the time being, absolute authority in all matters relating to the establishment and management of such schools, except as to the setting apart during each school day of four hours at least for secular instruction.

That such authority includes, among other things, the power of appointing and dismissing teachers, and of determining whether any and, if any, what religious instruction shall be given in such schools.

That, if this Bill should become law, a very large proportion of parents would be virtually deprived of all power of selecting either school or teachers for their children, and compelled to send them to State schools, of which they wholly disapprove.

That such compulsion would be an unjustifiable and uncalled for interference with the personal rights of the citizens of a free State, and therefore, ought not to be sanctioned by your honorable House.

That a large number of parents would also be practically prevented from obtaining that religious instruction which they desire for their children, and so their consciences would be wounded.

That such interference of the State with any of its subjects in the free discharge of what they regard as their religious duties would be a direct violation of the principle which your honorable House has affirmed, that the State has no right to interfere with the religion of the people.

Your Petitioner, therefore, prays that your honorable House will not pass the Bill in question.

And your Petitioner will ever pray, &c.

C. MELBOURNE.

1872.

VICTORIA.

PETITION.

EDUCATION BILL.

CERTAIN CITIZENS OF MELBOURNE.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA
IN PARLIAMENT ASSEMBLED.

The Petition of certain Citizens of Melbourne, in meeting assembled:

HUMBLY SHEWETH —

That your petitioners respectfully and earnestly request that your honorable House will be pleased to amend the Education Bill now before your honorable House to the following effect:—

1. That, under the direction of the Minister of Education, the management of all Public Schools, including the appointment and dismissal of Teachers, be under local control.
2. That all School Boards be elected by parents and ratepayers.
3. That school buildings be available for religious instruction both before and after school hours, and that Teachers be not prohibited from giving such instruction.

And your Petitioners will ever pray, &c.

In name and by authority of the meeting,

O. FENWICK,
Mayor of Melbourne.

1872.
VICTORIA.

PETITION.

EDUCATION BILL.

OVENS AND MURRAY DISTRICT TEACHERS' ASSOCIATION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT
ASSEMBLED.

The Petition of the Members of the Ovens and Murray District Teachers' Association :

HUMBLY SHEWETH—

That your Petitioners have seen with the utmost pleasure the introduction into your honorable House of a Bill to amend the present Education Act.

That, approving heartily of the principles on which the said Bill is based, they would gladly see it become law; and would therefore most respectfully entreat your favorable consideration of the same.

And your Petitioners, as in duty bound, will every pray.

JOHN. B. BESLEY,
President.

ROBERT SCOTT,
Vice-President.

DANIEL B. YOUNG,
Treasurer.

H. M. MATHISON,
Hon. Secretary.

Beechworth, 2nd November, 1872.

1872.
—
VICTORIA.

PETITION.

EDUCATION BILL.

INHABITANTS OF KILMORE.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Inhabitants of Kilmore :

HUMBLY SHEWETH—

That your Petitioners have watched, with great satisfaction, the progress of a measure introduced by the Legislative Assembly to afford increased facilities for educating the youth of this colony.

We believe that the leading features contained in the said Bill, if passed into law, will prove of immense benefit to the country.

We now pray that your honorable House will be pleased to give effect to the wishes of your Petitioners by passing the said Bill.

And your Petitioners, as in duty bound, shall ever pray.

Kilmore, 11th November, 1872.

[Here follow 151 signatures.]

1872.
—
VICTORIA.

PETITION.

EDUCATION BILL.

MELBOURNE AND SUBURBS.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA.
IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned inhabitants of Melbourne and Suburbs :

HUMBLY SHEWETH—

That your Petitioners respectfully and earnestly request that your honorable House will be pleased to amend the Education Bill now before your honorable House to the following effect:—

1. That, under the direction of the Minister of Education, the management of all public schools, including the appointment and dismissal of teachers, be under local control.
2. That all School Boards be elected by parents and ratepayers.
3. That school buildings be available for religious instruction both before and after school hours, and that teachers be not prohibited from giving such instruction.

And your Petitioners will ever pray.

[Signed by C. Stuart Perry, and 778 others.]

1872.

VICTORIA.

PETITION.

EDUCATION BILL.

MINISTERS AND LAYMEN—CONFERENCE.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT ASSEMBLED.

