Mr. CHILDERS observed that it was the practice of Parliament to present the Speaker before the delivery of the Queen's Speech. He thought the best course which the House could adopt would be to adjourn and meet again on Monday for the purpose of proceeding to the Government Offices to present the Speaker to his Excellency. On that occasion the Speaker might make any observations which he might deem desirable or necessary, but he (Mr. Childers) wished that no privileges should be asked for as a concession; for the Constitution Act clearly defined what the privileges of that House were.

The SPEAKER then put the motion, which was carried without a division.

NOTICES OF MOTION.

Mr. Sargood inquired if he should be in order in giving notice of motion on that occasion.

The SPEAKER replied that it was not in accordance with parliamentary practice to receive notices of motion before the Speaker was presented.

SERGEANT-AT-ARMS.

Mr. W. G. PALMER was duly sworn in as Sergeant-at-arms, and the House adjourned at ten minutes after two, till Monday, at 12 o'clock, noon.

SECOND DAY—MONDAY, NOVEMBER 24, 1856.

LEGISLATIVE COUNCIL.

The Council met at half-past eleven o'clock, pursuant to adjournment. There were, besides the President, twenty-three members present.

The PRESIDENT having taken the chair,

Mr. FAWKNER moved—

That the Council adjourn to the Government House, with a view of presenting their President to his Excellency the Acting Governor, who had signified his intention of receiving the Members of Council, with their President, that morning.

The motion was carried *nem. con.*, and the Council adjourned accordingly.

On the arrival of the members at Government House they were at once ushered into the room in which his Excellency was.

The PRESIDENT then presented himself to his Excellency, and informed him of his election as President of the Legislative Council.

His EXCELLENCY replied to the President in the following terms:—

Mr. President: I have great satisfaction in approving of the choice which the Legislative Council have made in electing you to preside at it's sittings, and the more so because of your experience as Speaker in the late Legislative Council of this colony; and not only on this account do I so express my approval, but because also of the dignity and ability with which I am persuaded you will fill your present high office.

The members of Council present, with their President at their head, then bowed and withdrew.

On the reassembling of the Council, the President proceeded to receive from the members present their declarations of qualification. Twenty-three declarations were handed in.

CHAIRMAN OF COMMITTEES.

Mr. FAWKNER gave notice that, on the day following, he would move the election of John Hodgson, Esq., as Chairman of Committees of Council.

The Council adjourned at half-past twelve o'clock.

LEGISLATIVE ASSEMBLY.

Pursuant to adjournment from Friday last, the members of the Assembly met at noon, and, after waiting one hour and ten minutes, a quorum was formed. At ten minutes past one the Speaker entered the House in official costume, and took the chair.

Mr. STAWELL then moved—

That those honorable members now present do proceed to the Government offices, for the purpose of presenting the Speaker to his Excellency.

Mr. FELLOWS seconded the motion.

The SPEAKER (who was almost inaudible in the gallery), said, if he understood the matter rightly, it was the wish of the House that he should be presented to his Excellency as a matter of courtesy, in his official capacity as the representative of the House. If this was the case he desired that they would now proceed with him to the Government offices for that purpose.

The House then rose and proceeded, in straggling groups and by different routes, to the Government offices. The Honorable the Speaker was conducted by his mover and seconder, Messrs. Horne and Sargood.

Precisely at half-past one o'clock, the members of the Assembly arrived at the Government offices, and were received by his Excellency accompanied by Messrs. Haines and Mitchell.

The SPEAKER said he had the honor to acquaint his Excellency that the Legislative Assembly, in the exercise of their undoubted rights and privileges, had proceeded to the election of a Speaker, and that their choice had fallen on him. It was the desire of the House that he (the Speaker) unworthy as he was of that high office, should be presented to his Excellency as a matter of courtesy, and accordingly he now, at the head of the Legislative Assembly, begged to present himself as their Speaker.

His EXCELLENCY spoke as follows—

Mr. Speaker: I congratulate the Legislative Assembly on the choice which, in your instance, they have made of a Speaker, both on account of your general

experience of public affairs, and the ability with which I am persuaded you will fill the important office to which you have been elected.

The Speaker and the members of the Legislative Assembly then retired, and retraced their steps to the Assembly Chamber. On their return,

The SPEAKER announced to the House that he had presented himself to his Excellency, in accordance with the wish of the Assembly, and that his Excellency had been pleased to make the following reply. (The hon. gentleman then read the reply of his Excellency, as given above.)

On the motion of Mr. GOODMAN, the House adjourned at two o'clock.

THIRD DAY—TUESDAY, NOVEMBER 25, 1856.

THE NEW PARLIAMENT.

The ceremony of formally opening the New Parliament of Victoria by His Excellency the Acting Governor of the colony took place on Tuesday, at half-past one o'clock. The day was observed as a holiday in honor of the event, as the Government offices and all the banks were closed at one o'clock. A pretty general holiday indeed was observed in Melbourne, and several large firms followed the example furnished by the banks, and closed their places of business. The business of the smaller establishments must also have been, to a great degree, brought to a stand still. By desire of his Excellency, and by order of the Right Worshipful the Mayor and the City Council, the traffic of Bourke-street and the streets leading into it was stopped from noon till three o'clock during the ceremonial; and from a considerable number of the houses in the route pursued by his Excellency and suite in their progress from the Government offices to the New Houses of Parliament, depended flags and streamers, which lent quite a holiday and gay appearance to the proceedings. Shortly before twelve o'clock bodies of mounted and foot police were drawn up in front of the Parliament Houses and along the line of Spring-street, and from this time the public commenced to arrive in considerable numbers. At half-past twelve a detachment of the 40th Regiment arrived, preceded by the band, and under the command of Captain Hare, and were followed by a party of the Williamstown detachment of the Victoria Volunteer Artillery Regiment. At one o'clock the Victoria Volunteer Rifle Brigade, under the command of Captain Holland, arrived on the ground, and took up places inside the enclosure in front of the lines formed by the public. A guard of honour was drawn up in front of the Houses of Parliament, facing Bourke-street, and outside the enclosure two parties of the 40th Regiment took up places on each side of the street, also in front of the populace. The city police, under the command of Inspectors Nicolas and Hill, then took up the line, which was continued at intervals of about twenty yards to the Government offices. The City Council, headed by the right worshipful the Mayor, arrived in a body shortly after one o'clock; and about this time the members of both Houses commenced to arrive in considerable numbers.

ARRIVAL OF HIS EXCELLENCY.

At a quarter to two o'clock a trumpet sounded, and a salute of nineteen guns announced that his Excellency and suite had left the Government offices. At this time the number of the public assembled inside and outside the enclosure, along the lines of Bourke and Spring streets reached many thousands, and the tops of all the houses accessible within view of the Houses of Parliament were occupied by numbers of well-dressed ladies and gentlemen. Precisely at two o'clock his Excellency and suite reached the Parliament Houses, preceded by a party of the mounted 40th regiment, (Hotham blues,) and a part of the Victoria Volunteer Yeomanry regiment. His Excellency arrived in his private carriage, and a second party of the Yeomanry regiment brought up the rear. When his Excellency reached the door of the building, the band played "God save the Queen." His Excellency, who was cheered as he passed, then entered the Legislative Council Chamber.

THE COUNCIL.

The interior of the Council Hall presented a rather striking appearance, being crowded with ladies and gentlemen anxious to witness the ceremony. The varied colors in the costumes of the former had a pleasing effect, and shewed to great advantage the simple and classical architecture of the building. The effect produced was altogether rather imposing, notwithstanding that the arrangements were but temporary.

Below the bar of the House were seated a considerable number of the members of the Assembly, who seemed not a whit less interested in what was going on than numbers of the general public. Their Honors the Judges sat near the President's chair. Throughout the entire hall and it's galleries we did not observe a seat unoccupied; and we understand that as many more persons would have been present had it been possible to provide accommodation. During the pause which took place before his Excellency's arrival, several hon. members handed in their declarations of qualification

A few minutes before two o'clock the President took his seat, the House rising to receive him as he did so.

At six minutes past two o'clock the Usher

of the Council announced in the usual terms, "His Excellency approaches the building." The second announcement, "His Excellency enters the house," caused the whole assemblage to rise. His Excellency was received at the door of the Council Hall by the hon. the President of the Council, who accompanied him to the chair which had been placed near the President's seat, and is intended for the use of the Governor on such occasions. The officers of his staff having ranged themselves near him, His Excellency requested the members to be seated. His Excellency then directed the Usher to summon to the Council Chamber the gentlemen of the Legislative Assembly.

Several members of that body, headed by the Speaker, entered the Council soon after, and remained below the bar, the Speaker being seated faciug His Excellency.

His EXCELLENCY then addressed the members of Council and Assembly, as follows:—

Mr. President and Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Legislative Assembly:

In discharging the honourable duty of opening the first Parliament of Victoria, I embrace with great satisfaction the opportunity which is afforded to me of congratulating you upon the attainment of the object for which the country has, during many years, struggled—the establishment, in the fullest degree, of the principle of self-government. I am confident that the people of Victoria not only value this privilege, but that they are prepared to meet the increase of responsibility which it imposes upon all, and that the removal of that apathy with which political affairs have hitherto been too generally treated will conduce to the happiness and prosperity of the whole community.

It will be your constant duty to watch the operation and to amend the defects of the fundamental law, from which you derive your existence and your powers. It is undeniable that every Constitution has defects of more or less importance, and that reforms must be effected to cure them. The circumstances under which our charter was prepared and granted render it likely that many changes will be necessary; but I shall not invite you during the present session to make alterations in the main features of the Constitution, other than those for which actual experience has already demonstrated the necessity. I do not conceive the position to be just, that no reform in one part of it ought to be attempted without at the same time dealing with it's other component parts. While, therefore, I shall not recommend to you to recast the electoral division of the country until the results of the census, which it will be proposed to take during this summer, are ascertained, or to deal with those abstract constitutional questions the solution of which will be found rather in the results of legislation, and the confidence which the people place in their representatives, than in any theory of representation, your attention will be drawn to the patent imperfection and inequality of the electoral franchise, and you will be asked to extend the bases of the suffrage, and to amend the law regulating the registration of electors.

It will be one of your principal duties to promote the reform and maintain the efficiency of the public administration, in its several branches.

The attention of my Government has been especially directed to the measures for reorganising the civil service, which are being partially adopted in the United Kingdom, and I have had under my consideration the results of a careful inquiry, undertaken by a commission which I appointed to report upon these reforms. I shall submit to you a measure to give effect to the greater part of the suggestions emanating from them. It will provide that admission to the junior grade of the ordinary civil service be determined by a competitive examination, open to all persons, and conducted by a permanent board; that the service be divided into classes; and that promotion to a superior class shall depend solely upon ascertained fitness, and go in the entire service, and not in a particular department.

Measures will be submitted to you for regulating the receipt and disbursement of the revenue, and audit of the public accounts. It is my opinion that the functions of the Audit Department should be enlarged, and that it should possess powers similar to those of the Comptroller of the Exchequer and the Commissioners of Audit, the Auditor-General being independent of the Executive Government, but liable to be removed from office by the Legislature. Your sanction will be also invited to the extension of facilities for the collection and disbursement of public moneys, and to the consolidation of departments. Bills for these purposes will be submitted to you.

The repeal of the laws regulating the sale and occupation of Crown land renders it necessary that I should call your early attention to this important subject. Bills will be laid before you, the main features of which will be the continuance of the system of sales by auction, and of the present upset price; provision for the more speedy issue of deeds of grant, by dispensing with double registration; the concession of facilities to owners of land for contracting with persons desirous to mine for gold, saving inviolate the rights of the freeholder to the undisturbed possession of his land; the rescinding the existing Orders in Council, regulating occupation for pastoral and other purposes; the power of granting an interest to the present occupant, renewable until the land is required for sale or any public purpose, but subject to an acreable rent, to be periodically determined by an independent tribunal, according to the grazing capabilities of the land, and the advantages of it's situation, and the adjustment of claims on account of actual losses sustained by occupants.

But the best regulations for the sale and occupancy of the public lands will do little for the settlement of the interior without the promotion of public works—especially railways and other means of communication—and the extension of municipal institutions. My Government has been actively engaged in carrying out the views of the previous Legislature with reference to the completion of the line of railway between Melbourne and Williamstown. The necessary surveys of the main lines proceeding from the sea-board to the great centres of population in the interior have been completed, and the most eligible routes ascertained. Preparations have also been made for vigorously prosecuting without loss of time these important works, so soon as you shall have conceded the necessary powers. For this purpose measures for securing the construction of railways, in the most economical manner consistent with durability and perfect safety, will be submitted to you. Preliminary steps have been also taken for extending the lines of electric telegraph to the northern and western frontiers, so as to connect all the principal towns and gold-fields with Melbourne, should you sanction this important work.

I shall propose to you to vest the powers of the Central Road Board in the Commissioner of Public Works, and to make further provision for the local management of district roads. In aid of their construction, and for the improvement of the main lines of road, a large expenditure will be required, but I am confident that the public capital cannot be better applied than in the permanent reduction of the cost of transport.

The operation of the Municipalities Act, and the amendments in it which experience has shown to be desirable, will be brought under your notice. I cannot too strongly urge upon you the advantages, direct and indirect, to be derived from local institutions, whether in thinly or thickly peopled districts. They foster public spirit, and form schools in which aspirants for seats and honors in the Legislature are trained in the public business.

Your attention will be called to the subject of the agriculture of this country, in order that such measures may be taken as will ascertain its capabilities, and will encourage the cultivation of those vegetable productions which are valuable either as articles of food or as materials employed in the arts and manufactures, and for growing which our soil and climate may afford peculiar facilities.

You will be invited to adopt measures of importance to the commerce and trade of the country. Bills relating to the management of the Customs and to merchant shipping will be proposed to you, the latter making provision for the examination of masters and mates in the colonial marine, and for the better protection and management of seamen.

I shall also direct your attention to the excessive restraints which are now put upon certain trades, especially on the sale of fermented and spirituous liquors, and upon distillation. The evils resulting from the prohibition of the latter and from the system under which the former is licensed are so flagrant, and productive of so much public immorality, that in my opinion an entire change of the law is called for. You will be invited also to adjust the rates of fees paid upon other licenses.

I shall submit to you a measure to amend the laws relating to banking and the issue of notes payable on demand.

I have been, since the last session of the Legislature, in communication with the Governors of the neighbouring colonies, with the object of making mutual arrangements of advantage to the commerce of Australia.

You will perceive from the papers which will be transmitted to you that the Governors of South Australia and Tasmania have agreed with me to propose to the respective Legislatures, a scheme for connecting Melbourne with Adelaide and Hobart Town by means of the electric telegraph. I anticipate that by the concurrence of the Governor of New South Wales the union of the four principal towns of the Eastern colonies will be completed.

Commissioners from the four Colonies have met in Melbourne, and have agreed upon a plan for the better lighting of the Australian coasts, and the maintenance of the lighthouses. This agreement will be submitted for your approval.

Lastly, I have addressed to each of the other colonies a proposal for an assimilation of the tariffs, and, in conjunction with New South Wales, I have called upon the Governor of South Australia to alter the arrangement under which dutiable goods are conveyed up the river Murray for consumption beyond the limits of that province. Full particulars of these negotiations will be communicated to you.

It is my intention to submit for your consideration a measure for promoting Education by the establishment of an uniform and comprehensive system of public instruction, based upon, and in consonance with, the religious sentiments of the people.

The objects embraced by this measure will be, to make provision for education in every part of the country; to give local boards elected by the inhabitants of school districts, power to levy school rates, and determine the religious instruction in district schools, regard being had to parental authority and the opinions of the minority, who, under certain conditions, will be permitted to erect separate schools; to provide for a thorough inspection of all schools assisted from public funds; and for the transfer of the powers of the existing Boards of Education to a public department, responsible for the expenditure of the annual vote, and for the general regulation of secular teaching.

The difficulties which have rendered abortive previous attempts to establish a general system do not appear to me to afford sufficient justification for neglecting to make another effort to effect so desirable an object.

I shall also submit for your consideration an amendment of that section of the Consti-

tution Act which devotes a portion of the public revenue to the promotion of religion, having for it's object the admitting to a participation in this grant all subjects of her Majesty whose religious tenets are not subversive of morality and good government.

You will be requested to consider the best means of providing for the education of deserted children and of juvenile criminals. The yearly increase of the tax upon private benevolence, and the amount of the charge made upon the public funds for charitable institutions, demand the most careful attention of the Legislature.

I shall cause various measures for improving legal procedure to be laid before you.

They will provide for the establishment, as far as Victoria is concerned, of a Court of Appeal for all the Australian colonies; for the transfer of the Criminal Jurisdiction of the Supreme Court to a Central Criminal Court; for the consolidation of the offices of Registrar-General and Registrar of the Supreme Court; for an appeal from an erroneous sentence to a superior Court without the fiat of the Attorney-General, and for the transfer to a Grand Jury of the powers now vested in that officer of proceeding by information for political offences; for a more effectual method of recovering small debts and demands, and for amending the procedure in the County Courts; for altering the laws relating to juries, and increasing the number of special jurors; for facilitating the transfer of real property, and the registration of transfers; for improving the laws relating to bills of lading; and for providing for the protection of persons having dealings with agents entrusted with the possession of goods.

I shall propose to you the enactment of a measure amending the Bankruptcy Laws, and providing for a more simple and effectual method of distributing Insolvent Estates.

Bills will also be laid before you for facilitating the acquirement of patents, and diminishing the expense attendant thereon; and for affording a remedy to persons having claims against the Crown.

A Bill for the better management of the Gold-fields, with reference especially to facilities for the settlement of disputes arising from encroachments, and those connected with mining partnerships, will be presented to you.

Mr. Speaker and Gentlemen of the Legislative Assembly:

The estimates of Revenue and Expenditure will be laid before you without delay. I have endeavoured to effect in the expenditure of the public departments every economy consistent with the maintenance of their efficiency; and, while I have succeeded in making reductions in these establishments, I have aimed at increasing the facilities to the public for the conduct of business.

I shall recommend to you to appropriate considerable sums for the purposes of Immigration. Great success has attended the alteration recently made in the regulations for the selection of immigrants by their friends in this country; and I hope by the extension of this system, and by arrangements under which commercial enterprise will be more directly enlisted in this service, that we shall obtain a steady stream of assisted immigration, at a cost to the public treasury decreasing from year to year.

I shall propose to you the discontinuance of the services of the Colonial Land and Emigration Commissioners, and the establishment of a distinct Agency for Victoria in the United Kingdom.

Mr. President and Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the Legislative Assembly:

I am happy to be able to congratulate you on our financial and commercial prosperity. Our credit is firmly established both at home and abroad; and the discoveries which are being almost daily made of new fields for labor induce the belief that no diminution in the yield of our mineral treasure need be apprehended.

The improvements which are being effected in the methods of working, under the salutary regulations which the experience of the miners has enabled them to frame, have tended greatly to increase the proportion which the yield of gold has borne to the cost of it's production.

I trust that, avoiding every course likely to foster a spirit of undue speculation, you will, by wise legislation, enable Victoria so to avail herself of the advantages which Providence has bestowed upon her as to become not only the most wealthy but the most honored of the colonies of the empire.

For myself, as one of the early colonists who landed, with my late parents, in Australia, and as bound to them by a grateful and filial remembrance, I cannot but express the sense which I entertain of the honour conferred upon me of representing Her Most Gracious Majesty in the Parliament of that country with which I have been so long connected by the ties of property and kindred.

(Signed)

EDWARD MACARTHUR,

Major-General and Senior Military Officer Administering the Government.

25th November, 1856.

At the conclusion of the address, his Excellency bowed to the members present, and retired, followed by his suite; the President accompanying him to the door of the hall. A few minutes pause here took place, while those present not engaged in any business connected with the Council retired from the Council Hall—the members of the Assembly retiring first, with the Speaker at their head.

Mr. MITCHELL moved that the Council adjourn until half past three o'clock. The motion was carried, and the House adjourned accordingly.

DEPARTURE OF HIS EXCELLENCY.

His Excellency and suite then left in the order in which they arrived. A salute of

nineteen guns was fired on his Excellency's departure.

Notwithstanding the dust-laden and oppressive condition of the atmosphere, the footpaths were lined with spectators, all eagerly pressing forward to obtain a view of the proceedings attendant upon the opening of the New Parliament of Victoria.

LEGISLATIVE COUNCIL.

At half-past three o'clock the Council resumed it's sitting.

ADMISSION OF VISITORS.

The PRESIDENT said that as some dissatisfaction had been expressed in reference to the plan adopted for the admission of visitors to the ceremony which had taken place that day, he would state that if he had erred in the mode he had adopted he must claim the indulgence of the House. He was informed by the architect that there was accommodation on the floor of the House for fifty-six persons; but of course he was compelled to provide accommodation for the Consuls, the Members of the Executive Council, and his Excellency's suite,—in all fifty-seven persons. These gentlemen and the Members of Council had each two ladies' tickets, and he had himself admitted two very old friends of his own. The ladies who had been admitted to other parts of the hall had obtained admission through friends who were in such a position as to be enabled to obtain tickets of admission. He assured the House that he had had no very enviable task to perform in the distribution of these admissions. He laid on the table a list of admissions issued, not as an official document, but as a means of reference to such gentlemen as might wish to inform themselves of the plan which had been followed out. (It was with extreme difficulty that the observations of the President could be heard at all, and many of them were lost.)

