The bill was then committed *pro forma*, leave being given for the further consideration of the measure in committee on Friday.

TAX ON BANK NOTES BILL.

Mr. MOLLISON moved—

"That the petition from the representatives of the several banking companies in Victoria be taken into consideration, and that the petitioners be heard by their counsel at the bar of the House."

Mr. COHEN seconded the motion.

Mr. FRAZER moved the adjournment of the discussion until the following evening.

Mr. ORKNEY seconded the amendment.

Mr. HAINES said the Government had no intention to oppose the motion, and thought there was no necessity for postponing its consideration.

After observations from Mr. FRANCIS and Mr. ORKNEY, the amendment was rejected, and the motion was also negatived without a division.

The remaining business was postponed, and the House adjourned at twenty-two minutes past four o'clock, until Thursday at four p.m.

PAIRS.—Land Bill: Mr. Levi and Mr Grant; Mr. Jones and Mr. Verdon; Mr. Pyke and Mr. Sullivan; Mr. Lalor and Mr. J. T. Smith.

FORTY-SEVENTH DAY—THURSDAY, FEBRUARY 6, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty minutes past four o'clock.

NOTICES OF QUESTIONS.

Mr. SINCLAIR gave notice that he would, on Tuesday next, ask the Postmaster-General whether he would have any objection to lay on the table returns showing the number of hours the *employés* of the Post-office were at work in excess of those in the other departments?

Mr. WRIGHT gave notice that to-morrow he would ask the Commissioner of Public Works whether the lowest tender had been accepted for the supply of coal, in connection with the Victorian Railways?

Mr. NIXON gave notice that he would, on Wednesday next, ask the Chief Secretary on what principle, and by whom, the Estimates for the harbour department had been framed?

NOTICES OF MOTION.

Mr. L. L. SMITH gave notice that he would move, whilst the House was in committee on the Land Bill, that in the opinion of the House Philip Island should be included in the 10,000,000 acres to be surveyed under the new Land Bill.

Mr. KYTE gave notice that, on Thursday next, he would move for a select committee to inquire into the propriety of forming a central terminus for the Victorian Railways on the site of the old Cattle Market, and of forming a branch line from the central terminus to the North Melbourne station.

Mr. M'LELLAN gave notice that he would, on Thursday next, move:—"That, considering that mining was the largest and most stable interest in the colony, and that its exports were annually £10,000,000, it was undesirable that it should be without a responsible head; that the Ministry should be required to place a responsible Minister at the head of the Mining Department; that the House question the wisdom of the policy of any Ministry dividing the duties of that department over several other departments; and that the House was further of opinion that the unsatisfactory laws for the goldfields were attributable to the absence of a Minister, whose duty it would be to initiate laws for the better management of the goldfields."

PRINTING COMMITTEE.

Mr. M'LELLAN brought up the twelfth report of this committee, which was laid upon the table.

RETURNS.

The SPEAKER laid upon the table a return, received from the hon. the Treasurer, of all arms in the colony.

NATIONAL SCHOOL TEACHERS.

Mr. SERVICE asked the hon. the Chief Secretary whether the Government, in consideration of the desirability of relieving the National School teachers from the anxious and disheartening position in which they have been placed by the recent circular issued by the National Board, would fix an early day for the consideration of the vote for educational purposes?

Mr. O'SHANASSY had to say, in answer, that they would require not merely to make investigations as regarded the National School teachers, but also as regarded the Denominational teachers, the number of whom amounted last year to 865. It would be necessary to have full information as to the working of both boards, and when that had been obtained, there would be no objection to consider the subject.

Mr. SERVICE asked whether the delay in getting in returns had been the fault of the National or Denominational teachers?

Mr. O'SHANASSY replied that any delay which had taken place had been on the part of the former.

PETITION.

The SPEAKER called the attention of the hon. member for South Grenville (Mr. O'Connor) to the fact that a petition presented by him the other day had not been signed by the petitioner.

The order of the day for laying the petition on the table was discharged.

HOLDERS OF OCCUPATION LICENCES.

Mr. HEALES rose to ask the President of Lands and Survey whether he would lay on the table the names of the pastoral tenants of the Crown, as far as he was aware, who had commenced proceedings against the holders of occupation licences.

Mr. DUFFY would have no objection to do so, and he would give him the names now, so far as they had come under his notice. But he would point out that the only way way in which he could become acquainted with such cases was when complaints were made to the Government. He was aware, however, of the case of Mr. Calvert, who had commenced proceedings against a number of persons. There was also the case of Mr. Turnbull, in which he had seen the warrants, and he believed that the Messrs. Henty had threatened to commence proceedings against the holders of certain allotments under these licences.

Mr. O'CONNOR asked whether the Government would do all in their power to protect the holders of such licences?

Mr. DUFFY said it was the desire of the Government to do so, if any mode compatible with law could be pointed out; but the Government were not aware that they could better protect these persons than by speedily passing the Land Bill.

SCHOOLS.

Mr. O'SHANASSY said the hon. member for Maldon had asked him a question in relation to the grant in aid of schools, and he would lay on the table a return which would answer the question. He might state, however, that the sum asked by the National Board was upwards of £47,600, while the Denominational asked for £105,000.

CASE OF GEORGE BARKER HINE.

Mr. HOUSTON desired, with the leave of the House, to make a motion. His hon. colleague in the representation of Crowlands had obtained the appointment of a committee to inquire into the case of William Hines. A mistake had been made in the name, however, and he now begged to move that that motion be rescinded, and that the committee be appointed to inquire into the case of George Barker Hine.

Mr. LOADER said there was a large principle involved in the motion, and he would call attention to the fact, that if this motion was to be granted, there might be many such claims made by squatters for compensation. He did not wish to raise the question as to whether compensation should be paid in such cases, but he thought the House ought to be careful in dealing with a matter of this kind.

Mr. SERVICE thought the hon. member mistook the nature of the motion. This committee had been already granted, and the matter had merely lapsed through an informality; and as it was simply a formal change that was asked for, the motion ought to be agreed to. He would discuss the principle at the proper time, and that was when the report of the committee came up.

Mr. SNODGRASS was of opinion that the present was the proper time to discuss the principle. The motion only brought forward a particular case, and if the committee were to be appointed, they ought to investigate all claims of the same nature. He would move that the words "all other claims" be inserted in the motion.

Mr. LALOR seconded the amendment.

The SPEAKER pointed out that the motion could only be made with the leave of the House, since it was submitted without notice.

Mr. M'LELLAN would object to sit upon the committee if the amendment was carried, because he would be gray in the head before the labours sought to be imposed on the committee could be finished. He did not think it was at all generous to oppose the motion at that time, seeing that a motion for the appointment of a committee had been previously agreed to.

Mr. ANDERSON did not see why the amendment should be objected to, since the principle of the motion was merely extended by it. But should the amendment be forced, it was his intention to vote both against it and the motion. If such subjects deserved to be investigated at all, it should be done to a much greater extent than was proposed in the motion; but, if they were to do so, the entire revenue from the territory would be expended in dealing with these cases. The only compensation which could be given, in his opinion, was a reduction of the rental in cases where portions of a run had been taken up for other purposes.

Mr. GRAY did not remember the appointment of the committee; but, under any circumstances, such committees should not be appointed unless good cases were made out for their appointment.

Mr. HOUSTON regretted that the motion should be now opposed, and especially since the committee had been previously appointed, because it had originally been brought forward by his colleague at the request of the miners of the district. The person in question was a small squatter, and had occupied his run, Red Bank, for about fourteen years, and he had never had more than 3,000 sheep upon it. When the run was taken up by miners he was compelled to sell his stock to his next neighbour, at a season when he could not obtain more than a third of its value. There were peculiar hardships in the case; and he trusted the motion would be agreed to.

Mr. K. E. BRODRIBB considered the hon. member entitled to get the committee. The two hon. members for the district were well aware of the facts; and from the case they had put before the House, he did not see that the motion should be at all opposed.

Mr. LALOR, although the seconder of the amendment, did not desire to oppose the motion; but, as there was a great principle involved, he did not see what objection there could be to the insertion of the words, "all other claims."

Mr. O'SHANASSY said there had previously been a somewhat similar case before the House, when a committee was appointed, he thought on the motion of the hon. member for Dalhousie. He did not think that there was any necessity for considering the principle at all in the matter. The hon. member (Mr. Houston) had made out a case for the appointment of a committee, and as there was no necessity for raising the general question, the motion ought to be assented to.

Mr. HEALES would point out that the hon. member for Dalhousie's amendment was not in accordance with Parliamentary practice, and the hon. member had made out no case at all for the amendment. He thought the committee must have been appointed at a time when no legislation should take place—namely, after eleven o'clock—since no one seemed to remember it; but, as it

had been appointed, he would support the motion.

Mr. HEDLEY could bring forward a similar case to that mentioned by the hon. member (Mr. Houston). It was that of the occupant of a run the whole of which had been proclaimed a farmers' common shortly after he had completed fencing it in. The run had been worth about £400 or £500 a-year to him.

Mr. MOLLISON hoped the hon. member for Dalhousie would withdraw his amendment. All that was asked for was a formal amendment of a motion which had been already agreed to, and it would be unfair to press such an amendment. He, at all events, would vote against it, and support the motion.

The amendment was then put and negatived, and the motion agreed to.

LINES OF ROAD NEAR CARLSRUHE.

Mr. SNODGRASS moved—

"That a select committee be appointed to inquire into, and report upon, what grounds lines of road necessarily required for public purposes have been refused upon application to the Board of Land and Works, and specially to report upon applications for roads through Anderson's pre-emptive right, Moranding, and police reserve, Carlsrhue; such committee to consist of Mr. Hedley, Mr. A. J. Smith, Mr. Tucker, Mr. Frazer, Mr. Anderson, and the mover, three to form a quorum; with power to call for persons and papers."

The hon. member supported his motion by a number of remarks, which could not be heard in the gallery.

Mr. HEDLEY seconded the motion.

Dr. EVANS said the Government did not intend to oppose the motion, although he had received from the head of the department a memorandum which gave a sufficiently conclusive answer to the allegations involved. He suggested the omission of the words "necessarily required for public purposes," because he was not aware of any lines of road required for public purposes being refused. He also recommended the addition to the committee of the names of Mr. Mollison and Mr. Service.

Mr. SNODGRASS expressed his willingness to accept the suggestions of the Postmaster-General.

Mr. EDWARDS observed that the member for Dalhousie was invariably inaudible on the Opposition side of the House, and, in consequence, he (Mr. Edwards) knew nothing of the merits of the present question.

Mr. SNODGRASS.—Excuse me interrupting, but I cannot hear one single word that the hon. member says. (Laughter.)

Mr. EDWARDS recommended the hon. member to come over to his (Mr. Edwards') side of the House. (Laughter.) He merely rose to say that the principle upon which committees ought to be selected was that of representing all sides of the House. Of the six gentlemen named by the hon. mover, five sat on the Ministerial side of the House, and only one on the Opposition side.

Mr. SNODGRASS proposed the addition of the names of Messrs. Weeks, J. Davies, and Sinclair.

The motion, as altered, was then agreed to.

A VICTORIAN MINT.

Mr. PYKE shortly stated the circumstances of the case, and moved—

"That the address contained in the report of the select committee appointed to prepare an address to Her Majesty, praying for the establishment of a branch of the Royal Mint in Melbourne, be agreed to by this House."

Mr. A. J. SMITH seconded the motion, which was agreed to without opposition; and a message was ordered to be sent to the Legislative Council, praying their concurrence in the address.

PARLIAMENTARY PAPERS AND MECHANICS INSTITUTES.

Mr. NIXON moved—

"That the question as to the expediency of supplying all mechanics' institutes and reading-rooms in this colony with copies of the votes and proceedings of this House, the *Government Gazette*, and the Prize Essays, just issued, be referred to the Library Committee."

Mr. HOUSTON seconded the motion, which was agreed to without comment.

SIMPLIFICATION OF REAL PROPERTY LAW.

Mr. SERVICE moved—

"That this House will, to-morrow, resolve itself into a committee of the whole for the purpose of considering the following resolutions:—'That, in order to provide for the better carrying out the purposes of a bill to simplify the laws relating to the transfer and encumbrance of freehold and other interests in land, an appropriation be made from the consolidated revenue for a sufficient salary for each of two solicitors. That an appropriation be made from the consolidated revenue for a fund to compensate persons injured by erroneous registration. That the collection of the necessary fees, under the provisions of the above-mentioned bill, be authorised. That an address be presented to His Excellency the Governor, requesting him to recommend an appropriation of the consolidated revenue for carrying out the above resolutions.'"

It might be urged, he observed, that the bringing forward of a resolution of this character by a layman savoured somewhat of presumption; and he admitted that, but for the special circumstances under which he proposed to deal with the question, the opinion would be well-founded. What he wanted to do was simply to introduce, and to pass through the House if possible, the measure now in operation in South Australia, which was originally brought before the Parliament of that colony, and subsequently amended, under the direction of Mr. Torrens. In saying this, he thought he had said enough to show that he, as a layman, might undertake the task now proposed without manifesting any great degree of presumption. The Torrens Real Property Act had been in force in South Australia for about three years. It had lately been introduced into Queensland, and within the last week had become law in Tasmania; and from the disposition shown in this colony last year, both by members of the House and by people out of doors, to welcome the introduction of the Torrens measure, he ventured to say that there would be no difficulty in carrying it through the Legislature. The bill which he proposed

to introduce was the South Australian Act, with the latest improvements, as recommended by the South Australian Commission. That commission included both the present Chief Justice and the late Chief Justice of South Australia; and the commissioners, in their report, after going into detail with regard to the main features of the bill, alluded to the system of registration as appearing to be clear and complete; and to the machinery generally as original and unique. The measure had thus commended itself to the highest legal dignitaries of the sister colony, after an experience of three or four years, in the face of an unheard-of opposition—the opposition of the great proportion of the profession interested in maintaining things as they were. (Hear, hear.) He was happy to say that, in bringing forward the measure, he should have the assistance of several legal members—gentlemen who would not only vote for and support the bill, but who would also give their assistance in adapting it to this colony. In conclusion, he begged to appeal to hon. members on all sides of the House to give their assistance in passing the measure, by attending punctually every Thursday night—the only night in the week on which there would be an opportunity of dealing with the question.

Mr. EDWARDS seconded the motion; and called attention to the fact that the present Government, unlike their predecessors, did not make this a feature in their political programme. He had been looking over the speeches delivered by hon. members during the last election, and he was glad to be able to congratulate the mover of the resolution upon the fact that there was an absolute majority of the House in favour of this question.

Mr. SULLIVAN looked upon the measure as a most useful one; but thought this was not the best way of attaining the object desired. He considered it the duty of the Government to prepare a measure of a comprehensive character, and submit it to the House.

Mr. GRAY thought that the bill might be safely introduced into the House by a lay member, because it had already gone through an ordeal quite equal to that which any real property, insolvency, or other complicated legal measure was subjected to before it passed the House of Commons; and, in fact, it had gone through an ordeal in England, and had received the approval of the present Lord Chancellor and the late Solicitor-General. Its principle had been in operation for three years in South Australia, and had been pronounced by the heads of the legal profession there, as well as by the general community, as satisfactory and perfect as it was possible to be.

Mr. O'SHANASSY had intended to let the resolutions pass without remark, but as a member of the late Government had said that it was the duty of the Government to introduce a measure to amend the laws relating to the transfer of real property, he felt bound to make a few observations. On the 14th of January, when the House met, he distinctly stated that after the land question and one or two other questions of more pressing importance were settled, it was the intention of the Government to bring in a measure of this kind. He did not mean that they would adopt Mr. Torrens's bill in its entirety, but they felt that further legislation on the transfer of real property was necessary, and that it was the primary duty of the Government to deal with the matter. The number of bills of one description and another which the Government had introduced since the House met, was equal to about one per day, so that they had not been idle in the matter of legislation. As to the propriety of amending the law relating to the transfer of real property, there could not be two opinions. Every member of the House who had had anything to do with the transfer of real property, knew that the cost of titles, the cost of mortgages, the releasing of mortgages, and, in fact, every legal process, was so expensive and oppressive, that further legislation was required. The experiment, however, which had been made in that direction in South Australia was, after all, but an experiment, and of which that House would, of course, have the benefit. Torrens' Act had been improved since the practical operation of the first measure had been observed, but still the law was by no means perfect. The law with regard to the mere registration of titles was, perhaps, as perfect as it could be made; but it was very desirable that provision should be made for the transmission of landed property, without involving all the parties interested in it in expensive law suits. To effect this, and to make a complete and cheap transfer of property, were two of the primary objects to which the efforts of legislation ought to be directed. One of the main defects which at present existed was the difficulty of tracing the boundaries of land; and he should like to know how far this had been remedied in South Australia by the labours of the late commission. As he had already said, the members of the House would all agree as to the desirableness of providing for the cheaper transfer of property, combined with perfect security; but there might be differences of opinion as to how these objects should be accomplished. On behalf of himself and his colleagues, he had a right to say that they had not overlooked the importance of the subject, and that they intended to bring forward a measure upon it. It had, however, been taken out of their hands by the member for Ripon and Hampden; but he (Mr. O'Shanassy) did not object to a private members' night being set apart for the discussion of the bill. He had consulted the Minister of Justice, and he believed that neither he nor the Attorney-General would do anything more than assist the hon. member in carrying out the measure.

Mr. IRELAND concurred in the opinions which had been expressed as to the importance of simplifying and cheapening the law with regard to the transfer of real property. The House would remember that he had on a former occasion introduced a measure for that purpose. He had read the reports of various committees of the House of Commons on the subject, and had also had a personal interview with Mr. Torrens, the author of the act in operation in South Australia. He found that the subject was one of great difficulty, and that it was a most serious task for a man to undertake to deal with the law relating to landed property. Though a commission in South Australia (he believed the third one which had been appointed) had made a favourable report as to the success of the act in operation in that colony,

there had been no really practical proofs given of the result of the working of that measure. He would not be a party to passing a bill simply because it had been in operation in an adjoining colony; but he preferred to gather information from the fountain head, and he found that all the committees of the House of Commons, and all the commissions in England which had sat upon the question, recommended, as one fundamental principle, that survey should be the basis of registration. This *desideratum* had not yet been obtained in England; and he was not aware whether, by the recent changes in the law in South Australia, it had been effected in that colony. Perhaps the hon. member (Mr. Service) would inform him whether this was the case or not? No recommendations from colonial commissions, or from individuals, could change his mind as to the necessity of this principle being acted upon; and, however much he might respect colonial authorities, he must concur with the opinions of British legislators—gentlemen who had had large experience in connection with real property for many years.

Mr. GRAY said that Mr. Torrens did not attempt to give an indefeasible title as regarded the boundaries in his earlier bill, but in his later bill he adopted the principle of survey, and it gave an indefeasible title with regard to survey.

Mr. IRELAND said that was not the point. He wished to know whether the system in operation in South Australia took survey as the basis of registration.

Mr. GRAY replied, that the Legislature of South Australia had not adopted the recommendation of the English commissions.

Mr. IRELAND maintained that that recommendation ought to be a fundamental part of any bill adopted by the Victorian Legislature. He also desired to know if any alteration had been made in South Australia with regard to compulsory litigation. Under the act, as it formerly existed, the principle adopted was like that of the Irishman, who called upon any man to tread upon his coat-tail—(laughter)—for it was necessary before any person could register his land, that he should publish an advertisement for a period of time varying from a few weeks or months to three years, calling upon any person who claimed any portion of the property to enter a *caveat* against its being put on the register.

Mr. SERVICE.—That is not the case now.

Mr. IRELAND wished to know if it had been changed?

Mr. SERVICE replied that it was not required under the present system; if it ever had been so, then of course the law must have been changed.

Mr. IRELAND wanted more specific information on this point than the member for Ripon and Hampden appeared to be able to give him. He also wanted to know if the right of appeal to the Privy Council was taken away by this bill, and whether the decision of a lay tribunal was to be conclusive as to title. He did not claim any originality with regard to the measure which he had introduced as to real property, but it was compiled after careful reading and study of the principles and recommendations of the home authorities; and he must have some new light thrown upon the principles of the bill now proposed to be introduced, before he could altogether hand himself over to the tender mercies of the hon. gentleman by whom it was to be brought forward. (Laughter.) The hon. member proceeded to read the opinions of Sir Hugh Cairns and Mr. Charles Thrupp on the Torrens Bill, and said he could not support a bill which departed from constitutional principles. He had not the slightest objection to the hon. member (Mr. Service) occupying the time of the House on Thursday nights, in discussing the clauses of the bill, but if he supposed that the law relating to real property could be dealt with without any difficulty, he was very much mistaken. A measure of this description, dealing with ancient rights, old feudal laws, and questions of law reforms, was one for lawyers to take up, and it was utterly impossible for lay members of the House to deal with it. At the same time, he had no wish to interfere with the hon. gentleman's innocent amusement, but he would find that it would not be so easy to pass a measure for amending the law of real property as he imagined. A measure of this importance ought not to be made a party question, and it ought not to be taken out of the hands of the Government without some better reason being given for such a course than that there was an act in operation in South Australia on the subject

Mr. SERVICE thought the Hon. Attorney-General did not understand that he (Mr. Service) had said that, as he did not anticipate any opposition to the introduction of the measure, he would reserve his speech until the second reading of the bill. He had, before bringing forward this question, distinctly asked the Attorney-General if there was any probability of the Government introducing a measure to amend the law relating to real property, and the hon. and learned gentleman stated that, from the pressure of business before the Government, there was no probability of the question being discussed this session.

Mr. IRELAND did not recollect making that statement.