The Petition of Members of the Conference of Ministers and Laymen, lately held in Melbourne, on the subject of Education—

HUMBLY SHEWETH—

That your Petitioners contemplate with the utmost anxiety the passing into law of the Education Bill now under consideration of your honorable House, being fully convinced that, in its present form, it is wrong in principle, and certain to lead to great and manifold evils. The grounds of our conviction are as follows:—

- 1st. To place the appointment and removal of teachers in the hands of a Minister of Instruction, a Member of the Government of the day, we regard as a grave error, seriously affecting the status and character of teachers, exposing them to political influences, and thereby endangering their official position and usefulness.
- 2nd. To ignore the claims of local parties, parents, and ratepayers, in the election of the teacher, and in the superintendence of the school, is unjust to these parties, implying that they are unworthy of such trust, incapable of discharging its duties, thereby subjecting them to a law which they must feel to be arbitrary and oppressive.
- 3rd. To forbid the teacher to give religious instruction, at a separate hour, according to an arrangement betwixt him and the local parties, is unreasonable in itself and degrading to him, depriving him of the highest of all motives, and of the opportunity of rendering the highest of all services, and in so doing impairing his moral influence, and plainly infringing (so far as he is concerned) the principles of civil and religious liberty.
- 4th. To forbid the use of the school buildings for the religious instruction of the scholars, by persons chosen for the purpose by the ratepayers and parents, when the services of the teacher are not available, is to inflict a grievous hardship, and to incur a formidable danger, viz., the neglect of the religious instruction of many of the young in numerous districts of this extensive colony: Wherefore—

Your Petitioners respectfully entreat your honorable House to take the premises into consideration, and to make such alterations in the Bill as may correct the errors specified, and secure to the children of the colony for generations to come a system of education sound in principle and salutary in its operation.

And your Petitioners will ever pray.

ANDREW CAMERON, D.D.,
Chairman of Committee.

1872.

VICTORIA.

PETITION.

EDUCATION BILL.

ELECTORS AND OTHER RESIDENTS OF YACKANDANDAH.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT
ASSEMBLED.

This Petition of the Electors and other Residents of Yackandandah, in the Eastern Province:

HUMBLY SHEWETH—

That, at a public meeting of ratepayers and others, at Yackandandah, on November the first, the following resolutions were put to the meeting by the Chairman, and carried unanimously :—

First Resolution.—“That this meeting accepts with complete satisfaction the main principles of the Education Bill of 1872, as sent up from the Legislative Assembly to the Legislative Council, believing, as this meeting does, that a system of education—secular, compulsory, and free—is alone adapted to the circumstances of this colony.”

Second Resolution.—“That the foregoing resolution be embodied in a petition to the Upper House, and that the same be sent round the district for signature, and that it be returned to the hands of the Chairman of this meeting for transmission to the Honorable Robert Turnbull, M.L.C., for the Eastern Province, not later than 8th instant.”

Your Petitioners humbly pray that your honorable House will be pleased to listen to their prayer, as set forth in the foregoing resolutions, and they, as in duty bound, will ever pray.

[Signed by Joseph Rudd, J.P., and 165 others.]

1872.

VICTORIA.

PETITION.

EDUCATION BILL.

WESLEYAN CHURCH.—MELBOURNE DISTRICT.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT
ASSEMBLED.

The Memorial of the Ministers and Laymen composing the Financial District Meeting of the Melbourne District
of the Wesleyan Church of Victoria :

HUMBLY SHEWETH—

That, while the District Meeting approves of the three main principles of the Education Bill—compulsory,
free, and secular—it prays that the Bill be amended in the following particulars :—

- (1.) That religious instruction shall not be prohibited in school buildings before or after school hours.
- (2.) That the Boards of Advice shall be chosen by the electors, and appointed by the Minister of Education.
- (3.) That the Teachers shall be appointed by the Boards of Advice, subject to the approval of the Minister
of Education.
- (4.) That the Teacher shall not be forbidden to give religious instruction before or after school hours.

And you Memorialists will ever pray.

Signed by order and on behalf of the Financial District Meeting,

JOHN WATSFORD,
Chairman.
JOHN C. SYMONS,
Secretary.

Melbourne, 8th November, 1872.

1872.

VICTORIA.

PETITION.

EDUCATION BILL.

RELIGIOUS SOCIETY OF FRIENDS.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED.

We, the undersigned, Members of the Religious Society of Friends, approach your honorable House with sincere respect, to petition that the Education Bill, as passed by the Legislative Assembly, may receive the support of the honorable Members of the Legislative Council.

We observe, with satisfaction, that this Bill does not provide for the religious instruction of the people, believing as we do, that all matters relating to their religious belief should not be regulated or interfered with by any Act of Parliament, as such regulations or interference will, in the opinion of your Petitioners, tend, and will ultimately lead, to the infringement of true liberty of conscience; and we therefore earnestly desire that the Bill, amending the Education Act, now before your honorable House, may become law.

And your Petitioners will ever remain.

[Signed by Samuel J. Levitt and five others.]

PETITION.

EDUCATION BILL.

CONGREGATIONAL UNION AND MISSION OF VICTORIA.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA.

The Petition of the Council of the Congregational Union and Mission of Victoria :

HUMBLY SHEWETH—

That this Council is of opinion that the time has arrived when the school instruction, up to a recognised standard, of all the youth of this country should be made compulsory by law.