STANDING ORDERS COMMITTEE.

Mr. M'COMBIE gave notice that on Friday week he should move—

That a select committee, to consist of Mr. Fawkner, Mr. Harvey, Mr. Bennett, Mr. Hood, and the mover, be appointed to frame and bring up a code of standing orders.

BONDED STORES.

Mr. CRUIKSHANK gave notice that on Tuesday next he should move—

An address to his Excellency the Acting Governor praying him to cause to be laid on the table of the Council a detailed statement of the number of bonded stores in Melbourne, with the amount of fees paid by each establishment.

SITTINGS OF THE COUNCIL.

Mr. MITCHELL gave notice that on the day following (Wednesday) he should move—

That Tuesday, Wednesday, and Thursday be the days on which this Council meet for the despatch of business, and that three o'clock be the hour of meeting.

PENAL ESTABLISHMENTS.

Mr. HOOD gave notice that on the following day (Wednesday) he should move—

For the appointment of a select committee of five gentlemen, to be chosen by ballot, to inquire into the working of the penal establishments of the colony, with power to examine witnesses and order the production of books and papers.

Contingently on that motion being carried, he should move—

That an address be presented to his Excellency the Officer Administering the Government, praying him to be pleased to respite the execution of Thomas Melville pending such inquiry.

GOVERNMENT BUSINESS.

Mr. MITCHELL gave notice that on the following day he would move—

That on Wednesday in each week the transaction of Government business take precedence of all other business.

Mr. HOOD wished to know if he would be in order in putting a question to Mr. Mitchell?

The PRESIDENT said that notice was always given.

THE BALLOT.

Mr. HOOD then gave notice that, on the following day he should ask the hon. member opposite, holding a seat in the Executive Council, whether it was the intention of the Government to submit, during the present session, any measure for the introduction of voting by ballot in the election of members of civic corporations and district municipalities.

LIBRARY COMMITTEE.

Mr. MITCHELL gave notice that on the following day he would move—

That the House of Assembly be invited to confer with this House touching the appointment of a joint Library Committee.

TRANSPORTATION FROM ENGLAND.

Mr. FAWKNER gave notice that on the Tuesday following he would move—

That a committee of five gentlemen be appointed, to consist of Messrs. Hodgson, Hood, Hervey, the President, and the mover, to draw up an address to our Sovereign Lady the Queen, praying that she would be pleased to refuse her assent to any measure by which persons might be transported from Great Britain—not to Australasia alone, but to any of the adjacent islands, and that such committee request his Excellency the Acting Governor to support the prayer of the petition.

JURIES REGULATION BILL.

Mr. MITCHELL wished to introduce a bill to be read a first time that afternoon.

The PRESIDENT submitted that the departure from the usual course of giving notice could only be admitted by a suspension of the standing orders.

Mr. FAWKNER would wish to know where the standing orders were?

The PRESIDENT said that according to the Act of Council, the standing orders of the old Legislative Council remained in force until they framed other ones.

Mr. M'COMBIE said that the Constitution Act provided that they must adopt the standing orders of the Imperial Parliament until they framed their own. (Hear.)

Mr. MITCHELL would then move the suspension of the standing orders.

The motion was carried without remark.

Mr. MITCHELL then requested leave to introduce a bill for "The Regulation of Juries."

Leave having been given,

Mr. MITCHELL brought up the bill; moved that it be read a first time, printed, and read a second time that day fortnight.

Agreed to.

THE ADDRESS.

The PRESIDENT then read aloud to the Council the speech of his Excellency, delivered that morning.

Mr. BENNETT rose to move—

That a select committee be appointed for the purpose of preparing the draft of an address for presentation by that Council to his Excellency the Officer Administering the Government, in reply to his speech that morning. The committee to consist of Mr. S. G. Henty, Mr. H. Miller, Mr. Power, Mr. Hervey, Mr. Keogh, Mr. Fawkner, and the mover.

Mr. POWER seconded the motion, which was put and carried.

Mr. MILLER then rose and remarked that it was usual for the committee to retire at once in order to prepare the address.

Mr. HERVEY objected to this. It was impossible for the committee to confer satisfactorily in a very limited period. He would suggest that they should bring up their report on the following day.

Mr. M'COMBIE said that the practice seemed generally to have been to frame the address on the day on which the speech was delivered. He agreed in Mr. Miller's suggestion.

The PRESIDENT intimated that the course proposed by Mr. Miller was the one usually adopted.

Mr. HERVEY said that it was impossible for the committee to frame a satisfactory address in a few minutes. They should follow the course adopted by the Legislative Assembly, and having nominated their committee, adjourn to the next day.

Mr. FAWKNER thought that they would do right to follow out the course adopted by them on former occasions The address was merely an echo of the speech, and was not considered to be any test of the sentiments of members agreeing to it.

The members of the committee then retired.

NOTICE-PAPERS.

During the pause which took place the PRESIDENT suggested that hon. members should leave addresses to which they wished their copies of the notice-paper issued nightly to be forwarded.

On the return of the committee appointed to frame the address, after an absence of twenty minutes—

Mr. BENNETT laid on the table the draft of the address prepared by the committee. He would read the address before offering any remarks upon it.

"MAY IT PLEASE YOUR EXCELLENCY—

"We, her Majesty's dutiful subjects, the members of the Legislative Council of Victoria in Parliament assembled, desire to express our loyalty to our Most Gracious Majesty, and to offer our thanks to your Excellency, her Majesty's representative, for the speech with which you have opened the first Parliament.

"We unite with your Excellency in congratulating the country upon the establishment of the principles of self-government, and feel assured that it will greatly conduce to the happiness and prosperity of the community.

"We concur with your Excellency, that it will be our duty to watch the operation of the Constitutional Act, and to make such changes in it, from time to time, as may be necessary.

"The efficiency of the public administration in all its branches will claim our earnest attention, and we trust that the organisation of the civil service will be materially improved by the suggestions emanating from the inquiry which has been instituted.

"The measures which are to be submitted, relating to the public revenue and accounts, as well as that relating to the consolidation of departments, will be diligently examined by us.

"We are deeply impressed with the necessity for introducing a suitable law for regulating the sale and occupation of the public lands, and we shall gladly co-operate in framing a measure which may have for its object the settlement of this question in a satisfactory and equitable manner.

"Railway communication with the great centres of population in the interior of this country, and the extension of the lines of electric telegraph, are subjects of which the importance cannot, in our opinion, be overestimated, and will demand the serious consideration of the Legislature.

"The Council note that the powers of the Central Road Board have been transferred to the Commissioner of Public works, and learn with satisfaction that further provision is to be made for the management of the district roads; thus carrying out the formation of roads and bridges, the construction of which has already made some progress.

"It has been abundantly proved in this country, that it is desirable to encourage the formation of local institutions for purposes of self-government, and we have much satisfaction in learning that improvements in the Municipalities Act will be brought under our notice.

"We trust that we shall be enabled during the present session to adopt measures which will be beneficial to the trade and commerce of the country, and give encouragement to agriculture.

"The law which now imposes restraints on certain trades will be diligently investigated by us, as well as the laws relating to banking, and the issue of notes.

"The assimilation of the tariffs in the Australian colonies will, if it can be successfully and advantageously carried out, meet with our cordial support; and we rejoice to hear that steps have been taken towards an improvement in the lighting of the coasts of the several colonies.

"We shall gladly give our best consideration to the creation of a comprehensive system of public education.

"The expediency of amending that section of the Constitution Act which devotes a portion of the public revenue to the promotion of religion will receive our careful consideration, and the necessity which would appear to exist of making some provision for the education of deserted children and juvenile criminals will not be overlooked by us.

"The various measures for improving legal procedure, for amending the Bankruptcy Laws, for the better management of the goldfields, and the other measures adverted to in your Excellency's address, will receive our careful attention.

"We believe with your Excellency, that the financial credit of Victoria is most firmly established; that her mineral treasure is still unlimited; and that under the practical experience of the miners themselves, the improved methods of working will continue to develop her mineral wealth for ages.

"We congratulate your Excellency upon the high post which you have been called upon to fill in opening the first Parliament in Victoria, as the representative of her Most Gracious Majesty, and it is our most ardent aspiration that Victoria may, by wise and prudent legislation, obtain that high position amongst the provinces of the empire which her vast internal resources will enable her to sustain."

He begged to move that the report of the committee be received.

This having been seconded by Mr. POWER was agreed to.

Mr. BENNETT then moved that the report of the committee be adopted by the Council as their reply to the speech of his Excellency the Acting Governor on opening the present session. He moved this only for the purpose of facilitating the business of that House, and not as recognising any party or taking his stand on any given side. If his idea were correct, no party should exist in that House. He did not wish this remark to be understood as any reflection on others; he was merely giving expression to his own views. In his opinion they were raised both theoretically and practically above party considerations, and were only to decide on the acts of the Assembly, and confirm them if need were. Should, however, any exigency of the colony require even in that House the existence of a party, he held himself privileged to take his seat on any side, according to his own conscience. With regard to the Governor's speech, he had great satisfaction in referring to it. It comprised no less than thirty-eight topics of vast importance, not one of them, indeed, being of what could be termed minor weight. Most of these topics had formed matter of public discussion at the last election, and there were none of them that had not been completely ventilated. Of these measures, thirty related to the internal management of the colony, and eight had reference to its relationship with various other colonies. The topics chiefly referred to were the public lands, the means of transport by railways, the electric telegraph, internal and external, local self-government, the development of the resources and talents of the colony, customs, the sale and distribution of spirituous liquors, education, religion, and social reforms, facilities for persons having claims against the Government prosecuting them—and at the last, not least, the question of immigration and emigration. He was glad that these important topics were to be submitted to them, and could not but give his mite of approbation to the members of the Executive who had in so short a time proposed so comprehensive a programme for the Council. It was not to be supposed, nor indeed would it be desirable, that on this comprehensive document the Legislature should be unanimous. This would tend to stop discussion, and to leave in their present condition many questions now involved in obscurity. He was not therefore prepared to give his unqualified adhesion to all the matters referred to in the speech, for there were matters on which he did not go so far as that document. He wished simply to enunciate the principle, that he reserved for himself perfect liberty of action, and, having said so much, he would propose the motion he had already made.

Mr. POWER, on rising to second the motion, felt it his duty as a junior member of that House, to direct his observations rather to the speech delivered to the House that day. He was not prepared that moment, nor could it be expected that he would be prepared, to pin his faith and give in his adhesion to the opinions enunciated on the various and important subjects referred to in that speech; and perhaps it would be better for him to confine himself simply to seconding the motion. But he deemed it his duty to the House and the country to go still farther, and to congratulate the House on the liberal, wise, and just measures prepared to be brought forward by the Government of the country. He had great pleasure in seconding the address.

Mr. M'COMBIE would express his general concurrence in the remarks of the hon. member for the South Province (Mr. Bennett). He did not think that members should ever maintain a factious opposition, nor could he feel justified in such a course where a good measure was proposed. He looked at measures not men. He did not mean to oppose the address, but he could not allow it to pass without a remark which his duty to his country and his constituents forced him to make. He conceived that the Government had made a grievous mistake in reference to the subject of immigration. The greatest revolution which had ever taken place in respect to the lands of Australia was accom-

plished under the New Constitution Act. The former Land Sale Act was now partly repealed, and although the speech touched on this topic it did not refer to the kindred question, immigration. A portion, indeed, of the speech, specially directed to the members of the Assembly, referred to this topic, but only to that kind of immigration paid for out of the consolidated revenue. This was a great mistake, for at the present moment labour was far too high, and they would soon have more capital than labour, unless some comprehensive scheme of immigration were carried out. Under these circumstances the best colony must go backwards. The only reference to immigration in the speech was to that which would be paid out of the land fund. Government had told them that extensive public works were about to be carried out, and before they attempted this, surely they must initiate a large system of immigration—for if they tried to go on with the labour at present in the colony—it must be that these public works would be carried out to the injury of the agricultural interest of the country. He admitted that the programme laid before them was liberal in the extreme—but he must express his regret at this omission, as the present price of labour was eating out the vitals of the community, and in a few years their present prosperity would desert them if this evil were not dealt with.

Mr. FAWKNER rose to support the address. He had imagined that immigration was specially referred to; the words of the speech were:—

I shall recommend to you to appropriate considerable sums for the purpose of immigration. Great success has attended the alteration recently made in the regulations for the selection of immigrants by their friends in this country; and I hope by the extension of this system, and by arrangements under which commercial enterprise will be more directly interested in this service, that we shall obtain a steady stream of assisted immigration, at a cost to the public Treasury decreasing from year to year.

Mr. M'COMBIE said that the words referred to a scheme of immigration, to be defrayed out of the consolidated fund, and not a general scheme.

Mr. FAWKNER: The words were "A steady stream of assisted immigration," at a decreasing cost. (Hear.)

Mr. GUTHRIDGE did not wish to offer any opposition to the reply, but he would observe that his Excellency had not recommended them to readjust the electoral divisions of the country, in the present condition of which there were startling discrepancies. In one province fifty-two votes was sufficient to return a member, while the lowest number recorded for a returned member in either of the others was 689.

Mr. MITCHELL said that the hon. member did not appear to have read the address. If he had read a little further down he would find the following passage:—

While, therefore, I shall not recommend to you to recast the electoral division of the country until the results of the census, which it will be proposed to take during this summer, are ascertained; or to deal with those abstract constitutional questions, the solution of which will be found rather in the results of legislation, and the confidence which the people place in their representatives, than in any theory of representation; your attention will be drawn to the patent imperfection and inequality of the electoral franchise, and you will be asked to extend the bases of the suffrage, and to amend the law regulating the registration of electors.

Mr. GUTHRIDGE said that the taking of the census would make no considerable alterations in the districts.

Mr. MITCHELL said that any change must be based on it. (Hear.)

Mr. HENRY MILLER would support generally the address, but his duty compelled him to comment on at least one portion of the speech which referred to a topic with which, as the house was aware, he was practically acquainted. He alluded to that portion of the speech which referred to the banking system. He observed that a measure was to be submitted to them to amend the laws relative to banking, and the issue of notes payable on demand. He was sure that the Council and the country would admit that this was a question on which the financial prosperity of the colony in a great measure depended, and further he maintained that the system of banking which had obtained here, had had the effect of enabling the Government to come to the Legislature, and, with truth, express satisfaction at the financial condition of the colony, and the prosperity existing. In mentioning the subject of banking, justice should have been done to the present banking establishments. (Oh!) He regretted that that subject was mentioned in a vague way, and, though a meaning might be seen in the Speech, it admitted of several different interpretations. It might be the intention of the Government to upset all banking companies, or, with a rash hand,—as they had done in America,—sweep away their own financial prosperity. He regretted that the details of the proposed measure had not been shadowed forth to the House; for he was aware, having had experience in the former Council on the subject, that there was at least one member of the Executive, who held strong ideas as to banking; and those ideas, so far as he could decide, were theoretical, impracticable, and mischievous. There was, however, no mischief done yet; and he now raised his voice by way of warning. And he trusted that, whatever measure was brought forward it would be well considered and submitted to practical men. There was another topic in reference to what had fallen from Mr. M'Combie which he viewed as important, and on which it would have been expedient that some declaration of the future policy of the Executive should be made, after what had occurred in the old Council on the subject. He meant the Chinese immigration. Having made these remarks, he must further add that the speech generally had his hearty concurrence and support.

Mr. HOOD said that Mr. Bennett had proposed an address, at the same time stating

that he did not concur in all of the Governor's remarks. Would the House by supporting the motion pledge itself in any way. (Cries of "no, no.") He begged also to express his total dissent from the doctrine laid down by the mover of the address, that they should have no party in that House. He believed that the Government could not be carried on without it.

Mr. BENNETT in reply said the principal objections to the speech had been answered already. It was hardly to be expected that a programme, such as the one that day presented to them, should be without some few omissions. There was nothing, however, to prevent measures not referred to in the speech, from being brought forward thereafter, either by the executive or independent members. With regard to what had fallen from the Hon. member who had last spoken, in reference to party, that was not the time to discuss it. He had had no wish in his remarks to dictate a course to any hon. member, he only gave his own opinions.

The question was then put from the chair and the address carried without opposition.

Mr. BENNETT moved—

That the Address be presented to his Excellency the Acting-Governor by the President and the Members of Committee who had drawn it up.

Agreed to.

CHAIRMAN OF COMMITTEES.

Mr. FAWKNER, in pursuance of notice given, moved the appointment of Mr. John Hodgson as Chairman of Committees, and paid a brief compliment to his acknowledged aptitude for the office.

Mr. M'COMBIE seconded the motion.

The PRESIDENT enquired whether the office would be sessional or permanent?

Mr. FAWKNER would move that the appointment be sessional.

Mr. W. J. T. CLARKE proposed Mr. Thomson as Chairman of Committees,

Mr. URQUHART seconded the motion.

Mr. BENNETT moved as an amendment that the office of Chairman of Committees be held by him during his tenure as representative member of the Council.

Mr. ALLAN seconded the amendment.

Mr. HOOD would move as a further amendment—

That the appointment be only temporary until the report of the Standing Order Committee was brought up and adopted.

Mr. BENNETT would prefer this amendment to his own.

Mr. MITCHELL questioned the power of the Council to make a temporary appointment.

The PRESIDENT thought that the House unquestionably possessed the power, but there was no precedent for a temporary appointment.

The two Candidates then briefly assured the Council of their desire to discharge the duties of the office faithfuily, if the honour were conferred on them.

The question was put and the House divided on the question that the words added by Mr. Fawkner to his motion be struck out, when there appeared– contents, 17; non-contents, 11.

This division virtually elected Mr. John Hodgson.

The following is the division list:—

Contents.	Non-Contents.
Messrs. Mitchell	Messrs. Stewart
M'Combie	Kennedy
Keogh	Urquhart
Patterson	Clarke
S. Henty	Hodgson
Power	Tierney
Fawkner	Cruikshank
Hervey	Kaye
J. Henty.	Hope
Williams	Bennett
Hood	Strachan.
Guthridge	
Cowie	
Thomson	
Allan	
Miller	
Vaughan.	

Majority for Mr. Hodgson—6.

Mr. HODGSON briefly expressed his sense of the honor conferred on him, and trusted to be able faithfully to discharge the duties which had been committed to him.

SPEAKER OF THE ASSEMBLY.

The PRESIDENT wished, before the House adjourned, to know whether, in the event of the Speaker of the other House wishing to hear debates in that House, there would be any objection to have a chair placed near to the chair of the President.

Several hon. members expressed an opinion that such an arrangement was very desirable.

WEARING HATS IN COUNCIL.

Mr. MITCHELL conceived that it would be desirable to get from hon. members some expression of opinion as to the propriety of members sitting in Council with their hats on.

Mr. HODGSON did not think the practice consistent with their own dignity. It should be understood that hon. members sat with their heads uncovered. An understanding would do quite as well as a resolution. (Hear, hear.)

The matter then dropped.

ACCOMMODATION OF THE COUNCIL.

The PRESIDENT announced that he would shortly lay on the table a report from the Commissioner of Public Works in reference to the temporary accommodation of the Council in another chamber until their hall was ready for them.

Mr. FAWKNER would have no objection to an adjournment for a week, if necessary.

The Council then adjourned at half-past five o'clock to three o'clock the following day.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty-five minutes after one o'clock.

The members present who had not previously done so handed in the declaration of their qualification.

The SPEAKER then observed that the House would have to await a message from his Excellency summoning them to attend in the Council Chamber.

During the interval

The Clerk of the Council read his Excellency's commission, empowering the Speaker to administer oaths to members, whereupon Dr. Evans took the oaths and his seat for Richmond, and Mr. Davis did the same for Alberton.

At ten minutes after two o'clock a message was received from the Council requesting the attendance of the members of the Assembly to hear his Excellency's speech. The hon. members present accordingly proceeded to the Council Chamber, headed by the Speaker.

On their return the Assembly adjourned to three o'clock.

After the adjournment the Speaker again took the chair at three p.m. There were forty-five members present, and a number of ladies and gentlemen who had attended the Council occupied places behind the bar.

CHAIRMAN OF COMMITTEES.

Mr. SARGOOD gave notice that on to-morrow (Wednesday) he would move—

That Mr. Greeves be elected Chairman of Committees for that House.

Mr. KING gave notice that at the same time he would move—

That Mr. Snodgrass be appointed Chairman of Committees.

Mr. HUMFFRAY also gave notice that to-morrow he would move—

That Mr. Vincent Pyke be appointed Chairman of Committees.

NOTICES OF MOTION.

OPENING THE ASSEMBLY BY PRAYER.

Mr. CAMPBELL gave notice that on the following day he would move—

(1.) "That it is desirable that this Assembly should commence it's daily Legislative proceedings by asking the blessing of God on its deliberations.

(2.) That a committee be appointed, consisting of Messrs. Moore, D. S. Campbell, Embling, Henty, Beaver, Duffy, McCulloch, Palmer, the Honourable the Attorney-General, the Honourable the Speaker, and the Mover, to consider the best mode of carrying the above resolution into effect and to report to the House.

SITTINGS OF THE ASSEMBLY.

Mr. HAINES gave notice that on the following day he would move—

That Tuesday, Wednesday, Thursday, and Friday, in each week, be the days on which the Assembly shall meet for the despatch of business during the present session, and that three o'clock be the hour of meeting on each day.