Mr. SERVICE said that it was made in the Chief Secretary's office, some time ago. The Attorney-General had forgot that, though this question was not a political or party one, it was a personal one. The Attorney-General had a pet scheme of his own, and he did not wish any other to come before the House. He (Mr. Service) had asked the forbearance of the House, feeling that it would be presumption for a lay member to deal with the question in a technical manner. He had no intention to deal with it in that form, and he would resist any attempt to cut away the fundamental principles of Mr. Torrens' bill. If the hon. Attorney-General attempted to do so, and indulged in legal technicalities, it would be folly for any lay member to attempt to answer him, and he (Mr. Service) should not do so. He would place the main features of the bill before the House in such a manner as to enable the House to determine whether the measure was a desirable one or not; and he thought no more was necessary. If Mr. Ireland's argument were carried out, no persons but lawyers would be fit to be legislators. (Laughter.) The measure had been in operation three years in South Australia; it had been adopted in Queensland; and it had been adopted last week in Tasmania. He recommended the

lawyers of that House to follow the example of the lawyers of the Legislature of the latter colony, who walked out of the House, and left the lay members to pass the measure. (Laughter.) If the Attorney-General attempted to prevent the passing of the bill by long technical arguments, he would not attempt to answer him. He did not think the learned gentleman could answer his own speech. ("Oh, yes he could;" and laughter.) The House had the experience of the Attorney-General's legal legislation on mining and other matters, and he did not think the hon. and learned gentleman was a very great luminary in practical legislation on law reform. The bill he proposed to bring in had been in operation in South Australia for upwards of three years, and the Chief Justice and ex-Chief Justice of that colony, as well as the principal legal gentlemen, said that its main principles were as complete and perfect as any human system could be. The real question for the House to consider was, would they take their legislation at the instigation of the Attorney-General, who had not shone in that department; or would they adopt the experience of an adjacent colony, where the measure had passed through the strictest ordeal? He trusted that the lay members of the House would support him against the machinations of the Attorney-General.

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

THE ORDERS OF THE DAY.

Mr. SERVICE moved—

"That on Thursday, 13th February, and on every alternate Thursday thereafter during the remainder of the session, the orders of the day shall take precedence of the notices of motion; and that the necessary standing order be suspended, to allow the above motion to be made."

He stated that his motion was in accordance with the rule followed by the House last session.

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

ADJOURNMENT OF THE HOUSE.

On re-assembling after the refreshment hour, there were only nine members present, namely—Mr. Heales, Mr. Sullivan, Mr. Snodgrass, Mr. Hedley, Mr. Berry, Mr. Denovan, Mr. M'Lellan, Mr. L. L. Smith, and Mr. Richardson.

Mr. SNODGRASS called the Speaker's attention to the state of the House, and moved an adjournment until the following day.

Several members objected to the absence of the Government and their supporters, and expressed their belief that the private members were being unfairly treated.

The question was then put and agreed to; and the House adjourned at ten minutes to eight o'clock, until the following day, at four o'clock.

FORTY-EIGHTH DAY—FRIDAY, FEBRUARY 7, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

There not being a quorum of members present, the bell was rung, upon which several of the members sitting on the Opposition side of the House left the chamber.

The usual period having elapsed, the Speaker counted the members present; and finding only seventeen, declared the House adjourned until Tuesday next, at four o'clock.

The following is a list of the members present:—Mr. O'Shannassy, Mr. Haines, Mr. Johnston, Mr. Anderson, Dr. Evans, Mr. Duffy, Mr. Ireland, Mr. Hedley, Mr. Pyke, Mr. Kyte, Mr. Denovan, Mr. M'Lellan, Mr. O'Grady, Mr. Lalor, Mr. M'Donald, Mr. Snodgrass, and Mr. M'Cann.

FORTY-NINTH DAY.—TUESDAY, FEBRUARY 11, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

NOTICES OF MOTIONS.

Mr. DON gave notice that, on Thursday, he would move for leave to bring in a bill for the better security of mechanics and others performing work, or furnishing materials therefor.

Mr. WEEKS gave notice that, on the following day, he would move that the whole of the returns laid on the table of the House by the Chief Secretary, relative to juvenile offenders, be printed.

Mr. WOODS gave notice that, on the following day, he would move that the evidence taken before the select committee appointed last session to inquire into the state of the police force be referred to the committee appointed this session for the same purpose.

Mr. HEDLEY gave notice that, on the following day, he would move that the petition of Patrick Coady, of Gipps Land, lately presented to the House, be referred to a select committee, to consist of Mr. Edwards, Mr. Loader, Mr. Frazer, Mr. Orkney, Mr. B. G. Davies, Mr. M'Donald, and the mover.

Mr. HAINES gave notice that, on the following day, he would move, in committee of supply, that the sum of £250,000 be applied to the service of the year 1862.

Mr. O'CONNOR gave notice that, on the following day, he would move that the memorial of Patrick Regan and John Dunlop be referred to the committee now considering the claims of discoverers of gold-fields.

NOTICES OF QUESTIONS.

Mr. KYTE gave notice that, on Thursday, he would ask the Attorney-General under what authority the recent appointment of Mr. H. S. Chapman to the office of puisne judge was made?

Mr. OWENS gave notice that, on Friday, he would ask the Chief Secretary to state the amount of the sums apportioned to the Police Reward Fund during the last three years, the rules and regulations for the distribution of rewards, and their rewards under the fund during the same period; and, also, whether a balance-sheet of the fund was published in the *Gazette*? Mr. Owens also gave notice that, on the following day, he would ask the President of the Board of Land and Works if he would inform the House by what authority the licences were issued for the pastoral occupation of the waste lands of the Crown for the year 1862?

Mr. LEVEY gave notice that, on the following day, he would ask the Postmaster-General whether his attention had been called to the fact that maps and printed music were not allowed to be transmitted from one portion of the colony to the other under the regulations referring to printed papers; and also, whether it was his intention to bring in a bill to remedy this anomaly, or in any other way to alter the practice of the department?

Mr. M'CANN gave notice that, on the following day, he would ask the Postmaster-General if the district engineer's attention had been called to the necessity which existed for clearing timber from certain portions of the road between Geelong and Steiglitz; if not, if he would cause that officer's attention to be directed to the matter?

Mr. L. L. SMITH gave notice that, on the following day, he would ask the Commissioner of Public Works if he had any objection to lay upon the table of the House a return of all moneys paid from January 1 to December 31, 1861, for the repair of first, second, and third class carriages on the Government lines, distinguishing each separately?

Mr. W. C. SMITH gave notice that, on the following day, he would ask the Minister of Finance if it was the intention of the Government to carry out the proposed amalgamation of the offices of receivers and paymasters with those of postmasters on the principal gold-fields, without further inquiry as to the advisability of such a course?

Mr. VERDON gave notice that, on the following day, he would ask the Postmaster-General if the Government would reduce the rate of postage between Melbourne and Williamstown to that charged between the city and every other metropolitan district? Mr. Verdon also gave notice that, on the following day, he would ask the Commissioner of Public Works if he would state when the railway workshops at the Geelong junction would be proceeded with?

Mr. HUMFFRAY gave notice that, on the following day, he would ask the Minister of Justice whether the Government intended taking the necessary steps to reduce the rent per acre (£5) now charged upon all mining leases prior to the 16th September, 1861, to £2 10s., the amount charged under the new regulations?

Mr. BENNETT gave notice that, on Thursday, he would ask the Commissioner of Public Works a series of questions relative to the number of times the Yan Yean water supply had been cut off, and how many times it had been found necessary to work the machinery at the head of Flinders-street to pump water from the Yarra into the reservoir on the Eastern Hill. Also, as to what purpose the structure in Flinders-street could be applied, in the event of the act to prevent the pollution of the Yarra being repealed; and, in the event of the water of the Yarra being rendered unsuitable for domestic purposes, from what source water would be obtained during any interference with the supply from the Yan Yean? And also, whether the Government would amend the Water and Sewerage Acts, so as to provide compensation for loss and inconvenience which might arise from failure to supply water to citizens and others who were rated for such supply?

Mr. CUMMINS gave notice that, to-morrow, he would ask the President of the Board of Land and Works, whether the Government would take steps to protect the rights of farmers to the farmers commons, declared in 1862, as against the squatters?

Mr. B. G. DAVIES gave notice that, to-morrow, he would ask the Minister of Justice, what was the cost of printing and publishing mining surveyors' monthly reports; the number of copies sold; the method adopted to obtain correct statistical accounts; and also, what was the number of miners engaged, and what the cost of machinery, on the gold-fields?

RETURNS, &C.

The SPEAKER said the Minister of Justice had handed in a return showing the number of cases in each warden's court on the gold-fields, and the amount deposited in each case. The Treasurer had presented a copy of the correspondence with the Colonial Secretary, as to the pay and allowances of Her Majesty's troops in the colony.

Mr. M'LELLAN laid on the table of the House the thirteenth report of the Printing Committee.

Mr. DUFFY presented a quarterly return of the Crown lands sold.

MUNICIPAL INSTITUTIONS ACT.

Mr. W. C. SMITH asked the Chief Secretary if it was the intention of the Government to introduce a measure to amend the Municipal Institutions Act?

Mr. O'SHANASSY said there was no such intention at the present time; but he would bring the matter under the notice of his colleagues.

PETITIONS.

Mr. SERVICE presented a petition from the National school teachers, complaining that up to the present time, the second month of the year, they had not received any information as to the amount of salary which would be paid to them during the year. The petition also set forth the condition in which the National school teachers were placed in consequence of the want of action on the part of the Legislature, and prayed that the House would apply such remedies as it deemed fit.

The petition was ordered to lie on the table of the House.

Mr. LALOR presented a petition from the Farmers' Association at Indented Heads, praying that the House would make an alteration in the electoral law of the colony, so as to confer more political power on the owners of property, and prevent their being entirely swamped by manhood suffrage. He moved that the petition be received and read, which was agreed to.

Mr. HEALES thought it would be advisable that the names of the petitioners should be read.

The CLERK proceeded to read the names amidst continued cries of "Hear, hears," and laughter.

Mr. M'LELLAN then gave notice that, on an early day, he would move that the petition of the Bellerine farmers be taken into consideration.

POST OFFICE EMPLOYES.

Mr. SINCLAIR asked the Postmaster-General whether he had any objection to lay on the table a return of the total number of hours of attendance during the year in the mail branch of the General Post-office in excess of those of the other departments of the Civil Service, for which no compensation had hitherto been allowed, and for which no provision was made on the Estimates for the present year or in the Civil Service Bill now before the House?

Dr. EVANS reminded Mr. Sinclair, that it had been recently ruled that all returns which would involve any considerable expense in preparation, should be ordered only by a vote of the House, and not at the request of any hon. member. A portion of the return which was now asked for could not be furnished at all, and the preparation of the remainder would incur more expense than he (Dr. Evans) was prepared to incur without the order of the House. For the information of the hon. member, however, he would state, on the authority of the permanent officers of the department and from his own observation, that the ordinary hours of labour of the employés in the mail branch of the Post-office were eight hours per day. They went to the office at nine o'clock in the morning, and left at six in the evening, having one hour allowed during the day for refreshments; and, consequently, they were engaged eight hours per day. If they were detained beyond that time they received extra remuneration for their extra labour. Occasionally, they were required to be at the office at six o'clock in the morning, but in that event they were invariably allowed so much leisure in the course of the day as to reduce their actual length of labour to eight hours. If the House were not satisfied with this explanation, he would, on receiving their instructions in the usual manner, cause a return to be prepared as far as possible.

TENDER FOR COALS FOR THE VICTORIAN RAILWAYS.

Mr. WRIGHT asked whether the lowest tender was accepted for the supply of coals to the Victorian Railways during the present year?

Mr. HAINES replied that the lowest tender had not been accepted, and he read the report of the Tender Board to explain why it had not. On Mr. Paterson's tender, which was lower by 3d. per ton than that accepted, the board remarked—"Not recommended; sureties not known." The tender of Messrs. Pigott, which was accepted, was recommended. They had carried out the contract for the past year most satisfactorily. He might add, that the difference between the two contracts would only amount to about £75 in one year.

THE COUNT-OUT ON THURSDAY NIGHT.

Mr. EDWARDS called attention to the fact that the bells communicating with the refreshment and smoking rooms were not rung, as usual, on Thursday evening, prior to the House reassembling after adjourning for refreshments. It was usual, he said, for the bells to be rung from half-past seven o'clock to twenty minutes to eight; but he never heard them rung at all on Thursday night. Having received a hint that there was an intention to move the adjournment of the House on re-assembling after the refreshment hour, he and several other members on that (the Opposition) side of the House took considerable pains to induce a number of members to remain, as there were seventeen measures on the notice-paper which private members had brought in, and that was the only night in the week on which they could be discussed. Seeing also that there was a motion in the name of Mr. H[illegible]s of paramount importance—(laughter). For the information of the gentlemen who laughed he would read the motion. ("No, no," and renewed laughter.) He did not know whether "no, no," applied to his intention to read the motion, or to Mr. Heales's intention to bring it before the House. (Laughter.) The motion in Mr. Heales's name was—"That in the opinion of this House it is the duty of the Government to defend and protect in their holding against the pastoral tenants of the Crown, all persons who may have taken up and now hold residence and cultivation licences under the authority of the Board of Land and Works, and approved by this House." Thinking that this resolution ought to be discussed as early as possible, he, and others on that side of the House, induced a number of gentlemen to stay who would otherwise have gone home. About half-past seven o'clock, there were fifteen members upstairs, in the refreshment-rooms, and nine in the House, which would have been sufficient to form a quorum. At twenty minutes to eight o'clock he wondered why the bell had not been rung, and came down into the House just in time to see the Speaker leaving the chair. He wished to know whether it was a rule of the House that the bell should be rung between half-past seven o'clock and twenty minutes to eight, as had hitherto been the practice. If there was not such a rule, he thought it better that the bell should not be rung at all than that it should be rung irregularly.

The SPEAKER said that the only rule was in the standing orders, which provided that the bells should be rung on a division, or before counting the House. If the bells were rung at any other time, they were rung without authority. He believed it had been the practice to ring the bells at half-past seven o'clock, but there was no rule upon the subject.

Mr. EDWARDS asked if there was any rule to ring the bells at the commencement of the sitting?

The SPEAKER.—No.

Mr. EDWARDS suggested that the bells should not be rung at all in future at half past seven

o'clock, and then the members of the House could not be deceived by not hearing the bells ring.

Mr. WEEKES said that the Chief Secretary and four other Ministers were in the House at the time, and waited on purpose that there might be a quorum. He thought this ought to be known, lest it should be supposed that hon. members were in the practice of causing counts-out for particular purposes.

Mr. O'SHANASSY said there was a desire on the part of many hon. members not to proceed with the business of the House on Thursday night. There were, he believed, twenty-six pairs in the pair-book, showing that there were fifty-two members who did not wish to sit that evening. ("No, no," and an hon. member—"Thirteen pairs.") He had not examined the book, but he understood that there were twenty-six pairs. It was, of course, his duty to remain in the House as long as there was business to proceed with, and he ventured to say that no member of the House had given more attention to his public duties than he himself had during the time that he had had a seat in the Legislature. There was a strong desire on the part of many hon. members not to proceed with the debate on Thursday night, because, owing to the protracted debate on Wednesday morning, there was a want of physical power to go on. ("Oh, oh.")

Mr. EDWARDS said that only twenty-four members had paired off, and of that number seven or eight remained merely to make up a House.

The subject then dropped.

THE VOLUNTEER REVIEW.

Mr. VERDON hoped he would be permitted to ask the Chief Secretary a question, without notice—namely, whether it would be assented to, that, on the following day, the House should not meet until after the dinner hour, in order that members might have an opportunity of attending the volunteer review, which would take place on the following day, if they desired to do so? As they were about soon to have to consider the propriety of establishing a militia force in the colony, this was, he thought, the proper time to give hon. members the opportunity of judging for themselves as to the merits of the volunteer corps.

Mr. O'SHANASSY said that the matter had received the careful consideration of the Government, in anticipation of such a question being asked; but, considering the state of public business, and remembering that hon. members would on Saturday next have the opportunity of seeing for themselves the proficiency attained by the volunteers, the Government were certainly desirous of going on with the business before the House, instead of adjourning in the manner proposed.

Mr. SULLIVAN was glad to hear that the Government were so desirous of getting on with business; but, if such had really been the case, they ought to have been in their places the other night, when their presence was desirable for the purpose of getting on with work.

Mr. FYKE was glad to learn that the Government would not consent to the proposition, because the up-country volunteers would not be present, and any review without them could not be called a general volunteer review. ("Hear, hear," and a laugh.)

CROWN LANDS SALE BILL.

The House then went into committee on this bill.

Mr. DUFFY said he proposed to ask the committee to proceed to the consideration of the Land Bill, and he would again premise that the introductory portion of it consisted of nine clauses, only one of which was new, and therefore he trusted that this portion of the bill would be dealt with without discussion. Of course, when a question of principle arose, considerable discussion would be necessary; but as there was no principle involved at present, he trusted that this portion of the bill would be dealt with summarily. He would move that the first clause stand part of the bill. It was as follows:—

"The acts mentioned in the first schedule hereto from the times therein mentioned, and all Orders of Her Majesty in Council, and all regulations respecting the sale or other disposal of the waste lands of the Crown, in force in Victoria at the time of the passing of this act, except as to any rights accrued, or liabilities or penalties incurred, under the authority thereof, shall be and are hereby repealed; but nothing herein contained shall repeal the act of the Parliament of Victoria numbered thirty-two, or any part thereof, or shall apply to any gold-field, unless the same be expressly mentioned."

Mr. BROOKE objected to that part of the clause which related to accrued rights under the Orders in Council, as it saved those rights, and would move, as an amendment, the omission of the word "thereof," and the addition of the words, "the act of Parliament, No. 117."

Mr. DUFFY had already explained, and would repeat the explanation, that the manner in which the lands were dealt with in this bill was entirely at variance with the Orders in Council, and therefore the supposition of the hon. gentleman who last spoke had no foundation.

Mr. BROOKE said his great objection to the clause was that it secured the right of pre-emption claimed by the squatters over their runs, and therefore he submitted his amendment.

Mr. IRELAND defended the clause as it stood, because the rights which might have accrued under the Orders in Council were entirely incompatible with the provisions of the present bill. Under the Orders in Council the squatters were given the right of pre-emption over their runs at £1 per acre, but that provision was totally at variance with the 10th clause of the bill, which threw open 10,000,000 acres of land for selection, while the 69th clause of the bill was also wholly incompatible with the Orders in Council.

Mr. HUMFFRAY would ask the hon. member to explain the 3rd clause of the bill.

Mr. IRELAND would do so. It dealt with rights which might have accrued prior to the passing of this act, and it provided simply that no conveyance should be made except in cases where the Government was satisfied that sales had been lawfully effected. The object of the words of the clause to which the hon. member (Mr. Brooke) objected was to set aside all claims arising under the Orders in Council.

Mr. SERVICE inquired whether the 2s. 6d. per acre penalty imposed by the Nicholson Land

Act, for neglect to make improvements at the end of two years, could be enforced at the proper time under this clause?

Mr. DUFFY said it was undoubtedly the intention of the Government to keep in force such penalties, and the Attorney-General and the Minister of Justice were of opinion that that end was attained by this clause. The decision of his learned colleagues on this subject he bowed to absolutely. All that was necessary to save, he was persuaded, was saved by this clause. He might add that the clause proposed to repeal, not only the Orders in Council and the Nicholson Land Sales Act, but also the Acts 10 and 12 of William IV., the Acts 31 and 61 of the 11th Victoria, and the Act No. 79 of this Parliament; and it would be harsh in the committee, that the only rights saved and the penalties inflicted were those in that one bill. Now, he was not prepared to say that there were no rights and penalties in some of these bills which it was not desirable to save; and he knew for certainty that the Nicholson Land Act was seriously damaged by well-meant amendments in committee, which made it an unworkable measure. He hoped he same thing would not happen with this measure.

Mr. WOODS asked the Government to postpone the clauses about which there would probably be little or no discussion, and take the debateable clauses, and obtain the sense of the committee upon them. He mentioned the 8 h, 10.h, 32nd, and 69th clauses as clauses to which he was opposed. He was satisfied that the bill would not pass the House without considerable alteration, and that the bill, if altered, would not pass the other Chamber. The curse of Sisyphus appeared to hang over the Legislature with regard to the land question. It was the only question which could not be dealt with unless party spirit and personal rancour were imported into the discussions. He would rather have the whole question remitted to the Imperial Government. He declared himself utterly unfit to deal with it in an equitable way, and he would bind himself not again to agitate the question if its settlement were left to the Imperial authorities.

The CHAIRMAN called the member for Crowlands to order. The speech should have been made on the second reading.

Mr. DUFFY said the Government had considered the proper course to take with regard to the measure. They intended to proceed through the bill clause by clause.

Mr. PYKE asked the Attorney-General whether the House had any power whatever to repeal the Orders in Council?

Mr. IRELAND replied in the affirmative. They had this power, not only by the Constitution Act, but also by the 4th section of the act passed on the same day relating to Crown lands.

Mr. HUMFFRAY inquired what were the rights which had accrued under the Orders in Council? He questioned their existence.

Mr. O'SHANASSY thought that hon. gentlemen who made objections should point out the substantial grounds of these objections. An objection should be not merely theoretical, but it should be shown that the thing objected to would affect the state injuriously. To object to the words "Except as to any rights accrued," without assigning any reason for the objection, showed a desire to take away rights which had accrued. He presumed no honest man would take away a right? ("Not a just one," from Mr. M'Lellan.) If it was a right, it must be considered to be just. (Hear, hear.) He thought the committee would do wisely in allowing the words in question to pass. If the member for West Geelong thought that, under the clause, any right would be saved inimical to the public interest—say the giving to the squatters pre-emption over the whole of their runs—he could look into the laws on the subject, and bring it forward on the third reading.

Mr. BROOKE observed that one of the advantages claimed for the bill was an entire clearance from the statute-book of all conflicting legislation on the land question; but so long as these words remained there would not be that entire clearance, and he therefore maintained that the aim of the Government would not be accomplished. They had been told by the President of the Board of Land and Works that it would be impossible, under the bill, for the pastoral tenants to enjoy the right of pre-emption over the whole of their runs. If that right did not exist, what necessity was there for making any exception? He maintained that the avowed fundamental object of the bill was to take away certain rights, and substitute others for them. Let them, then, deal with the subject accordingly.