That, in order to conserve the rights of conscience, the instruction given by the State should be secular only.

That, while we would regard it as a grave violation of the rights of conscience absolutely to prevent any teacher from imparting religious instruction out of school hours, we are most strongly persuaded that, in the divided state of religious opinion existing in this country, it is inadvisable that a State teacher should use the schoolroom at any time for that purpose, and we earnestly protest against any teaching of religion during school hours.

That we regard with no favor the proposal to place the entire control of the machinery of education in the hands of a Minister of Education, and would most earnestly suggest that the initiative in the matter of appointment and dismissal of teachers, subject to the confirmation of the Minister, may be placed in the hands of district boards, elected periodically by the ratepayers.

We therefore pray that your honorable House will cause the Bill now before you to become law, so far as it agrees with the request of this Petition.

And your Petitioners will ever pray.

RICHARD CONNEBEE,
Chairman of the Union and Mission.

J. JOHN HALLEY,
Secretary.

1872.
VICTORIA.

PETITION.

EDUCATION BILL.

MINISTERS OF THE WESLEYAN METHODIST CHURCH,
WARRNAMBOOL.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL, COLONY OF VICTORIA, IN
PARLIAMENT ASSEMBLED.

The Petition of the Ministers of the Wesleyan Methodist Church in the Warrambool and Hamilton district,
assembled in Annual District Meeting :

HUMBLY SHEWETH—

That your Petitioners have learned, with much satisfaction, that the attention of Parliament has been earnestly directed to the important subject of Education, and that a Bill is now under the consideration of your honorable House making provision for the further extension of the benefits of Education to the youth of this colony.

That, whilst concurring in the main features of the said measure, viz., that Education should be free, compulsory, and free from all sectarian teaching during the hours allotted for school exercises, your Petitioners cannot but regard the prohibition either of ministers of religion or of the teachers employed in the schools to give religious instruction in such buildings at other times as unnecessarily restrictive, as needlessly interfering with the conscientious convictions of many good and useful men, and as likely to prove highly injurious to the moral character and condition of the children.

That your Petitioners are further of opinion that it would greatly lessen the interest taken by the community at large in the cause of Education, should the Boards of Advice be appointed by a Minister of Education, and not be chosen by the parents and electors resident in the locality.

Further, that your Petitioners can but look with great disfavor upon that provision of the said Bill, which may, in its operations, convert all the teachers employed in the country into political partisans, believing that the appointment of the teachers by the Boards of Advice, subject to the approval of the Minister of Education, would be calculated to ensure a more suitable and efficient class of men.

Your Petitioners therefore pray that the projected measure may be amended in these particulars by your honorable House.

And your Petitioners will ever pray, &c.

Signed by order and on behalf of the said District Meeting,

GEORGE DANIEL, Chairman.

JOSEPH ALBISTON, Secretary.

1872.

VICTORIA.

PETITION.

EDUCATION BILL.

BAPTIST ASSOCIATION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT
ASSEMBLED.

GENTLEMEN,

We, the Members of the Baptist Association of Victoria, beg most humbly to convey to your honourable House—

That, representing the large majority of the Baptists of this colony, we rejoice that a Bill is now before your honourable House embodying the most important principles of Secular and Compulsory Education.

That, while believing the Bill requires amendment in various points of detail before passing into law, this Association prays your honourable House to pass the Bill, with such amendments on other points as to your judgment may appear desirable.

And your Petitioners, as in duty bound, will ever pray.

Signed on behalf of the Baptist Association of Victoria, in session assembled, at Geelong, this day, 13th
November, 1872.

ISAAC NEW,
Chairman.

 PETITION.

 EDUCATION BILL.

DARGO FLAT, GIPPSLAND.

 ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

 TO THE HONORABLE MEMBERS OF HER MAJESTY'S LEGISLATIVE COUNCIL IN THE COLONY OF VICTORIA,
 AUSTRALIA, IN PARLIAMENT ASSEMBLED.

The Petition of the undermentioned Inhabitants of Dargo Flat, Gippsland:

SHEWETH—

That this locality presenting favourable opportunities, through the combined influence of mineral and agricultural resources for permanent settlement in the district, a considerable number of families are anxiously concerned in the successful accomplishment of the present Educational measures as a most desirable provision for the education of their children.

That your Petitioners constitute a community of all denominations sufficiently enlightened to discriminate between right and wrong, and after a careful revision of the various clauses in the Education Bill, which is now under your consideration, they are unable to detect anything therein of a pernicious tendency, or likely to contribute to moral turpitude in the rising generation.

That the instructive lessons contained in the National School Books carefully provide for the moral tone of the schools in which they are used, establishing the truth, that religious instruction is not necessarily sectarian, and constituting a sufficient guarantee against any evil results from a purely secular Education.