STANDING ORDERS COMMITTEE.

Mr. HAINES gave notice that on the following day he would move—

That the following members do form the Committee of Standing Orders during the present session, with power to confer with the Standing Orders Committee of the Legislative Council for the preparation of such standing orders as relate to both Houses:—The Speaker, the Chairman of Committees, Mr. O'Shanassy, Mr. Griffith, Mr. Duffy, Mr. Palmer, Mr. Horne, Mr. Stawell, Mr. M'Culloch, and Mr. Childers.

GOVERNMENT BUSINESS.

Mr. HAINES gave notice that on the following day he would move—

That on Wednesday and Thursday in each week, during the present session, the transaction of Government business shall take precedence of all business.

CROSS BENCHES.

Mr. SARGOOD gave notice that on Friday he would move—

That a committee of seven be appointed to inquire and report whether the establishment of cross benches in this House be in accordance with the usages of Parliament, such committee to consist of the Speaker, Messrs. Childers, Foster, Duffy, O'Shanassy, and the mover.

THE ADDRESS.

Mr. DUFFY said he wished to ask if it were intended that there should be any further adjournment before the Governor's speech was taken into consideration.

The SPEAKER replied, but his observations were inaudible in the gallery. He was understood to say that it was open to any member to move an adjournment.

Mr. DUFFY said it was the practice in the Imperial Parliament for the House to adjourn for two hours to give the opposition an opportunity of considering what course it was desirable for them to pursue. The English Parliament never took the Royal Speech into consideration until an interval of two hours had elapsed by adjournment, and it would be wise, he thought, if the same course were adopted here.

TRANSIT AND CARRIAGE OF GUNPOWDER.

Mr. CHILDERS who was very imperfectly heard, was understood to say that the practice had been, after reading the Governor's Speech, to give notices of motion, or to introduce Bills. He begged leave to introduce a Bill, entitled a Bill to regulate the importation, keeping, and carriage of Gunpowder.

Leave having been given,

Mr. CHILDERS moved—

That the Bill be read a first time, printed, and read a second time that day week.

The motion was put and carried.

The SPEAKER then enquired if any hon. member wished to move an adjournment for any longer period?

Mr. DUFFY said it was not his intention to make a motion; all he wished to do was to call the attention of the Speaker to the proper course

Mr. FELLOWS: The honourable member seems to forget that we move a great deal faster in this colony than in the old country.

Mr. GREEVES pointed out that as hon. members had only heard the speech read in the Council, it would not come before them officially, until read by the Speaker. On this account he should support an adjournment for a longer period.

The SPEAKER, whose observations were again but very imperfectly heard, was under-

stood to say, that it was proper for the Speaker to take the Chair immediately after the members of the Lower House had returned from hearing the Governor's speech, but that it would not be according to practice for the speech to be read in the Lower House until after other business had been done, such as the introduction of bills, &c.

The subject then appeared to have dropped, and

Mr. DUFFY inquired if that was the proper time to enquire if any measures had been taken to have the votes and proceedings of the Assembly circulated among the members of the House? Many members complained that they had not received the votes and proceedings of the two former sittings of the Assembly.

The SPEAKER explained that the arrangements of the Government Printing Office had not yet fallen into regular order, which would explain the imperfect delivery of the votes and proceedings which the hon. member had pointed out.

HIS EXCELLENCY'S SPEECH.

The SPEAKER then announced that the members of the Assembly had been summoned to the Council Chamber to hear the Governor's speech, and that his Excellency had spoken as follows. [The hon. gentleman then read his Excellency's speech, which appears above.]

THE ADDRESS.

Mr. ANDERSON said he was aware that the course which he was about to pursue was at variance with that adopted in the Imperial Parliament, in reference to the opening speech. He wished the House to pursue the course which was adopted at Sydney. In that colony it was the practice to appoint a Select Committee for the purpose of drawing up an address in reply to the Governor's speech rather than adopt one already written and prepared. He would therefore at once move—

That a select committee be appointed for the purpose of framing a reply to the Governor's speech, such committee to consist of the following gentlemen, viz., Messrs. Haines, Michie, Foster, O'Shanassy, Fellows, Pyke, D. S. Campbell, and the mover.

Contingent on the former motion being passed he would move—

That the Speaker do leave the chair for one hour for the purpose of allowing the committee time to draw up the address.

Mr. D. S. CAMPBELL seconded the motion.

Mr. O'SHANASSY said he did not know if it was the intention of the House to adopt the suggestion of the hon. member, viz., that the House should adjourn for an hour for the purpose of enabling a Select Committee to draw up an address in reply to his Excellency's speech, but he did not profess to be so ready as to be able to prepare an address on so voluminous a document in so short a a time. (Hear, hear.) It had been pointed out that this was the course adopted in the Old House, but he did not think that the practices followed in the Old House should furnish precedents to them in the altered position in which they then stood. Considerable importance attached to the present occasion, and the Governor's speech was an important document, and, therefore, it would only be fair to give the House one day to consider on a reply. (Hear, hear.) He was aware that it was considered as a proper act of respect to the Throne, that a speedy answer should be given to the address, but on the present occasion they would not be departing much from what was right and proper if they adjourned for one day. He should, therefore, move—

That this House, after appointing a committee to adjourn until to-morrow at three o'clock.

Mr. MICHIE rose to second the suggestion of his hon. colleague, and agreed with him in what he had said as to the inconvenience of requiring a number of gentlemen to frame an address to so voluminous a speech on so short a notice. He concurred in the suggestion that one day's time should be given, for if the gentlemen who had been named as the committee were at once to adjourn to a room, it would be wonderful if they could agree in an hour on the terms of an address to a speech so voluminously long, and comprising unusually important and varied materials.

The SPEAKER asked the mover of the original resolution if he would adopt Mr. O'Shannassy's suggestion.

Mr. ANDERSON said he should be happy to do so. As a new member, he was unacquainted with the practice of the House, and had mentioned a time in order that those who knew better about it than he did might make such arrangements as they thought most desirable. His own view was that the committee could meet for an hour and report progress if they had not concluded on an address in that time.

Mr. DUFFY said it was now quite plain that they should lose time by departing from old-established Parliamentary usages. If the House had adjourned for two hours, they might probably have passed the address that night; but now they would lose a day. He wished to impress upon the House that in future they would lose time by departing from the usages of Parliament.

The SPEAKER then put the question as amended, which was adopted; and the House adjourned until three o'clock the following day.

FOURTH DAY—WEDNESDAY, NOVEMBER, 26, 1856.

LEGISLATIVE COUNCIL.

The Hon. the President took the chair at three o'clock.

OPENING THE COUNCIL WITH PRAYER.

Mr. KENNEDY presented a petition, signed by the Rev. Alex. Cairns and several others, praying the Council to commence its proceedings daily by prayer, and moved that it be received.

Agreed to.

THE ADDRESS.

Mr. MITCHELL informed the Council that his Excellency would receive the President and committee appointed to present the address on the day following, at half-past three o'clock.

IN RE ROBERT A. B. VANS.

Mr. HERVEY presented a petition, signed by Samuel Corrie and others, for leave to introduce a bill to vest the estate of Robert Anstruther Balbirnie Vans, deceased, in trustees, for the benefit of certain parties concerned, under the usual conditions. He moved that it be received.

Agreed to.

Mr. HERVEY then gave notice that, on the following day, he should move, in pursuance of the practice laid down in May, that the petition, with the bill attached, be referred to two judges of the Supreme Court

JURY REGULATION BILL.

Mr. MITCHELL gave notice that on the following day he should move that the second reading of the Jury Regulation Bill be fixed for Tuesday next. It would, he believed, be in the hands of hon members on the following day, and as there was much business to be got through before the 1st January, it was desirable to lose no time.

IMMIGRATION.

Mr. M'COMBIE rose to give notice of a motion for Tuesday next, viz., of a resolution for the raising of money on debentures, payable out of the consolidated fund, in furtherance of a comprehensive scheme of immigration.

(This motion was barely audible, and some remarks which followed in reference to it quite so. We understood that the notice was demurred to on a point of order and withdrawn.

THE APPROPRIATED MOIETY OF THE LAND FUND.

Mr. ALLAN gave notice that on Thursday, the 4th December, he should ask the officer representing the Government in that House, whether the Government intended to bring forward any measure to cause the sum of £860,00) appropriated by a former Ministry, or any other sums since abstracted from the immigration fund, to be refunded to their legitimate purposes.

BILLS OF LADING.

Mr. MITCHELL gave notice that, on Wednesday, the 3rd of December, he should move for leave to bring in a bill to amend the law relating to bills of lading.

THE BALLOT.

Mr. HOOD rose to ask Mr. Mitchell the question of which he had given notice, viz.—

Whether it was the intention of the Government to submit, during the present session, any measure for the introduction of the voting by ballot in the election of members of civic corporations and district municipalities.

He had heard that the Government intended to introduce a short bill on this subject, and that suggested his question.

Mr. MITCHELL begged to inform the hon. member that in the proposed bill power would be given to these corporations and municipalities to have the ballot or any other mode of voting they might themselves choose.

STANDING ORDERS COMMITTEE.

Mr. M'COMBIE rose to move—

That a select committee, consisting of Mr. Fawkner, the President, Mr. Mitchell, Mr. Hodgson, Mr. Hervey, Mr. Bennett, Mr. Hood, Mr. Miller, and the mover, be appointed to frame and bring up a series of standing orders for this Council, and also to confer with a committee of the Legislative Assembly.

He might refer to the 43rd clause of the New Constitution Act, which gave the Council power to frame its own standing orders, but specifying that until such were framed the standing orders of the British Parliament should have force. This created a difficulty, for they could not say whether the Council was to adopt the orders of the House of Peers or the English House of Commons. Under these circumstances he need hardly say that it was very desirable to appoint a committee to frame their own orders at once. This committee would do well to frame such abstract standing orders as referred to that Council only; but there were other orders that would require the assent of the Assembly as well as theirs. They could, by framing their own orders now, conduct their own debates on defined principles, and their select committees would be under definite regulations. In reference to another motion on the paper by Mr. Mitchell, viz., the appointment of a committee to confer with the Lower House as to the appointment of a Joint Library Committee, he would say that he desired to meet that House in the best spirit possible, and that the best spirit should always exist between them. It was supposed by many that the Upper House was aristocratic, but, on the contrary, it drew it's power and authority from the same source as the Lower. He did not believe that the "dead lock" which many anticipated would arise, but thought that a proper feeling would always be shown on either side, and a due desire for the public good.

Mr. KENNEDY seconded the motion.

The PRESIDENT wished to know whether the mover intended that the committee, when appointed, should meet that of the Lower House during the whole session, or *pro hac vice* only?

Mr. M'COMBIE at present only wished the committee to be temporary.

The question was then put, and the motion agreed to.

The first meeting of the committee was fixed for the following day at ten o'clock.

SITTINGS OF THE COUNCIL.

Mr. MITCHELL, according to notice given, moved—

That Tuesday, Wednesday, and Thursday be the days on which this Council meet for the despatch of business, and that three o'clock be the hour of meeting.

He named only three days in the week, as he believed that they would be found sufficient for the discharge of their business. If the Council desired it, he had no objection to add a fourth day, but it would be hardly necessary, for it was not in their power to make business to fill up so many sittings.

Mr. CRUIKSHANK would move as an mendment—

That the hour of meeting be four instead of three.

Mr. FAWKNER objected to the fixing of three days only as inconvenient to members residing in the country. They could, if they had not business to occupy them, easily adjourn over Friday. He supported the hour named, but would rather that an earlier one had been fixed. He moved that the word "and" be omitted before "Thursday," and inserted after it, and that the word "Friday" be added to the motion.

Mr. M'COMBIE would support Mr. Fawkner's motion.

Mr. STRACHAN would oppose Mr. Cruikshank's amendment. He would rather that the Council met at two for only two days in the week, so as to be then fully employed, than that they should not have enough to do for four days. He would certainly support the earlier hour named.

Mr. GUTHRIDGE moved as a further amendment—

That the House meet at two o'clock for three days in the week.

Mr. HERVEY inquired whether the Council could alter any arrangement once made?

The PRESIDENT said that it was competent to the House to do so, but it was very unusual to alter a sessional order.

The question was then put and the original motion carried.

GOVERNMENT BUSINESS.

Mr. MITCHELL then moved—

That on Wednesday in each week the transaction of Government business take precedence of all other business.

Agreed to.

LIBRARY COMMITTEE.

Mr. MITCHELL moved—

That the House of Assembly be invited to confer with this House touching the appointment of a Joint Library Committee.

Agreed to.

PENAL ESTABLISHMENTS.

Mr. HOOD, in pursuance of notice given moved—

For the appointment of a select committee of five gentlemen, to be chosen by ballot, to inquire into the working of the penal establishments of the colony, with power to examine witnesses and order the production of books and papers.

And, contingently on that motion being carried, he should move—

That an address be presented to his Excellency the Officer Administering the Government, praying him to be pleased to respite the execution of Thomas Melville pending such inquiry.

In bringing forward this motion he begged the Council to understand that he had no wish to interfere with the duties of the Executive, nor had he any morbid sympathy with the convict under sentence; but he moved it simply in the hope that the evidence which the committee could elicit from these men would be of use to them. Men with halters round their necks would not be likely to tell lies. Finding, however, that he would not receive the support of the House, he would withdraw his contingent motion. (Hear, hear.) He would also wish to substitute the word "seven" for the word "five" in the first motion. He had heard that it was the intention of the Executive to take up this matter, and institute an inquiry; but he doubted whether, employed as they now were, they could spare the time to carry it out efficiently; and it could not be expected that they would be very desirous to attain a result which might be a condemnation of themselves.

Mr. STEWART seconded the motion.

Mr. MITCHELL would offer no obstruction whatever to the appointment of this committee of inquiry, if the House deemed it necessary; but the Executive Council was about to call before it all the officers of the penal establishments, with every witness it could summon, from the highest to the lowest. The hon. member was mistaken in thinking that the Executive was not a proper body to take this matter up, for it had the appointment of the officers of the penal establishments.

Mr. FAWKNER thought an inquiry necessary, and could not agree that the Executive Council was the proper body to make it, nor that an inquiry so conducted would give public satisfaction. He believed very little of what had been stated by these convicts, but some of it might be true. Even if none of it were so, it was necessary that the country should be satisfied that such charges were without foundation. As to the man Melville, he had, at any rate, attempted a murder when taken. He believed him to be a most determined

malefactor, and he, for one, did not join in the morbid sympathy which said that thieves and murderers were not to be hanged, but that honest men were to be robbed and murdered. He believed that Melville's hypocritical assertions were false. It was admitted by all the prisoners that Owens was murdered by two blows of a hammer, and this man on his trial wished to show that the wound was a gun shot wound. He believed that men like Melvelle, having once taken human life, became reckless of murder, and instances had been known to him, during a long colonial experience, where murder had followed robbery without either reason or provocation for it. A man was shot down with the remark that "there was one —— the less in the world." He felt, however, that inquiry was needed for the public satisfaction, and he should therefore support the motion.

Mr. BENNETT agreed with the principle of the last speaker, that inquiry was needed. Still, however, it might be inconvenient to have the Executive Council and a Committee of the Legislature sitting to make that inquiry at the same time, and perhaps calling the same witnesses. No doubt, if an examination took place, it should be by the representatives of the people, and he had been informed that a motion similar to this would be introduced into the Assembly This could be met by the Government inviting both Houses to appoint a committee to act with them in this inquiry. Perhaps the mover would withdraw his resolution on an assurance to this effect from the Government.

Mr. M'COMBIE thought that, irrespective of recent occurrences, the present motion was of a very important nature. He was convinced that during the last six or seven years there had been great need of reform in these institutions, and he had incurred great trouble in getting up two different inquiries. The reports of these, however, never came out, and if the Executive was now allowed to take this matter into it's own hands, a similar result would ensue.

Mr. STRACHAN thought that the hon. member had acted judiciously in withdrawing his contingent resolution, and would suggest to him that his object might be better attained by moving for a commission rather than a committee. This commission could go through the whole of the penal establishments.

Mr. HERVEY said that the gentlemen representing the Government in that House might be included in the seven gentlemen to form this committee.

Mr. HOOD replied briefly: It would perhaps have been better had the name of the convict Melville never been mentioned in that House. (Hear, hear.) Still, however, there was strong reason for the appointment of this committee. He did not think that a man should be hanged because he was a bad man, when the specific crime charged against him was not fully proved. If Melville were hanged he believed that this would be the case, and that his previous bad character would tell more against him than the result of his trial.

The question was then put, and the motion carried.

The House then ballotted for the names of the committee, and the following was the result of the ballot:—Messrs. Hood, Hervey, M'Combie, Mitchell, Cruikshank, Strachan, and Miller.

THE COUNCIL CHAMBER.

The PRESIDENT announced that he had received from the Commissioner of Public Works a letter, enclosing certain recommendations from Mr. Knight, the architect of the new Houses. That letter urged on the Commissioner of Public Works the following points in reference to the desirability of the Council Chamber being finished at once. 1st. The discomfort members must suffer from the present condition of the chamber. 2nd. That the heaviest portion of the work was completed, the enrichments were all ready and could be easily fixed in their places. 3rd. In the event of his being allowed to re-commence operations at once, and before the superior workmen were disbanded, the whole could be performed within six weeks, and the chamber would then present such an appearance that those who saw the existing skeleton would hardly recognise the same edifice. 4th. Delay would increase the expense of the existing contracts; the rate of wages was increasing, and it would be difficult to replace the men now employed and trained to the work. 5th. The materials now ready would deteriorate in value; and 6th., until the expiration of the six weeks the Council could have one of the side rooms fitted for it's reception.

Mr. FAWKNER would move that the recommendation of the architect be approved of and adopted.

The PRESIDENT said that Captain Pasley would be ready to give any information to the House, and suggested that he be called in.

This suggestion was adopted, and the Commissioner of Public Works was provided with a seat at the bar.

The PRESIDENT inquired whether the Hall could be completed in six weeks?

Mr. PASLEY replied that it could.

The PRESIDENT would put the case of the Council adjourning for a week. Could the Library room be got ready to receive them at the end of that period?

Mr. FAWKNER: Without fresh plaster or anything dangerous to the health of the members?

The COMMISSIONER of PUBLIC WORKS said that nothing of that kind would be required. The room would be more convenient, although not so splendid, as the large ball, but it would certainly not endanger the health of it's occupants.

Mr. MITCHELL would, under these circumstances, beg leave to move—

That the House at it's rising do adjourn to that day week at three o'clock.

Leave having been given,

Mr. MITCHELL rose to make the motion, when—

Mr. FAWKNER moved, as an amendment—

That the House at it's rising do adjourn to Thursday, the 4th of December.

The question was put, and the amendment agreed to.

Mr. BENNETT inquired whether the adjournment of the Council would not affect the action of the committee just appointed.

The PRESIDENT said that the committee could not sit unless the House granted them permission to sit during it's adjournment—a very unusual course.

Mr. BENNETT would therefore oppose the motion for adjournment when it came on.

The PRESIDENT said that the committee, although it could perform no official functions out of that House, might visit the penal establishments extra-officially, and when they met as a committee use the information they had acquired The committee appointed to report on the Lunatic Asylum had done this.

Mr. STRACHAN inquired what would be done as to the committee to go up with the Address?

The PRESIDENT said that if the Council adjourned for a week that committee of course could perform no function.

After some discussion, a motion by Mr. MITCHELL that the House at it's rising adjourn to the following morning at half-past ten o'clock, was carried; it being understood that it would adjourn then to half-past three, and afterwards adjourn to that day week.

All the notices for the ensuing week were postponed.

The PRESIDENT put it to the members of Council whether, in the documents addressed to them, they would wish to be designated as members of Parliament by the initials of "M.P.," as at Sydney, or retain the "M.L.C.?" An expression of opinion was all that he sought, and not a distinct vote.

The members present signified a general preference to the letters "M.L.C."

The Council adjourned at five o'clock to half past ten on the following day.

LEGISLATIVE ASSEMBLY.

The Speaker took the chair at three minutes after three o'clock.

NOTICES OF MOTION.

THE LAW OF EVIDENCE.

Mr. FELLOWS gave notice that on Tuesday next he would move—

For leave to bring in a bill to consolidate and amend the law of evidence.

BANKER'S DRAFTS.

Mr. HORNE gave notice that on Tuesday next he would move—

For leave to bring in a bill to amend the law of bankers' drafts.

THE RIVER YARRA.

Mr. M'CULLOCH gave notice that on the following day he would ask the Chief Secretary—

Whether the Government intend adopting measures for deepening and otherwise improving the river Yarra.

RAILWAYS.

Mr. Brooke gave notice that on Friday he would move—

That considering the vast importance to the interests of the colony of the subject of internal communication, this House is of opinion that the Government should place on the table, without delay, full information with respect to the railways either already undertaken or about to be undertaken by them, detailing—

1. The legal authority or authorities (if any) under which they have acted.
2nd. The appointments that have been made, and reasons for making them; the previous experience of such officers, their salaries, and the hours of duty of each officer respectively.
3rd. Plans, sections, and estimates of the proposed works, routes of the trial and actual lines, with the reasons that have influenced the Government in making their selection.
4th. The several specifications and copies of all tenders that have been made, contracts entered into, and liabilities either present or prospective that have been incurred, together with copies of all correspondence connected therewith, and generally any information having relation to the subject of this motion.