Mr. O'SHANASSY reminded the member for West Geelong that "rights accrued" contemplated rights which would have a termination, whereas rights under the Orders in Council might go on *ad infinitum*. If the Orders in Council were not repealed, but remained in force, and if legal effect were given to them by the issue of leases, pre-emption would arise over the whole of the runs. Now that state of the case had never arisen. It had not in reality "accrued." It was inchoate—it was going on. But he would remind hon. members that the clause did not apply solely to the Orders in Council. It applied also to several acts passed by the Sydney Legislature, under which rights might have accrued.

Mr. BROOKE insisted that they ought not to make a pretence of abolishing rights, and in reality not doing so. He denied that any rights had accrued under the Commons and Boundaries Acts of New South Wales.

Mr. O'SHANASSY, in regard to the Boundaries Act, stated that if the amendment proposed by the hon. member for West Geelong was carried it would prove most dangerous, as then the same difficulty would be experienced as at present in cases brought before the courts of law.

Mr. DUFFY wished to call attention to the danger of rashly carrying any amendment like that proposed; for instance, if it were carried, pastoral tenants of the Crown could not have the penalty enforced against them for not paying their assessment. As regarded the general question, he was at a loss to understand the new-born zeal of the hon. member for preserving rights, as it did not accord with his previous proceedings with respect to the Crown lands. Those rights had been conserved by an Imperial Act, and could neither be taken away nor added to; in fact, nothing that House could do would touch them. He trusted, as the bill was very long, the com-

mittee would not waste further time in discussing matters of really no importance.

Mr. HEALES thought the Government had not met the objection of the hon. member for West Geelong in the way it demanded, as there was no doubt it was raised from a different motive than that supposed by the Government. The hon. member had raised an alarm which was well founded, inasmuch as one night the Government declared the squatters had not rights accruing, and on another the Attorney-General gave it as his opinion that the squatters could claim rights. As regarded the objection, that the squatters might refuse to pay assessment for the six months, a portion of the period had already passed, and he did not think any great harm would arise. The fears entertained on his side of the House were that the clause saved certain rights, as, according to the Attorney-General, the squatters had rights of pre-emption over their whole runs. His fear was, that if the words proposed to be inserted were left out, it would be tantamount to saying that the squatters had rights, and unless the interpretation given by the Attorney-General was reversed, it would be to the interest of the country to insert the words proposed.

Mr. IRELAND said that the opinion delivered by Mr Roundell Palmer was in full confirmation of the opinion he (Mr. Ireland) had given on a previous night, before he had seen that opinion. He would like the hon. member for West Geelong to stand up and show any one right that was not taken away by the bill.

Mr. BROOKE said that, although the bill might prevent any grants being issued according to the Orders in Council, it did not prevent a money compensation being given.

Mr. IRELAND said it was well known that, wherever it was intended to give compensation, it was always prescribed in the bill, but the present act provided against compensation. The views taken by the Imperial Parliament showed that they were quite aware of the complications of our Land Bill, and all hon. members could do was to agree to a compromise. If hon. members opposite could not point to any great objection, they should not persist in their opposition.

Mr. SERVICE said the Government had admitted that there were no rights except one, and yet they stood out for the clause. He would suggest that, instead of the word "thereof," they should insert the words "aforesaid acts." He thought the Government could not raise any objection to that, and the difficulty would thus be overcome.

Mr. IRELAND directed attention to the fact that, in certain cases, rights had accrued to squatters under the act of 1856, and, therefore, under that act those rights would now be accruing.

Mr. GRAY thought the fourteenth line of the clause was ill-constructed. He wished to call attention to the penalties imposed by the Nicholson Land Bill for non-improvements within two years, and he thought the clause should be postponed, so that the law officers could so reframe it as to meet the wishes of hon. members.

Mr. NICHOLSON wished to point out that there were other penalties besides those alluded to as contained in the Nicholson Land Bill. For instance, a few days ago he was acting as executor to an estate in which a station was included. He received a notice from the Land Office stating that he would have to pay £200 within a fortnight for assessment, with a penalty, or he would be proceeded against under the Assessment Act. He sent up to the department, and discovered that the assessment for a former year had not been paid, and he would have to pay it. Now, he would ask what claim the Government would have upon him if the amendment was Carried?—and he thought he would wait to see whether it was carried before he paid. (Laughter.)

Mr. DUFFY said that if the committee would pass the clause, he would undertake to provide for both the things mentioned by the hon. member opposite. He could not consent to the postponement of the clause, but would be personally responsible for doing all hon. members wanted. (Hear, hear.)

Dr. EVANS thought the word "thereof" should be retained in the clause, because of the possibility on the one hand, or the impossibility on the other, of Her Majesty consenting to the measure. He reminded the committee under what authority they were sitting as a legislative body to dispose of the waste lands of the colony. By the act of July, 1855, they had power to legislate on those subjects, with the proviso that "nothing herein contained shall prevent the fulfilment of any contract, promise, or engagement made by or on behalf of Her Majesty, in respect to any lands in the colony, where such promise or agreement shall be made lawfully, before the time when this act shall take effect in the colony." According to that act, it was futile for the House to suppose they could affect any existing rights. He was not there to raise the question of the rights of the pastoral tenants, as he believed they must have foreseen that, by the course of events, a new state of things would arise which would render new legislation necessary; and he further believed they were prepared to agree to any reasonable compromise, and to accept the provisions contained in the bill. He contended that in view of the extreme rights of the squatters, the passing of this bill, and its acceptance as a compromise by the representatives of the pastoral interest, would confer an enormous gain on the popular interests of the country. It was the best of all possible bargains for the country. Parliament might go on legislating on the subject till doomsday, and exhaust all its resources, but its time and labour would be all lost if, when a case of real difficulty arose, it put aside an act of the Imperial Parliament, and set up its authority as against that of the Queen. For himself, he was not desirous of being a party to anything so puerile and futile as the *dilettante* legislation favoured by some hon. members. All he wanted was to arrive at some practical conclusion on the question, and, under the actual circumstances of the case, he, for one, gave in his adhesion to this bill, leaving hon. members to consider how useless it would be to attempt to get rid of a proviso enacted by the Imperial Parliament. In his opinion, it was peculiarly desirable that the Assembly should put on the head and front of all legislation on the land question its recognition of that proviso, and he, for one, would stand by it as a main principle.

Mr. SERVICE proposed an amendment in the fifth line of the clause, introducing the words

"or accruing" after the words "liabilities or penalties incurred."

The CHAIRMAN did not think it could be put, as the amendment already before the committee was in respect to the sixth line of the clause.

Mr. SERVICE and Mr. HUMFFRAY both assured the Chairman that the amendment of the hon. member for West Geelong had not yet been put from the chair.

The CHAIRMAN then put the new amendment, which was agreed to.

The amendment moved by Mr. Brooke was then put.

Mr. DUFFY, while admitting that the amendment just agreed to did meet some of the difficulties of the case, could not but object to a distinction between the Orders in Council and the other acts relating to the subject. He could not consent to confine the admission of liabilities and rights accrued and accruing to those which arose under the Land Sales Act.

Mr. K. E. BRODRIBB hoped the day had not arrived when existing rights were not to be respected, and contended that rights were equally sacred whether they arose under an act of Parliament or under Orders in Council. He only agreed to accept the present bill as a compromise, as there were many clauses in it to which he should otherwise totally dissent; but he was not prepared to admit the distinction which it was proposed to set up.

Mr. SERVICE wished to know what were the rights of the squatters, and particularly what those were which the Government desired to admit? He for one denied that such rights existed at all.

Mr. O'SHANASSY could not agree to any amendment which was intended to deny the existence of any rights. How could the hon. member for Ripon reconcile his present position with his previous conduct, when he actually sought to confer entirely new rights, by virtue of the very Orders in Council, the rights accruing under which he now denied? The hon. member could not surely blow hot and cold in the same breath. He wished it to be distinctly understood that, in accepting the amendment, he was not agreeing to the interpretation put on it by the hon. member for Ripon and Hampden. He believed that the law under which the rights of the squatters existed was as much statute law as the Constitution Act, under which the hon. member occupied his seat in that House.

Mr. SERVICE said that the hon. member for Kilmore had done exactly what he had charged him (Mr. Service) with doing, and had attacked, not the amendment, but the views which he entertained in submitting the amendment. What had the hon. member to do with the view or spirit with which an amendment was introduced? All that he had to do was to discuss the amendment as it was presented to the House. (Hear, hear.) When he introduced the amendment, were not the whole of his remarks intended to show that the first clause recognised certain rights as existing under certain acts and under Orders in Council, and that it was desirable to get rid of all those rights by adopting such phraseology as would leave out any reference to them? That was the object of his amendment. The Chief Secretary and the other members of the Government had agreed to leave out any reference to rights accruing under Orders in Council; and, if they would vote for the amendment, he did not care what their opinions might be as to the views which he held on the subject.

Mr. IRELAND understood the amendment to mean that no new effect should be given under the bill to the Orders in Council, and that the bill should not prevent the enforcement of penalties incurred under the existing law for non-improvement of lands, providing those improvements were not made within two years after the licences were granted. If it were intended that the Government should admit there were no rights under the Orders in Council, he must say that he never contemplated making any such admission. The hon. member could not produce any opinion worth sixpence in support of his view that there were no rights under the Orders in Council. The opinion of the present Attorney-General of England, and all the legal opinions which had been brought into that House, were directly against this view, which was, in fact, only the view of the hon. member, and others equally incompetent to express an opinion on the subject.

Mr. BROOKE contended that, if the bill was to be a compromise, the old rights ought to be abolished before the new rights created by the 69th clause of the act came into force. The bill not only proposed to give the squatters new rights, but it also indirectly proposed to recognise any rights which had accrued under the existing act. ("No, no.") If that was not the case, why not get rid at once and for ever of any old rights before new ones were created? Would the pastoral tenants accept the 69th clause in lieu of all other rights?

Mr. IRELAND.—Would the hon. member accept the clause in that case? ("Oh, oh.")

Mr. BROOKE repeated that if the bill was to be a compromise he thought old rights ought to be distinctly abolished before new ones were created.

Mr. DUFFY said that he thought the Chief Secretary and the Attorney-General were quite justified in objecting to having their intentions, or what they had stated, misunderstood. For his own part, he did not care the smallest fraction what the hon. member for Ripon and Hampden had in view in proposing his amendment. The Government believed that the squatters had large existing rights, but they did not propose to keep those rights alive after the passing of the present bill. (Hear, hear.) The Chief Secretary had made an explanation, because he apprehended that possibly the member for Ripon and Hampden might say that the Government, in accepting the amendment, admitted that the squatters had no rights, and ask why they sought for a renewal of them. If the hon. member did that, and made any alteration contrary to the principle of the bill, the Government would withdraw it. He wished it to be distinctly understood that the Government did not meditate keeping alive any rights existing under Orders in Council, if the bill passed in its present shape. They had proposed the bill as a compromise, and they wished it to become an act of Parliament, and not to be sent from one branch of the Legislature to the other without result. (Hear, hear.) If any member proposed an

amendment which appeared to be reasonable, he would give it a fair consideration; and, while still holding that his colleagues had a right to object to be bound by any interpretation which Mr. Service might place on the amendment now under discussion, he (Mr. Duffy) thought that it might be fairly accepted by the Government, of course with the full understanding that it bound them to nothing beyond its specific object, and could have no secret influence on their future regulations. (Hear.)

Mr. SNODGRASS regretted that the Government intended to accept the amendment, on the ground that, in so doing, they were departing from the main feature of the bill.

Mr. LEVEY quoted from Campbell's book on Squatting, the despatch of the Duke of Newcastle as to the rights of the squatters. He contended that the squatters had rights, and that it would be unfair to take them away without compromise.

Mr. BERRY said the bill proposed to deal with two classes of squatters—those who now occupied the 10,000,000 acres which were to be appropriated to agricultural purposes, and those who were to be left in possession of their runs. The 69th clause might be sufficient for the latter class, but not for the former, who might, if they felt dissatisfied with the rights given them by the present bill, prosecute their claims to any rights which might have accrued under the Orders in Council. This was another reason why the committee should strenuously oppose the passing of the clause in its present form.

After some discussion, Mr. Brooke withdrew his amendment in favour of a suggestion by Mr. Service, substituting for the word "thereof" the words "the aforesaid acts," which was agreed to.

The clause as amended was then passed.

Clause 2, providing that all future conveyances of Crown land shall be according to the terms of the bill, was agreed to without comment.

Mr. DUFFY then proposed the adoption of clause 3, as follows :—

"Where the sale of any land has, prior to the passing of this act, been lawfully effected, or where, prior to the passing of the act of the Parliament of Victoria numbered 117 any right of pre-emption had accrued, and would but for the passing of such act have been recognized according to its usual practice by the Board of Land and Works, the Governor, notwithstanding anything in this act contained, may complete or give effect to any such sale or right, and may execute the proper conveyances accordingly."

Mr. BROOKE expressed his doubts whether any pastoral tenant had omitted to exercise the right of pre-emption. If so, it had been through his own default.

Mr. DUFFY said the member for West Geelong was under a misapprehension as to the facts of the case. When the hon. member was President of the Board of Land and Works, he conceded, upon very reasonable grounds, certain pre-emptive rights to persons whose runs had been declared auriferous; which rights, in consequence of those runs being declared auriferous, had to be taken up elsewhere. One or two of these cases had come before him (Mr. Duffy), with his predecessor's minute to the effect that the right should be granted. But the doubt had struck him whether the power existed under the Nicholson Act to grant pre-emptions. Examination showed that the power did not exist, and this clause had been framed to meet the case.

Mr. IRELAND was in a position to state that during the time the member for West Geelong was president of the Board of Land and Works several cases of claims for pre-emption arose, but in consequence, not of any *laches* on the part of the pastoral tenant, and not of any default in payment, but of questions arising as to whether the land was auriferous, the Government kept up a sort of negotiation without effecting anything like an agreement for sale. The clauses, he would add, did not contemplate the cases of persons who had made any default.

Mr. SERVICE observed that the clause, as drawn, seemed to provide for the granting of a pre-emptive right to every Crown tenant who had not already used the same. He should therefore propose the insertion, after the word "accrued," of the words, "and had been applied for."

Mr. O'SHANASSY asked how the member for Ripon reconciled this proposal with his statement during the discussion on clause 1 that he would not recognize any rights whatever under the Orders in Council?

Mr. SERVICE observed that the granting of pre-emptions to the squatters had arisen more from the practice of the Board of Land and Works than from any distinct and defined law on the subject. The limit assigned for the exercise of these pre-emptive rights was 640 acres.

Mr. IRELAND.—The squatter had a pre-emptive right over everything.

Mr. SERVICE remarked that these pre-emptive rights had been granted under the same system which had allowed the taking away of large portions of squatters' runs for the purposes of sale. There was no other law on the subject.

Mr. IRELAND.—Yes.

Mr. SERVICE.—What?

Mr. IRELAND.—The Orders in Council.

Mr. BROOKE said he had it in his recollection that when the pastoral tenants of the Crown claimed to exercise the right of pre-emption over the whole of their runs, the subject was referred to the imperial authorities, from whom a despatch was received to the effect that it was not expedient that that right should be recognized beyond the extent of 640 acres. (Cries of "How does that make it law?" and "No such despatch came out at all.")

Mr. SERVICE observed that before the refreshment hours the Attorney-General questioned whether the squatters had any right to land under the Crown grant. Now, however, after dinner, the hon. and learned member was of a different opinion. He (Mr. Service) insisted that there was no analogy between giving certain squatters a pre-emptive right which they had been shut out from, and keeping open and recognizing by this bill certain ill-defined and supposititious rights which one half of that House, and three-fourths of the country, had always denied.

After some further discussion,

Mr. DUFFY said that he and his colleagues were quite willing to consent to the insertion of the words, "and had been applied for."

The amendment was agreed to, and the clause, as amended, was passed.

On clause 4, which was as follows:—

"The Governor in Council may reserve from sale, either temporarily or permanently, any Crown lands which, in his opinion, are required for any public purpose whatsoever, or for quays, landing places, tramways, railways and railway stations, roads, canals, or other internal communications, or for reservoirs, aqueducts, or watercourses, or for the use or benefit of the aboriginal inhabitants, or the sites of markets, abattoirs, public baths, or washhouses, schools, reformatories, colleges, places of public worship, dwellinghouses for the ministers of any religious denomination, mechanics' institutes, libraries, museums, or other institutions for public instruction; experimental farms, gardens, parks, or commons, hospitals, asylums, or infirmaries, or places for the interment of the dead, or for the recreation, convenience, or amusement of the people."

Mr. DUFFY said that the clause only differed from that in the Nicholson Land Bill by the word "reformatories" being inserted in it.

Mr. GRAY wished to call attention to the word "commons," as it had caused some misunderstanding on the part of many gentlemen, who thought it applied to farmers commons. He concluded the Government did not intend it to be applied in that way.

Mr. DUFFY said he had not the least objection to strike out the word, as there were other clauses which referred to the commons, and it was his wish to bring everthing relating to one subject under one head.

Mr. GRAY did not wish to have the word struck out, but only to be assured that it meant commons of the ordinary class, such as gardens.

Mr. DUFFY thought it would be better to omit the word, as when the committee arrived at the commons clauses they could consider it.

Mr. GRAY accused the Government of having changed their opinion with regard to the commons, and of having made false statements on the second reading of the bill, in order to catch votes from members like the hon. member for Ballarat East, who stated that he supported the bill because the Government were so liberal as regarded commonages.

Mr. DUFFY denied that the Government wished to recede from anything they had stated, and said that they were determined to be most liberal in giving commonages. He proposed to carry out literally and unequivocally all the intentions expressed by the Government in the late debate; and, therefore, the hon. member was not justified in accusing the Government of trying to deceive hon. gentlemen to catch votes.

Mr. GRAY said the hon. member for Ballarat East (Mr. Cathie) had especially referred to the 4th clause, to show the liberality of the Government in respect to commons. (Mr. Ireland. "No") The hon. member certainly did so, and his statements were allowed to pass current by the hon. members opposite.

After some discussion, in reply to Mr. Berry,

Mr. DUFFY promised that the Government, when the committee came to the commons' clauses, would see that no injustice was done to the farmers.

The omission of the word "commons" was then agreed to.

Mr. HUMFFRAY asked whether it was not an omission that there were no words in the clause empowering the Governor in Council to grant land endowments to hospitals, asylums, and reformatories. If there were such grants, the managers of such institutions would not be so often compelled to appeal to the Government and the public.

Mr. DUFFY thought it would be very inconvenient to deal with so important a question as that of endowment in this fashion. Surely the matter would be more properly discussed when the Municipal Act Amendment Bill was under consideration.

Mr. W. C. SMITH entirely agreed with the hon member for Ballarat East, that the proper time to deal with the question of land endowments was during a discussion on the Land Bill. Whatever might be thought of money endowments, few persons would oppose land endowments, to municipalities, for instance. If the hon. member for Ballarat East did not bring forward a new clause to test the opinion of the committee on this subject, he (Mr. W. C. Smith) would. He was quite satisfied that the effect of endowments would be to dispense with grants-in-aid, and put a stop to deputation nuisances. In many districts he knew that a land grant would be greatly preferred to a grant-in-aid, and the effect would be to throw a district entirely on its own resources. It had been an argument against such endowments, that they were sometimes improperly used, but surely if the grants were made subject to regulations to be approved of by the Governor in Council, those objections would be met. He felt satisfied that a clause such as had been suggested would be of more benefit to charitable and municipal institutions than any other now in the bill.

Mr. DUFFY suggested that a clause should be framed and introduced at the proper time.

Mr. HUMFFRAY said he should take that course.

Mr. BROOKE would offer an uncompromising opposition to any proposition of the kind, and trusted that no hon. member would hereafter take silence at the present moment to mean approval.

Mr. O'SHANASSY pointed out that it would be well to consider the certainty of land endowments being sufficiently profitable to realise a permanent income, or else, after a generous land grant, an application to Government for money might be made the very next year.

Mr. WEEKES wished to know if, in the matter of "reformatories," the clause included other than mere buildings in town?

Mr. DUFFY.—Certainly.

The clause, as amended, was then agreed to.

Clause 5, setting forth that lands promised by Government for the purposes mentioned in the last clause (the fulfilment of promises already made being claimed within twelve months from the passing of this act) might be conveyed in fee to trustees, for any of the aforementioned purposes, was then read.

Mr. HEALES remarked that this clause was taken from the Nicholson Land Act, and he saw no reason why another twelve months' grace should be given in respect to old promises.

Mr. DUFFY said it had been thought right to give effect to promises made during the last twelve months, fulfilment of which had not yet been claimed.

Mr. SERVICE believed that this clause had been somewhat overlooked by those interested in the grants in question. It would, therefore, be well at least to re-enact this portion of the old law, or else many temperance societies and mechanics' institutes would lose their land.

Mr. RICHARDSON said he knew of many cases in which the land so granted was used for purposes foreign to the original intention of the Government who gave it.

Mr. SERVICE moved the omission altogether of the words "and the fulfilment thereof be claimed within twelve months from the passing of this act."

The amendment was put, and negatived.

Mr. K. E. BRODRIBB moved that after the words empowering the Government to convey such land in fee to the trustees, there be inserted the words "or for any lesser estate." He thought cases might arise which would make it unadvisable for the Government to grant the land altogether in fee simple.

Mr. IRELAND was afraid that according to the present law relating to trustees, they could not have the lesser estate granted to them.

Mr. DUFFY had already noticed the beneficial effect such an alteration might have. His attention had been called to it in respect to the late cricket match, when it was discovered that no charge could be made for admission into the Melbourne Cricket Ground unless the land were conveyed in fee. He had taken a note of the matter, and would undertake that it should receive full consideration.