That the great aim of Public Education should advance towards a discontinuance of those feuds and rancorous bickerings characteristic of sectarian distinctions, and by adopting a system of public Instruction suitable for all religious denominations without interference with any, the children of the present generation will learn through early associations to appreciate the sincerity of Christianity in a cherished love for their neighbour.

Prayer.—

That the present Education Bill, as approved by the Legislative Assembly, being in every respect equal to the desires and requirement of your Petitioners, they earnestly entreat that no alteration whatever may be made in its provisions by the Legislative Council, and that the same may be passed into law with as little delay as possible.

And your Petitioners will ever pray.

[Signed by Richard H. O'Farrell, Certificated Teacher, and 42 others.]

1872.
VICTORIA.

PETITION.

EDUCATION BILL.

MINISTERS AND OFFICE-BEARERS OF PRIMITIVE METHODIST
CHURCH, CARLTON.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA, IN PARLIAMENT
ASSEMBLED.

The Petition of the undersigned Ministers and Office-bearers of the Primitive Methodist Church, Lygon street,
Carlton:

HUMBLY SHEWETH—

That your Petitioners regard with regret and alarm the hostile attitude assumed by some of the religious denominations of the colony towards the Education Bill now before your honorable House.

That your Petitioners consider the Government measure, as now amended, a worthy foundation upon which to erect a comprehensive Educational machinery suited to the wants of the whole community.

That your Petitioners pray your honorable House to lend a willing ear to the prayer of the people, for a free, secular, and compulsory system of State Education; and, in order to further this object, to give your sanction to the Bill becoming law.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

GEORGE WATTS, }
WILLIAM HUNT, } Ministers.

THOMAS PETERS, }
JAMES PLATT, } Office-bearers.
THOMAS JARRETT, }

1872.

VICTORIA.

PETITION.

EDUCATION BILL.

PRESBYTERIAN CHURCH, IN GENERAL ASSEMBLY.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

UNTO THE HONORABLE THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA.

The Petition of the Presbyterian Church of Victoria met in General Assembly :

HUMBLY SHEWETH,

That your Petitioners have ever taken a deep interest in the subject of the Education of the young, and have repeatedly expressed their preference for a National over a Denominational system.

That your Petitioners have watched with grave anxiety the progress of the Education Bill now before your honorable House.

That your Petitioners have strong objections to the Bill now before your honorable House, inasmuch as—

- I.—It proposes to concentrate the entire administration of Public Education in the hands of one of the Ministers of the day, a power far too extensive to be wisely or safely exercised by any one individual.
- II.—It proposes to deprive those on whom the responsibility connected with the education of the young primarily rests, namely, parents, of all control in the election of teachers, in the management of schools, and in defining the character and extent of the education to be given to their own children—thus damaging the sense of parental responsibility in the community.
- III.—It not only offers no facilities for the teaching of religious truth, but proposes to interdict by law the formation of voluntary arrangements for the communication of such religious truth as any part of the recognized work of public schools, and also proposes to prevent teachers from imparting instruction in those principles which are the foundation of all morality—a prohibition which, in the judgment of your petitioners would be oppressive in itself, and would be prejudicial to education, and to good citizenship.

May it, therefore, please your honorable House to amend said Education Bill, so as that, if it become law, your Petitioners may be able consistently with their convictions, to accept the measure as one which they can endeavour to carry out.

And your petitioners will ever pray.

In the name of the General Assembly of the Presbyterian Church of Victoria,

W. HENDERSON,
Moderator.

1872.
VICTORIA.

PETITION.

EDUCATION BILL.

BISHOP, CLERGY, AND LAITY OF THE CHURCH OF ENGLAND.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 3RD DECEMBER, 1872.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA
IN PARLIAMENT ASSEMBLED.

The Petition of the Bishop, Clergy, and Laity of the Church of England in the Colony of Victoria, met in
Assembly under the provisions of the Act 18 Victoria No. 45 :

SHEWETH—

That your Petitioners constitute the representative body of the Church of England in this Colony, and, having considered the provisions of the 9th Clause of the Education Bill now before your honorable House, view with alarm the powers therein given to trustees of school lands belonging to denominational bodies to sell or let such lands to the Minister of Public Instruction without the consent of their recognized head or authorized representative.

That, although there is a provision in such clause that the proceeds of such sale or letting shall be applied to the purposes of the body beneficially interested therein in such manner as it may deem most beneficial, there are no means provided for the authoritative expressions of the wishes of opinion of such body on this point.

Your Petitioners therefore humbly pray your honorable House so to amend such clause as to protect your Petitioners and other denominational bodies against the injury that may be inflicted upon them if such clause were to pass both Houses of Parliament in its present form.

And your Petitioners will ever pray.

C. MELBOURNE,
President.

VICTORIA.



VOTES
AND
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL.

SESSION.

1872.