THE PENAL ESTABLISHMENTS.

Mr. WILLS gave notice that on Friday, the 5th December, he would move—

(1.) That the system of discipline pursued in the penal establishments of Victoria is directly opposed to the reformation of criminals, and alike repugnant to common feeling and common sense.

(2.) That the aim of a Christian State should be not so much to punish or revenge itself on those who offend against it's laws, as to encourage in the criminals the habit of labour, and in all cases where practicable return him to the world a useful member of society.

(3.) That for the accomplishment of such purposes it is desirable that the officers of Government should be authorised as soon as convenient to initiate a system whereby the criminal shall be taught a trade, and be paid for his labour, debiting with the cost of his keep, and crediting him with the balance of his earnings, permitting a well-conducted man the present use of a portion of such balance in a moderate indulgence of (to the labouring man) the common luxuries of life, such as tea, sugar, and tobacco; and reserving the remainder for his use on the expiration of his sentence.

(4.) That the rules aforesaid of debiting, crediting, and indulgence, should also apply in all cases where the labour of the criminal can be made available for the public service.

THE £50,000 GRANT.

Mr. SARGOOD gave notice that on Tuesday next he would move—

For a return showing the appropriation of that portion of the sum of £50,000 set apart for the promotion of religion, which has not been received by the undermentioned sects, although entitled thereto, under the 53rd clause of the New Constitution:—

1. The Independents,
2. The United Presbyterians,
3. The Baptists,
4. The Quakers or Friends.

PUBLIC WORKS AT PORTLAND.

Mr. HUGHES gave notice that on Friday next he would ask the Chief Commissioner of Public Works a question with reference to Public Works in progress at Portland.

Mr. PASLEY said he would reply to the question at once, and was understood to say that a portion of the money voted for certain works at Portland had not yet been appropriated.

EXTENSION OF THE RIGHT OF VOTING.

Mr. HAINES gave notice that on the following day he would ask leave to introduce a bill to extend the right of voting, and to provide for the registration of Parliamentary electors.

SPIRITUOUS LIQUORS.

Mr. CHILDERS gave notice that on Wednesday, the 3rd December, he would ask leave to introduce a bill to amend the law relative to the vending of fermented and spirituous liquors wholesale.

CROWN LANDS.

Captain CLARKE gave notice that on Thursday, the 4th December, he would ask leave to introduce a bill for the alienation and management of Crown lands.

IMMIGRANTS.

Mr. CHILDERS gave notice that on Thursday next, the 4th December, he would ask leave to introduce a bill to amend the acts of 1855 to make provision for certain immigrants.

AUCTIONEERS' LICENSES.

Mr. STAWELL gave notice that on Wednesday, the 3rd December, he would move—

For leave to bring in a bill to amend the law relating to auctioneers.

INTERCOLONIAL VOTES AND PROCEEDINGS.

Mr. DUFFY said that on Tuesday, 2nd December, he would move—

That the Speaker be requested to communicate, in the name of this House, with the free Parliaments of Canada, Nova Scotia, Newfoundland, the Cape of Good Hope, New Zealand, New South Wales, South Australia, and Tasmania, proffering them an habitual supply of the Votes and Proceedings, Reports, Records, and Publications of this House, and requesting that their Parliamentary Papers may be transmitted to us for the use of the Parliamentary Library of Victoria.

POSTAL REGULATIONS.

Mr. DUFFY gave notice that on Friday next he would move—

That an address be presented to his Excellency the Acting Governor requesting that a sum may be placed on the estimates for the erection, at convenient places in the city, of iron boxes, suitable to be employed as Post Office "receivers" for letters and newspapers intended to be forwarded by post.

CUSTOMS.

Mr. CHILDERS gave notice that on Wednesday next he would ask leave to introduce a bill to consolidate the laws relating to the Customs.

VOTES AND PROCEEDINGS.

Mr. DUFFY gave notice that on the following day he would move for a return of the number of the votes and proceedings, acts of Council, and other publications of the late Legislative Council, now in custody of the Assembly, specifying the quantity of each respectively.

RESTORATION OF PEACE.

Mr. HAINES gave notice that on the following day he would move—

That a select committee be appointed for the purpose of preparing an address to her Most Gracious Majesty the Queen, congratulating her Majesty on the restoration of peace.

FINANCIAL CONDITION.

Mr. SLADEN gave notice that on Thursday, the 4th December, he would call the attention of the House to the financial condition of the country.

WRITTEN SPEECHES.

Mr. WILLS gave notice that on Wednesday, the 23rd December, he would move—

That the inductors of bills, motions, or resolutions in this Assembly shall be permitted the use of written observations; such indulgence as to time to be confined within reasonable limits.

DIFFICULTIES OF HEARING IN THE ASSEMBLY.

Mr. MOORE rose to complain that it was utterly impossible to hear the notices which were given by honourable members. (Hear, hear.) He wished to know if this was likely to be a permanent evil, or whether or not the present difficulty of hearing would be obviated when the scaffolding was removed and the decorations concluded? (Laughter and "Hear.")

Mr. FOSTER said that the members sitting on the cross benches with him could not understand at all what was going on.

Mr. SARGOOD recommended the gentlemen on the cross benches to change places and take their seats on the Opposition benches, where, he had no doubt, they would be able to hear better. (Laughter.)

Captain PASLEY said he regretted to find that the complaints made by hon. members were well founded; but he thought it would be important to ascertain whether or not the hearing would be improved on the removal of the scaffolding. He was sorry that the speakers could not be heard so well as it could be wished, but when the floor of the House was carpeted, and other fittings had been supplied, he expected that hon. members would be able to hear better. In the meantime he would suggest to hon. members that they should speak a little louder. (Hear, and a laugh.)

Mr. FOSTER hoped the alterations spoken of by Captain Pasley would be carried out as soon as possible.

Captain PASLEY: Immediately.

DECORATION OF THE NEW HOUSES.

Mr. DUFFY enquired if it was the intention of the Commissioner of Public Works to move for the appointment of a committee to

superintend the decorations of the new Houses of Parliament.

Captain PASLEY was understood to say that it was his intention to move for the appointment of a committee but not for the purpose of superintending the ordinary decorations of the House.

Mr. DUFFY then gave notice that he would move an amendment on Captain Pasley's motion for a committee; to the effect, (as we understood) that all the future decorations of the buildings should be left with the committee.

CHAIRMANSHIP OF COMMITTEES.

Mr. SARGOOD said in rising to move the appointment of a gentleman as Chairman of Committees, he was influenced by no personal feelings, and while striving to secure the return of Mr. Greeves, he did not intend to speak to the disparagement of either of the other candidates, seeking the same honorable position. He believed that Mr. Greeves was the best qualified for the office, of the three gentlemen before them, for among other requirements of the office it was desirable that the gentleman filling it should be possessed of urbanity of manners and a readiness to impart information to all that might desire it; and these qualities are now more than ever necessary in a House, a great number of the members of which were not well acquainted with Parliamentary routine. A thorough knowledge of Parliamentary tactics was also necessary, and he believed it would be generally admitted that in this particular Mr. Greeves did not stand behind any member in that House. He was unwilling to make this a party question, for if so, he might appeal to hon. gentlemen sitting in that (the Opposition) side of the House in behalf of a gentleman who had always stepped forward to advocate the popular cause; and for the same reason he could appeal to the other side of the House, (laughter,) but on different grounds, for while the former (the Opposition) side had received the hon. gentleman's support, the Government side had found him an honorable opponent, always supporting what he believed to be right, and opposing what he believed to be wrong. (A Voice: The Cross Benches.) He was quite satisfied that the Cross Benches would do what was right.

Mr. M'CULLOCH seconded the motion.

Mr. GOODMAN said he felt it right to say a few words in explanation of the reasons which would induce him to support the election of Mr. Greeves. He thought it probable that those of the members of the Old House who now occupied seats in that House would have supported the re election of Mr. Snodgrass provided they thought they could conscientiously do so under the present circumstances of the case. When Mr. Snodgrass was first appointed Chairman of Committees he did not satisfy the House, the Press, or the country, but at the end of his career it was possible to understand what he said. Recently circumstances had arisen which would induce him to withhold his support from Mr. Snodgrass, and although the question was not before the House it would be their duty to examine into it. In an advertisement which appeared in that morning's papers Mr. Snodgrass charged a statement made by Mr. Mollison as untrue, and he (Mr. Goodman) did not think it was just to Mr. Mollison for Mr. Snodgrass to pursue such a course. He regretted that Mr. Snodgrass should have selected the day of the election for the purpose of publishing this charge, but as he had done so, and as he (Mr. Goodman) was a friend of Mr. Mollison, he felt it his duty to rebut the statement, by the testimony of a gentleman, a magistrate of the colony, who could corroborate the statement which had been made out of doors [that Mr. Snodgrass had promised Mr. Mollison not to oppose him at the election for Anglesea and Dalhousie.] This however, Mr. Snodgrass had said was not the truth. He was sorry to have to bring this question before the House on that occasion, but as the statement had been publicly made, it was their duty to entertain it. He held in his hand the letter of the magistrate previously referred to, which any member of the House might look at, as he could not read it.

Mr. SNODGRASS, who in rising was heard with much difficulty, said that as he was prevented from giving an explanation of the circumstances which had taken place at the table of the House, Captain Anderson, whom he consulted on the question, advised him to publish his explanation. Some time before the election at Kilmore he met Mr. Mollison in that town, and promised him his support and influence in his election for Anglesea. After promising him his own support, he went so far as to influence other electors to give him their support also; but in promising this he did not do so with the understanding that Mr. Mollison was to withdraw from the contest at Kilmore. Up to this time Mr. Mollison and he had not been friends; for when that gentleman entered the old Council his first act was to oppose him (Mr. Snodgrass) in his election of Chairman of Committees. No connection ever existed between them; but nine or ten days before the Kilmore election, Mr. Mollison came to him and asked him not to oppose him. His (Mr. Snodgrass's) reply was a refusal to make any such promise; and this refusal was made in the presence of a witness. In reply to the observations of Mr. Goodman he desired to say that he had not canvassed more than one Member of the House, and that he published his explanation in the *Argus* of that morning by the advice of Captain Anderson, who he believed was a friend of Mr. Mollison's.

Captain ANDERSON said he regretted that his name had been brought forward in connection with this matter; but as it had been, he felt compelled to address a few words in explanation. In a conversation with Mr. Snodgrass he (Captain Anderson) told that gentleman that it was a duty which he owed to himself to clear up the matter with reference to Mr. Mollison and him. He was unwilling

to interfere in the matter, but finally consented to apply to Mr. Mollison for a copy of a letter which contained the complaint against Mr. Snodgrass. He accordingly went to Mr. Mollison, who consented to send Mr. Snodgrass a copy of the letter referred to.

Mr. SNODGRASS said he had not received the copy.

Captain ANDERSON repeated that Mr. Mollison said he would send a copy of the letter at once. To-day, however, he had been informed by Mr. Snodgrass that he had not received the letter, and, on asking Mr. Mollison to explain how this had happened, he replied that he had entrusted the copy to Mr. Grimes to deliver to Mr. Snodgrass.

Mr. GRIFFITH said that as this matter had been introduced to the notice of the House, he thought the House ought to hear the letter which had been referred to.

Mr. O'SHANASSY feared that the course adopted by Mr. Goodman would prove an inconvenient precedent, and he did not think it desirable for the House to admit questions of personal character in order to influence their judgment for or against a person seeking any office in that House. It would be impossible for members to arrive at any judgment from the *ex parte* statements which had been made that day, and if any inquiry was to be instituted, it should be a strict one, and one which would bring out the facts on both sides. He did not know anything more about the election of Kilmore than that the electors did him the honour to elect him. The course which had been adopted by Mr. Goodman was opposed, as he believed, to the practice of Parliament, for the proper time to have urged an objection to Mr. Snodgrass would have been when that gentleman's qualification was before the House. The question was a personal one between Mr. Mollison and Mr. Snodgrass, which he had no doubt had been pretty well ventilated at the clubs, and now it was proposed to make that House an arena for their squabble.

Mr. SNODGRASS said he had proposed to leave the matter in dispute to the arbitration of Captain Anderson, and had offered to resign his seat for Anglesea if the decision were against him.

Mr. GOODMAN inquired if it was the wish of the House that the letter should be read? (No, no.)

Mr. KING proposed Mr. Snodgrass as a fit and proper person to fill the office of Chairman of Committees for that House. Mr. Snodgrass had been for three years Chairman of Committees in the old Council, and when that Council adjourned he received a unanimous vote of thanks for the manner in which he had performed his duties. He did not intend to take any part in the personal discussion which had been commenced, as he was unable to arrive at any conclusion on the matter, and doubtless many hon. members were in a similar predicament. (Hear.)

Mr. HUMFFRAY, in rising to propose Mr. Vincent Pyke as Chairman of Committees, said he should follow the course adopted by Mr. Sargood, and not say anything disparaging to the other candidates. One of Mr. Pyke's opponents was a gentleman of great ability and intelligence, and the other had already filled the office of Chairman of Committees; still he thought that what Mr. Pyke was wanting in experience he would make up by an active intellect and a studious desire to do his duty with credit to himself and advantage to the House. He had great pleasure in proposing Mr. Pyke as a fit and proper person to fill the office of Chairman of Committees.

Mr. FELLOWS seconded the nomination of Mr. Pyke because he believed that his business habits and general intelligence would enable him to fulfil the duties of the office with advantage to the House.

Mr. GREEVES said he felt deeply the importance of the office which he had been proposed to fill. His friend Mr. Sargood, had spoken of him in a far too flattering manner, and he feared that he should not be able to come up to the high standard which he had depicted, but if the House did him the honour to elect him, nothing should be wanting on his part by sedulous attention to fulfil duties which were far more onerous than many were aware of. On the Chairman of Committees devolved the duty of seeing that the laws passed by the House were the same laws which received the Royal Assent. He regretted that any extraneous matter had been mixed up with this election.

Mr. SNODGRASS repeated his offer to resign his seat if, on a reference of the matter in dispute between him and Mr. Mollison, to Captain Anderson, that gentleman should decide him to be in error.

Mr. PYKE said it had been objected to him that he was not qualified from previous Parliamentary experience for the office which he had been nominated to fill, but he trusted that whatever decision the House might arrive at, honourable members would exonerate him from all desire to undertake lightly the duties pertaining to the Chairmanship of Committees. He admitted that he had not had a long acquaintance with Parliamentary usages, but still he thought that ordinary industry and ability were quite sufficient for the accomplishment of routine duties. Whether he possessed those qualifications or not, it would be for the House to say; and if he were elected it should never be complained of him that he was wanting in industry or application.

Captain ANDERSON said that as his name had been mixed up in this matter, he should retire before the division took place.

The SPEAKER then put the question—

That Mr. Greeves be elected Chairman of Committees.

A division having been called for, the House divided with the following result:—

Ayes	26
Noes	29
Majority against Mr. Greeves ...	3

The following is the division list—

Ayes.	Noes.
Captain Pasley	Mr. Fellows
Mr. Childers	Haines
Stawell	Dr. Evans
Clarke	Mr. Palmer
Embling	Snodgrass
Rutledge	Aspinall
Griffith	Sladen
C. Campbell	Michie
M'Culloch	Smith
Were	Cameron
Moore	O'Shanassy
Goodman	Pyke
Hammill	Humffray
Greeves	Read
O'Brien	Brooke
E. Henty	Myles
Phelan	Foster
J. G. Ware	Duffy
Lalor	Hughes
Beaver	Blair
Johnson	Grant
Bennett	Adamson
Harker	Horne
M'Dougall	Wills
Rutherford	King
Sargood (teller).	Davis
	Syme
	D. S. Campbell
	Baragwanath
	Horne (teller).

The SPEAKER then put the question—

That Mr. Snodgrass be elected Chairman of Committees.

The House then divided.

Ayes	13
Noes	42
Majority against Mr. Snodgrass...	29

The following is the division list—

Ayes.	Noes.
Mr. Adamson	Mr. Fellows
O'Shanassy	Haines
Snodgrass	Lalor
Smith	Captain Pasley
Hughes	Mr. Aspinall
Davis	Sladen
King	Clarke
Duffy	Michie
D. S. Campbell	Cameron
Foster	Stawell
Were	Pyke
Wills	Humffray
Horne (teller).	Childers
	O'Brien
	Dr. Evans
	Mr. Palmer
	Phelan
	Harker
	Myles
	Brooke
	Read
	Rutledge
	Syme
	Grant
	Blair
	Ware
	Greeves
	M'Culloch
	M'Dougall
	Moore
	Hammill
	Henty
	Johnson
	Baragwanath
	Bennett
	Beaver
	C. Campbell
	Sargood
	Griffith
	Goodman
	Rutherford
	Embling
	Goodman (teller).

The SPEAKER then put the question that Mr. Pyke be elected Chairman of Committees.

The House divided—

Ayes, ...	25
Noes, ...	30
Majority against Mr. Pyke,...	5

The following is the division list :—

Ayes.	Noes.
Mr. Baragwanath	Mr. Horne
Cameron	Smith
Pyke	Were
Read	Sargood
Humffray	Greeves
Duffy	M'Culloch
Blair	Embling
Lalor	M'Dougall
Syme	Henty
O'Shanassy	Hammill
Aspinall	Beaver
Myles	Johnson
D. S. Campbell	Rutherford
Brooke	Adamson
Palmer	C. Campbell
Grant	Griffith
Fellows	Foster
Michie	Rutledge
Haines	Wills
Stawell	Ware
Sladen	Moore
Childers	Harker
Captain Pasley	Phelan
Mr. Snodgrass	Hughes
Captain Clarke (teller).	Dr. Evans
	Mr. O'Brien
	King
	Davis
	Bennett
	Goodman (teller).

Mr. SARGOOD said that, after the extraordinary divisions which had taken place, he wished to ask if it was competent to suspend the standing orders for the purpose of enabling the gentleman who had the fewest votes to withdraw, so that the election might be left between the two gentlemen who had received the largest number of votes?

The SPEAKER pointed out that at present they had no standing orders of their own, but were acting under the rules of the British Parliament. It would be competent for any member to give notice of motion that another member should be appointed.

Mr. SARGOOD inquired if it would be competent to move either of the three gentlemen again?

The SPEAKER said it would not be competent to move the same member the second time.

DAYS OF MEETING.

Mr. HAINES rose to move the motion standing in his name altered as follows :—

That Tuesday, Wednesday, Thursday, and Friday in each week, be the days on which the Council shall meet for the dispatch of business during the present session; that on the three first-named days the proceedings commence at four o'clock, and on Friday at twelve o'clock, and that on the last-mentioned day the sitting be not protracted beyond five o'clock p.m.

(Hear, and "No, no.") He would submit the motion to the House to do as they thought proper by it, but he thought the alteration from the former time of meeting would be very convenient to members having business to transact, and to others who lived a distance out of town.

Mr. O'SHANASSY said he thought the alterations suggested would be of considerable advantage to members, especially to those living in the country. Four o'clock was a better time than three, as it would enable members to do all their business before they came to the House, and the proposed arrangement of making Friday a leisure day he thought would be very satisfactory.

Mr. HORNE opposed the motion. ("Hear.") If the House met at twelve on Friday the country would be deprived of the services of a great many gentlemen. He would therefore move, as an amendment,—

That the House do assemble at four o'clock on Fridays as well as on other days.

Mr. MICHIE seconded the amendment, on the ground that commercial and professional men would be unable to attend at so early an hour as twelve o'clock.

Mr. MOORE thought it was undesirable to commence business at an earlier hour on Friday. The experience of the past and previous sessions, too, had proved three o'clock to be a very convenient hour of meeting. He would therefore move, as a further amendment, "that the hour of meeting be three o'clock on all four days."

Mr. GREEVES seconded the amendment.

The SPEAKER ruled the second amendment out of order.

Mr. HAINES said that his experience had convinced him that three o'clock was not a convenient hour. Many members thought it their duty to their country to retire at five or six o'clock, but he thought that more was expected of hon. members than two or three hours' attendance a day. Four o'clock, he thought, was a better hour for meeting than three o'clock, because then the House could sit very much longer, and get rid of much more business.

Mr. DUFFY claimed the right to say a few words before the question was put. It had been found exceedingly convenient in the Imperial Parliament to have one day in the week a leisure day. Wednesday had been the day fixed on in England, and on that day mere routine business, such as did not require a very numerous attendance, was generally disposed of. By this arrangement he thought the public business was advanced greatly. He should therefore support the proposition of the Chief Secretary, that on one day in the week the House meet at twelve, and adjourn at five.

The SPEAKER then put the question that the words proposed to be omitted stand part of the question. A division having been called for, the House divided.

Mr. Duffy, who was observed sitting with the "Noes," was claimed by Mr. Childers on the other side, as he had announced his intention of supporting the motion. (Great laughter.)