Mr. K. E. BRODRIBB then withdrew his amendment.

The clause was then agreed to.

Clause 6, declaring that lands permanently reserved could not be sold, was agreed to without discussion.

Clause 7, requiring that four weeks' notice should be given in the *Government Gazette* before any land could be reserved, was next read.

Mr. DUFFY moved that the word "permanently" should be inserted before the word "reserved." The clause was taken from the Nicholson Land Act, and he had omitted the word he now sought to introduce because he thought notice should be given of any kind of reservation. He had since found that it would be inconvenient to require a month's notice of temporary reservation, but he would undertake that some regulations should be made which would meet the difficulty.

The amendment was agreed to.

Mr. SERVICE asked why the clause in the Nicholson Land Act, requiring a month's notice in the *Gazette* before any land could be granted or appropriated, had been omitted. He did not think it desirable that lands should be so dealt with without a preliminary proclamation. He asked the hon. Commissioner of Lands and Survey to take a note of this.

Mr. DUFFY promised to do so, pointing out that it would be inconvenient to have two proclamations, the first giving notice of reservation, and the other of an intention to grant.

The clause was then put, and agreed to.

The 8th clause was next read. It is as follows:—

"The Governor in Council may make general regulations for granting to any member of the police force, on his retirement therefrom, some certain portion of Crown land, and for determining the quantity of land which may in each case be so granted, and the conditions upon which such grant may be made, but no such regulation shall have any force or effect unless and until it has been laid for four consecutive weeks before both Houses of Parliament, and the Governor may grant in fee simple, without any charge or consideration, to any such retiring member, so much Crown land as he may under such regulations be entitled to receive."

Mr. WOODS moved that the clause be struck out. It was a novel provision to introduce into a Land Bill, and he had yet to learn that the police were the most deserving class of persons in the employment of the Government. He also objected to taking away the power of the House to reward the police for merit when they deserved it. By adopting this clause, the House would establish a very bad precedent, and they would be distributing over the colony a number of men who would be at the beck of the central power, and would be dangerous to political, if not to social, liberty. In other words, they would be establishing over the colony a network of spies.

Mr. DUFFY said that, on the second reading of the bill, he stated the ground on which the Government recommended the adoption of this clause, namely, on the ground of public economy. A considerable saving might be effected in the cost of the police force, by scattering over the country a force which might be called out on emergencies—such as general elections, assizes, or riots. The conditions under which this would be done would not be dangerous to the public liberty or property of the country; and he did not see how the constables would be more under the authority of the central Government than they were at present.

After a few remarks from Mr. HUMFFRAY,

Mr. M'MAHON said that the 21st clause of the Police Act of 1853 provided for the establishment of a superannuation fund, by deducting 10d. in the pound from the salaries of all the members of the police force. When he took charge of the department, during the absence of the head in England, he found that this condition had not been complied with. He accordingly suggested to the Cabinet of the day that it should either be enforced, or the law should be repealed; and a bill was brought in by the present Minister of Justice (then the Attorney-General), repealing the particular clause referred to. He had since heard many members of the police force object to being compelled to give a portion of their salary towards a superannuation fund. He had heard four objections urged to the provision which the Government had inserted in the present Land Bill, to which he would refer. The first was, that it was irrelevant to the subject matter of the bill. It had been thought that a special bill should be introduced on this subject, but afterwards it was considered that it would not be advisable to re-open the land ques-

tion for such a comparatively small matter, when once it was settled, and that it would be better to obtain power to deal with the matter in the present bill. Another objection was, the novelty of the scheme. The only novelty was, that the principle was applied to policemen for the first time. Grants of land to military men had been made in America, in Great Britain, and in many countries in Europe; and, at the present time, in this and the neighbouring colonies, certain military officers were allowed to obtain free grants of land on retiring from the Imperial service. The same system existed some years ago in regard to military police in New South Wales, and although it had not worked so well there as might have been expected, he believed that this was principally owing to the fact that the class of men was different. The majority of the men in the police force of Victoria were the sons of landowners or farmers, and, therefore, their original pursuits had probably given them some taste for farming operations. Another objection which had been raised was, that a grant of land was only a mode of paying the police instead of by cash, and was equally good. That would be the most valid objection, but for the fact that the whole of the lands of the colony could not be counted as cash. There must be some limit to the sale of land, and at the present time land was not so easily sold as in past days. Hon. members would be aware that a certain amount of money had been set apart for many years for the police reward fund, and during the time he held office, he endeavoured to make that fund available for the superannuation of the police force. An actuary prepared a statistical return, showing how it could be distributed, but when it was submitted to the Government, it was found that the fund was not large enough for the purpose required. When members on the other side of the House expressed such extreme liberality with regard to the public lands, that they were prepared to see the people settled even if the lands were given to them, it struck him that there was no reason why one particular class should be exempted from the operation of their liberality; and therefore he did not anticipate any objection to the clause under discussion. He believed that the members of the police force were likely men to cultivate the land which it was proposed to grant them, and from this circumstance, and the conditions under which the grant would be made, he was satisfied that the state would be amply compensated for the land which would be so alienated. The bill provided for the population being scattered over 10,000,000 more acres than at present, and he believed that it would be impossible, in the present position of the revenue, to provide a regular force large enough for the whole colony. If there was such a special constabulary as it was proposed to form under this clause, who would be ready whenever their services were required, the regulation would be beneficial both to the community in general and to the force. The fourth and last objection which he had heard was, that the proposition was not desired by the members of the force. This was answered by the fact that the clause was not intended to be compulsory. (Hear, hear.) He wished the police to be included in the schedule for superannuation attached to the Civil Service Bill, but the other members of the Government overruled him on that point, considering that the police reward fund would be sufficient to provide superannuation for the force. That fund belonged to the constables themselves, and he thought it ought not to be taken into consideration in connexion with any claim for superannuation.

Mr. WOODS could not reconcile Mr. Duffy's statement with that made by Captain M'Mahon. He thought it was clear, however, that the Government proposed, instead of paying the policemen with cash, to endow them with land, and the calculation had been made irrespective of any change which might take place in the rate of wages. Notwithstanding the compliment which Captain M'Mahon had paid the constabulary of being the sons of farmers, he (Mr. Woods) thought that they ought to be placed on the same footing as labourers, and that, in fact, one ordinary labourer or ploughman was of more value to society than two policemen. ("Oh, oh.") He objected *in toto* to the principle of giving a fixity to the wages of the police, and removing them from the ordinary operations of the labour market. He had long been of opinion that the wages paid to the artizans and labourers of the colony were fictitiously high, and that, while a few were employed at high rates, a great number were kept out of employment in consequence. He believed that the price of labour was decreasing, and, as the cost of living was less than it had been some time ago, the wages of the police ought to be carefully watched, though he did not say they were receiving too much at present, considering the expensive dress which they were compelled to provide themselves with. He objected to this clause of the bill, because he thought it would have the effect of creating a standing army rather than a police force; and he submitted that if any class of men were entitled to grants of land, it was the volunteers. The police sometimes made mistakes, and got into other people's houses. (Laughter, and cries of "Question.") He was showing that it was necessary to discharge the police sometimes. Surely they would not make grants of land to such men.

Mr. O'SHANASSY.—The grants are made after they are discharged. (Laughter.)

Mr. WOODS said that, from the appearance of the police force, he believed that many of them were too lazy to farm. ("Oh, oh.") Another feature also presented itself to his mind. He did not like to refer to nationalities, but this was a case in which he could not avoid doing so. Ninety nine per cent. of the police were Irish, so that there would be a net-work of Irish policemen over the colony; and at whose beck would they be?

Mr. GRAY opposed the clause, the principal recommendation of which, he observed, was its fancifulness. He objected to the clause if it was intended to give the police a reward for past services. Why should they pay these men in a currency which cost the state every penny of its nominal value, but which to the recipients would not be worth more than fifty per cent. of its value? They might as well reward the policemen in postage-stamps, with liberty to sell the stamps for half their value. Again, he objected to the clause if taken in the sense of the Government wanting to put people on the land on certain

terms. They might as well give these men a portion of the taxes on beer or wine as a portion of the territory. He was opposed entirely to the introduction of a system of feudal or semi-feudal tenures. The whole subject was one, that if dealt with at all, should be dealt with in a separate bill.

Mr. J. T. SMITH was sorry that the police had trod on the toes of the constituents of any hon. member. The member for Crowlands complained of the police, but the complaints appeared to amount to this—that they had carried out the law. He (Mr. Smith) did not mean to say that there were not in the police force some black sheep, but he thought that, on the whole, the colony ought to be proud of this body of men. Instead of saying anything to dishearten them, they ought to give the police every encouragement and support. At the same time, he concurred with certain hon. members as to the impracticable character of the scheme now before the committee. He looked upon it as a wild visionary scheme on the part of Mr. M'Mahon—one that the police would not accept. It was a covert attempt on the part of the Government to repudiate just claims for which the state was liable under existing laws. He was glad to find that the other members of the Ministry were not with Mr. M'Mahon on this question.

Mr. O'SHANASSY regretted that hon. members had wandered from the real subject under discussion. The question was, whether a clause of this kind might not fairly be introduced into a Land Bill. All that was sought for was, that the Government for the time being might have the power, should ever the circumstances of the country warrant the proceeding, to give grants of land to the police, either on their retirement or on the occasion of any other arrangement with regard to the service, without the necessity of bringing in a special bill for the purpose. There was no intention of satisfying any rights which the police might have at the present time by this instrumentality. With regard to what had been said by the member for West Bourke (Mr. Smith), he would observe that his colleague (Mr. M'Mahon) had stated that he desired, when the Civil Service Bill was framed, that the police, although having a superannuation fund amounting to upwards of £40,000 accumulating under the existing law, might come in and receive additional superannuation under that measure. That was submitted to his colleagues in the Ministry, but they did not accept it, because they thought that the existing law made ample provision for the force. He would remark that any proposition to carry out the spirit of the clause must come in the form of resolutions to be submitted to the Parliament, and in no other way. The proposition was not novel, for, on referring to former acts, it would be found that military officers were enabled by Her Majesty's Government to settle in the colonies. The proposed clause had nothing to do with the present police regulations, and he could not see why such a policy should not prevail. The police, some few years ago cost the country half a million of money annually, but the cost was now reduced to £200,000, and under the decentralization system, it might be reduced still more—perhaps to £100,000. He had been told that it was not wise to convert policemen into agriculturists; but from his experience in the district in which he lived he could state that the wives of the policemen frequently made as much money by keeping poultry, pigs, &c., as the men themselves; and if the men were settled on their own land, they would have strong reasons for asking to be allowed to remain in the district, instead of being removed from it, as they frequently were at present, after they had made a nice settlement. If hon. members would confine themselves to the discussion of the clause, they would soon be able to decide the question, as it did not refer to the police regulations, but merely gave a certain discretionary power to the Government for the time being.

Mr. HEALES thought the clause was intended to subsidize the present Police Reward Fund, and if that was the case, he should join issue, as he was opposed to superannuating the police in such a manner. All the argument of the Government had been that the police should have grants of land as a subsidy to anything they might get from the Reward Fund. That, he thought, was unfair to the men themselves, because, until they were incapacitated they would not have the land; and it was unjust to the public, because the men would not be the class of settlers which would be most advantageous. He thought the police should be superannuated, but only on the same terms as other members of the Civil Service. He could not see why any distinction should be made between the police and other civil servants, and he trusted that, as the Government had been unable to adduce any strong argument in favour of the clause, they would consent to withdraw it.

After some remarks from Mr. LEVEY, in support of the clause,

Mr. M'MAHON observed it had been objected that the grantees in question would be entirely at the disposal of the Government of the day; but he would ask, were not the holders of occupation licences in exactly the same position? (Hear, hear.)

Mr. SNODGRASS said the same system had been tried in New South Wales and New Zealand, and been found utterly worthless. Land had been granted to pensioners, and in many cases the Government had had to take up the very grants of land they had given away. He was sorry to hear that this clause had been introduced to enable the Government to dispense with a superannuation fund; for it was absurd to ask a man far advanced in life to abandon all his old habits of a sudden, and gain his living by farming. As, however, the clause in its present shape was only permissive, he should vote for it, but he regarded it as of very little use.

Mr. M'MAHON would remind the hon. member that the police had never contributed to the Superannuation Fund, and on that account the Government of the day had thought fit to abolish it. The reward fund which had been formed was still in existence, and amounted to some £40,000.

Mr. IRELAND called the attention of the House to the real question at issue, which was, whether the House would place it out of the power of the Government for all time to make any grants of land to retired policemen. The exact condition and expectations of the

police were not before the House, and could only properly be discussed when regulations were laid on the table. If any land were ever to be given, under any circumstances, now was the time to say yes, or no; but it must be remembered that, according to the bill, there was no present dedication of the land whatever. The bill was one to consolidate the law relating to land, and therefore the clause was introduced.

Mr. SULLIVAN opposed the clause, and regretted that the subject should ever have been introduced in its present form. The clause was intended for of two purposes—either as a reward, or to establish a sort of peculiar tenure. It was wrong to suppose that the American law was similar to this. There the land was given for past services, no future service being required. Scrip, receivable as money at the Government land-offices, was given to the grantee, and he had no hesitation in saying that nineteen-twentieths of these documents were bought up by speculators at a ridiculously low figure. Besides, he would ask, how could a man be called out suddenly at harvest time to attend a general election, or a case that would take up his time for weeks? From what the Chief Secretary had said it would appear that it was never intended to bring the clause into operation, and he would ask why in that case should it be introduced in a bill of this importance? It would be just as well to throw it out of the bill altogether.

The question was then put, and the House divided, with the following result:—

Ayes	...	...	...	...	21
Noes	...	...	...	...	25
Majority against the clause				...	4

The division-list was as follows:—

AYES.

Mr. Anderson	Mr. Ireland	Mr. O'Grady
— Bennett	— Johnston	— O'Shanassy
— Cummins	— Levey	— Reid
— Duffy	— M'Mahon	— Riddell
Dr. Evans	— M'Donald	— Smith, W. C.
Mr. Haines	— Mollison	— Snodgrass
— Hedley	— O'Connor	— Tucker.

NOES.

Mr. Berry	Mr. Houston	Mr. Richardson
— Cathie	— Kyte	— Service
— Davies, B. G.	— Levi	— Smith, J. T.
— Davies, J.	— Loader	— Smith, L. L.
— Denovan	Dr. Macadam	— Sullivan
— Edwards	Mr. M'Cann	— Weekes
— Gillies	— M'Lellan	— Woods
— Gray	— Ramsay	— Wright.
— Heales		

Clause 9, setting forth that Crown grants and leases should be antedated in certain cases, was agreed to without discussion.

The CHAIRMAN then reported progress, and obtained leave to sit again on the following day.

SUPPLY.

The resolutions already passed in committee of supply were reported to the House, and agreed to.

APPROPRIATION BILL.

Mr. HAINES moved the second reading of this bill, which appropriated £122,250 out of the consolidated revenue to the service of the year 1862.

The motion was agreed to, and the House went into committee. The only clause the bill contained, together with the preamble, having been agreed to without discussion, the bill was reported to the House, and its third reading was fixed for the following day.

EQUITABLE JURISDICTION BILL.

Mr. LOADER, in moving for leave to introduce an Equitable Jurisdiction Bill, said that at present it frequently happened, in the Court of Equity, that one judge heard the plaintiff's case, another heard the defendant's case, and a third judge gave the decision. (Laughter.) This was a source of great inconvenience, if not injustice, to suitors. The bill provided that one judge should sit in the Court of Equity, and have the entire control and management of it.

The motion was agreed to, and the bill read a first time.

THE MILITARY AND NAVAL FORCES.

Mr. LOADER moved—

"That a select committee be appointed to inquire into, and report upon, the authority or control this Parliament, or the authorities acting under it, has over the Imperial military and naval forces serving in Victoria. What official relations exist between the military, naval, and the civil authorities in Victoria? The present state of the defences of Victoria, and in whom, and under whose authority and control, are the munitions of war in Victoria vested? Such committee to consist of Mr. O'Shanassy, Mr. Haines, Mr. Verdon, Mr. Heales, Mr. Lalor, Mr. Snodgrass, Mr. A. J. Smith, Mr. Mollison, Mr. Sullivan, Mr. Levey, Mr. Hood, and the mover, and to have power to call for persons and papers, and to take evidence; three to form a quorum."

He said that the expenses which the colony had incurred for military purposes since 1855 was enormous,—something like £500,000; and in addition to this the volunteer forces had cost £83,000 or £84,000. It was high time a committee was appointed to inquire into the subject.

Mr. HAINES suggested that Mr. Loader should postpone his motion to a future day. The members of the Government would not at present be able to devote the necessary time to the duties of such a committee; and, moreover, the Government were now taking measures to bring the civil and military authorities into a better state.

Mr. EDWARDS complained that nine of the gentlemen proposed as members of the committee sat on the Ministerial benches, and only three on the Opposition benches.

Mr. HEALES moved the adjournment of the debate.

Mr. BERRY seconded the motion for adjournment, but it was negatived.

Mr. O'SHANASSY said that the members of the Government could not attend on the committee in addition to their other duties. He suggested that the names of two gentlemen on the other side of the House should be substituted for his own and Mr. Haines's.

Mr. LOADER'S only desire was to have an impartial investigation. He had no objection to

make any alterations in the names of the committee which might be thought desirable.

After some further discussion, the motion was agreed to, the names of Messrs. Ramsay, Nicholson, and Frazer being substituted for those of Messrs. O'Shanassy, Haines, and Snodgrass.

THE SALE OF SPIRITUOUS AND FERMENTED LIQUORS.

Mr. SNODGRASS moved for leave to bring in a bill to amend the law relating to the sale of spirituous and fermented liquors.

Mr. EDWARDS objected to the motion on the ground that the bill would clash with one which he had already introduced.

Mr. SERVICE said that each bill had a distinct object.

The motion was agreed to, and the bill read a first time, the second reading being fixed for Thursday.

DEPUTATIONS.

Mr. M'CANN moved for a return "showing the number of deputations that have waited upon the Government Officers during the past twelve months; also showing the districts which such deputations represented, so far as the same can be ascertained by records in each office."

Mr. WEEKES objected to a return of such rigmarole being made, on the ground that it would serve no useful purpose.

Mr. M'LELLAN also opposed the motion, believing that no accurate return of deputations could be made, and that it would be difficult to define what were deputations.

Mr. O'SHANASSY said he did not encourage deputations as a rule—he did not encourage the press to come and take note of the complaints brought under his notice; but his office was open from ten a.m. to four p.m., and he was always ready to listen to any representations which were made to him. He believed that a record of deputations was kept at no other office than that of the Department of Land and Works, and therefore the return, if demanded by the House, would be a very imperfect one.

Mr. SERVICE characterised the motion as a most unmeaning one. (Hear, hear.)

The motion was rejected without a division.

REAL PROPERTY BILL.

Mr. SERVICE moved for the House resolving itself into committee to consider resolutions on this subject; and, in doing so, observed that he had received a communication from Mr. Torrens, South Australia, to the effect that he should endeavour to be in the colony at the second reading of the bill. The hon. member added that the resolutions were similar to those which were brought down to the House on a former occasion by the Attorney-General.

Mr. O'SHANASSY objected to the motion. The Government business, he said, had been postponed, in consequence of the lateness of the hour; and, therefore, he thought it too much to request that hon. members should be detained on a Government night for private business.

Mr. IRELAND observed that the foundation of the Torrens Bill was that there should be a lay tribunal for the purpose of granting titles; and the member for Ripon now sought for the passing of a resolution to make the revenue liable for the blunders of laymen. He (Mr. Ireland) proposed, on a former occasion, that money should be appropriated for a judicial inquiry, and that a master in conveyancing should be employed; whereas the member for Ripon sought for the appropriation of the salary of two solicitors. He objected to a measure of such magnitude, affecting as it would the whole real property of the country, being brought before the House after midnight.

Mr. HEALES urged that this was merely a formal proposition, and the opposition of the Attorney-General would have the effect of putting a veto on the measure at this early stage.

The motion was agreed to without a division; and the House resolved itself into committee.

Mr. SERVICE moved the first resolution, to the effect that, in order to carry out the purposes of the bill for simplifying the law of real property, an appropriation be made from the consolidated revenue for the salary of each of two solicitors. In doing this, Mr. Service denied the assertion of the Attorney-General that the chief object of the Torrens Bill was to establish a lay tribunal.

Mr. IRELAND considered that the member for Ripon was bound to show what were the principles of his measure before asking for the passing of a resolution of this kind. He complimented the member for Ripon on taking his right place in the House. (Mr. Service was sitting on the front Opposition bench.) That fact alone was a sufficient compensation for the present discussion. The hon. member then entered at great length into the principles of the real property law as administered in South Australia, and adduced arguments against the resolution. He further stated that he would oppose the member for Ripon at every stage in which he put forward his bill. He objected because the measure would tend to invite litigation, inasmuch as a man would have to give notice through the newspapers to persons interested in a title; and if he did not do so he would be guilty of the most monstrous injustice. Then he objected to the measure on the ground that it asked for a special appropriation, which could not be given. He did not wish to detain the committee, but he could talk all night, and show the fallacy of the resolutions introduced to the committee. He opposed the motion, as the hon. member sought to appropriate the revenue of the country under a system which never could work satisfactorily. He wished to place upon record his warning to hon. members not to adopt a bill of which they knew so little, and the principles of which were in direct opposition to the recommendation of the most eminent jurists in the world. He now felt relieved of all responsibility, feeling that he had placed it upon the shoulders of the hon. member for Ripon.

Mr. SULLIVAN considered that the hon. Attorney-General should, if he did not like the measure which the hon. member for Ripon sought to introduce, bring in a better. In the absence of any better bill, he (Mr. Sullivan) should vote for the motion.

Mr. LEVEY moved (at twenty minutes to two a.m.) that the chairman report progress and ask leave to sit again.

Mr. SERVICE said the hon. member for Normanby was only wasting time.

The amendment was then put, and negatived.

The resolution moved by Mr. Service was then agreed to.

On the motion of Mr. SERVICE, the following resolutions were also agreed to:—

"That an appropriation be made from the consolidated revenue for a fund to compensate persons injured by erroneous registration. That the collection of the necessary fees under the provisions of the above-mentioned bill be authorized. That an address be presented to His Excellency the Governor, requesting him to recommend an appropriation of the consolidated revenue for carrying out the above resolutions."

The House then resumed, and the resolutions were reported, and the report agreed to.

The remainder of the business on the paper having been postponed, the House adjourned at ten minutes to two a.m., till four p.m. on Wednesday.

FIFTIETH DAY—WEDNESDAY, FEBRUARY 12, 1862.

LEGISLATIVE ASSEMBLY.

The ACTING-PRESIDENT took the chair at twelve minutes past four o'clock, and read the usual prayer.

PAPERS.

Mr. MITCHELL laid on the table a return of lands alienated from the Crown under the Nicholson Land Act, from July 1 to December 31, 1861.

Mr. HIGHETT brought up a progress report from the joint select committee on the refreshment-rooms.

It was ordered to be printed, and taken into consideration at the next sitting.

PRE-EMPTIVE RIGHTS.

In reply to Mr. FAWKNER,

Mr. MITCHELL said all applications for pre-emptive rights made prior to the 1st November, 1860, were dealt with by the Board of Land and Works, and such as could be recommended for approval were submitted to His Excellency the Governor in Council. Only one case had been submitted since—namely, by Mr. Greeves, on the 5th November, 1860. This was from Mr. Johnston, for 640 acres of the Illawarra run.

THE DOG ACT.

Mr. ROBERTSON asked whether it was the intention of the Government to comply with the recommendation of the Council of the Board of Agriculture, and introduce a bill this session to amend the Dog Act, so as to make it apply to the colony generally?

Mr. MITCHELL promised to give an answer at the next sitting.

THE WAR STEAMER VICTORIA.

Mr. HULL asked for what period the Victoria was victualled, what was her armament in mounted guns and ammunition, and when she might be expected back to this port?

Mr. MITCHELL said the Victoria had on board full rations of the best description for four months; and there was a further supply of provisions for three months on board the tender which accompanied her to Carpentaria. A portion, it was thought, would be required for the overland party at the Albert River. Captain Norman had power to return to Brisbane or Sydney and replenish, if necessary. The Victoria was in a state of perfect efficiency for the service on which she had proceeded, and in a condition to fight her way. She had six thirty-two-pounder guns and one sixty-pound pivot gun, with a full supply of small arms for ninety men. Mr Mitchell added, that the Government expected to hear from Captain Norman in about a month.

Mr. HULL moved for the production of the instructions given to Commander Norman, of H.M. c.s. Victoria, when sent to the Gulf of Carpentaria, together with any contingent or subsequent instructions (if any) which might have been sent to that officer since his leaving Melbourne. The Victoria, he observed, cost the country something like £20,000 per annum; and she was, to use the words of Commodore Seymour, "a ship in every respect eligible for the defence of the colony." For the last two years, however, the colony had derived no benefit from her services. First, she was sent away to New Zealand, and now she had been despatched on an expedition of a highly dangerous nature, and which could have been performed by a hired craft at one-fifth of the expense.

Mr. FAWKNER seconded the motion.

Mr. MITCHELL said the principal instructions given to Captain Norman were to do all in his power to carry out the views of the Exploration Committee, as expressed in their letter of instructions. He was not in a position to lay these instructions before the House; but a member of the Exploration Committee was in the House, and perhaps he could state whether there would be any objection to the production of the document.

Dr. WILKIE believed there would be no objection whatever on the part of the Exploration Committee.

Mr. MITCHELL said there would be no objection on the part of the Government; and, therefore, the instructions might be expected on the table on an early day.

After some discussion, the motion was agreed to.

THE LAND BILL'MAP.

Mr. HIGHETT inquired whether it was the intention of the Government to furnish hon. members with copies of the map illustrative of the Land Bill?

Mr. MITCHELL replied in the affirmative. Whatever information was supplied to the other House of Parliament would be supplied to this. The maps would be on the table at the next sitting, or he would explain the reason why.

LEAVE OF ABSENCE.

Mr. MITCHELL moved—

"That leave of absence be granted to the Hon. Alexander Fraser, member for the North

Western Province, to visit Europe on urgent private affairs."

Under ordinary circumstances, he observed, he should not be found advocating the granting of leave of absence to any hon. member, because he was, on principle, opposed to hon. members going to England, and carrying, as it were, their seats in their pockets. The circumstances connected with Mr. Fraser's case, however, were of no ordinary kind, and as he was a valued representative, there was no doubt that his constituents would prefer that he should have leave of absence than that he should resign, and a worse representative be chosen in his place, particularly as the probabilities were that the present session would not be a long one, and that Mr. Fraser would be back by the next session, which might be expected to open before the close of the present year.

Mr. HIGHETT seconded the motion.

Mr. FAWKNER opposed the motion on principle, as he opposed the granting of leave of absence, last year, to Sir James Palmer.

The motion was supported by Mr. Hull and Mr. A'Beckett; and opposed by Mr. Power and Mr. Strachan.

Mr. ROLFE thought it would be inconsistent, after the leave of absence granted to the President, to withhold assent to this motion, but he gave notice that he should oppose all similar motions in the future. He knew of the urgency of the present case; but some hon. members might desire to go home to see the Great Exhibition, and it would be improper to grant them leave of absence without their constituents having some voice in the matter.

Mr. COPPIN said he objected, on a former occasion, to leave of absence being granted to Mr. Urquhart, on the ground that not only the constituency which the hon. member represented but the whole colony might suffer from such a step. He opposed the present motion for the same reason. One of the most important measures that had been introduced to the colonial Legislature might be expected before the House shortly; and seeing that it was notorious that the squatting interest was here strongly represented, he thought the liberal party could ill afford to part with a member like Mr. Fraser, who was pledged to the liberal principles of the land question.

The House divided, when there appeared:—

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The following is the division-list:—

CONTENTS.

Mr. A'Beckett	Mr. Hull	Mr. Rolfe
— Degraves	— Kennedy	— Stewart
— Henty, J.	— M'Crae	— Sutherland
— Henty, S. G.	— Mitchell	— Thomson
— Highett	— Robertson	— Vaughan.

NON-CONTENTS.

Mr. Cole	Mr. Fawkner	Dr. Wilkie.
— Coppin	— Power	

THE VICTORIAN MINT.

The ACTING-PRESIDENT announced the receipt of a message from the Legislative Assembly, praying the concurrence of the House in the address to Her Majesty for the establishment in Victoria of a branch of the Royal Mint.

Mr. ROBERTSON gave notice that, on Wednesday next, he would move that the Council do concur in the address.

ADJOURNMENT.

On the motion of Mr. MITCHELL, it was resolved that the House at its rising do adjourn until Tuesday next.

PASTORAL RUNS.

Mr. ROLFE moved for returns for the years 1860 and 1861 of the number of acres, the number of sheep or cattle said to be depasturing upon, the assessment paid for, and the grazing capabilities of each of the undermentioned runs:—Nog Nog Wa, Cropper's Creek, Mount Typo, in the Beechworth district; Solitude, Parambool, in the Melbourne district; Yambuk, in the Warrnambool district; Conover, in the East Wimmera district; Longwarre, Tarween; River Tyers East, River Tyers West, River Tyers, in the South Gipps Land district; Burdamongee, Bynnomongee, Tongeomungin, Bindi, Gellingall, in the Omeo district; Jack Rivulet, in the settled district; Allerton, in the Grant district; Glenmore, in the Benalla district.

Mr. MITCHELL said he had no objection to the production of the returns. He had received information from the Lands-office to the effect that the returns should be furnished in a few days if required.

DIVORCE ACT AMENDMENT BILL.

Mr. FAWKNER moved the second reading of this bill, the object of which, he observed, was to make desertion for five years, without reasonable cause, a ground for divorce. The circumstances of the colony rendered such an enactment absolutely necessary. There were many men who left their wives and families in great distress, and never thought of returning to them. In order, however, to prevent people coming here from the mother country, and other portions of the British dominions, merely to obtain a divorce, he was willing to append a provision making three years' residence in the colony necessary to enable any person to apply for divorce on the ground of desertion.

Mr. MITCHELL seconded the motion.

Mr. HULL proposed, as an amendment, that the bill be read a second time that day six months. He considered the existing act went far enough. It was much more easy to procure divorce in England and her colonies than in France. The bill would open a vast field for collusion.

Mr. HOPE seconded the amendment.

Mr. A'BECKETT opposed the bill. If the measure passed there would be a conflict of laws that would be very injurious to the community. The law with reference to the marriage tie should be the same over all the British dominions.

Mr. FAWKNER said the law which he sought to create had been the law of Scotland for 300 years, and it had worked wonderfully well.

The amendment was negatived, and the motion for the second reading was carried without a division.

The House then resolved itself into committee, and the several clauses of the bill were agreed to.

The House resumed, and the report of the committee was brought up, its consideration being appointed for the next sitting.

CHURCH OF ENGLAND TEMPORALITIES BILL.

On the motion of Mr. A'BECKETT, the report of the committee on this bill was adopted.

The bill was then read a third time and passed.

The House adjourned at twenty-seven minutes past five o'clock to Tuesday next.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty minutes past four o'clock.

NOTICES OF QUESTIONS.

Mr. O'CONNOR gave notice that, on the following day, he would ask the Government when a definite scheme for the appropriation and distribution of the amounts placed on the Estimates for roads and bridges would be laid on the table?

Mr. SNODGRASS gave notice that, on the following day, he would ask the hon. Postmaster-General why the repairs to the Broadford Bridge were still delayed; and if inquiry would be made, so that a similar neglect of duty would be prevented in future?

Mr. DON gave notice that, on the following day, he would ask the hon. Postmaster-General if it was true that the sorters in the inland mail department of the Post-office worked from eight a.m. till a quarter-past six p.m., on the average?

Mr. FRAZER gave notice that, on Tuesday next, he would ask the hon. Commissioner of Public Works why the Government had moved the site of the Malmesbury Railway Station from the west to the east side of the Coliban River?

Mr. COHEN gave notice that, on the following day, he would ask the Government certain questions with regard to the Yan Yean tramway, which was leased to Mr. Handasyde.

NOTICE OF MOTION.

Mr. HUMFFRAY gave notice that, on Tuesday next, he would move for the appointment of a select committee to inquire into the necessity or otherwise for the continuance of a distinct Mining Department in the Government of this country, to be presided over by a responsible Minister; and also to inquire into and report upon the manner in which the administration of the Mining Department was conducted by the Heales Government.

EARLY ADJOURNMENT.

Mr. W. A. BRODRIBB wished to call the attention of the House to the desirability of adjourning every evening at half-past eleven o'clock, instead of at three or four o'clock in the morning. He had mentioned the matter to several members on both sides of the House, and they all seemed perfectly willing to agree to adjourn at the hour he had named, in the same way as they adjourned at half-past six o'clock. He had taken the liberty to bring the matter before the House, and trusted some good would result. (Hear, hear.)

A MUNICIPALITIES ACT AMENDMENT BILL.

Mr. W. C. SMITH, seeing the hon. Chief Secretary on the Treasury benches, would renew his question whether the Government intended bringing in a bill to amend and consolidate the laws relating to municipalities. During the last six years no less than three municipal conferences had been held on the subject of this bill, which had been promised time after time by successive Governments. None of these promises had been kept; and it was a mere waste of time for the municipalities to endeavour to give effect to their experience of the practical working of the present law. He hoped the present Government would fix some time for the introduction of this measure.

Mr. O'SHANASSY was happy to say that a bill of this description was being drafted; but, as the hon. member knew, it was not in the power of the Government so to expedite business as to give an opportunity for pressing this measure forward. He should be glad to see this bill on the table as soon as possible; but at the present moment there were fourteen Government bills before the House, with none of which had any great progress been made. It rested with hon. members themselves to press forward the business of the country, and facilitate the introducing and passing of this bill.

Mr. W. C. SMITH asked that copies of the bill might be furnished to the various municipalities, who could then consider the bill, and state at once to what they objected.

Mr. O'SHANASSY saw no objection to this course, so soon as the bill had been read a first time and ordered to be printed.

Mr. W. C. SMITH said he would, on Tuesday next, ask the hon. Minister of Justice when the new Municipalities Bill would be introduced?

POSTAGE REGULATIONS.

Mr. LEVEY asked the hon. the Postmaster-General whether his attention had been called to the fact that maps and printed music were not allowed to be transmitted from one portion of the colony to the other under the regulations referring to printed papers; and whether it was his intention to bring in a bill to remedy this anomaly, or in any other way to alter the practice of the department?

Dr. EVANS had had the matter brought under his notice; and if he could do so without great expense to the public, he proposed to include both the objects named in a bill, which he should have great pleasure in bringing before the House.

EDUCATIONAL RETURNS.

Mr. SERVICE asked the hon. the Chief Secretary if the Government had yet received those returns from the National Board of Education which were required in order to enable them to decide on the distribution of the educational vote; and, if so, whether an early day would be fixed for a consideration of that vote?

Mr. O'SHANASSY said the returns had not yet been sent in.

Mr. SERVICE would ask the question again on Tuesday next.

Mr. JOHNSTON remarked that the returns were being prepared, but were not yet quite ready.

RAILWAY REPAIRS.

Mr. L. L. SMITH asked the hon. the Commissioner of Public Works if he would have any objection to lay upon the table of the House a return of all moneys paid from 1st January to 31st December, 1861, for the repair of first, second, and third class carriages employed on the Government lines of railway, distinguishing each class separately.

Mr. JOHNSON asked that the question should be held over till Tuesday next.

Mr. L. L. SMITH agreed to the postponement.

THE RAILWAY TO ECHUCA.

Mr. REID said he would on Tuesday next ask the hon. the Chief Secretary if it was the intention of the Government to take action to carry out the railway from Sandhurst to Echuca on the Murray River, after the completion of the lines now under contract.

Mr. O'SHANASSY would reply at once. He believed that the hon. member was just as well informed on the subject as he was. Parliament had agreed that the railway should be carried on to Echuca, and it would be a breach of good faith not to do so. That there was not sufficient money to do so was no reason why the line should not be carried on to its termination.

PASTORAL OCCUPATION.

Dr. OWENS asked the hon. the President of the Board of Land and Works if he would inform the House by whom and under what Legislative authority, or otherwise, the licences were issued for the pastoral occupation of the waste lands of the Crown, for the present year, 1862?

Mr. DUFFY replied that the licences were issued by himself as the head of the department, under the authority of two Imperial statutes. In the first place, such licences were issued under the authority of the colonial Governor of the day, but such rights being questioned, an Imperial act was passed in 1842, authorising the Governor of the colony, of which this country was a part, and in whose person all authority was then centred, to issue licences and frame regulations. In 1851, regulations were framed under the authority of that statute, and licences, renewable from year to year, were issued. In 1855, when the Constitution Act was passed, another Imperial act was passed on the same day, which directed that all regulations then in force should continue so until the Legislature arranged otherwise.

Dr. OWENS then said he would give notice, that, contingent on the House going into Committee of Supply some day next week, he would move:—

"That the licences issued by the Government for the pastoral occupation of the waste lands of the Crown for the present year, 1862, are illegal, as being without any authority from the Legislature, and in contravention of the Crown Land Sales Act of the year 1860."

POSTMASTERS AND PAYMASTERS.

Mr. W. C. SMITH asked the hon. the Minister of Finance whether it was the intention of the Government to carry out the proposed amalgamation of the offices of receivers and paymasters with those of postmasters, on the principal goldfields, without further inquiry as to the advisability of such a course? He remarked that the duties of postmasters at Ballarat, Castlemaine, and Sandhurst, were now about doubled, because the mails to the centres of population adjoining those districts were sent *in globo*, and not sorted.

Mr. HAINES said the Government had no intention of carrying out this scheme without further inquiry. Three months' salary was put down on the Estimates for the paymasters, so that there would be no hasty amalgamation.

Mr. GILLIES asked if arrangements were not being made at Ballarat for the removal of the paymaster's department to the post-office?

Mr. HAINES knew of none. If any were being made, it was done without his knowledge or consent.

FARMERS COMMONS.

Mr. CUMMINS asked the hon. the Commissioner of Crown Lands and Survey if the Government had taken steps to secure the farmers in their rights to the farmers commons during the year 1862, as against the pastoral tenants?

Mr. DUFFY had answered this question before, and had told the hon. member the course the Government intended to take. That course the Government had taken. The Government had published notices in the *Government Gazette*, warning pastoral tenants that their licences were issued subject to all rights created by laws in existence against them. Since then the Government had taken the further step of endorsing on the back of each pastoral licence, a notice to the effect that land withdrawn for commonage purposes was not included in the runs. If that had not produced the proper effect, it was not his fault. The complete cure for the complaint would be to pass the Land Bill as soon as possible. (Cheers)

Mr. FRAZER asked if the Government would introduce a bill to remove all doubts on the subject?

Mr. DUFFY.—The Government has brought in a bill to remove those doubts in the most complete manner possible. There is not the slightest doubt but that by that bill the complete control of those commons will be given to the persons in the locality of the commons themselves.

Mr. FRAZER thought a short bill, which would settle this one question, might be passed in a few days.

Mr. DUFFY said that if the hon. member was really anxious to cure the evil he complained of, he would aid the Government to pass the Land Bill, which would set the whole matter at rest. (Cheers.)

RENT UNDER MINING LEASES.

Mr. HUMFFRAY asked the hon. the Postmaster-General when the Government intended to take the necessary steps to reduce the rent per acre (namely, £5) now charged upon all mining leases issued prior to the 16th September, 1861, to £2 10s., the amount charged under the new regulations?

Dr. EVANS said the Government intended to reduce the rent by bill, and so avoid incurring any difficulty.

Mr. HUMFFRAY asked if the Hon. Minister of Justice had not at one time stated that the rent could be reduced by an Order in Council?

Dr. EVANS replied that the matter had been

very fully discussed by the Ministry, who had decided that it would be necessary to proceed by bill.

THE PAY OF THE POLICE.

Mr. HUMFFRAY asked, without notice, if it was true that some of the police had refused to receive their reduced pay; and if the Government were aware that a portion of the constables of this city were carrying on their duties without pay?

Mr. O'SHANASSY said the chief commissioner of police had stated to him the unwillingness of a portion of the police to receive pay at the reduced rate. He (Mr. O'Shanassy) had explained that the police were in the same position as every other member of the Civil Service, and that their reduced salaries were only paid conditionally on the vote of Parliament. The salaries which were voted by the House, if in excess of or below the existing rate, would be paid under any circumstances, whatever pay was taken now. If, under those circumstances, the police would not receive their pay, the fact afforded something like internal evidence that they were not in want of money. (Hear, hear.) He was aware that the police were now doing duty without pay; but if they refused to act, the Government would find men who would do duty in their stead.

SALARIES IN THE HARBOUR DEPARTMENT.

Mr. NIXON asked the hon. the Chief Secretary whether he had objections to state to this House, upon what principle or system, and by whom, were the Estimates for the Harbour department framed; and whether such Estimates met with the approval of the head of that department?

Mr. ANDERSON said the Estimates for the salaries in the Harbour department were framed in the same way as those of other departments, viz., by the body appointed and known as the Civil Service Committee. As to whether the Estimates met the approval of the head of that department he was somewhat in the dark. If he (Mr. Anderson) were alluded to as the head of the department, he was satisfied with them. If the harbourmaster was the gentleman in question—

Mr. NIXON.—Yes.

Mr. ANDERSON was, in that case, not prepared to answer the question, for it was not usual to ask such heads of departments if they were satisfied with the salaries paid to themselves and officers. He could say that the harbourmaster was dissatisfied with his own salary, as he considered it to be too low.

Mr. NIXON had not referred to the harbourmaster's own salary. Surely the hon. member would not lay it down as a rule—

The SPEAKER said the hon. member was out of order in continuing the discussion.

POSTAGE TO WILLIAMSTOWN.

Mr. HUMFFRAY (in the absence of Mr. Verdon) asked the hon. the Postmaster-General if the Government would reduce the rate of postage between Melbourne and Williamstown to that charged between the city and every other metropolitan district?

Dr. EVANS said this question had been often brought under the consideration of the Government. During his former tenure of office he had desired to reduce the postage to and from Williamstown, as well as other places, in the way proposed, but he found that the experiment would have to be a very extensive one, and he would not attempt it. The Government which had succeeded him had extended the lesser rate to all post-offices within a radius of five miles from Melbourne, and he should be very glad if the post-office revenue would improve to such an extent as to permit of the establishment of a uniform rate of 2d. throughout the colony. (Hear, hear.) The proposed reduction would create an annual loss £35,000, and in the present state of the finances of the colony he could not submit such a proposition to his colleagues. He said this notwithstanding that it had been pointed out to him in the public press, and elsewhere, that in several countries, particularly Ceylon, such a reduction had been met by a far more than compensating increase of revenue. In Ceylon, he might inform the House, a reduction from 6d. to 2d. had been followed by a positive increase to the revenue of some £800 or £900 per annum. He was not prepared to expect that similar success would follow such a reduction in this colony. As to Williamstown, the revenue from the postal communication with that town had last year amounted to £500, while the expenditure amounted to £781—thus there was a loss to the revenue of £281 on that locality alone. Of course the hon. member did not wish that an exception should be made in favour of Williamstown as against many other townships. No hon. member could desire a reduction more than himself, and he should watch the subject carefully and vigilantly, that it might be made at the earliest possible moment.

Mr. SERVICE asked what percentage of increased revenue would be required to bring the returns from the Post-office to a par with the expenditure in the case of a reduction of the rate of 2d.?