Mr. DUFFY (who sat with his hat on) said he claimed to address the House before the division was declared. When the question was put from the chair he voted audibly with the "ayes," as all the members sitting near him were aware. Immediately after, he went over to make a communication to the Speaker, and while he was engaged conversing with him, with his back to the house, the members of the Opposition who voted for the motion (only nine in all) passed to the contrary side, without attracting his attention. In fact he had been so long accustomed to see divisions taken by going into the division lobbies, that the practice adopted on that day. of dividing within the House had for the moment escaped his memory. What he forgot, however, was not Parliamentary usage, but a usage inaugurated that day, and, he believed, intended to last for that day only. When he returned to his seat he speedily learned what had happened, and attempted to cross the House to join those with whom he had spoken and voted; but one of the tellers (Mr. Goodman) objecting, he resumed his seat, in order to avoid asserting rudely a right which he knew was indisputable.

The SPEAKER asked Mr. Duffy if it was in accordance with Parliamentary practice for a member to address the Speaker sitting, and with his hat on?

Mr. DUFFY said that it was in accordance with Parliamentary practice for a member to address the Speaker with his hat on during a division. He claimed to have his vote recorded among the Ayes, and contended that as he had called out "Aye" when the Speaker put the question, he had a right to sit amongt he Noes if he preferred so to do.

Mr. MICHIE considered that as Mr. Duffy was found among the Noes his voice was equivalent to No.

After some further observations,

Mr. Duffy's name was included among the Ayes; and the result of the division was declared by the Speaker as follows:—

Ayes	28
Noes	27
Majority for the motion ...	1

The following is the division-list:—

Ayes.	Noes.
Mr. Blair	Mr. Horne
D. S. Campbell	Snodgrass
O'Shanassy	Michie
Hughes	Smith
Phelan	Cameron
M'Dougall	Humffray
Capt. Anderson	Sargood
Mr. Rutherford	Hammill
Embling	M'Culloch
Harker	Greeves
Baragwanath	Moore
Palmer	Wills
Read	Rutledge
Pyke	Beaver
Henty	Bennett
Brooke	King
Syme	Davis

C. Campbell	Ware
Griffith	Foster
Adamson	Myles
Sladen	Grant
Haines	Aspinall
Stawell	Dr. Evans
Duffy	Mr. O'Brien
Fellows	Lalor
Capt. Clarke	Were
Johnson	Goodman (teller).
Mr. Childers (teller).	

The original motion was then put.

The House divided, with the following result:—

Ayes	30
Noes	25
Majority for Mr. Haines's motion	5

The following is the division-list:—

Ayes.	Noes.
Mr. Harker	Mr. Horne
Embling	Michie
Baragwanath	Smith
Johnson	Cameron
Lalor	Humffray
Palmer	Sargood
Read	O'Brien
Pyke	Dr. Evans
Henty	Mr. Aspinall
Capt. Anderson	Grant
Mr. Rutherford	Hammill
Myles	M'Culloch
Fellows	Ware
Haines	Davis
Sladen	Greeves
Stawell	Moore
Childers	Wills
Brooke	Rutledge
Syme	Beaver
C. Campbell	Foster
Griffith	Bennett
Adamson	Were
Blair	Goodman
D. S. Campbell	King
O'Shanassy	Snodgrass (teller).
Duffy	
Hughes	
M'Dougall	
Phelan	
Captain Clarke (teller).	

STANDING ORDERS.

Mr. HAINES moved—

That the following members do form the Committee of Standing Orders during the present session, with power to confer with the Standing Orders Committee of the Legislative Council for the preparation of such standing orders as relate to both Houses:—The Speaker, the Chairman of Committees, Mr. O'Shanassy, Mr. Griffith, Mr. Duffy, Mr. Palmer, Mr. Horne, Mr. Stawell, Mr. M'Culloch, and Mr. Childers.

Mr. CHILDERS seconded the motion.

Mr. DUFFY, after a reference to the practice of the Imperial Parliament, moved the following addition to the resolution:—

With power to consider and report upon the adoption of such measures for transacting the public business as might be deemed convenient.

The addition was adopted by the mover of the resolution, and the motion as amended was put and carried.

GOVERNMENT BUSINESS.

Mr. HAINES moved—

That on Wednesday and Thursday in each week, during the present session, the transaction of Government business shall take precedence of all business.

Mr. CHILDERS seconded the motion, which was agreed to.

PETITIONS.

Mr. FOSTER presented a petition, from the Rev. William Henderson, styling himself moderator of the Free Presbyterian Church of Victoria, the prayer of which was, that it be a standing order that each day's proceedings of the Assembly be opened with prayer, and moved that it be received. Carried.

THE CHINESE.

Mr. GRANT presented a petition, signed by 5,000 Chinese resident on Bendigo, praying for the repeal of the present capitation-tax, as unjust in principle and opposed to the principles of the British Constitution. The petition was prepared in English, but signed in Chinese characters.

The petition was received.

THE ADDRESS.

Mr. ANDERSON, as the Chairman of the Committee appointed by the House to draw up an address in reply to his Excellency's speech, moved that the report of the committee be received and read.

Mr. D. S. CAMPBELL seconded the motion, which was agreed to.

The following address was then read by the Clerk of the Assembly:—

"MAY IT PLEASE YOUR EXCELLENCY—

"We, her Majesty's dutiful subjects, the members of the Legislative Assembly of Victoria in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to offer our thanks to your Excellency, as her Majesty's representative, for the speech with which you have opened the first Parliament.

"We unite with your Excellency in congratulating the country upon the establishment of the principle of self-government, and feel assured that it will greatly conduce to the happiness and prosperity of the community.

"We concur with your Excellency, that it will be our duty to watch the operation of the Constitutional Act, and to make such changes in it, from time to time, as may be necessary.

"The efficiency of the public administration in all its branches will claim our earnest attention, and we trust that the organisation of the civil service will be materially improved by the suggestions emanating from the inquiry which has been instituted.

"The measures which are to be submitted, relating to the public revenue and accounts, as well as that relating to the consolidation of departments, will be diligently examined by us.

"We are deeply impressed with the necessity for introducing a suitable law for regulating the sale and occupation of the public lands, and we shall gladly co-operate in framing a measure which may have for its object the settlement of this question in a satisfactory and equitable manner; and we are most desirous that those bills mentioned in your Excellency's speech, indicative of im-

portant changes in questions of moment to the welfare of Victoria, may be laid before us without delay.

"Railway communication with the great centres of population in the interior of the country, and the extension of the lines of electric telegraph, are subjects of which the importance cannot, in our opinion, be overestimated, and will demand the serious consideration of the Legislature.

"It has been abundantly proved in this country, that it is desirable to encourage the formation of local institutions for purposes of self-government, and we have much satisfaction in learning that improvements in the Municipalities Act will be brought under our notice.

"We trust that we shall be enabled during the present session to adopt measures which will be beneficial to the trade and commerce of the country, and give encouragement to agriculture.

"The law which now imposes restraints on certain trades will be diligently investigated by us, as well as the laws relating to banking, and the issue of notes.

"The assimilation of the tariffs in the Australian colonies will, if it can be successfully and advantageously carried out, meet with our cordial support; and we rejoice to hear that steps have been taken towards an improvement in the lighting of the coasts of the several colonies.

"We shall gladly give our best consideration to the creation of a comprehensive system of public education.

"The expediency of an alteration in that section of the Constitution Act which devotes a portion of the public revenue to the promotion of religion will receive our serious consideration.

"The necessity which exists of making some provision for the education of deserted children and juvenile criminals will not be overlooked by us.

"The various Bills for improving legal procedure, for amending the Bankruptcy Laws, for the better management of the goldfields, and the other measures adverted to in your Excellency's address, will receive our careful attention.

"The Estimates of Revenue and Expenditure shall receive our best attention, and we shall endeavour to enforce economy, without impairing the efficiency of the public service.

"The important subject of Immigration will be carefully considered by us, with an earnest desire to increase our population by the introduction of a respectable and useful class of colonists.

"We believe with your Excellency, that the financial credit of Victoria is most firmly established; that her mineral treasure is still unlimited; and that under the practical experience of the miners themselves, the improved methods of working will continue to develop her mineral wealth for ages.

"We congratulate your Excellency upon the high post which you have been called upon to fill in opening the first Parliament in Victoria, as the representative of her Most Gracious Majesty, and it is our most earnest desire that Victoria may, by wise and prudent legislation, maintain that high position which her vast internal resources entitle her to hold."

Captain ANDERSON then moved that the address be adopted as the answer of the House to his Excellency's speech. The committee had unanimously agreed upon it, and certainly no member pledged himself to any course by adopting it. (A laugh.) He should so far depart from the ordinary usages of Parliament, that he would not, on the occasion of moving the address, make a long speech. (Hear, hear.)

Mr. D. S. CAMPBELL seconded the motion. It had been his intention to have offered a few remarks on the various topics mentioned in the speech, but he now thought it would be superfluous. He would take this opportunity of congratulating the House and the country on the very liberal policy indicated in the speech of his Excellency—a liberal policy which he did not doubt would meet with the unanimous consent of the people of Victoria.

The motion was then carried unanimously.

Mr. HAINES then moved that the House do now adjourn until two o'clock, to meet then for the purpose of proceeding with the address to his Excellency at the Government offices.

After a few remarks from some honourable members, it was determined to meet at three o'clock to proceed with the address, and at five o'clock for the despatch of business.

The House adjourned at a quarter-past five o'clock to this day, at three o'clock.

FIFTH DAY—THURSDAY, NOVEMBER 27, 1856.

LEGISLATIVE COUNCIL.

The Council met pursuant to adjournment, the hon. the President taking his seat at half-past ten.

OPENING THE PROCEEDINGS WITH PRAYER.

Mr. KENNEDY presented a petition from Mr. Henderson and others, praying that the Council proceedings might always be opened by prayer. He moved that it be received.

Agreed to.

PENAL ESTABLISHMENTS COMMITTEE.

Mr. HOOD asked leave of the House to move—

That the name of Mr. Thompson be substituted for that of Mr. Strachan, on the committee appointed to

enquire into the management of the Victorian Penal Establishments, Mr. Strachan having refused to act.

Leave having been granted—

Mr. HOOD moved the omission of Mr. Strachan's name from the list of the committee, and the substitution of that of Mr. Thomson.

Question put and passed.

QUALIFICATION COMMITTEE.

The PRESIDENT, in pursuance of the provisions of the Electoral Act, laid on the table of the Council a list of the committee to be appointed to enquire into any objection to the qualifications of members. The act required that a list of such committee should be laid on the table of the house within seven days from the election of Speaker. Any objections to the names comprised in that list must be made within three days of its being laid on the table.

JURY REGULATION BILL.

Mr MITCHELL, (in pursuance of notice we believe,) moved that the Order of the Day for the second reading of the Jury Regulation Bill be made an Order of the Day for Thursday, the 4th of December, instead of Tuesday, the 9th. as at present.

Mr. POWER seconded the motion.

Mr. FAWKNER said that the general practice had hitherto been that between the first and second reading of any Bill, time was afforded to hon. members to master all its details. In order to admit of this, it had been a general rule that no bill should come before the House for second reading sooner than a fortnight after the first reading, except in cases of great and urgent importance, and where the delay would cause serious inconvenience or injury. He opposed the present motion therefore on the ground that it was highly improper to hurry forward any bill unless on very strong reasons indeed. The House was now called on between that day and that day week to master all the details of a bill containing some forty-nine clauses, and that too when the House consisted of a great many new members who might not be well up in Parliamentary phraseology. Indeed the lawyers always took care to overload acts of Council with such a profusion of verbiage that in many cases he could hardly understand clauses himself.

Mr. MITCHELL said that there were very strong reasons why this bill should have the prompt attention of the House. A great deal of work would soon have to be done in matters to which it bore reference, and it must also be remembered that the bill would have to pass the lower House.

The question was then put for Mr. Mitchell's motion and the President declared that the "non-contents" had it.

The House divided, when there appeared contents, 12; non-contents. 5, giving a majority of 7 in favor of Mr. Mitchell's motion.

FORM OF OPENING PRAYER.

Mr. BENNETT gave notice that on Thursday the 4th of December, he should move that in future the proceedings of Council be opened by prayer, and that a select committee be appointed to prepare a form of prayer to be used on such occasions.

THE ADDRESS.

The Council then adjourned, during pleasure, in order that the President and the Address committee might wait on his Excellency to present the address. The time of presentation and reception having been changed by his Excellency to suit the convenience of the Council.

On the return of the President after an absence of half-an-hour, the Council resumed.

The PRESIDENT said that he had the honor to report to the Council that he and the committee who prepared the address, went to the Government offices and presented the reply of the Council to the Governor. His Excellency made the following reply:—

"Mr. President and Gentlemen of the Legislative Council,—I thank you for the loyal address you have now presented to me, and have to express my satisfaction at the assurance it contains that the subjects I have brought under your notice will receive your serious consideration."

ADJOURNMENT OF THE COUNCIL.

Mr. MITCHELL moved—

That the Council at its rising this day, adjourn to the following Thursday at the usual hour (three o'clock.

The motion was put and carried.

SITTINGS OF COMMITTEES DURING THE RECESS.

Mr. HOOD begged the leave of the Council to move—

That the committee appointed on the previous day to inquire into the management of penal establishments in Victoria, be empowered to sit during the recess.

A great deal of good would result from the committee commencing its operation at once so as to report promptly. The utility of the committee would be materially impaired if this privilege were not conceded, and it could not be denied that the result of their labours might be very important.

The PRESIDENT said that it was his duty to inform the Council that such a proceeding as that contemplated by the hon. member, although not without precedent, was exceedingly irregular, and was resorted to only when there was any pressing and urgent necessity for a departure from the usual course. It should not, therefore, be lightly sanctioned by the Council. However, it was a question for the Council to decide whether this case was sufficiently urgent to warrant the motion being acceded to.

Mr. FAWKNER would oppose the motion. Had the hon. member restricted his motion to a request for permission for the committee to visit the hulks and examine the place and officers, as he understood it was his intention

to do, he should have offered no objection. That would have been the only step the committee could take to investigate this subject. This would have tended to give to the public the satisfaction they required, and would no doubt have led to the greatest possible good. It was however, another thing that the committee should be empowered during the recess to summon before them the officers and other persons connected with the management of the hulks and require papers and documents, powers which if exercised might be productive of great public disadvantage without effecting one atom of service. Unless Mr. Hood would narrow his motion to the suggestion he had thrown out, he should oppose it. No doubt the Government would give the members of the committee every facility for going on board these hulks, and making such enquiries as they might deem necessary. Nothing beyond this could or should be done unless a Commission were appointed.

Mr MITCHELL must say as a member of the Committee that the arguments of the last speaker applied, as it seemed to him, against the appointment of any committee at all. If this Committee were to do any work, the sooner they commenced it the better, and the proposal of Mr. Hood would enable the Committee to proceed with important examinations at once. He would therefore suggest that Mr. Hood's motion be acceded to.

Mr. HOOD would, in reply, merely state that he could see no reason against the permission he sought being given. All the committee were residents in the city, and it was not like the case of a committee at home, which, during a recess of ten days, would disperse to every quarter of the kingdom. They would not visit the hulks in their capacity of a committee, but simply under the Government sanction, and, when acting as a committee in that House, their report could be based a good deal upon their own observations. There was nothing to hinder Mr Mitchell or Mr. Thompson from giving before the committee their evidence as to what they saw on board the hulks. This, too, would enable the committee more clearly to understand the evidence adduced before them for they would remember from their own observations the details of the system. Again, while other members were at large from Council business during the recess the committee would be at work, and it would be unfair to them to defer the sittings of this committee to the reassembling of the Council, as it would entail upon it's members the necessity of working in the morning and attending Council business in the afternoon, a very great hindrance to business men. [Mr. Hood's remarks were with extreme difficulty audible, in consequence of the undertone in which he spoke. The practice of speaking in this way entails upon those who have to record their remarks, a degree of inconvenience of which hon. members are little aware; besides causing the great risk of mistakes and errors, which those who cause them would be the first to repudiate and condemn.]

The PRESIDENT would then put the question—

That leave be given to Mr. Hood to move as he requested.

The motion was agreed to and leave given.

Mr. HOOD then moved—

That the Committee on Penal Establishments be permitted to sit during the recess.

Mr. M'COMBIE spoke on the motion, but in such a tone as to be totally inaudible with the exception of the words "the sooner the better."

Mr. HODGSON did not rise for the purpose of opposing the motion. The urgency of this matter might warrant the Council in departing from the general custom, but it was very desirable that this motion, if carried, should not be drawn into a precedent. If it were, difficulties would certainly arise thereafter from which the Council would have great difficulty in extricating itself.

The PRESIDENT then put the motion, which was agreed to.

The Council then adjourned during pleasure, for the purpose of enabling the Committee on Standing Orders to progress with their labours.

At a quarter past two o'clock the Council resumed, and on the motion of Mr. Mitchell adjourned to Thursday, 4th December, at three o'clock..

LEGISLATIVE ASSEMBLY.

The Speaker took the chair at ten minutes to four o'clock.

PRESENTATION OF THE ADDRESS.

Mr. HAINES rose to move—

That the House do now proceed with the honourable the Speaker to present to his Excellency the address, in reply to his speech, which was agreed on on the previous day.

Captain PASLEY seconded the motion which was agreed to.

A few of the members present accompanied the honourable the Speaker to the Government Offices for the purpose of presenting the address.

On the arrival of the Speaker and the House at the Government Offices, they were received by his Excellency, and the Speaker read the address which had been adopted by the Assembly.

HIS EXCELLENCY'S REPLY.

His EXCELLENCY replied as follows:—

"Mr. Speaker and Gentlemen of the Legislative Assembly,—I thank you for the loyal address which you have now presented to me. I will lose no time in transmitting to you those bills which involve important changes in questions of moment to the welfare of Victoria, and desire to express my satisfaction at the assurances I have received from you that your serious consideration will be given to the subjects I have brought under your notice."

After an interval of half an hour the members returned, when the Speaker informed the

House that he had presented the address to his Excellency, and that his Excellency had made the reply as above given.

DELAY IN OBTAINING A QUORUM.

Mr. D. S. CAMPBELL said that before the business of the day commenced he wished to draw the attention of the House to the delay which had occurred that day. This too was the second occasion, for on the day on which the honourable the Speaker was presented to his Excellency, the members who attended at the appointed time were kept waiting sixty-six minutes before a quorum could be formed. His Excellency had thus been kept waiting nearly an hour and a quarter, and this delay on the part of hon. members he thought was nothing less than a marked discourtesy to his Excellency. He was a business man himself, and hoped that for the future punctuality would be attended to. (Loud cheers.)

Mr. PYKE agreed in the observations of the previous speaker, and thought the difficulty he had pointed out would be obviated by the number of a quorum being fifteen, or one quarter of the House, instead of twenty, or one third as at present, as the former number had been present on both the occasions referred to.

The subject then dropped.

NOTICES OF MOTIONS.

MANAGEMENT OF THE GOLD-FIELDS.

Mr. HUMFFRAY gave notice that on Friday, 5th Dec., he would move for leave to bring in a bill for the better management of the gold fields in the district of Ballaarat.

CROSS CHEQUES.

Mr. MOORE gave notice that on Tuesday, the 2nd December, he would move for leave to bring in a bill to provide that payment of cross cheques should be made through the banks, or by bankers only.

THE ROADS.

Mr. O'BRIEN gave notice that, on Wednesday next he would move that an address be presented to his Excellency requesting him to place at the disposal of the Central Road Board the sum of £200,000 for the formation of roads, &c., in anticipation of the vote of the Assembly for that purpose.

REGULATION OF ELECTIONS.

Mr. GRIFFITH gave notice that, on Tuesday next he would move for an alteration in the present mode of conducting the election of Chairman of Committees in cases where the number of candidates exceeds two.

IMMIGRATION.

Mr. KING gave notice that on Tuesday next he would ask the Chief Commissioner of Trade and Customs the number of assisted immigrants who have arrived in the colony since the 1st January, 1856, and how they have been distributed.

Mr. CHILDERS said that no immigrant ships had reached the colony since the late appropriation was made, but orders had been given to the agents at home to have the first cargo landed at Gipps Land. Previous to that time, however, all they could do would be to advise all immigrants arriving in Melbourne to repair to Gipps Land. He would reply to the question of the number of immigrants which had arrived on the following day.

LANDS ALIENATED IN THE DISTRICT OF RODNEY.

Mr BARAGWANATH gave notice that on Tuesday next he would move—

That an address be presented to the Governor, asking his Excellency to lay on the table of the House a return of all lands alienated by the Crown in the electoral district of Rodney, since the 31st December, 1850. Also a return of all sums of money expended in roads and bridges within the same time.

CONTRACTORS' LIEN.

Mr. MICHIE gave notice that on Tuesday next he would move for leave to bring in a bill for the purpose of giving to workmen and public contractors, in certain cases, a lien on the work which they had performed.

THE CHINESE.

Mr. GRANT gave notice that on the following day he would move—

That the petition, signed by 5,000 Chinese, and presented by him on the previous day, be printed. (Laughter.)

SELECT COMMITTEE QUORUM.

Mr. HAINES gave notice that on the following day he would move—

That until the standing orders are adopted, five shall constitute a quorum in all select committees.

LIGHTERAGE.

Mr. MOORE gave notice that on Tuesday next he would ask the Chief Commissioner of Trade and Customs what facilities the Hobson's Bay Railway Company possess over lighters in landing goods, and, if there are any facilities, why such have been granted.

THE GOLD-FIELDS.