Dr. EVANS did not think it transcended the arithmetical powers of the hon. member for Ripon to see that if the postage were reduced by one half, a corresponding rate of increase would be required to bring matters to a level.

Mr. SERVICE said he would put his question again on Tuesday next.

Mr. HOOD asked on what principle the smaller rate was extended to Toorak and Malvern, and refused to Flemington and Essendon?

Dr. EVANS could not answer the question at that moment. The fact was just as incomprehensible to him as it was to the hon. member.

RAILWAY WORKSHOPS.

Mr. HUMFFRAY (in the absence of Mr. Verdon) asked the honourable the Commissioner of Public Works when the railway workshops at the Geelong junction would be proceeded with?

Mr. JOHNSTON said the engineer-in-chief was out of town, and he could not answer the question till Tuesday next.

PETITIONS.

Mr. LOADER presented a petition from the Mayor, Aldermen, Councillors, and citizens of Melbourne, against the Yarra Pollution Act Amendment Bill.

Mr. WRIGHT presented a petition from one Wm. Milton, who complained that he had been

imprisoned for two and a-half years on an unjust conviction for shooting with intent, and prayed for redress.

THE BANKS AND THE BANK-NOTE DUTY.

Mr. MOLLISON presented a petition, signed by the representatives of the several joint-stock banking companies in Melbourne, against the proposed tax on bank-notes. The petition had been drawn up in consequence of the refusal of the House to allow the corporations in question to be heard by counsel at the bar, and it set forth the special hardships to which they would be subjected. He would briefly point out a few of the allegations contained in the petition. The first allegation was that the act in question proposed to levy a tax upon nine banking companies, while many private traders, who should be equally liable, who carried on the same trade as bankers, and who issued notes, which were afterwards met, were left without any charge whatever. The prayer was that the House should impose a stamp duty upon any transaction involving the payment or receipt of money, instead of levying a tax upon a few individuals. He moved that the petition be received.

Mr. HAINES said he did not wish to offer any objection to the petition, but he would ask whether it was in order that a petition should be received which asked the House to impose any particular tax.

Mr. MOLLISON gave notice that, on the following day, he would move that the petition be referred to the committee sitting on the subject.

SUPPLY.

On the motion of Mr. HAINES, the House resolved itself into a Committee of Supply.

Mr. HAINES said that whilst moving that the sum of £250,000 be applied to the service of the year 1862, he would ask the committee to allow him to explain why he now wished to ask for £300,000, instead of the sum mentioned in the motion of which he gave notice on the following day. In the first place, the Land Bill would occupy a great deal of the time of the House, and in the next place, before considering the salaries and wages of the officers, he thought it would be desirable that the Civil Service Bill should be discussed, so that the House could deal more easily with those Estimates. He was anxious to get on as fast as possible with the other Estimates, and he had arranged with his colleagues to set apart Friday in each week for their consideration. On Friday next, it was his intention to proceed with the votes for public works, and after that with the roads and bridges, and charitable and other grants which he would bring under the notice of the committee. On the present occasion, he asked for £300,000, to enable the Government to defray the cost of wages and salaries for the first three months of the year. A sum of £80,000 had already been granted. For salaries and contingencies, £175,766 would be necessary; £32,000 for public works; £4,450 for the expenditure in the Mining Department; making altogether a total of £212,888. Independent of those items, a great deal of inconvenience had been caused, through the Government not being in a position to pay the salaries of the schoolmasters, and he now asked for an extra amount for that object. He also proposed to pay the various charitable institutions sums on account, and also was anxious that the Government should enter into certain contracts for the survey of country lands, amounting to £18,000. The whole sum, including £80,000 already granted, amounted to £379,250. He trusted the House would not oppose the motion. He should propose that the money be applied to the purposes he mentioned, and would bring in a bill similar to that on the former occasion.

Mr. LOADER wished to be informed whether any portion was to be applied to educational purposes? ("Yes.") If so, whether any portion would be given to the schools which had recently failed to pay their way? He would like some information on that point, or, at any rate, to throw out a suggestion.

Mr. HAINES said he could not give any information. It was proposed to hand over the money to the two boards, and no doubt they would consider the suggestion of the hon. member.

The motion was carried. The House resumed, the Chairman reported progress, and obtained leave to sit again on Friday next.

CROWN LANDS SALES BILL.

The House resolved itself into committee for the further consideration of this bill.

Clause 10 was read, as follows:—

"The lands, comprising ten millions of acres and upwards, delineated on the map, signed, and with the boundaries initialed by the President of the Board of Land and Works, and deposited in the office of the clerk of the Parliaments, shall be reserved for proclamation in agricultural areas as hereinafter provided; and not less than four millions of acres shall be open for selection in such areas within three months of the passing of this act, and there shall constantly be kept open for selection in such areas at least two millions of acres, while so much of the lands delineated in the aforesaid map remains unsold."

Mr. DUFFY said he would now ask the committee to consider the second division of the bill, which referred to agricultural lands to be open for selection. He did not propose to go into the general provisions of the division, as no doubt they would be subjected to a searching inquiry by hon. members, but he simply wished to call attention to the 10th clause. That provided that 10,000,000 acres of land should be reserved for agricultural purposes; and if any question arose as to whether the best agricultural lands were not included, he could only repeat what he had before stated, that, before the map was finally completed, he would be prepared to make any reasonable alterations. The Government had endeavoured to include in the 10,000,000 acres the best lands, but if it was satisfactorily shown that they had omitted any lands which were better than those selected, they were willing to make an alteration. The second part of the clause proposed that 4,000,000 acres should be open for selection within three months after the passing of the act, and that was a quantity equal to what had been sold during the last twenty-six years in the colony. The clause further provided that there should be constantly kept open for selection at least 2,000,000 acres. Hon. mem-

bers would notice that the quantity was not restricted to 2,000,000, but that was the smallest amount.

Mr. L. L. SMITH referred to the remarks of the hon. member with regard to the best land being selected, and wished to know why Phillip Island was not included. It was well known that there was beautiful agricultural land on that island, and also that a great many persons were desirous of taking it up. The island had been included in the Nicholson Land Bill, but all attempts to throw it open had been evaded by the Government. He would move as an amendment that Philip Island, and other islands, be included in the clause, unless the hon. member said they would be included.

Mr. DUFFY said he had given great attention to the debates which had taken place on the subject of Phillip Island, and he believed that the persons who wished to settle upon it did so for suburban residences, and not for agricultural purposes. He would remind the hon. member that the islands were put down as special lands, and all special lands could be sold by auction if the President of the Board of Land and Works saw fit to order it for sale.

Mr. L. L. SMITH asked whether it would be put on the map as included in the 10,000,000 acres.

Mr. DUFFY thought the hon. member hardly understood the present or the Nicholson Land Bill. Phillip or any other island would be sold if the Government saw the necessity for doing so, but there was no necessity, and he not having seen any, was not prepared to make a special case of it.

Mr. GRAY wished to know what was the policy of the Government with regard to those lands known as special lands under the act? He wanted to know whether they were included in the 10,000,000 acres.

Mr. DUFFY said the course taken by the Government in regard to special lands was, that along lines of railway, one mile on each side should be reserved. The map on the table was too small to show every matter of that nature, but he had given instructions to have a larger map made, and thus no difficulty would be felt. The Government directed that the best agricultural lands should be pointed out, and all lands not included in the 10,000,000 acres would be special lands. Wherever lands had obtained a special value, as in the case of suburban lands, they would be special. The Government had selected what they considered the best agricultural lands.

Mr. BROOKE did not know whether, with the exception of lands along lines of railway, any lands were declared special lands under the existing act.

Mr. DUFFY.—There were others—lands on the gold-fields, where the occupation licences had been applied. The Government would not regard the restriction of the late Government of seven miles away from a gold-field, if there was good land closer.

Mr. SNODGRASS thought a clause should be inserted describing the special lands.

Mr. DUFFY said that a map would show them better than any clause. All lands not included in the 10,000,000 acres would be special lands, and sold by auction. All lands not reserved would, *ipso facto*, be special lands, and sold by auction.

Mr. SERVICE expressed himself in favour of a special clause being inserted, as proposed by the hon. member for Dalhousie.

In answer to Mr. O'CONNOR,

Mr. DUFFY said he had stated that the Government would take away any lands not suitable for agriculture, and add any lands shown to be more suitable than those selected. Some, he thought, could be taken away. For instance, there was a large quantity which had already passed under the auctioneer's hammer, and which, therefore, might be considered to be inferior.

Mr. M'LELLAN drew attention to the fact that no provision was made for reserving lands near the townships on the road between Victoria and Adelaide—at St. Arnaud, for instance. He thought it was most advisable to reserve lands there, as the country was a desert, and it would make the road more pleasant.

Mr. DUFFY thought the argument of the hon. member was against himself, as the Government wished to have the best lands, and not a desert.

Mr. M'LELLAN said that there was a quantity of good agricultural land in the neighbourhood of Castle Donnington. Thirty-six miles of territory in his own district, which were put down as good agricultural land, were described in the local paper as land of the worst description. The same authority stated that a large portion of the 10,000,000 acres was quite unfit for cultivation, and he was able to confirm this statement from his own knowledge of the country.

Mr. HOOD thought the hon. member did not speak on his own knowledge as to Castle Donnington, for that place only contained eight houses, and there was not a piece of agricultural land within many miles of it.

Mr. W. C. SMITH wished to know to what time the Government would extend to hon. members the opportunity of making representations for the amendment of the map.

Mr. DUFFY.—As long as the measure is before the committee.

Mr. MOLLISON said that the boundaries of the land for selection approached close upon lands which had been purchased at high prices, varying from £1 to £3 and upwards per acre. He suggested that there should be no selection withi a mile of the lands so sold.

Mr. DUFFY said this question had previously been before the House, and it was the general opinion that land which had obtained peculiar value from its position, ought to be continued under the system of sale by auction. He proposed to lay before the House a map of all the lands which were not included in the 10,000,000 acres, and which would be sold by auction.

Mr. BERRY distinctly asked the Commissioner of Lands and Survey, on the second reading of the bill, if there were to be any special lands, and the hon. Commissioner said there were not. He (Mr. Duffy) was now going to prepare a new map, setting forth special lands. This was reverting to the principle in the Nicholson Land Bill, of having special lands, which the hon. member had previously stated he was opposed to. How did he reconcile the two statements?

Mr. DUFFY ridiculed the notion that he had said special lands would not exist, when he well

knew that every town in the country might require extension, and that the power of selling land by auction was specially reserved in the bill. All lands outside the agricultural areas would be sold by auction.

Mr. SNODGRASS suggested that the Government should insert a clause defining which were the special lands.

Mr. BERRY contended that there was a great discrepancy between the original statement made by the Commissioner of Lands and Survey, as borne out by the map before the House, and the policy which he now professed. In the first instance, nothing was said by the hon. Commissioner about any reservation of lands, and he (Mr. Berry) called the attention of the Government to the matter on the introduction of the measure, and was distinctly told by Mr. Duffy that they did not intend to recognize any special lands.

Mr. HEALES intended to propose an amendment to the clause, and would s ate frankly what were his intentions in so doing. He intended that the clause should be so altered as to introduce an entirely new policy into this portion of the bill. In fact, he should propose that the clause be struck out, and some new clauses substituted. He would read the clauses which he proposed to introduce :—

"X. From and after the passing of this act, Crown lands other than town lands or suburban lands, and not being within a proclaimed goldfield, nor under lease for mining purposes to any person other than the applicant for purchase, and not being within areas bounded by lines bearing north, east, south, and west, and distant ten miles from the outside boundary of any city or town containing according to the then last census 10,000 inhabitants, or five miles to the outside boundary of any city or town containing according to the then last census 5,000 inhabitants, or three miles from the outside boundary of any town containing according to the then last census 1,000 inhabitants, or two miles from the outside boundary of any town or village containing, according to the then last census, 100 inhabitants, and not reserved for the site of any town or village, or for the supply of water, or from sale for any public purpose, shall be open for conditional sale by selection in the manner following, that is to say—Any person may tender to the land officer for the district a written application for the conditional purchase of any such lands, not less than forty acres nor more than 320 acres, at the price of 20s. per acre, and may pay to such land officer a deposit of 25 per centum of the purchase-money thereof, and if no other like application and deposit for the same land be tendered at the same time, such person shall be declared the conditional purchaser thereof, at the price aforesaid; provided that if more than one such application and deposit for the same land or any part thereof shall be tendered at the same time to such land officer, he shall, unless all such applications but one be immediately withdrawn, forthwith proceed to determine by lot, in such manner as may be prescribed by regulations made under this act, which of the applicants shall become the purchaser.

"XI. At the expiration of three years from the date of conditional purchase of any such land, as aforesaid, or within three months thereafter, the balance of the purchase-money shall be tendered at the office of the Colonial Treasurer, together with a declaration by the conditional purchaser, or his alienee, or some other person, in the opinion of the Minister competent in that behalf, under the Act 9th Victoria, No. 9, to the effect that improvements to the value of not less than £1 per acre have been made upon such land, specifying the nature, extent and value of such improvements, and that such land has been from the date of occupation the *bonâ fide* residence continuously of either the original purchaser, or of some alienee or successive alienees of his whole estate and interest therein; and that no such alienation has been made by any holder thereof until after the *bonâ fide* residence thereon of such holder for one whole year at the least. And upon the Minister being satisfied by such declaration and the certificate of the land agent for the district, or other proper officer, of the facts aforesaid, the Colonial Treasurer shall receive and acknowledge the remaining purchase-money, and a grant of the fee-simple shall be made to the then rightful owner. Provided that, should such lands have been occupied and improved as aforesaid, and should interest at the rate of five per centum per annum on the balance of the purchase-money be paid within the said three months to the Colonial Treasurer, the payment of such balance may be deferred to a period within three months after the first day of January then next ensuing, and may be so deferred from year to year, by payment of such interest during the past quarter of each year. But on default of a compliance with the requirements of this section, the land shall revert to Her Majesty, and be liable to be sold at auction, and the deposit shall be forfeited.

"XII. The holders in fee-simple, or the conditional purchasers of any lands, or their alienees, may be allowed pre-emptive leases of Crown lands adjacent to their respective properties, without competition, at the rate of 6d. per acre, and to the extent of three times their own purchased or granted lands, if there be so much vacant Crown lands available, subject to the exclusion of water necessary to the beneficial occupation of adjacent lands.

"XIII. If there be two or more claimants under the last preceding condition of the same land, the division of the land amongst them may be settled by arbitration; provided that if such land be of less extent than 640 acres it may, on an award being made, be forthwith occupied in accordance therewith, without further formal apportionment.

"XIV. The sale, conditional or otherwise, of any portion of land under lease as aforesaid shall cancel so much of the lease as relates to the land so sold, and to three times the area thereof adjoining thereto, which last mentioned area may be held under a like pre-emptive lease (without competition) by such new purchaser, or may, in manner hereinbefore provided, be divided between him and the adjoining holders or purchasers."

He had read the clauses, in order that hon. members might see that his object was really to introduce a more liberal system than the one proposed by the Government. At the present time, when there was great competition between the

various colonies for population, it was absolutely necessary that the colony of Victoria should be equally liberal in its land law with the adjacent colony of New South Wales.

Mr. O'CONNOR rose to order. Had the hon. member any right to propose an amendment in committee which was utterly subversive of the bill, without giving the House an opportunity of considering the merits of the amendment?

Mr. DUFFY said that what the hon. member (Mr. Heales) proposed was not merely beyond the standing orders of the House, but it, in effect, proposed a new bill. (Hear, hear.) Let the hon. member negative the measure, and introduce the New South Wales Land Bill. At present, he was simply wasting the time of the House.

Mr. O'SHANASSY feared that the hon. member was liable to be indicted for stealing the property of the New South Wales Government. (Laughter.)

Mr. HEALES had not submitted the amendment, and therefore the point of order could not yet arise.

Mr. SNODGRASS thought the hon. member was out of order in reading a portion of the New South Wales Land Bill.

Mr. LALOR said that the hon. member for East Bourke Boroughs could not propose an amendment utterly inconsistent with the clause under discussion; but he might move that the clause be struck out, and if the motion were carried, propose his new clauses.

Mr. GRAY remarked that no one would deny that, after a bill had passed the second reading, an hon. member could propose an important alteration in committee. He thought Mr. Heales had taken the most facile way of stating his intention to propose an amendment.

Mr. LALOR intimated that he did not think Mr. Heales was out of order at present.

Mr. HEALES insisted that the clause did not give that right of selection which would enable persons who desired to select the land which they required. Certain differences had already appeared in committee as to whether the 10,000,000 acres marked on the map included the best agricultural land. ("No," from Mr. Duffy.) He had been given to understand that much of the land marked on the map was really of a most inferior description. Indeed, the Minister of Lands had consented to alter the map, so that it might be more in accordance with the views of hon. members, thus clearly showing that the Government were not in possession of sufficient facts to induce the committee to proceed with this clause. Again, the clause did not give what the Minister of Lands had declared over and over again it did give—free selection over 10,000,000 acres. The only definite statement in the clause was, that within three months from the passing of the bill, 4,000,000 acres should be open for selection; and the Minister of Lands had not shown that that quantity would be exclusive of the refuse of the auction sales, and the lands which were already open for selection.

Mr. DUFFY said he proposed that the 4,000,000 acres mentioned in the clause should be exclusive of those which had been submitted to the hammer, and those which had already been proclaimed open for selection.

Mr. HEALES went on to observe that at the close of twelve months from the passing of the bill the portion of these 4,000,000 acres remaining unsold might be disposed of by public competition. He was quite aware that this might not be, and that, if only 2,000,000 acres were selected, the remaining 2,000,000 acres might represent the 2,000,000 acres which, according to the clause, should "constantly be kept open for selection." Now, he contended that, in point of locality, this was a serious objection to the bill. For the purpose of carrying out the intentions of the Government, as understood by the public—not, he would say, as understood by the Government—it would be necessary for the whole of these 10,000,000 acres to be open for free selection; and, furthermore, for no exclusive occupation of these lands to be permitted during the time that they were open to selection. It was important that an individual in purchasing land should be well pleased with his own selection; and the discussion had clearly shown that no Government could anticipate the wants and wishes of the people simply by apportioning certain pieces of land for selection. It was important that the people should have the freest possible choice. But this choice was not given them by the clause now before the committee. If the clause passed as it stood, they would deprive persons now in the colony of advantages equal to those which they might have in the sister colony, and which, according to the reports in the public press, were working most satisfactorily. He understood, from authority which he believed, that many persons who had been renting farms for a considerable period in this colony were prepared to leave and take advantage of the more favourable land system in New South Wales. Under these circumstances he held that, in considering this clause, they should see that they offered advantages equal to any of the Australian colonies. He repeated that the area of selection should not be limited, but that it should extend through the length and breadth of the land. It should be remembered that, for some purposes, the very best agricultural land might not be necessary. For instance, the climate and aspect might be of more importance than the quality of the land.

Mr. DUFFY.—For what purposes?

Mr. HEALES.—For vine-growing purposes.

Mr. DUFFY.—That is provided for.

Mr. HEALES.—Yes; but what advantage was there for the settler in having the grant of thirty acres on lease, when, under the bill, he could purchase a large quantity of land at the uniform price of £1 per acre? The granting of leases to promote industries was a mere delusion. No man would care to take a lease when he could obtain the freehold of the land for £30.

Mr. DUFFY.—And yet there are several applications already, in anticipation of the passing of the bill.

Mr. HEALES.—And are there any applications from holders of land under the occupation licences?

Mr. DUFFY.—A large number of those who have taken out occupation licences under the recent system have already been allowed to pay their money, so as to be brought under the operation of the bill. (A voice.—"They desire security.")

Mr. HEALES said he was glad the Government were anxious to give them security; but the Government were withholding security from them at that moment. (A voice.—"How?") The Government, if they felt disposed, could bring such pressure to bear as would make the pastoral tenants respect the proclamation or notice given by the Minister of Lands, to the extent that he saved the rights of persons who held occupation licences. The Minister of Lands knew that the pastoral tenants of the Crown had joined issue with the Government on this point, and that they were prepared to dispute the right of the Government to make this exemption. And he (Mr. Heales) considered the time had arrived when the Government should show these gentlemen that they were not in a position to bid defiance to the Government. The only way in which the pastoral tenants could be made to respect the Government of the day was to indicate to them that, unless they were prepared to grant inroads on their runs, which were made solely for the purposes of settlement, their licences should be withheld from them. (A voice—"No.") This was in the power of the Government, and if they were to do it, a remedy would be provided for the persons who were now being subjected to a system of persecution before unknown in this country. (A laugh.) There was no use in the Government saying that the occupation licence system was the act of their predecessors. The act had been endorsed by this branch of the Legislature, and also by the present Government, inasmuch, as they had professed to respect the rights of the occupation licencees, and had also taken the rents which had accrued since the late Government left office. The question was no longer a question as between the late and the present Government, but a question as between the Government of this colony and these persons who were being persecuted by the pastoral tenants. Mr. Heales then proposed, as an amendment, the insertion after the word "the" —the first in the clause—of the word "Crown." If the committee accepted this, the acceptance would be an admission that he might proceed with other amendments, which would have the effect of securing, under this clause, free selection both before and after survey.