Mr. BARAGWANATH gave notice that on the following day he would ask the Chief Secretary if the Government intended shortly to introduce the Gold-fields Regulation Bill, which was referred to in his Excellency's speech.

Mr. HAINES said he would reply to the question at once. The bill referred to was in course of preparation, and would be submitted shortly.

CRIMINAL STATISTICS.

Mr. BARAGWANATH gave notice that on Wednesday next he would move for a return of all the summary convictions which had been made by Justices of the Peace on all the gold-fields where hard labour had been awarded, and how such criminals had been and are employed.

OPENING THE PROCEEDINGS WITH PRAYER.

Mr. M'CULLOCH presented a petition from the minister, elders, and office-bearers of Chalmers' Church, praying that the proceedings of the Assembly might be opened with prayer.

Mr. C. CAMPBELL presented a petition having a similar prayer from the inhabitants of Melbourne and it's vicinity.

Both petitions were received.

NEW MEMBER.

Mr. OWENS took the oaths and his seat for the district of the Loddon, and handed in the declaration of his qualification, which was read aloud by the clerk of the Assembly.

QUALIFICATIONS COMMITTEE.

In pursuance of the terms of the Electoral Act which requires that the names of the committee for the investigation of the qualifications of members shall be laid on the table of the House within seven days of the election of Speaker, the Chief Secretary accordingly laid on the table a list of names to constitute such committee.

THE RESTORATION OF PEACE.

Mr. HAINES rose to move the motion standing in his name as follows:—

That a Select Committee be appointed for the purpose of preparing an address to her Most Gracious Majesty the Queen, congratulating her Majesty on the restoration of peace.

He thought it probable that there was no portion of Her Majesty's dominions in which British subjects had more reason to be thankful for the restoration of peace than in this colony, During the war, immigration to this colony had been seriously interfered with, and he trusted that one of the first effects of the restoration of peace would be a supply of a healthy stream of immigration. When they remembered the great sufferings which had been endured by their fellow subjects before the walls of Sebastopol, he was sure the House would agree with him in declaring the restoration of peace as a fit subject for their congratulation. He had to add to this motion that the following gentlemen be appointed the committee, viz., Messrs. Horne, King, Duffy, Moore, Pasley, Were, Pyke, and the mover.

The motion was put and carried, and the committee appointed to meet on Tuesday, 2nd December, at twelve o'clock noon.

EXTENSION OF THE RIGHT OF VOTING.

Mr. HAINES, then moved, pursuant to notice, for leave to bring in a bill to extend the right of voting and to provide for the registration of Parliamentary electors. He did not intend to enter into the subject of the Bill at present, but would observe that the Bill did not propose to deal with all the clauses of the Electoral Act, but simply with those which referred to the extension of the right of voting. and the registration of electors. It would be necessary for the House to pass this bill before the Christmas vacation, as the bill at present in operation, ceased early in the year.

Leave having been given.

Mr. HAINES moved—

That the bill be read a first time, printed, and read a second time on Wednesday next.

Agreed to.

THE RIVER YARRA.

Mr. M'CULLOCH, pursuant to notice, asked the Chief Secretary if the Government intended to adopt measures for deepening and otherwise improving the River Yarra?

Captain PASLEY said that if the House would allow him he would reply to the question. It was the intention of the Government to adopt measures immediately, and a sum of money had been placed on the estimates for the purpose. Directions had also been given for the steam dredges to be brought down from Geelong immediately.

VOTES AND PROCEEDINGS.

Mr. DUFFY, previous to moving the adoption of the motion standing in his name, wished to ask the Chief Secretary if it was intended that there should be any opposition to it, as if not, he would make no comments on it

Mr. HAINES replied that he did not intend to oppose the motion.

Mr. DUFFY then moved,—

For a return of the number of the votes and proceedings, acts of Council, and other publications of the late Legislative Council, now in custody of the Assembly, specifying the quantity of each respectively.

Mr. PHELAN seconded the motion.

Mr. DUFFY explained that his object in making the motion was that a copy of the votes and proceedings might be placed in the hands of every new member, as it was important that such should know what had been done by their predecessors.

The motion was put and agreed to.

On the motion of Mr. HAINES, the House adjourned at a quarter to five o'clock.

SIXTH DAY—FRIDAY, NOVEMBER 28, 1856.

LEGISLATIVE ASSEMBLY.

The Speaker took the chair at five minutes after twelve o'clock.

NOTICES OF MOTION.

PRIVATE LUNATIC ESTABLISHMENTS.

Mr. EMBLING gave notice that on Tuesday next he would ask the Chief Secretary if the Government were aware of the existence of Private Lunatic Establishments in Victoria, and if so if they proposed to place them under the usual restrictions, and appoint an Inspector to visit them.

BENTLEY'S HOTEL, BALLAARAT.

Mr. HUMFFRAY gave notice that on Tuesday next he would move for the appointment of a select committee for the purpose of enquiring into the claims made for

compensation for the destruction of Bentley's Hotel on Ballaarat.

SYDNEY COIN.

Mr. MYLES gave notice that on Tuesday next he would ask the Chief Secretary if it was the intention of the Government to legalise the issue of Sydney coin in Victoria.

MINING ON PRIVATE PROPERTY.

Mr. PYKE gave notice that on Tuesday next he would ask the Chief Secretary if the Government intended to introduce a distinct measure with regard to the Mining on Private Property Question.

LETTERS PATENT FOR INVENTIONS.

Mr. FELLOWS gave notice that on Wednesday next, he would ask for leave to bring in a Bill concerning Letters Patent for Inventions.

MRS. MARTHA KELLY.

Mr. SNODGRASS gave notice that on Tuesday next he would move for a Select Committee to inquire into the case of Mrs. Martha Kelly.

IMMIGRATION.

Mr. CHILDERS laid on the table a Report on Immigration for the year 1855, and moved that it be printed.

Agreed to.

THE CONVICT MELVILLE.

Mr. GRANT, seeing the Attorney-General in his place, wished to ask if the rumour was true that the convict Melville was ordered for execution on the following day. It would be important for the public to know it if such was the case.

Mr. STAWELL: The case of the convict Melville is still under consideration at the Supreme Court.

Mr. GRANT then asked if it was the intention of the government to respite the sentence passed on Melville.

Mr. STAWELL: Melville's case has not yet reached the Executive.

The subject then dropped.

OPENING THE PROCEEDINGS WITH PRAYER.

Mr. C. CAMPBELL, previous to moving the motion standing in his name, wished to add the name of Mr. Foster to the committee for which he was about to move.

Agreed to.

Mr. C. CAMPBELL then moved, pursuant to notice—

1. That it is desirable that this Assembly should commence its daily legislative proceedings by asking the blessing of God on its deliberations.

2. That a committee be appointed, consisting of Messrs. Moore, D. S. Campbell, Embling, Henty, Beaver, Duffy, M'Culloch, Palmer, the hon. the Attorney-General, the hon. the Speaker, Mr. Foster, and the Mover, to consider the best mode of carrying the above resolution into effect and to report to the house.

He rose with a very deep sense of the importance of the task which he had undertaken, as his motion involved a principle, than which none of a more important character could be well conceived. He had brought forward this motion at the commencement of a session,—at an era marked by the inauguration of the new constitution,—in accordance with what he believed to be his imperative duty to the House, the country, and to that Supreme Being to whom in every event they were responsible for all their actions. He had introduced the present motion on the highest possible grounds, and from conscientious convictions. He did not wish to interfere with the conscientious scruples entertained by any party, and therefore desired that conscientious scruples might not be involved in the question, but at the same time, he was not prepared to sacrifice the motives which inspired him, to any matters of passing expediency. What he required the House to do he wished to see done in the least objectionable form, and altogether disconnected from any organization or churches. The people of the colony were citizens and Christians, and in both of these capacities they were represented by the members of that House; this was the way in which he wished to put the question to the House, and this was the reason why he should like to see the House act independently of any clerical influences. He did not wish to introduce the forms of any church, or anything which savoured more of one church than of another, but that they should act on their humanity, and perform what was their their duty to the Supreme Being,—the ruler of all governments, and nations, and people, It was in that national capacity that he asked the House to consider the propriety and the duty of invoking the divine blessing upon their deliberations. If any objections were made to his motion, he trusted that they would supply some principle of sufficient importance to overrule the principle on which he had founded it, viz., the necessity of the House expressing a general reliance on the Supreme Being. He was aware that it was said that this principle applied to individuals and not to that House, but he would ask, was that House other than a congregation of individuals? Instead of this objection weakening his position, it strengthened it, for when society was represented in a Constitutional House like the present, it became their bounden duty to recognise God as the ruler and controller of all human action. It could not be denied that now they had a Constitutional, responsible Government, and there was no other way that he could see in which the public sentiment of reliance on the Supreme Being could be carried out than by that House asking the blessing of God on their deliberations. If the duties which they were called on to perform were important, and they desired to exercise them as they ought, they could not expect to do so better than by invoking God's blessing on their proceeding. The example which the House set in this matter would be the means of doing great good or great evil to the country, and he hoped hon members would not refrain from supporting the motion from any fear of shame

of their fellow-men. It had been asked by whom was the service to be performed, and if the clergy were to perform it for them, but was that House to encourage the example of vicarious prayer, or set a precedent of asking others to offer up prayer for them? Every individual was responsible for himself; and the House, as at present constituted, had all the responsible and moral duties to perform which appertained to the individual. Up to the present, the Legislature of this colony had not adopted the course which he suggested, and by not doing so had remained an exception to all other colonies in the British dominions. Emanating, as they had, from the mother country, they had departed from her example in this particular, and from the course adopted in Canada, the Cape of Good Hope, the West Indian islands, and in the other British colonies; and the only way in which he could account for this departure was in the evil communications to which they had been subjected in the early history of the colony and which communications had injured and impaired their moral principles. In New Zealand, after discussions and objections, the Legislative Assembly of that colony agreed to open their proceedings with prayer. This was done by the Speaker reading a suitable form to the House, which, he was informed, gave general satisfaction, and all parties were contented with the course which was taken. There was an equal tyranny in a certain number of persons preventing others from *not* doing what they considered to be right, as in forcing them to do what was wrong. He believed in his conscience that the greater portion of the colony thought it to be right for the House to open their proceedings with prayer, and were they to be prevented from doing so because others did not think it right? If they asserted this principle, that the majority could not do what they thought was right because a minority did not agree with them, it would lead to all kinds of abuse and to the establishment of a real tyranny. Now that responsible Government had been introduced it was their duty to acknowledge their responsibility to God as well as the people, and recognise the *vox Dei* as well as the *vox populi*; for those who studied to do right in the sight of God, would most likely do right in the sight of men. Ancient Kingdoms and States had gone down to decay because they bowed down before false gods, and did not acknowledge in all their doings the true God. The effect also which would be produced in themselves by this measure would be most important; for political excitement aroused the passions of their nature, and these were calculated to blind the judgment. He did not know of any more effectual means of soothing these angry feelings than by opening their proceedings with prayer. He trusted the House would not allow any trivial reasons to come between them and their duty, and with these observations he would leave his motion in their hands.

Mr. MOORE said he regretted exceedingly that no one possessing more able powers than he did had been entrusted with the support of this motion. He had been called on suddenly to do so, and therefore was not prepared to support it by any lengthy arguments. Perhaps, as a young legislator, or as one only recently commencing to take part in legislative proceedings, it might be thought that he ought to have shrunk from coming forward on the present occasion, but the subject was one which he thought it behoved every one, who thought seriously of its sacred nature, to say a few words in support of. By doing so he should be satisfied that he had performed his duty, and had done something in furtherance of the motion. He thought that the arguments brought forward by the mover of the motion were entitled to the serious consideration of the House, and believed them to be unanswerable; he also agreed with him that in all their proceedings they ought to recognise the presence of the all-wise Deity, without whose blessing on their deliberations their proceedings would be productive of very little advantage. They could not have a better opportunity than the present of shewing to the colony the desirability of supporting virtue and morality. He was aware that the greatest difficulty with which they had to contend was the divesting of the form adopted of all sectarian differences, but he agreed with Mr. Campbell that this could be obviated by their following the example adopted in New Zealand, where the proceedings of the Assembly were opened with prayer, delivered by the Speaker. This had been found to answer all the purpose, and to suit the views of every member of the Assembly, however different their feelings or religious opinions might be. With these observations he begged to second the motion. (Hear, hear.)

Mr. HORNE said he would not refuse to give the gentleman, who had brought this question forward, every credit for the motives which influenced him, but at the same time he could not but express his regret that the subject had been again introduced, and that it should be brought forward every session as a constantly rolling apple of discord. (Hear.) The honorable gentlemen had assumed that those who opposed the motion did so for fear of incurring the reproach of their fellow-men, but as an individual, he did not entertain any fear on this ground. He did not intend to go into the details of the subject, but thought that as all the members of the House had an opportunity of offering up prayer in their respective churches, if they found it consistent with their duty to do so, they could avail themselves of the opportunity afforded them in the churches, before the commencement of days proceedings. At the same time he objected to all those who did not do so being stigmatized as irreligious men. (Hear.) To prevent angry discussion he should move the previous question.

Mr. O'SHANASSY said he should have preferred to have met this question with an aye or nay, as he felt with the mover of "the previous question," that the constant repetition of it would have only the effect of raising the religious sentiment of the community,

which it was not at all desirable to evoke. (Hear.) If, however, the motion went to a division, as it stood at present, he should most certainly oppose it. From the course which the mover of the resolution had adopted, it was clear that the hon. gentleman wished to raise a theological discussion, as he laid it down that all who did not agree with him were wrong. The object of the motion was to make the Speaker the medium between that House and the Deity. He believed it was a fundamental principle of the Church of Scotland, to which church the hon. member formerly belonged, that no fixed form of prayer should be used by them, and so the objection was not confined to the Roman Catholic body. The hon. member had assumed that the majority were in favour of prayer, and that a minority coerced them; but they were assembled in that House under a new constitution in a representative form, and were they bound to do collectively what they did not do individually out of doors? If all were of one religion or one faith, then it would be all very good, and they might be bound to do collectively what they did in an individual capacity, but such, as they were aware, was not the case. They were living in a country where various religious opinions were entertained, but if the motion was carried it would be laying down a fundamental principle that a majority had a right to dictate the religion of the people. ("No. No.") He repeated that this was the principle involved in the motion. It was all very well to say they did not want to introduce the clergy, and that the service could be read by the Speaker. He was prepared to respect any officer of that House, but was not prepared to recognize any Divine authority about the Speaker, and believed that a fundamental wrong would be done if any such a practice was laid down. (Hear.) He objected as a citizen, for in all countries where the principle had been admitted that the majority had the right of asserting any form of religion, there had always resulted tyranny and wrong, and in his opinion it was the proud boast of Australia that it did assert a contrary principle and recognise equal rights for all classes of men. This question had been discussed in New South Wales, as well as in this colony, and had been rejected. Governments were fond of making use of the religious element to bind down the people, and circumstances had come under his notice during the last election to lead him to think that such had been employed. If there were any grounds for this, he could only say that the introduction of such a motion, under the pretence of asking the Divine blessing, was a poor way of governing the country. He should like to treat the subject with calmness and deliberation, because he felt that the fundamental principle of a motion like the one now before the House, ought to be carefully watched. The hon. member said he recognised the principle that there should not be a dominant church established in the colony; but, if so, why did he wish to introduce the opposite principle into that House? Gentlemen and merchants were in the habit of meeting daily for the transaction of important business, but they never asked each other to join in prayer; and if it were laid down as a principle in that House, it ought to be carried out in all their operations. What, indeed, was to prevent their courts of law and Police Courts from being opened with prayer, for the lives and liberties of the people were as much concerned in the administration as in the framing of the laws. If this principle were carried out in all its ramifications, how could society be governed? He thought that when they had invoked the Divine blessing on rising in the morning, and returned thanks for the blessings of the day in the evening, that they did all that, as Christians, was required of them. He noticed in the Governor's speech that the word Christian was about to be given up, as it was the intention of the Government to endow all classes favourable to morality and good Government, but the honourable member said they came here as citizens, and as Christians to ask the Divine blessing.

Mr. CAMPBELL wished to explain that what he said was, that as Christians and as citizens they should not refuse to do collectively, what they did individually.

Mr. O'SHANASSY continued: As the constitution did not lay any such conditions on persons entering that House, that they should be Christians, but merely stipulated that they shall be British subjects; and as Pagans had as much right in the House as the hon. member, to assert that they came there only as Christians and citizens was opposed to the principles of the constitution, The duty of the members of that House was to guard jealously the rights and privileges of the community and one of the first of these duties was to see that no inequalities were created in society. If they looked at the example of the mother country, they would concede that a form of prayer had been productive of very little good effect, but the hon. member had argued that because a form of prayer had been adopted in the mother country, therefore a blessing had followed. How the hon. member became possessed of this brilliant light, he was not aware. Society in this colony was composed of persons from different parts of the world, and was always changing in character, and if that House represented and respected the rights and feelings of the community, they would take care not to trespass on the privileges of any portion. If the resolution should be adopted, and such a trespass should be committed, he would ask if it would be carrying out the Constitution Act in it's spirit and integrity. He agreed with Mr. Horne as to the impropriety of constantly reviving this subject, and the circumstances of the hon. member presenting petitions on this matter, some of which were not very distinct, shewed that he had a sort of monomania on the question. He hoped that the people thoroughly understood the merits of this question. This community was on the whole a religious people, however much they

might differ on minor points. They approved of different forms out of doors, and he believed the House would agree that what they could not do out of doors they could not do in-doors. He hoped the House would reject the motion: honourable members would give him credit for not wishing to interfere with any man's religious belief, but he claimed the same privilege for himself—that no man should interfere with his.

Captain PASLEY said he was of opinion that if the debate were any longer protracted it would lead to no satisfactory result, and hon. members had doubtless made up their minds which way they were going to vote before the discussion commenced. His private feeling was in favor of the motion, but at the same time if a large number of members really objected, he did not deem it desirable that it should be carried. ((Hear, hear.)

Mr. SARGOOD said he agreed with the previous speaker that it was undesirable that more time should be occupied on a subject entirely foreign to the House, and he could not help thinking that, if the hon. member had reserved his homily for another day and another place, instead of that House, it would have been more appropriate. (Hear.) He regretted that Mr. Campbell, as the avowed champion of one of the religious sects of the colony had not remained satisfied with the result of last session. He regretted that the motion should have been again brought forward, as those who voted against it were supposed to be opposed to opening the proceedings of the House with prayer, but this was not the case. There was a time and a place for all things, and he believed that the present was neither the time nor the place. (Hear.) He could not but look with a jealousy on a country comprising Protestants and Roman Catholics, Jews, Infidels, and Israelites uniting in one form of prayer with the Speaker as their Parliamentary High Priest. Indeed the proposition appeared to be so absurd in a political assembly like the present, that he was surprised the honourable member had not the good taste to refrain from introducing a subject with regard to which he knew there existed such a variety of opinion. There was a further feeling of jealousy which he entertained, seeing that the honourable member was considered as the representative of a peculiar ecclesiastical denomination in that House. ("No," from Mr. Campbell.) He was not inclined to withdraw the expression, notwithstanding: and knowing, as he did, that certain functionaries of the community, to which the hon. member belonged—the Bishop and the Dean—were seen occupying prominent places in the Legislative Council on the opening day, he could not help associating the motion with that action, and looking on this as the thin end of a wedge intended to drive the Speaker out of the chair, and making that Assembly an arena for the discussion of theology.

Mr. HAINES said he rose with much reluctance, and should not have done so at all but for one or two observations which fell from Mr. O'Shanassy. He did not look on Mr. Campbell as the representative of the Church in that Assembly; he did not represent him individually, as would be seen by his vote that day. He agreed with much that had fallen from hon. members as to the necessity of invoking the Divine blessing, but inasmuch as honourable members could not agree as to the manner in which the Divine Being could be approached, he could not see how the difficulty was to be removed and therefore should vote against the motion.

Mr. EMBLING said he agreed with the mover of the motion in the abstract, but believed the measure impracticable. He would suggest to the House as the best way of disposing of the question that they should agree to give the honourable member his committee, for as he believed that no committee would agree upon a form, the subject would in this way fall to the ground.

Mr. PALMER said he thought the time of bringing forward the motion peculiarly appropriate, as the House was now sitting in a new capacity. The difficulties lying in the way he did not look on as insurmountable, and thought that a simple form of prayer in which all could agree might easily be arranged.

Mr. LALOR said he should not have risen, as he intended voting against the motion, except with the intention of removing what he considered to be an erroneous impression. As a Roman Catholic he did not consider it inconsistent to join in a prayer with Protestants, for he had seen Protestants and Roman Catholics sitting at the same table, and joining in the same invocation for the Divine blessing. He should vote against the motion on other grounds, for he believed that the manner in which prayer would be received in that House would but bring contempt on Almighty God.

Mr. READ said that in his opinion there would be more honor in the breach than in the observance of this ceremony.

Mr. HARKER said that his reason for voting against the motion was that he did not believe the majority had a right to tyrannise over the minority in matters of faith and belief. He did not approve of any portion of the House being compelled to be absent from conscientious convictions while prayer was being offered up. And the experience of the mother-country showed that if prayer was adopted it was nothing more than a form.

Captain ANDERSON agreed with the previous speaker, that it was objectionable to have any system introduced in the House which would compel any member to absent himself while it was being carried out,

Mr. CAMPBELL replied at some length, and answered some of the objections which had been urged against the motion in the debate.