Mr. DON said he clearly understood, from the speech of the Minister of Lands on the occasion of the second reading, that, under the bill, 10,000,000 acres would be thrown open for selection as rapidly as the work of survey could be accomplished, and it was upon this declaration that he announced that he should vote for the second reading. But after the speech of the Attorney-General, when that hon. and learned gentleman declared that the Government would not be trifled with—that they would stick to the main provisions of their bill—that rather than sacrifice their character as political men they would sacrifice their places—after hearing this, and seeing the many defects in the bill, he regretted that he promised to vote for the second reading. And the result was that, for the first time in his political life, he spoke one way and voted another. Now, however, he found that the Attorney-General was not so strict a Puritan as many might imagine him to be. (Laughter.) On the second reading it was declared that the Government would not submit to amendments, and yet only the previous night the Government ate "humble pie," and submitted to two amendments. (Hear, hear.) With regard to the matter of free selection, he would do the squatters the justice to say that they were not the greatest enemy which the working-man had in this country. There were land speculators and political speculators, whose proceedings were far more inimical to the people. The squatters took up the land, and made the best possible use of it till it was required for settlement, when they cheerfully yielded it up. They were the true conservators of the country, and not enemies, as had hitherto been supposed. But he should like to know, if 10,000,000 acres were to be thrown open for selection, whether the exclusive right of the squatters to all these lands should cease, and that henceforth the squatter should stand, with regard to those lands, on the same terms as the farmer—that the grass should belong equally to the farmer and the squatter—in short, that over these 10,000,000 acres there should be what was called by the Convention "free grass"? Did the Government mean that? (Cries of "No.") Then the clause was "a fraud, a delusion, and a snare." (Laughter.) But was this admitted by the Minister of Lands, whose life had been one violent political protest against a monopoly of the land? He could not believe it. Only from his own lips should the hon. member's condemnation come so far as he (Mr. Don) was concerned. Was the Minister of Lands prepared to say that under the bill the squatter would be only on a level with the settler with regard to the natural grasses on these 10,000,000 acres? If so the bill would be carried triumphantly through Parliament. If not, the hon. member would be consigned to the political oblivion that all political charlatans deserved.

Mr. DUFFY observed that he had listened often with attention, and sometimes with surprise, to the member for Collingwood (Mr. Don), but he had never listened to him with so much surprise as on this occasion. The hon. member thought himself entitled to lecture the Government on eating "humble pie," and had stated that he withdrew the support which at one time he was good enough to promise, because it was stated on the part of the Government that they would not be trifled with—because, in fact, they preferred their principles to their places. He sincerely regretted that the member for Collingwood felt himself bound to take that course. He regretted that the hon. member, after holding a position in the country that he might well be proud of—representing his class, standing upon his own instincts, and holding that position against all comers, should have thought proper, under any influences or for any end, to sacrifice a condition so honourable. No event in the political proceedings of the country for a long time had caused him (Mr. Duffy) deeper pain. He was sorry, from the respect which he had entertained for the member for Collingwood, that the hon. member had thrown himself open to an allusion of that sort. (Hear, hear.) The question before the chair, however, was, whether the member for East Bourke Boroughs was to put an end to the bill in order that, at some future period, when he sat on the Ministerial side of the House, he should bring in another. The hon. member asked the committee to strike out a word as an indica-

tion of their willingness to strike out the clause and substitute another. But the hon. member knew that, according to the standing orders of the House, this could not be done. What the hon. member for East Bourke Boroughs practically proposed to do was what he failed to do on the occasion of the second reading—to set aside the bill altogether. (Hear, hear.) Having fought that question already and been defeated upon it, the hon. member might have contented himself with one of two courses. He could have taken the manly course adopted by his friend the member for Williamstown on the budget—namely, to try the question of finance once, and, if beaten, not to interpose any opposition in the consideration of the details. Or there was this course open:—Having tested the main principles, and been beaten, to endeavour to make such modifications consistent with the main principles as would bring the bill more into harmony with his own wishes. Either of these courses would have been reasonable, and in accordance with Parliamentary procedure; but it was practising a deception on the committee to ask them to do something the hon. member knew they could not do. The amendment was, in fact, a covert attempt to defeat the Land Bill in committee after a failure to do so on the second reading. (Hear, hear.) He did not think the committee would lend its sanction to that course. The Government had not shrunk from putting to an issue, on the first and second readings, the whole bill; nor would they shrink from doing the same on the third reading. But he thought that, if Parliamentary business were to be conducted in such a manner as would lead to a practical issue, the main principles of a bill must not be fought on the consideration of every clause of the measure. (Hear, hear.) The member for Collingwood said that instead of throwing open 4,000,000 acres as proposed, the whole 10,000,000 acres should be thrown open at once. Well, an amendment to that effect would be in harmony with the clause, and if the member for East Bourke Boroughs had made such a proposition the question could have been entertained. But the hon. member had raised an issue large enough to occupy a month's discussion, and then they would have to traverse the whole ground which they had gone over before. He trusted hon. members would not seek to turn the House into a debating society, by introducing subjects which were not, and could not be, before them. The member for Collingwood had asked him certain questions, on which he should be prepared to give the fullest information at the proper time. He desired to withhold nothing when any question was properly raised before the committee; but he absolutely declined—and he considered it disorderly—to go into any other clause than that before the committee, except for the purpose of reasonable explanation. The House had the country behind them on this question. (Cries of "No," from the Opposition.) He had only to say that that should be ascertained if the necessity arose. (Cheers.)

Mr. ASPINALL had deeply regretted that the second reading of this bill had been agreed to, and that a land bill more in accordance with his opinions had not been brought in. That it was read a second time, however, was owing to the hon. member for Ripon and others, upon whose authority the opinion of the country was announced to be that the bill was required, and that it was the only compromise which could be got through the Upper House. He could not see the propriety of the course which the late Chief Secretary was going to take; but this he saw—and though he differed from that hon. member, he did so with a feeling of the highest respect—that if that gentleman lent himself to those who put him from office the other day, he would be simply making a dupe of himself.

Mr. SERVICE had not heard any name but that of the member for Ripon mentioned; and if he had been alluded to, he would at once inform the House that he intended to support the Government, and could not therefore be accused of making the ex-Chief Secretary his dupe in the sense mentioned.

Mr. ASPINALL knew perfectly well the nature of the course which hon. members were now pursuing. The object was to discuss the bill, clause after clause, in such a way as would require both sides of the House to be in full force every night. Hon. members were never to know when a particular clause would be forced on, nor what amendments were to be introduced; and then, on a sudden, amendments were to be proposed, the effect of which would be to turn out the Ministry; and one hon. member, at least, who had no objection to be the next Chief Secretary, would have to form a new Ministry. If hon. members were to be brought there night after night, to have important amendments suddenly announced to them, and forced to vote one way or another, he for one would not submit to it. At the second reading, he had said that, if there was a second party strong enough to turn out the Government, and carry a more liberal bill, he would support it, but there was no such party; and what was the use of putting down Governments and putting them up again, for nothing? The hon. member for Ripon might perhaps consent that night to wait a little longer, but he still thought in his own heart that there was a good time coming.

Mr. GRAY.—Quite right.

Mr. ASPINALL thought that the hon. member for Rodney might perhaps be quite right, and might expect to be in the new Ministry (a laugh). It might even be that he (Mr. Aspinall) would form one of them; but he should like first to be certain who was to be Chief Secretary, for he was rather particular about Chief Secretaries (laughter). If the House chose to say that 2,000,000 or 4,000,000 acres were too much or too little to be open for selection, there was no reason why the clause should not be amended; but he, for one, would not consent that the whole policy of the bill should be changed in the consideration of each clause; in fact, that there should be a second reading every ten minutes. (Hear, hear.) It was not as if there was any organization in the matter—as if hon. members knew what they were driving at, what their policy was, what they were going to do, and whether they were able to do it, and whether the Upper House would acquiesce in their notions; and he would not come to the House to sit and vote as he was bid under such circumstances. Who were to form the next Government, and carry a land bill at all? If the present Government could not carry

a land bill, who could? Perhaps the hon. member for Ripon was going to do it! Was he going to assist the hon. member for the East Bourke Boroughs in forming a new Government, and passing a new land bill, or would anything short of that suit him? If hon. members would look circumstances in the face, they would see that it was sought to put out Government after Government, each of which would endeavour to pass a land bill which would be a mockery, and which would not pass, and the settlement of the land question would be as far off as when he first entered Parliament. He sincerely trusted every hon. member would see that if they were to bring such opposition to each clause they would be doing that which was unparliamentary. As far as the opinions of the hon. member for the East Bourke Boroughs were concerned, he (Mr. Aspinall) agreed that whatever were the legal opinions on the subject of occupation licences, the question stood exactly where it was at first, and the licences might be issued by any Government who took care to enforce restrictions which would meet the special points of that special case upon which the judges had decided. On the particular question brought before them the judges were, no doubt, justified in coming to the decision they arrived at, but the introduction of a few words would meet every objection. This, however, was not the question. The question really was this,—"If the Nicholson Land Bill was not complete, what could be done to remedy the matter which would be agreed to by both Houses?" To change Ministries and talk vaguely about principles was to do nothing. (Hear, hear.) His own theory was to alter the constitution of the Upper House first, next to use the pressure of the occupation licences, and then bring in a land bill. That was now, however, put an end to by those who would soon be coming to ask for support from those whom they had helped to turn from office. And now he wanted to know what was the best land bill that they could hope to pass through both Houses? It was easy to promise any sort of land bill which would gain popularity, but if the Upper House threw it out, of what use was it? What was the use of spending night after night amending clauses which the Upper House would cut out altogether? Those who were masters of the situation said they were content to keep the Upper House as it was, and in that case how absurd it was to amend clause after clause to no effect. He should be no party to such a mockery. At one time he had hoped to have the Upper House at greater advantage, but that time was passed, and the members of the other branch of the Legislature knew well enough that they were in a better position than before. Of what use was it for every hon. member to be doing no thing but pleasing his own provincial paper, that he might have a banquet given him by his constituents, and be thought more liberal than anybody else? It was wasting time, it was—bah! it was contemptible. Let there be no pretence in legislation. He most sincerely hoped the hon. member for the East Bourke Boroughs would see that he was being misled, and that, respected, admired, and believed in, as he was, he was being used by those very parties who had put him out of office. He trusted to see the Land Bill modified, but not that it should fall into the hands of those who would never carry any land bill at all.

Mr. SERVICE knew some of the reasons which the hon. member for East Geelong had for not discussing the bill, and no hon. member who had been in the House as long as that hon. member could fail to detect them. Had the hon. member ever been seen to discuss any bill? He came like a meteor, and so departed, having only one desire, which was to give utterance to what he (Mr. Service) would call "brilliant nonsense," if he might be allowed to use the phrase.

Mr. ASPINALL had no objection to the term, in contradistinction to the hon. member's nonsense. (Great laughter.)

Mr. SERVICE asked whether the hon. member for Geelong East was ever found working at a bill in committee, for the furthering of the interests of the country? Was the hon. member guilty of any hard work at all, either for his party or against it. Did he not shrink from it, as dogs, under certain circumstances, shrank from water? And yet that hon. member had thought fit to aim his remarks at him (Mr. Service). One night last week the hon. member had thought proper to animadvert on his (Mr. Service's) opposition to the Government, and supposed desire to take their places. There was something more contemptible than proposing useless amendments to a land bill, and the accusation was of that character. The hon. member said that if he (Mr. Service) and others had wished to throw out the Land Bill and introduce a better one they would have had the assistance of the hon. member and his friends; but when was that offer made? It was when almost every hon. member in the House had spoken—when it did not matter a fig how one or two members voted—and when every member of the House was definitely committed to his vote. What was that proposition, then, but a clever piece of play-acting. (Cries of "Hear," and laughter.) Did any hon. member believe that the hon. member for East Geelong was in earnest in respect to this or any other land bill? Was he not almost always absent when these measures were discussed? When the Nicholson Land Bill passed did not the hon. member publish to his constituents at Castlemaine, and indeed all through the colony, that his mission was at last fulfilled, and that he resigned his seat in the House because a land bill was passed? And when did the hon. member enter the House again? It was only when the country wanted an Attorney-General! (Hear, hear.) The hon. member might talk of prospective Governments as he thought proper: they existed but in his imagination; but it was a matter of history that the hon. member returned to the assistance of the country only when an Attorney-General was wanted. With such salient points in his Parliamentary career, there was no wonder in his imputation as to other hon. members of the very motives which had actuated himself. He had said he was particular about his Chief Secretaries, but he hardly proved as much, when he characterized the action taken by the hon. member for East Bourke Boroughs in such contemptuous terms. He (Mr. Service) would venture to say that if the hon. member for East Geelong were ever called upon to be Attorney-General again, it would not be

when Mr. Service was at the head of affairs. He could assure the hon. member that he should not remember him when he came into his kingdom (a laugh); and, perhaps, the certainty of this had in no slight degree caused the hon. member's animosity. Between himself and the hon. member there might be a want of not only political affection but something of even more importance—political confidence. He could tell the hon. member that when he was Chief Secretary the hon. member for East Geelong would neither be Attorney-General nor Minister of Justice; and it was possible, when the fulness of time came, that the hon. member might be found, as others had been found, knocking at the door, seeking to get in. (Laughter.) As to the question before the House, the hon. mover of the amendment had taken the wrong course altogether, for such alterations as he proposed ought at least to be printed, and in the hands of hon. members, before they were dealt with. Even if they had been printed, he must—and he was sorry to do so for one second—agree with the hon. member for East Geelong, that their effect would totally change the character of the bill, and he must therefore oppose the amendment. Such amendments as he (Mr. Service) had expressed an intention of advocating were simply extensions of principle, and contained no radical change. To move that the selection within the 10,000,000 acres be either before or after survey was a fair amendment, and one which he for one intended to put.

Mr. ASPINALL rose to make a personal explanation. He believed the hon. member for Ripon, and every other hon. member, knew the reason of his absence during the last four days of discussion upon the second reading of the Land Bill. He had been unwilling to let his wife leave the colony without seeing her off; and, besides, there was sickness in his house. The only other time he had been long absent from the House was when he paired off for a month with Mr. Ebden on the death of his child.

Mr. SERVICE had never known of the circumstances in question, or he would not have said one word to offend the feelings of the hon. member. He had, however, never alluded to the month's absence when the hon. member paired off with Mr. Ebden, nor the circumstance that led to it. He trusted the hon. member would credit him when he said he was the last man in the House who would willingly hurt the feelings of any man in the community. (Hear, hear.)

Mr. GRAY regretted to find the hon. member for Ripon taking his present course, for the change contemplated by the amendment was no greater than the change which the hon. member for Ripon intended to propose, so that that argument could be easily got over. The amendment proposed by the hon. member amounted to giving free selection, not only over 10,000,000 acres, but over the whole colony. In proposing that amendment to the committee, he had to say how it could be accomplished, and that it would be necessary to alter three clauses. If the first of those clauses were negatived, then the hon. member would not press the others. The amendment proposed to give certain grazing rights, and at the same time not to stand in the way of the *bonâ fide* settler. It was a fair proposition to make, and the hon. member for Ripon could reconcile it with the course he adopted on the second reading. In the present clause it was proposed that 10,000,000 acres should be reserved; but by the existing law 40,000,000 acres, including those 10,000,000 acres, were reserved for settlement. By the clause 10,000,000 acres were to be reserved—not thrown open at once, but sold in one way only, free settlers having the first choice; but under the existing law 40,000,000 acres were open, and therefore the proposed clause was restrictive in its intention. He thought that the amendment proposed a simple and well-matured plan of reconciling rights, and was a better one perhaps than the hon. member for Ripon could suggest. The member for East Bourke Boroughs had been accused of stealing the clauses from the New South Wales Land Bill; but he (Mr. Gray) could not see why any objection should be made to his doing so, or why a good thing should be rejected because it came from another colony. He trusted the amendment would be carried, as, whilst no injustice would be done to the squatters, due regard would be had to the rights of the people.

Mr. O'SHANASSY thought hon. members, from their experience of the last five or six years, would have shown an anxiety to save the deplorable exhibition which had been made that evening. He thought that the hon. member for Rodney, from his experience, might have been cured of his peculiarity of, on all occasions on which any clause was introduced referring to a land bill, going over the same ground, and telling the House the same old story. The hon. member thought on such occasions that he made a great impression on the House, but that was one of the illusions he laboured under. The hon. gentleman told the member for East Bourke Boroughs that it was his duty to have moved the amendment, as if really the hon. gentleman did not know that the whole thing was prearranged.

Mr. GRAY denied that there had been any pre-arrangement with members on the hon. member's side of the House. If the hon. member referred to his (Mr. Gray's) side of the House the hon. gentleman had simply discovered a mare's nest.

Mr. O'SHANASSY.—The hon. member would not say that gentlemen on his side had not met to arrange about the amendment. ("Hear, hear," from Mr. Gray.) For the last half hour the hon. member had merely been indulging in political bidding—bidding for the member for Ripon, and had told that member that, after all, he would find he could reconcile his views to the amendment. But, he would ask, were gentlemen acquainted with Parliamentary order and practice to sit down and not expose such a political cheat? (Laughter.) The hon. member for Villiers and Heytesbury and the Attorney-General had stated boldly that if they failed to carry the principles contained in the bill they would withdraw, and would not interfere; but if, after experience, it was found that such principles were wrong, they would come forward and reverse them. Those two statements were far more creditable than the political bidding of the member for Rodney. Since the

bill had been introduced, the hon. member had had ample time to consult all his friends, and no doubt he had done so, as from the first he was opposed to the bill; but the conduct of the hon. members near him—the hon. members for Williamstown and Geelong East—was far more in accordance with Parliamentary practice than the course adopted by the hon. member. In England it was the practice, if any member who had charge of a measure containing certain great principles found that he could not carry those principles, to withdraw the bill for a season, and to bring it forward again and again; and that was a reason why the member for Rodney should be taught that he was not to turn the Parliament of the country into a mere debating shop. If the hon. gentleman thought the Land Bill of New South Wales was preferable to the present one, why had he not moved on the occasion of the second reading that that bill should be adopted instead of the one brought forward by the Government. The New South Wales bill was debated on the second reading, and was contrasted with the present measure, and it was finally agreed that the Government measure was better for the interests of this colony than the New South Wales bill was for that colony. It was not right, therefore, that the hon. member should now wish to introduce the New South Wales bill. He took it the committee was not likely to make much progress if they persevered in such a pettifogging way of dealing with the bill. When the principles contained in it were carried, hon. members were precluded from altering those principles, and the tenth clause embraced some of those principles. The hon. member for East Bourke Boroughs, in assumed simplicity, said they had nothing to do but to tell the Ministers their views, and that the Ministers must adopt them and give the New South Wales bill; but could anyone suppose the hon. member was acting with candour, or that he believed such a proposition would be accepted? The House had been told by the member for East Bourke Boroughs that he was at last a convert to the New South Wales measure. He had made that statement, and it was most wonderful. It was not done with any great flourish of trumpets, it was true; in fact, at first he (Mr. O'Shanassy) thought the hon. member had brought forward new clauses of his own, for it was only when challenged that he stated they were taken from the New South Wales bill. Was that the way in which the mouthpiece of a party should treat an important measure, after so many opportunities had been given of dealing with it? Was it proper to bring forward slyly and without notice a series of clauses copied from the New South Wales bill, using the exact terms so absurdly that they were not even made to apply to this colony. The clauses were put forward in the heat of party feeling, without regard to the difference between the two constitutions. In all sincerity he would say that the hon. member for Rodney had placed the member for Ripon in one of those political dilemmas into which he was in the habit of falling, as he had bound himself, supposing the present amendment were not carried, to bring forward another having the same effect. What did he say in the same breath? That he intended to move an amendment to the effect that selection before survey should be granted. This was a new principle, and the hon. member (Mr. Service) was as much bound to give notice of it as Mr. Heales was bound to give notice of his intended amendment. It was, however, unparliamentary to propose any amendment in committee contrary to the main principles of a bill. (Hear, hear.) The hon. member for Rodney said that a better means of settlement was provided by the Nicholson Land Act than that proposed by the 10th clause of the present bill. What, however, was the fact? Under the system now proposed, a man could take 640 acres, pay the purchase-money for the half, receive a title for it, and pay for the remainder in instalments of half-a-crown per acre, to extend over a period of eight years. When Mr. Gray stated, that at the present time the country lands were let on advantageous terms to the people, he studiously concealed the real facts. Under the present system of limited auction, the average price of the country lands sold was £1 19s. 4d. per acre.

Mr. GRAY.—It is £1 1s. 6d.

Mr. O'SHANASSY repeated that the price per acre under the limited auction system was £1 19s. 4d. Under the present bill, the land could not be more than £1 per acre, and by allowing instalments for half the land purchased, the exact price was reduced to 15s. 9d. per acre, so that, under the system now proposed, the land would be nearly £1 4s. per acre cheaper than under the limited auction system. This was a great boon and concession to men of small means who were desirous of settling upon the land. Taking into consideration, however, the privileges allowed by the bill for improvements on the land, &c., the cost would be still less than 15s. 9d. per acre, and in many cases the land could be occupied almost for nothing. These facts had been studiously concealed, and suddenly the New South Wales Land Bill was proposed as an amendment. This question had virtually been decided on a former occasion, and why should it now be renewed? Why should they continue to have these fragmentary debates night after night, when the second reading of the bill had been agreed to? The object seemed to be so to exhaust the House by various processes of delay as to get rid of the bill altogether, or to interject propositions which would entirely change its main features. That was the course which had been adopted by those who had taken the active part in the opposition to the bill. (Hear, hear.) He trusted that the House would maintain the principle, that they should, as nearly as possible, assimilate the practice of the Victorian Parliament to that of the Imperial Parliament, and not allow amendments to be proposed in committee which would defeat the purpose of a bill that had already passed a second reading. If any hon. members supposed that they could get men to hold office merely at their beck and will, their notions of responsible government were so low that they proved they were not fit themselves to govern the country. (Hear, hear.) The hon. member for Collingwood had said, in justification of his bombastic speech, that the Government had consented to two great changes in the measure—the striking out of the police clause, and an amendment proposed by the hon. member for Ripon and Hamp-

den. The Government wished to deal with the bill like rational men, and they stated at the outset that, providing those clauses which they deemed essential to the carrying out of the measure were not interfered with, they would not oppose any amendments which might receive the approval of the House. It therefore ill became the member for Collingwood to taunt the Government in the way he had done. The amendments made last night did not in the smallest degree touch the main principles of the measure; and no vital principle of it had been assailed except in a covert manner that evening, without notice, and contrary to Parliamentary practice.