The SPEAKER then put the question, which was negatived on a division, by 26 to 21.

CROSS-BENCHES.

Mr. SARGOOD said, that in rising to move the motion standing in his name—

That a committee of seven be appointed to inquire and report whether the establishment of the Cross Benches in this House be in accordance with the usages of Parliament, such committee to consist of the Speaker, Messrs. Childers, Foster, Duffy, O'Shanassy, and the Mover.

It was due to the House and to himself that he should state the reasons which had induced him to place it on the paper, and this he could do without any breach of confidence At a meeting recently held which was attended by various members on the opposition side, amongst other subjects mentioned was the one now under discussion. (Laughter.) At the meeting referred to he was present and was called on to preside. A resolution was passed that the chairman be requested to put such a notice of motion on the paper, and in consequence thereof he now submitted the motion. Honorable members on the other side seem to fancy that no meeting of a similar kind had taken place before. (Hear.) They are probably unmindful or forgetful of the meeting which was held some time back, which had such an influence on the Government of the day and induced them to alter their financial policy. To this meeting the country ought to be deeply grateful, for it prevented a frightful expenditure of the public money, and very probably insolvency. (Cries of "question.") So far as he was concerned, what he had said was all he had to do with the cross benches. He wished, however, to be understood that he did not sit on the Opposition side as a determined opponent of the present ministry, or any other ministry. He had the same feeling of independence as members sitting on the cross benches; the only difference between them being that they sat in a different place. He believed that these gentlemen were as independent as he was; and it did not follow because he sat on the Opposition side, that he must necessarily oppose all the measures of the ministry (Hear.) Whatever measures were brought forward, if they accorded with his judgment he would support them, but if the contrary he would oppose. Although seven was named as the number of the committee, only six names by some inadvertence had been supplied. He begged now to add the name of Mr. Greeves.

Mr. DUFFY said, in rising to second the motion, that it had his entire sympathy. Reference had been made to a meeting from which the resolution sprung. He was present at that meeting, and was glad that he was. If the hon. member, Mr. Sargood, instead of moving for a committee of inquiry, had thought proper to declare at once that cross benches were unparliamentary he should have been prepared to support him. In the House of Commons there were no cross benches (laughter from the Government benches), and since Parliament or responsible Government had existed, cross benches had never been known. While there were no cross benches in the House of Commons there were in the House of Lords, and these had been placed there because in that House Peers sat according to their rank. The honourable and gallant gentlemen who favoured the country with managing it's public works had undertaken to erect these cross-benches without consulting the wishes of the House in the matter. Some of the elder and jocose members of the Government who were here when this colony was a portion of New South Wales, never seem to have been divested of the notion that Victoria was still an adjunct to New South Wales (laughter) and recently the House had had more than one proof of this. The Members had had a copy of standing orders forwarded to them, intended, no doubt, to appear as wonders of industry, but they were really nothing more than servile imitations of the standing orders in use in New South Wales. Another case was furnished by the gallant young gentleman, who said, in moving for a committee to prepare an address to his Excellency's speech, that he was aware the course he was about to pursue was opposed to that of the House of Parliament, but that he wished them to consider the practice adopted in Sydney; but perhaps it would be information to the gentleman and to those who instructed him, for him to tell them that the course they recommended was in practice in the British Parliament. (Laughter). There were cross benches in the Legislative Assembly of New South Wales, and it would be worth while to see what result had attended on their introduction there. Some of the wisest thinkers were of opinion that the disorder and uncertainty which had attended the proceedings in that colony were mainly attributable to the neutral party there, and as that Government had failed, and deservedly failed, and if the Government of this colony were to follow, it would be due, as he believed, to the adoption of the same regulation. The departure in this case from the usage of Parliament would render it difficult, if not altogether impossible, to carry on the business of the House. In the House of Commons there was one main door through which members entered, which secured the privacy of Parliament, but a few days back, when the hon. members went into the lobbies to divide, they found workmen there. On this account they had since been compelled to divide in the House, because they could not arrange for a division with that privacy which the usages of Parliament require. He remembered that the hon. member for Melbourne sitting on the cross benches complained that he could not hear the business transacted. That had entirely arisen from this encroachment on the ordinary usage. It was the duty of hon. members to address themselves to the chair, and to do so, they must turn their backs to the gentlemen occupying these benches. It was said that business in that House would be facilitated when they passed a bill taking to themselves the privileges of the House of Commons. One of those privileges was to examine witnesses at the bar. But where was the bar? He was at a loss to know. All that he did know was

that it was not where it ought to be (A laugh.) In the next place, having these privileges they would be entitled to arrest any one violating them, and before the offender could be discharged from custody he must be brought to the bar of the House. This could not be done, and they might in such cases have actions in the Supreme Court against the Sergeant or the Speaker for false imprisonment by arrest not according to the statute law. Again, when a bill was introduced, or a report brought up, the standing orders under which they then acted directed that the member bringing up such bill or report should go to the bar, whence he would be called by the Speaker. (The hon. member referred to the standing orders in proof of this.) How were they to comply with this rule of the charter under which they were constituted. If they were asked to do away with some absurd usage of the House of Commons, such as under this sultry Australian climate, allowing those gentlemen (pointing to the clerks' table) to dispense with their wigs and long dress, or to do anything else consistent with, and according to, common practical sense; no one would support such a resolution more cordially than he would: but when he was asked to assent to an arrangement in violation of the law under which they were bound to act he must refuse to do so. He had only suggested a few difficulties; but it was in the nature of any departure from the right to involve those concerned in it in difficulties that could not be foreseen, and it might happen, that from this departure, they might find themselves at last in a difficulty from which they could see no exit. These reasons induced him to give his warmest support to this resolution. They were under a responsible Government—a Government that could exist only so long as it was supported by a majority of that House, and if that majority were present let them have the manliness and the character to take appropriate seats. (Hear, hear from the Opposition.) He was far from wishing to seduce gentlemen from that bench to the Opposition if their own convictions did not lead them there, but he did think that those who were entrusted with the conduct of public affairs should have some reasonable means of estimating the support they might rely upon. He hoped that the time would arrive when no man's vote would be influenced by his seat, and when men would vote only from their own private convictions; but if they were to conduct the business of that house in the ordinary manner of responsible governments, neither those entrusted with power nor those in the confidence of the people were in the position in which they ought to be if they did not know upon what support they could probably rely. What did an hon. member's sitting on the ministerial side imply but that he had a general confidence in the ministry, without—if he were an honourable and upright man—pledging himself to vote for every measure they put forward. An hon. member's sitting on the opposition side implied exactly the reverse of this—that they had not general confidence in the government, but that they would vote for any good or reasonable measure that the government might propose. (Hear.) It seemed that those who took their seats on the cross benches wished to imply absolute freedom from any party at all, and that they were prepared to vote simply on the merits of any question that might be brought before them according to the uprightness and intelligence they claimed. Let them remember, however, that Hume, Cobden, and Bright, were not party men, and yet often sat on the Treasury side. None of them attempted to follow out such a practice as had been introduced into that House. He could not predict the result of this practice, but this he knew for a certainty, that those introducing the principle would be those who would feel the ill results of it with the greatest severity; for by and by it might happen that they would have some gentleman assuming the place of head of this Prætorian guard, who would lend aid to either party as interest might dictate. (Oh! Oh! from the cross benches.) Gentlemen might cry, Oh! Oh! but it was his duty to point out the possible consequences of this this system. He was curious, however, to know what course the hon. gentleman opposite (Mr. Haines) would follow in respect to this motion—whether he would commit himself to a denial of this enquiry. If this were the case, the startling fact would be presented to the country, that men entertaining strong popular opinions were after all not merely the best guardians of public liberty, but the most earnest in the cause of regularity, law, and order. He cordially seconded the motion. (Hear.)

Mr. J. V. L. FOSTER (who spoke from the cross-benches) confessed that he was rather puzzled by the incoherence of many of the remarks made by the hon. member for Villiers. He commenced by saying, that some of the most independent men in the House sat on the cross benches. (No, no.) Well, that those who occupied them, took their seats on the highest and most conscientious principles; and, therefore, he might have looked elsewhere before imputing to those gentlemen selfish and mercenary motives.

Mr. DUFFY: I only pointed out the possible results of the system.

Mr. FOSTER: It was hard to say what might arise from anything, but he saw no probability of these results at present. He must say that, seeing the gentlemen who occupied the cross-benches, and knowing the circles in which they moved, and the constituences they represented, if they expressed a wish to occupy the cross benches, their wishes should have been consulted, as an indication of their desire to give an unbiassed vote on every occasion. His view in taking his seat there was, he was not prepared at once to go into opposition to a Government whose policy he did not know, (hear, hear,) nor unhesitatingly to support it, although many of it's members were his most intimate friends, until it had announced it's

measures. He understood the hon. mover of this resolution that, being in the chair at a meeting lately held somewhere, he was instructed to bring it forward. He could not really understand the extraordinary reverence shown by some persons for usages of the Imperial Parliament not suited to the wants of this one—when, by a very narrow majority, they had that day decided upon deviating in a most important particular from those usages. (Hear, hear.) He (Mr. Foster) saw no mace there, although an almost magical importance was attached to it at home. Again, he understood that this Assembly Hall was to be built on the same plan as the House of Commons in England (Yes.) Well then there were so many deviations from that plan that nothing could be more different. He was far, however, from complaining of this, for he believed Sir Charles Barry had been much censured for the inconvenience of some of his arrangements. What could be more absurd, for instance, than for them to provide for their own accommodation a hall of the same size as that intended to accommodate 650. If they were to follow out all the cabinet-making arrangements of the English House of Commons, he begged pardon (great laughter), they would find it a difficult task. Why should not they consult their own convenience in their arrangements. There was, however, a deeper meaning in this motion than it implied, there was most undoubtedly—or, if not, it was too paltry an affair to deserve the attention of the House—an attempt to make hon. members on the cross benches take their seats on the one side or the other. (Hear.) Why then should some twenty hon. members be thus forced to do that which their consciences were opposed to? He was not one of those who thought that the country could be governed without party, and in time they must no doubt so resolve themselves, but there were hon. members who did not wish to attach themselves to any party at present, who wished time to decide to whom they should ally themselves. Why then should the House lend itself to this fanciful alteration of the internal arrangements, causing great inconvenience and forcing hon. members to assume seats, which in the present condition of parties they might not desire to do? It seemed to him that there should be some such place of refuge for conscientious members; but as the session advanced he confessed that there would be less and less excuse for their remaining in that neutral position. It might be said that they were in possession of the ministerial policy then, but the merit or demerit of the measures proposed would lie so much in their details that they must still be in the dark, and were not in a position to take any decided step on one side or the other. No doubt there were many supporters of the Government on the cross benches, (hear, hear); but there were as many who would join the Opposition. He had heard no good reason why these benches should be removed, but he hoped he had shown very good reasons why they should not.

Dr. EMBLING (from the cross benches) agreed with Mr. Foster, that there was a deeper meaning in the motion than it appeared to convey. He was no supporter of the Government, but he was not sent there to oppose any Government. He took his place on those benches because he was determined not to vote according to any party. He looked on the motion in this light—"*mons laborat nascitur ridiculus mus.*" (A laugh.) He believed there cross benches to be an enrichment to the house. ("Hear, hear," and laughter.) And because they supported these benches, they were desired carefully to copy the Imperial Parliament usages, while, in the same breath, they were charged with a servile imitation of that of New South Wales. Where the usages of the Imperial Parliament did not tend to their convenience, they should repudiate them altogether, and strike out a new path for themselves. (Hear.)

Mr. SNODGRASS did not agree with the last speaker, in his inference that if a man chose to take his seat on that (the opposition) side of the House, he should be charged with belonging to a faction. He (Mr. Snodgrass) sat on that side, because he chose to withhold his confidence from the present Ministry, as he and others had twelve months before recorded their impression that the position of those gentlemen was neither legal nor constitutional. He did not, however, wish to cast any reflection on the hon. members on the cross-benches.

The SPEAKER reminded the hon. member that he had his back turned to the chair. (Laughter.)

Mr. SNODGRASS (changing his position): He did not cast any reflection on those gentlemen, but at the same time this plan was not in accordance with Parliamentary usage. Let the committee be appointed, and when their report was presented, the question could be fully discussed.

Mr. BARAGWANATH found himself on the cross-benches entirely by accident (laughter); but from what he had gathered from this debate, he considered the accident as a fortunate one. He believed that there was more in this motion than was seen, but at any rate he could say that he did not care a straw for any party, and only wished the Government to carry on the business of the country in a straightforward manner. So long as they did this he would support them, but the moment they ceased to do so, he would oppose them in every shape. He cared little for the imputation that those on the cross benches would in time, form a sort of "semi Tory" party.—(Cheers and a laugh.)

Mr. GREEVES was one of those who did not think this matter of usual importance, he did not view it as a matter of upholstery arrangement, but as a direct departure from the wholesome usages of the Imperial Parliament, by the laws of which, they were at that moment bound. If they looked at other countries, where cross benches were used, they must observe that they tended to generate the very thing they all deprecated—faction and cliques. Look at the Chamber of Depu-

ties in France, as an instance, and there the benches and parties were divided into the right and extreme right, the left and extreme left "*juste milieu*," the "*Montague*," and so forth. As a matter of expediency therefore, it was that they should follow the wholesome practice which the experience of years had caused to be adopted in the mother country, where it was found that by requiring gentlemen to sit on one side or other, factions and cliques were avoided. The consequence of numerous different places was different bands of gentlemen, and the consequence of these was those meetings out of doors which he understood had taken place. The hon. gentlemen on the cross benches seemed unwilling to be disturbed, and yet they admitted on all hands that they could not hear what was passing. As a matter of taste he protested against these benches, if they were arranged on either side of the House the architectural appearance would be greatly improved, leaving out of the question the observation of the hon. member for Villiers in reference to their effect at present, on the manner of conducting the business of the House. When the Usher came in the other day to request them to attend in the Council no one knew who he was or what he was about because he came through a side door almost unobserved. At all events, the present question was only as to the appointment of a committee of enquiry; there could be no harm in doing that, and their report could be afterwards discussed.

Mr. HAINES said he was opposed altogether to this enquiry, and the hon. member who supported it would have done well had he pointed out—when relying on some regulation or some standing order of the Imperial Parliament with regard to this matter, with which he did not profess the acquaintance the hon. member possessed, nor the knowledge he had cultivated,—some rule or regulation referring to the position of the seats. He seemed too to have been annoyed that hon. members were not consulted as to the construction of that house, but he (Mr. Haines) begged to say that the house was with difficulty prepared in time for the reception of hon. members, and they could not therefore be consulted. He thought that the objections the hon. member had urged were due to the want of preparations, or the hurry in which they had been made. There had been no political feeling on the matter, and he could see no political bearing which those seats had on the house, as he presumed that every hon. member might give his vote according to his conscience, and that his seat would in no degree influence that vote. The hon. member was, perhaps, disappointed that more persons had not espoused his policy, and that condemnation of the Ministry in which he indulged, (not waiting for the knowledge he ought to have,) in a speech at Belfast, when, except from hearsay, he could not have been in a position to know the acts of the Government.

Mr. O'SHANASSY rose to order. Was it permitted hon. members to refer to speeches made outside the House?

The SPEAKER was understood to decide the question in the affirmative.

Mr. HAINES: It was a natural expression of disappointment on the part of the hon. member that he had had no more confidence reposed in him; but if the hon. member would exercise more patience, he would doubtless soon perceive who were the supporters of the Ministry and who were not. It would be better if the hon. member would exercise his patience, and wait until some subject came before the House which would show clearly what confidence the House reposed in the Government. This question now was an idle one, and he hoped that the House would not compromise its dignity by entering into the consideration of anything so fruitless.

Mr. O'SHANASSY said that it was not his intention to have entered on this question, because it must be apparent that he had had little opportunity of making himself acquainted with the rules of Parliament in the mother-country. All he had learned he had acquired in their colonial Legislature. It might have occurred to him that there might be such a thing in Parliament as a neutral ground, and he might venture to say that the same thing might have occurred to many men who had taken their places in that House; but, doubtless. Parliament at home had excellent reasons for avoiding the custom. He remembered attending the meeting referred to, as he had attended many other such, and he felt great pride at having attended them as he had seen great good result from them. The hon. member who had last spoken regarded this as a political question as affecting the opposition, but that was not a fair way of putting the question. At the meeting referred to he might say that it was the intention of Mr. Greeves to go minutely before the meeting of the Assembly into all the Parliamentary practices of the mother country with reference to the conduct of public business, irrespective altogether of any party consideration. It was, however, quite clear that any one person entering on such a course would find it an endless task; it would take a month or two. He had suggested therefore, and he held the same opinion still, that Parliament in the mother-country having existed so many centuries could fairly estimate the necessity of the rules for its own guidance, and would not have adopted any usage unless there were good grounds for it, and that they could not do better than adopt the rules of the Parliament at home in their own case. This was the only question involved, and not one of personality or position. The presumption was certainly that Parliament must have had some cause for the adoption of the plan adverted to by the seconder of the motion, and he believed that the reason was to adjust parties so that the Government acting in a responsible position might be carefully watched by an opposition in power. On this exact view he believed the House of Commons to have adopted the plan. They were told that they had some deep motive in the motion, viz., to induce the gentlemen on the

cross benches to come to those of the opposition, and thus shew the Ministry how powerful they were. For that assertion he might venture to say that there was not the slightest foundation in fact, and this must have been apparent from the speech of the gentleman who seconded the motion. The hon. member for Williamstown, who seemed to think that there was a particular desire to distinguish him as the leader of the party told them in the opening of his remarks that there were twenty members on the cross benches who could not conscientiously pledge themselves until they saw the development of a policy they could adhere to. That however was not the question at issue. The question was by what authority the cross benches were introduced at all when their rules declared the contrary. There was nothing to shew that the arrangements of the House of Commons were inapplicable to that Chamber. If there were, that would be a fair argument to meet this question with; but it was not a fair argument to use against it, that it was a personal matter. As to the question of the convenience of members, no gentleman in that House desired to inconvenience any other in his place, or force him to express his views, or prevent him from hearing what passed. Again the hon. member for Williamstown seemed to imagine that the House had set a bad example because it did not adopt the ritual of the Church of England, and open its proceedings with prayer. That was an unfortunate issue for the hon. member who had voted on the other side of the House. Again, reference was made to the mace, the costume of the Speaker, and other small matters which did not materially bear on the question. The mere sitting of any man on the opposition bench could not indicate his vote, nor was he necessarily pledged thereby. He (Mr. O'Shanassy) when he sat in the old Council, sat as a representative opposed to a nominee Government, and opposed them from time to time: but they could not say that he had ever shown a factious spirit towards them. On the contrary, the opposition had often given them a generous support, and while resisting them in the wrong had often assisted them to do right. If it were supposed that a man by sitting on the opposition side indicated a general want of confidence in the policy of the Government, he for one was in opposition to their general policy. So far as their policy had already been developed, it was imperfect, and did not show much originality. When these measures came before him and before other hon. members they would be guided in dealing with them by the general scope of them all This was his policy. The hon. member said that he was waiting to see the development of party; he was, in fact, waiting to see how the cat jumped (laughter); and were he (Mr. Foster) sitting on the opposite side of the House, as he once was, he (Mr. O'Shanassy) would have indicated to him the same opinion that he had indicated to his successors. He trusted that the House would deal with this question in such a way as to make it what it was, one of consequence only to the general management of the House.

Mr. GOODMAN said that his sitting on the cross benches indicated nothing, and he might ask what reason had the Opposition for opposing his sitting there. As to the analogy drawn by Mr. O'Shanassy between the parliamentary usages at home and of that House, it failed altogether. A man at home went before his constituents a conservative or a liberal, and took his seat on one or the other side of the House accordingly. In this country, where parties had not been formed, there was no such thing as this, and therefore those on the cross benches might be considered to be there to suit their own convenience. He believed that it would not be to the advantage of the Opposition if they were forced at once to declare policy. There was more room on the Government side of the House (a laugh), and many would naturally go there. They would, however, be as independent there as ever they were, and this being the case he could not understand the reason for this motion. They sat on the cross-benches as in a common room, or at a common table, and why that should give offence was beyond his understanding.

Mr. O'BRIEN would support the motion for the purpose of inquiry; the subject was one on which they should have all the information possible. While he sat on that (the opposition) side of the House he had no desire to give a factious opposition to the Government while they conducted the public affairs in a proper manner. If they did this they should have his support; if not, his determined opposition. As to the motives imputed to the supporters of the motion, he might say that he saw on the cross benches many who were at the meeting referred to, and therefore that meeting could have no reference to those gentlemen or their positions: and as all those gentlemen declared that an opposition to the Government was necessary to the existence of party, he was surprised to hear them now.

Captain PASLEY said that he would not enter into the political part of the subject, which had been already so fully gone into. He would simply explain to the House how these benches were provided. In the first he (Captain Pasley) was solely responsible for the cross benches referred to, for he believed, although he was not sure, that none of his colleagues ever saw the plans. He had been asked by an hon. member whether there was anything to show that the arrangements in the House of Commons were not suitable to that colony. He could not say that, but he might say that he had seen a variety of different plans of the House of Commons, and every one of them included cross benches. He believed, therefore, that these cross benches were in the House until he heard otherwise from the hon. member opposite. As the Assembly was aware, there was very little difference between the size of that Hall and the House of Commons, while the House of Commons was designed to hold 650 members, and that Hall

only 60. It became necessary, therefore, to make a different arrangement as to the seats, in order to avoid the appearance of having a few members pasted up against the walls, leaving the interior of the building in a state of vacuity. In the House of Commons, on the contrary, there was very little room, and the use of cross benches would greatly diminish the amount of accommodation existing. As to the remark of the hon. member for Villiers about the bar, his own impression was that the whole of the barrier behind the cross seats constituted the bar of the House; but, if it were considered desirable, he could separate the cross benches in the middle, and leave only one entrance in the centre instead of two, one at each side. (Hear.) This was a matter not worthy the attention of a committee at all. Hon. members might express surprise that he (Captain Pasley) should have taken on himself to make these arraagements, but he was obliged to do the best he could, in order to complete the building rapidly. He was glad to find that the convenience of hon. members was suited at any rate, and trusted the House would see in the statement he had made a reason for declining to appoint this committee.

Mr. MOORE would, after the long discussion that had taken place on this topic, only say a few words. He had been present at one of these preliminary meetings, and he understood that they went there merely with the view of becoming acquainted with their fellow legislators, and in order not to go into the House devoid of this information, and like raw recruits. He had assumed his seat on those benches not with an intention of saying anything on this question, but when he found that the discussion assumed a tone of serious import, and that members seated there were supposed to indicate certain feelings of indecision as to their support or opposition to the Government, he had taken his position in that character. He was told that this motion was on a mere question of architectural arrangement. Others said that there was an important principle involved in it. He was inclined to think this, because of the tenacity with which the motion was adhered to. He, however, disclaimed all party, and reiterated his determination to give evidence of his principles and his policy by votes only. He believed it would be beneath the dignity of that House to grant a committee of inquiry on this subject.

Mr. MICHIE regretted that, from causes altogether uncontrolable, he was unable to be present at the earlier part of this debate, but he was there early enough to be able to express his regret that one of the most honorable and independent members of the House had given in his adhesion to the principle of cross benches, he alluded to the hon. member who had last spoken. He felt it necessary to say, in reference to that gentleman, that in previous communications with him, he had expressed an opinion that it might not be undesirable for the younger and less experienced members to take up a position in the House which, in point of situation, would answer to the state of their own convictions, and save them from compromising themselves either with one side or the other. But although he stated that to be his first impression, he felt it his duty to communicate to the House that subsequent observation had considerably modified it. When he came to reflect on a subject of this kind he was forced into the conclusion, that Parliamentary experience, extending over number of centuries, had arrived at a sound decision when it decided that cross benches in deliberative assemblies should be abandoned, and that members should take up one side or the other He considered that even the last promissory note extracted from the Government (for that was an accurate description of it) in what might be termed the Queen's speech, was extracted by the operation of what was considered an useful and honest Opposition, and but for the existence, or the contemplation of the existence, of such an Opposition, they should not have had a Queen's speech so full of useful matter as that which they were to discuss that session. Supposing that this principle, instead of drawing the gentlemen of the cross benches to the Opposition, had drawn them all away, were they to suppose that they would have had any such speech; or would it not have been considered that, from the number of gentlemen on the other side of the House, the Government need not have compromised itself to the extent they had done in the initiatory speech? It was because the operation of this system was calculated to introduce great uncertainty into the speculations and reasonings of politicians that it was desirable that every member should, as rapidly as possible balance his political account, and take up a position on one side or the other. He would remark, also, that the hon. member who had last spoken was surrounded by many who were in most inappropriate contact with him. (Laughter). He had no doubt that all sorts of unsavory comparisons suggested themselves to the minds of hon. members, as to how these hon. members would ultimately sit. Would it be *in medio*—they must reflect—*in medio tutissimus?* (Laughter). To the bucolic imagination they must appear as a sort of political store cattle, to be taken to market at an appropriate season. (Great laughter.) He looked on many of them as a kind of miserable, melancholy shades, waiting on the banks of the "Styx" to be ferried over to the gloomy realms of Pluto (Loud laughter.) He thought it most undesirable that gentlemen should be in such a position. He must say, "He who is not for us is against us." and that those who had no political opinions ought not to be in a situation where they would be required to express them, (hear, hear,) even if their tardy judgment kept them in an undecided position in the House. As to the motion, he had no apprehension that ministers would go out or others come in on such a question as this. He was utterly indifferent in dealing with this question, and only desired to dispose of it on the soundest grounds. He cared not one farthing whether he sat on that side or the other (cheers), for being

originally from the Government side of the House, he was prepared to give to his friends on that side every possible support, and he would do so as cheerfully as he would support a measure from that (the Opposition) side. He had the less hesitation in speaking thus freely, for he did not suppose for a moment that the Government, even if beaten, would go out on a point of upholstery. (Cheers and laughter.)

Mr. C. CAMPBELL was surprised to see how much importance was attached to the fact of their sitting in one place. One would almost fancy that it was merely by the act of sitting that legislation was carried on—a sort of incubation (Laughter.) They were told by one hon. member that the real object of this motion was to extract a general vote of confidence or want of confidence in the Government—further that sitting on the Ministerial side implied confidence in the Government, and on the other side the want of it. Whether this was the case or not, he would ask whether it was fair that they should have the screw applied to them in this way, like the torture of old, to extract from them a confession which they did not choose to give? He put it to the House whether this was consistent with that liberality of sentiment which hon. members had that day expressed? He must oppose the motion.

Mr. RUTLEDGE said that, having heard Mr. Michie express his sentiments, he must congratulate the House and the country on the remarkable change which had taken place in them. The hon. gentleman seemed to have changed his side and his tactics since they had met in the last Council. His (Mr. Rutledge's) own position behind the Government did not indicate an uncompromising support of them in any case, and so far his sentiments remained unchanged. (Laughter.)

Mr. ASPINALL said that the hon. gentleman who last spoke seemed to be surprised at the change which had taken place in Mr. Michie's sentiments; but the hon. member for Melbourne had only taken the right side while he (Mr. Rutledge) remained on the other. He was surprised, therefore, that he should, having a glass-house, have thrown that stone. If, however, a remarkable instance of change of opinion were wanted it would be found in the case of the hon. member for Williamstown, who could not make up his mind but was waiting for the policy of the Government. He could not take up his position as a reckless opposition man to a Government whose policy he did not know. He had got the policy, and where was he sitting then? (Laughter.) From the account given by it's occupant the cross benches seemed to have been stumbled into, like many other Government measures, and the hon. member who devised them said that his colleagues did not know that they were to be there.

Captain PASLEY: I said that I believed that my colleagues had not seen the plans.

Mr. ASPINALL: They had not seen the plans, but were prepared to support them. Why the Opposition should object to the cross-benches, did not appear to be known. They were, perhaps, for the benefit of those gentlemen who, having changed their opinions, did not like to face their constituents in the gallery. (A laugh.) No doubt it was convenient for the Government to reckon on the amount of support it could receive, and he now remarked on the cross benches the hon. member for North Grenville (Mr. Lalor)—whose price, some time ago, the Government estimated at £400, but which they had since increased to a far larger amount. (Hear)

Mr. LALOR: It is quite by accident that I am sitting here.

Mr. ASPINALL: Those benches seemed to afford facilities for a vast number of accidents—there was a vast accident going on in that place. (Laughter.) Another hon. member spoke about the stress laid upon their sitting there, and asked if Legislation was carried out by the process of incubation. The hon. member seemed to forget that when, unfortunately, the "sitting" was changed, too often a melancholy addling was the result. (Great laughter.) If the House, however, was to hatch anything good, they must first ascertain in which seat confidence was to be placed As to the question of conscience of young members on the cross seats—they were waiting for the policy of the Government—they had had it, and still remained in the same position. The word conscience did not accurately describe such a proceeding, and there was no Parliamentary word that did so. The question was merely one between the consciences of these gentlemen and the practice of the British Parliament which must have been defective for centuries if they were right, and he hoped the House in deciding on this motion, would make the distinction which this case needed.

After a few words in reply from Mr. Sargood,

The House divided, when there appeared,
For the motion, 23. Against it, 31.
Majority against the motion, 8.
The motion was therefore lost.

RAILWAYS.

Mr. BROOKE moved the following resolution:—

That considering the vast importance to the interests of the colony of the subject of internal communication, this House is of opinion that the Government should place on the Table, without delay, full information with respect to the Railways either already undertaken or about to be undertaken by them, detailing—

1st. The legal authority or authorities (if any) under which they have acted.

2nd. The appointments that have been made, and the reasons for making them; the previous experience of such officers, their salaries, and the hours of duty of each officer respectively.

3rd. Plans, sections, and estimates of the proposed works, routes of the trial and actual lines, with the reasons that have influenced the Government in making their selection.

4th. The several specifications and copies of all tenders that have been made, contracts entered into, and liabilities, either present or prospective, that have been incurred, together with copies of all correspondence connected therewith, and generally any information having relation to the subject of this motion.

The hon. member said that in making this motion, he did not intend to pledge the House or himself to the expression of any opinion upon the course taken by Government in regard to the Railway question. Public attention had been long rivetted on this subject, and great anxiety was felt that a good, if not a perfect system, should be adopted. Few hon. members, however, would be inclined to enter at that time into a discussion of the general question, nor was he, Mr. Brooke, disposed to do so on this occasion, but he wished to state shortly his reasons for putting this motion on the paper. The first point on which he sought information was as to the legal authority on which the Government had acted. He could not but feel that railway legislation in Victoria was at present in an imperfect and unsatisfactory state. The only question that had been decided by the Legislature was the question of gauge. That had been decided to be five feet three inches, in order to agree with that adopted in New South Wales, and in this colony, that guage had been abided by, although it had not been adhered to in New South Wales. This was the only question that was settled: all the rest was chaos. He presumed the Government had proceeded in the powers conveyed in the Melbourne and Mount Alexander Railway Company's Bill. But if he read that Bill aright, a very important omission had been made. According to a strict construction of the Bill, the directors were not in a position to stir in the matter. By implication, it might be said, they were entitled to proceed, and possibly they were. But at any rate the Government would have been rather warranted in pausing in the matter, instead of entering into new contracts without any legal authority whatever. With the Government that now existed he was not astonished that they had in this, as in almost all things in which they had taken action, shown a contemptuous disregard of the law. Nor had he expected that the magnitude of the interests involved would have restrained them, because they had always set themselves above the law. He expected that the course which they would adopt would be, after doing as they pleased, to come down to this House and ask the sanction of hon. members to their acts. He owned he was a stickler for constitutional principle, and he considered that no Government was warranted in undertaking works of this character or magnitude, without first asking the consent of the House. In not having called the House together, introduced their measure, and obtained legislative sanction thereto, the Government had taken upon themselves a responsibility beyond the law, and if this principle were to be encouraged he was at a loss to know where they were to stop. They would be adopting a system of despotism clothed with the forms of constitutional Government. He could not but feel that himself and the other hon. members would be wasting their time in attending the House if the Government were to be permitted to take action first and consult the House afterwards; and he must insist that a different principle be adopted for the future. The House would now see why he called upon the Government to state upon what authority they had proceeded? He came now to the subject of the appointments that had been made. He had been led to believe that a popular system of financial and departmental reform was about to be adopted, when he observed an advertisement inviting applications from gentlemen qualified to fill the office of secretary. He was, he confessed, somewhat astonished to find that course taken, though he thought it a very proper course for the Government to take, to free themselves from the claim of consanguinity or marriage, or from those claims which arose from the circumstance of place seekers having come from a particular part of the United Kingdom. Thirty-nine gentlemen offered themselves for the office of Secretary; but they might have saved themselves the trouble and expense, the appointment having been, he believed, a foregone conclusion, and in fact the price of a venal vote in the last session of the House. He expected this would be denied, for no body of gentlemen could afford to admit it. He now came to the appointment of the Chief Engineer — an appointment of great importance. The department had been intrusted to two gentlemen belonging to the Royal Engineers, who, doubtless, may have passed their professional examinations well or creditably, but who however well acquainted with Vauban and the science of military engineering, were not familiar with the construction of railroads. This was, he believed, an error, as the two gentlemen referred to were not bound to have any knowledge of the subject; but, at any rate, the Chief Engineer should have been selected from amongst those who had had a long experience on the subject. Mr. Darbyshire had been appointed, and he (Mr. Brooke) felt at a loss to know on what ground this appointment had been made. The Government had no right to confer an appointment upon such grounds as because the appointee happened to be personally known to the heads of the department, nor for any reason other than from his general competence to conduct such works as would be undertaken. He should allude to one other appointment, and felt some degree of pain in doing so. Some months ago an insurrection took place in this colony, in which some blood was spilt and some lives were lost. Moreover a price was upon the head of more than one fugitive. The Government of that time strained every nerve to get a conviction of a number of persons implicated in this affair, but did not succeed. They also failed in arresting the person of the gentleman to whom he referred, as the latter was not to be had at that time. Soon afterwards this gentleman had the honor to be returned as member for a popular constituency; and he came down to the House of Legislaure to express the wishes of his constituents, and to oppose that Government in the senate which he had fought

against in the field. A general election followed, and a new House assembled. And what a change was there! The same hon member was seen sitting side by side with those very Ministers. He (Mr. Brooke) could not believe that the Ministers had gone over to Mr. Lalor, and therefore he must take it that Mr. Lalor had gone over to them. (A laugh.) He congratulated the "happy family" on the other side on their acquisition. He must also censure the minute of Government, stating that it was expected that all officials must vote with them through thick and thin. This minute would be of course obeyed only by those who would rather part with their consciences than their places. He deprecated the principle of making Government officers mere slaves; and condemned it as an introduction of one of the worst features of the American system. The hon. member referred to the plans exhibited by the Government on the walls of the old House; and referring to the fact of the appointment of a select committee, wished to know why no evidence was called before that committee. That was not the course that the House ought to have taken. Professional evidence of the highest attainable character ought to have been taken, as to whether improvements could not have been made. Railway legislation had brought out opinions widely various, and it was all-important to obtain the advice of the best professional men. He (Mr. Brooke) thought they would not be justified in proceeding on the expensive English system, but would rather adopt some of the features of the American system, which involved a much smaller outlay. He knew that the Americans had a large labor fund, and that we were very differently placed, with a very small population, and labor very scarce. Whether railways in Victoria were to cost £30,000 [redacted] £15,000 per mile was a question which should come before the House, and which would require very very serious consideration. Again, they had no means of knowing to what extent the Government had made engagements. If the present motion were carried the House and the public would possess this information. He would here say one word about contracts. By a clause in the Constitution Act, public contractors were prohibited from sitting in that House. One honourable gentleman whose name was advertised as a public contractor, and of whose ceasing to be a contractor he (Mr. Brooke) had no knowledge, was now—

Mr. SNODGRASS. Name!

Mr. BROOKE referred to the hon. member for the Wimmera. (It was understood that the hon. member referred to Mr. Hammill.) He must say he was curious to know what arrangements had been made to enable that hon. member to take his seat; and he asked the Government for the information. The House had a right to ask to have the point cleared up. He had said enough in reference to the subject to justify himself in placing this motion on the paper. He was anxious to see a good railway system perfected and persevered with. He would act on the advice contained in a couplet addressed by the well-known Colonel Crockett to his son—

I leave this to you as a legacy, when I am dead,
First be sure that you are right, and then go ahead.

(A laugh.) The information he asked for must be before the House before they would be in a position to consider what they should do. (Hear.)

Captain CLARKE said it was not his intention to follow the hon. member through the various topics he had touched upon. The greater part of the information asked for by the hon. member was now in course of preparation, and nearly the whole was now in the printer's hands. He might regret that the department had not the confidence of the hon. member, but he believed that the appointments made would have the confidence of the country. He would not follow the hon. member, who had proceeded on conjecture and not on evidence, nor on fact, to prejudge the case; nor would he (Captain Clarke) at the present time attempt to show how erroneous were the impressions which the honourable member had attempted to convey. If in the report which was in course of preparation any information which was required were not contained, he (Captain Clarke) would be happy to give it. But had not the report been already prepared, he should have asked the House to refuse the motion. It was his intention next week to take action in the matter.

Mr. GOODMAN said that as the Surveyor-General had promised to give the information required, the purpose of the hon. member would be answered, and he should suggest that the motion be withdrawn.

This suggestion was not adopted, and Mr. Brooke's motion was carried.

POST OFFICE RECEIVING-BOXES.

Mr. DUFFY said that as the motion on this subject which he had placed on the notice-paper could only be made in a committee of the whole House, and, as no Chairman of Committees was yet appointed, he must postpone his motion for a week.

Motion postponed accordingly.

THE CHINESE PETITION.

Mr. BROOKE, in the absence of Mr. Grant, moved that the petition of the Chinese storekeepers and miners of Bendigo presented on Thursday be printed.

Dr. GREEVES said it was contrary to precedent to print a petition unless it was intended to found a motion upon it.

Mr. BROOKE was not able to answer for the intentions of the honourable member, Mr Grant, and he should therefore, by leave of the House, postpone the motion to Tuesday next.

Postponed accordingly.

SELECT COMMITTEES.

Mr. HAINES then moved—

That until standing orders be adopted by this House, five be a quorum in all it's select committees.

This having been carried.

The House adjourned at a quarter to five o'clock.

The following is the division list on Mr Campbell's motion to commence the proceedings with prayer:—

Ayes, 24.	Noes, 26.
Mr. Sladen	Dr. Owens
C. Campbell	Mr. Blair
Stawell	Hughes
Fellows	Duffy
M'Culloch	Haines
Moore	O'Brien
Dr. Embling	Phelan
Mr. D. S. Campbell	Brooke
Adamson	Capt. Clarke
Foster	Mr. Harker
Rutledge	Read
Syme	Dr. Greeves
J. B. Were	Mr. Lalor
King	Wills
Hammill	Davis
Palmer	M'Dougall
Baragwanath	Sargood
Johnson	Humffray
Anderson	Pyke
Henty	Cameron
Myles	O'Shanassy
Rutherford	Dr. Evans
Childers	Mr. Aspinall
Pasley (teller).	Smith
	Snodgrass
	Horne (teller).

Majority against the motion—2.

The following is the division on Mr. Sargood's motion in reference to the cross benches:—

Ayes, 23.	Noes, 31.
Mr. Duffy	Capt. Pasley
Dr. Greeves	Mr. Smith
Mr. Palmer	Childers
O'Shanassy	Stawell
Michie	Capt. Anderson
Harker	Mr. Sladen
C. Read	Foster
Hughes	Moore
Pyke	J. B. Were
Aspinall	Fellows
Syme	Campbell
Phelan	Dr. Embling
Myles	Capt. Clarke
Humffray	Mr. Rutherford
Fyfe	Rutledge
Brooke	Hammill
Sargood	M'Culloch
Dr. Evans	Wills
Mr. Horne	Davis
Dr. Owens	Johnson
Mr. Blair	Baragwanath
O'Brien } tellers.	Beaver
Snodgrass }	Lalor
	M'Dougall
	C. Campbell
	Henty
	King
	Griffith
	Adamson
	Haines } tellers.
	Goodman }

Majority against the motion—8.

SEVENTH DAY—TUESDAY, DECEMBER, 2, 1856.

LEGISLATIVE ASSEMBLY.

The Speaker took the Chair at ten minutes past 4 o'clock.

HORSE-STEALING.

Mr. LALOR gave notice that, on Tuesday next, he should move for leave to bring in a Bill for the better prevention of the crime of horse-stealing.

PARLIAMENTARY PAPERS.

Mr. HAINES, by command of his Excellency General Macarthur, laid upon the table of the House a Despatch of her Majesty's Secretary of State for the Colonies in reference to the Influx of Criminals; a Letter from the Hon. Secretary to the Royal Commissioners acknowledging the Contribution of Victoria to the Patriotic Fund; the Local Regulations recently passed at Castlemaine, Creswick, Ballaarat, Ballan, Beechworth, Sandhurst, Yackandandah, and other places; also certain Rules of the Supreme Court, and the Yearly Report of the Melbourne University. Also the annual return of the expenditure of the Melbourne Corporation and of FitzRoy Ward, ending the 31st August, 1856, and lastly a return of the societies registered during the past year, according to the provisions of the Friendly Societies Act. He moved that they be printed.

Agreed to.

SEWERAGE AND WATER COMMISSION.

Captain PASLEY, by command of his Excellency, laid on the table the annual report of the Sewerage and Water Commission.

Mr. FOSTER gave notice that on Friday he should move for a return of the correspondence between the Commissioners of Public Works and the Municipal body of Williamstown, in reference to the supply of water to that place.

THE LIBRARY COMMITTEE.

Mr. HAINES gave notice that on the following day he should move—

That the Library Committee consist of the Speaker, Mr. Childers, Dr. Evans, Mr. Greeves, Mr. Griffith, Mr. Michie, and the mover.

GIPPS LAND.

Mr. KING gave notice that on the following day he should ask the Commissioner of Public Works, whether any provision had been made for communication with Gipps Land by a tramroad.

PENTRIDGE.

Mr. O'SHANASSY presented a petition from a Government *employé* at Pentridge, praying for an inquiry into the circumstances under which he had been removed from his office, and moved that it be received.

Agreed to.