Mr. HEALES said the Chief Secretary presumed upon the ignorance of hon. members on that (the Opposition) side of the House when he asserted that it was contrary to Parliamentary usage to introduce any amendment in committee opposing one of the main features of a bill. Whatever might be the practice of the Imperial Parliament, the standing orders which laid down the rules to be observed in that House, said — "Any amendment may be made to a clause, provided the same be relevant to the subject-matter of the bill, or pursuant to any instruction, and be otherwise in conformity with the rules and orders of the House; but if any amendment is not within the title of the bill, the committee shall change the title accordingly, and report the same." The amendment which he had proposed was both relevant to the subject-matter of the bill, and within the title; so that it was clearly within the power of the committee to adopt the amendment. The Chief Secretary had accused him of having alluded that evening, for the first time, to the New South Wales Land Bill. In his speech on the second reading, he distinctly stated that a land bill was in operation in New South Wales infinitely superior to the one proposed by the Government, and that, if the second reading were carried, he would endeavour, in committee, to assimilate it, as nearly as possible, to the New South Wales bill. That was giving the House more notice of his intention than he was required to give. He had fairly raised the question of the superiority of the one bill over the other, and he thought it right that he should state what his proposed amendment really was. He had therefore read it to the House, but he did not think it necessary to state that it was taken from the New South Wales Land Bill, because he had specially referred to that measure in his speech a week or two ago.

Mr. BERRY held in his hand a return showing the amounts paid for land alienated by selection under the Nicholson Land Bill, and he found that the average price of land so alienated was not £1 19s. 4d., but £1 2s.

Mr. DUFFY.—That is not for the best land under limited auction.

Mr. BERRY said that the Commissioner for Lands and Survey had, in a former speech, stated that the land under the Nicholson Land Act cost £1 19s. 4d. per acre.

Mr. DUFFY explained that what he said was, that all the agricultural lands submitted under the Lands Sales Act were competed for under a limited auction, and that the lands so competed for brought £1 19s. 4d. per acre. It was true that there was other land which sold for less, but that was not the best agricultural land, and no competition took place for it. The present Government proposed to reserve all the best agricultural land, and under their system the cost would in no case exceed £1 per acre.

Mr. BERRY thought that if the hon. Commissioner had made the statement as clearly in the first instance, there might not have been any misunderstanding upon the subject. The impression in the House, and amongst the public out of doors, however, was that the average price of the lands sold under the Nicholson Land Bill by free selection and by limited auction together, was £1 19s. 4d. per acre. ("No. no.") The Government, in proposing the second reading of the bill, stated that the measure was to be regarded as a compromise; and that, if it passed the second reading, amendments of any kind might be proposed in committee. It was on that understanding that a majority of the House voted for the second reading; and it was not very gracious of the Government now to turn round and say that no amendments could be entertained which interfered with the general principles of the measure. The clause which was now objected to proposed to limit the land open for free selection. The House was asked to interfere, for the first time, with the free choice of the citizens. Surely this provision ought to be discussed in a fair and broad spirit. He felt it his duty to support the amendment of the hon. member for East Bourke Boroughs; and if the amendment were negatived, he would do his best to make the clause as it stood as beneficial as possible to the country.

Mr. SNODGRASS thought that the conduct of the hon. member who had last spoken was inconsistent, because he had on former occasions opposed the principle of free selection. There had been a great deal of speaking against time, and the sooner the committee came to a division the better.

Mr. M'CANN called attention to the fact that there was no quorum. He was surprised that during the speech of the member for Collingwood there were only three or four members present on the Opposition side of the House.

The bell was rung, and the quorum having been completed,

Mr. M'DONALD explained, in reply to an observation made earlier in the evening by the member for Ripon, that he paired off for a week with Mr. Aspinall on the second reading of the Land Bill.

Mr. NIXON supported the amendment, and said he should oppose the bill at every stage. He complained of the member for South Grant (Mr. M'Cann), taking advantage of his position in the House to attack a person who had no opportunity of reply. He referred to the hon. member's observations on the occasion of the second reading, with regard to Mr. Rees, of the Little River.

Mr. M'CANN replied to the effect, that all the observations which he made on the occasion referred to were warranted by the facts of the case.

After a very irregular discussion,

Mr. DENOVAN expressed a hope that the discussion on this clause would not be protracted.

Mr. M'LELLAN regretted that such latitude

had been allowed to hon. members during the discussion.

The question was then put, and the House divided upon the amendment, as follows:—

Ayes	18
Noes	37
Majority against the amendment	19

The division list was as follows:—

AYES.

Mr. Berry	Mr. Gillies	Mr. Nixon.
— Davies, B. G.	— Gray	— Owens
— Denovan	— Leales	— Smith, L. L
— Don	— Houston	— Sullivan
— Edwards.	Dr Macadam	— Weekes
— Frazer	Mr M'Lellan.	— Wright

NOES.

Mr. Anderson	Mr. Humffray	Mr. Orkney
— Aspinall	— Ireland	— O'Grady
— Bennett	— Johnston	— O'Shanassy
— Brodribb, K E	— Kirk	— Reid
— Brodribb, WA	— Kyte	— Richardson
— Cathie	— Levey	— Riddell
— Cohen	— Loader	— Service
— Cummins	Dr. Mackay	— Smith, A. J
— Duffy	Mr. M'Mahon	— Smith, J T.
Dr. Evans	— M'Cann	— Snodgrass
Mr. Francis	— M'Donald	— Tucker
— Hedley	— Millison	
— Hood	— Nicholson	

Mr. GILLIES moved that the Chairman report progress. It was clear the clause would not be allowed to pass without another proposition being made, and it was not right to enter into a fresh discussion at so late an hour.

Mr. DUFFY said the Government would have no objection to report progress when there was some progress to report (hear, hear), but for the character of the House he would oppose the motion for adjournment at the present stage. Any new proposition could as well come in on the consideration of of the 13th clause in this division as in this.

Mr. M'LELLAN supported the motion to report progress. The House would then make a fresh start in a better temper.

Mr. SERVICE was afraid the discussion would last long, especially as he himself intended to introduce some amendments, but as a supporter of the Government (a laugh) he was willing to go on. At least he was a supporter of the Government in their manner of conducting this bill, and if the amendment went to a division he should vote against it.

Mr. LEVEY thought that hon. members on the other side of the House were right in laughing at the announcement that the hon. member for Ripon was a supporter of the Government.

Mr. SERVICE denied that he was not a supporter of the Government. All the amendments he intended to propose were to omit the words "not less than 4,000,000 acres," in the seventh line, and all the words after "act" in the ninth line, so as to give free selection over the whole agricultural areas.

Mr. O'SHANASSY supported the hon. member for Normanby. He could not look upon the hon. member for Ripon as a supporter of the Government when he was about to introduce an amendment which would give free selection before survey.

Mr. LOADER did not think the amendments of the hon. member for Ripon would have the effect of giving free selection before survey.

Mr. WEEKES trusted the Government would consent to the adjournment, as, on looking to the remainder of the clause and the one succeeding it, he saw that there was much that would raise discussion. He would mention that he was now, as always, opposed to free selection before survey. (Mr. Gillies.—"Oh!") As long as he was in that House he should exercise his right to vote as he thought proper.

Mr. SNODGRASS objected to members being intimidated from expressing their own views. At the same time, he was in favour of the adjournment.

Mr. EDWARDS supported the motion for reporting progress, and drew attention to the fact, that although the hon. member Mr. Weekes had expressed himself against free selection before survey, he had voted with the "ayes" in the last division.

Mr. DUFFY said that the Government objected to the motion, because they felt that after spending the whole evening in discussing an amendment which was not in order, a new amendment of the same nature might be proposed next day, and they would have to go over the same ground.

Mr. GRAY thought the night had not been wasted, as a most substantial question had been debated.

Mr. DUFFY pointed out, that owing to the House being in committee, there was not the same order in debate as if in full House. All he wanted was, that the issue should be decided at once.

Mr. HEALES thought the night had not been uselessly spent, as the issue discussed was whether there should be free selection over the whole of the country, and it had been decided there should not. Now, it was proposed that there should be free selection over the 10,000,000 of acres, and he assumed if the debate was adjourned, that would be the question raised.

Mr. O'SHANASSY said the question had been whether the committee should or should not accept the New South Wales bill, and no progress had been made with the measure in hand. He thought the hon. member (Mr. Loader's) statement did not accord with that of the hon. member for Ripon, as the proposition of the latter gentleman was that there should be free selection over 10,000,000 acres before any survey on the part of the state.

The motion for reporting progress was then put, and negatived.

Mr. SERVICE moved, as an amendment, that the words, "not less than four million of acres," be struck out. The Chief Secretary had said what he (Mr. Service) meant, which was, that the 10,000,000 acres should be open to all comers. He did not wish to have it thrown open before survey, but before state survey. ("Oh, oh.") Hon. members might smile, but there was a distinction between the two surveys, as had been shown by their own leader (Mr. O'Shanassy). Any member who had voted for the occupation licences could not object to the amendment.

Mr. DUFFY moved that the Chairman report progress.

The motion was agreed to.

The House having resumed, the CHAIRMAN

reported progress, and obtained leave to sit again on Tuesday.

CUSTOMS LAW AMENDMENT BILL.

Mr. ANDERSON moved the second reading of this bill. The hon. member stated that the principles contained in it had already been affirmed by the House.

The motion was carried.

The House then resolved itself into committee to consider the clauses.

The clauses, which referred to the increase of duties, the payment on goods, and the adjustment of entries, were agreed to without amendment.

Mr. SERVICE moved the addition of the following clause:—

"If any consignee of goods shall neglect or refuse to make entry of such goods and to pay the registration fees thereon, the master of the vessel in which such goods are imported, or the owners of such vessel or their agents, may, after the expiration of three clear working days from the date of entry of such vessel (if a sailing vessel), or one clear day (if a steamer) at the Custom house, pass entry for and pay the registration fees upon such goods, and may thereupon take possession of, remove, and bond, or otherwise warehouse and safely keep, the said goods, and shall have a lien on such goods, and be entitled to sue for and receive the amount paid by him or them for and in respect of such entry and registration fees, and all reasonable expenses incurred by him or them in respect of such possession, removal, bonding, warehousing, and keeping, and if the same be not paid within three months, may sell such goods to reimburse himself, or themselves, such amount, and expenses as aforesaid."

The clause was adopted, and made to stand clause 7 of the bill.

The preamble, with a verbal amendment, was agreed to.

The bill was then reported to the House, and adopted, the third reading being fixed for Friday.

CHINESE IMMIGRANTS ACT AMENDMENT BILL.

Mr. O'SHANASSY moved the second reading of this bill, the object of which is to abolish the Chinese residence-tax.

The motion was agreed to, and the bill committed.

Mr. SERVICE asked what amount had been annually received from the tax of £10 per head which was levied upon the Chinese coming to the colony?

Mr. O'SHANASSY believed the amount was about £1,200. The tax was imposed some years ago, to prevent ship-owners dealing with the Chinese as articles of merchandise, and to prevent the colony being inundated with Chinamen. At that time there were about 40,000 Chinese in Victoria, but the number was now reduced to about 24,000.

Mr. SERVICE thought that the immigration of Chinese was now less than was really desirable, and that the revenue of the country would not be injured if an alteration were made in the capitation tax.

Mr. O'SHANASSY said that the object of the tax was not revenue, but to prevent a vast influx of Chinese, which was undesirable. The other colonies of Australia had adopted a similar policy.

Mr. M'LELLAN would oppose the abolition of the capitation-tax, because the effect would be to increase the disturbances which occurred on the gold-fields with the Chinese, unless the police protection were largely increased.

Mr. SULLIVAN supported the bill, on the ground that the residence-tax was a great hardship, and that many Chinese were cast into prison in consequence of their inability to pay it.

Mr. SERVICE intimated that, on the third reading of the bill, he would move certain amendments, which would enable the House to discuss the propriety of, if not abolishing, at all events reducing, the capitation-tax.

Mr. DENOVAN believed that the bill in its present form would be received with applause on the gold-fields, but that there would be great dissatisfaction if the capitation-tax were abolished.

Clause 1 was agreed to.

On the reading of clause 2, which provided that no Chinese shall be entitled to vote at the election of members for any mining board,

Mr. SULLIVAN suggested that the Government should consider the propriety of giving the Chinese a right to vote in such elections, inasmuch as they had the privilege of voting at municipal elections.

Mr. O'SHANASSY would oppose any proposition to give the Chinese a right to vote at the election of members of mining boards, believing that, if that privilege were granted, it would concede the principle of the Chinese being entitled to equal civil rights with the British population, for which they were not fitted. He believed that the power to vote at municipal elections was accorded to the Chinese by mistake, and he would support a measure to repeal it.

Mr. SULLIVAN admitted the difficulties which existed, but as Chinese might become naturalized citizens of the state, and vote at Parliamentary elections, he thought they ought to be entitled to vote at the election of members of mining boards.

Mr. O'CONNOR opposed the suggested amendment, believing that if the Chinese could vote at the election of mining boards, they might, from their peculiar organisation, virtually disfranchise the European miners.

Mr. GILLIES held it absurd that a Chinaman, if naturalized, should be able to vote for a member of the Legislature, and yet not be able to vote for a member of the Mining Board.

Mr. O'SHANASSY observed that a naturalized Chinaman would not be an immigrant within the meaning of the act.

Mr. GILLIES quoted the Gold-fields Act to show that the Chief Secretary was wrong.

After some discussion,

Mr. IRELAND proposed the insertion in the clause of the words "unless he be naturalized," in order that the bill might harmonize with the Gold-fields Act, which provided that no Chinaman, unless naturalized, should vote in the election of a Mining Board.

In reply to a question,

Mr. O'SHANASSY said the Government would not grant naturalization unless a Chinese married,

held property, or showed in some other way that he desired to become a citizen of the country.

Mr. M'LELLAN thought it would be better for the clause to remain as it stood. It would be unwise to give any fresh ground for jealousy between the Chinese and European populations. It was well known that one residence-ticket would enable 500 Chinese to deceive a warden; and there was no reason to suppose that one naturalization-ticket would not be used to the same purpose.

After some discussion, the amendment was withdrawn.

The clause was then agreed to without a division.

The preamble was passed, and the bill was then reported to the House, the consideration of the report being appointed for Friday.

PASSENGERS' ACT AMENDMENT BILL.

Mr. IRELAND moved the second reading of this bill.

The motion was opposed by Mr. NIXON and supported by Mr. LOADER, and agreed to without a division.

The bill was then committed, and passed through committee without opposition.

The report of the committee was ordered to be taken into consideration on Friday.

JUVENILE OFFENCES.

Mr. WEEKS moved—

"That the whole of the returns laid on the table of the House by the Chief Secretary relative to juvenile offenders be printed."

Mr. EDWARDS seconded the motion.

Mr. O'SHANASSY offered no objection, and the motion was agreed to.

STATE OF THE POLICE FORCE.

Mr. GILLIES (in the absence of Mr. Frazer) moved—

"That the evidence taken before the select committee appointed last session to inquire into the state of the Police Force be referred to the committee appointed this session for the same purpose."

The motion was agreed to without opposition.

MR. P. C. BUCKLEY'S CASE.

Mr. HEDLEY moved that the petition of Patrick Coady Buckley, of Gipps Land, lately presented to this House, be referred to a select committee, to consist of Mr. Edwards, Mr. Loader, Mr. Frazer, Mr. Orkney, Mr. B. G. Davies, Mr. M'Donald, and the mover, three to form a quorum, with power to call for persons and papers, and to report to this House.

Mr. GILLIES objected that no explanation of the object of the committee was given.

Mr. LOADER said the question to be considered was one of boundary, the case being that which lately led to a lamentable loss of life.

The motion was then agreed to.

REAL PROPERTY BILL.

The resolutions already carried relative to this subject, were reported to the House, and agreed to.

The remainder of the business on the paper having been postponed, the House adjourned at five minutes past one o'clock, till four p.m. on Thursday.

FIFTY-FIRST DAY—THURSDAY, FEBRUARY 13, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty-two minutes past four o'clock.

NOTICES OF MOTION.

Mr. KYTE gave notice that, on Tuesday next, he would move that, in the opinion of that House, the appointment of Mr. H. S. Chapman to the office of puisne judge, or acting judge, of the Supreme Court was unconstitutional, and contrary to the act 23rd Vict., No. 91, sec. 12, inasmuch as the said H. S. Chapman was a member of that House at the time such appointment was made.

Mr. MOLLISON gave notice that, on Tuesday, he would move that the Standing Orders Committee inquire and report upon the present arrangements in the Legislative Assembly.

Mr. VERDON gave notice that, on Thursday next, he would move that in the opinion of that House it was expedient that a commission should be appointed for the consolidation and codification of the statutes in force in the colony.

Mr. SERVICE gave notice that, on the following day, he would move for leave to bring in a bill to simplify the laws relating to the transfer and encumbrance of freehold and other interests in land.

WAYS AND MEANS.

Mr. HAINES gave notice that, on the following day, he would move that the House go into Committee of Ways and Means.

NOTICES OF QUESTIONS.

Mr. SNODGRASS gave notice that, on Tuesday, he would ask the President of Land and Works if he would lay on the table of the House the evidence taken by the Board of Inquiry in the case of Mr. Commissioner Piper, and also the report?

Mr. MOLLISON gave notice that, on Tuesday next, he would ask the Commissioner of Trade and Customs to lay on the table a list of the imperial standard weights and measures forwarded from the Colonial-office, and now in the custody of his office?

Mr. LEVEY signified his intention of asking the Postmaster-General, on the following day, whether he would lay on the table a copy of the memorial dated 9th September, 1860, and addressed to the Postmaster-General by the clerks and sorters in the mail department?

Mr. M'CANN said that, on Tuesday, he would ask the Postmaster-General certain questions in reference to the determination not to have a railway station erected near the Eureka Hotel, Gherringhap, on the Ballarat line.

Mr. A. J. SMITH notified that on the next dry he would ask the Treasurer to inform the House of the reason why Captain E. V. Bull, commanding the Castlemaine volunteers, had been passed over in the recent promotions to the rank of lieutenant-colonel?

Mr. HAINES made some remarks in explanation, which were inaudible in the gallery.

THE NEW PUISNE JUDGE.

Mr. KYTE, pursuant to notice, asked the hon. the Attorney-General under what authority the recent appointment of Mr. H. S. Chapman to the office of puisne judge of this colony was made? The hon. member stated that his only object in putting the question was from a desire to see that justice was properly administered in the colony.

Mr. IRELAND said he had much pleasure in answering the question. The act under which the appointment was made was the 15th Victoria, No. 10, clause 5. There was a provision in the Officials in Parliament Bill which rendered any member of Parliament taking office under the Crown liable to certain penalties, but it excepted the judges of the land. It had been said, in answer to that, that the gentleman in question was only an acting judge, but, according to the act before cited, it was evident that he was a judge under the meaning of the act. The act invested a person appointed as judge *pro tem.* with all the responsibilities of a judge. There appeared to be a notion in the public mind that it was improper to make a member of Parliament a judge, but those people who entertained such an idea must be ignorant of the practice in the mother country, for who constituted the Chancellors and Vice-chancellors there but Attorneys-General and Solicitors-General? Then again, a judge had power to depute a serjeant to act for him.

Mr. SERVICE rose to order. He thought the hon. member was travelling beyond the question, which he had already answered, and would induce discussion by other remarks. So far as the hon. member had gone, he agreed with him.

Mr. IRELAND was glad to have obtained the concurrence of the hon. member for the first time, and he would not endanger it by proceeding further. (Laughter.)

THE YAN YEAN.

Mr. BENNETT, pursuant to notice, asked the Commissioner of Public Works how many times during this year the Yan Yean water supply had been cut off from the city of Melbourne, Collingwood, Richmond, and other municipalities supplied from that source, in consequence of the bursting of the pipes, and the number of hours on each occasion? How many times during the same period it had been found necessary to work the machinery at the head of Flinders-street in pumping water from the river Yarra to the reservoir on the Eastern-hill for the supply of the population; the number of hours during which the machinery was worked on each occasion, and the probable number of gallons pumped each hour? The total cost of machinery, buildings, reservoir, &c., connected with this temporary machinery for water supply? The expenditure during 1861 for coal and attendance for the temporary works? In the event of the bill to prevent the pollution of the waters of the river Yarra Yarra being repealed, what purpose the structure in Flinders-street could be applied to? In the event of the water of the river Yarra Yarra being rendered unsuitable for domestic use, from what source was it intended that water should be procured during any interference in the supply from the Yan Yean? Whether the Government would amend the Water and Sewerage Act, to provide compensation for the loss and inconvenience which might arise from failure to supply water to citizens and others who are rated for such supply?

Mr. JOHNSON, in reply, read the following statement:—"The water supply from the Yan Yean has been cut off from the city and suburbs, owing to the bursting of the main pipes, five times during the present year, namely—on the 7th January, thirteen hours and a half; on the 9th January, eleven hours and a half; on the 19th January, fourteen hours; on the 30th January, eleven hours and a half; and on the 4th Febuary, twenty hours;—making a total of seventy hours and a half, since the 1st January, 1862. The engine in Flinders-street east, has been employed in pumping water for the supply of the city and suburbs on five occasions, namely—on the 7th January, sixteen hours; 9th January, fifteen hours and a quarter; 19th January, thirteen hours and a half; 30th January, twelve hours and a quarter; and the 4th February, twenty-four hours;—making a total of eighty-one hours, at an average delivery of 90,000 gallons per hour. The total cost of the temporary water supply to date has been £91,537 9s. 4d., and the revenue derived from the same prior to the opening of the Yan Yean was £43,614 0s. 4d. The expenditure during the year 1861 for coal, labour, &c, at the engine-house, was £47,140. In the event of the waters of the Yarra being rendered unfit for domestic use, the structure and machinery in Flinders-street would not be required by the Government, and would be sold. In such case it would be necessary to construct a supply reservoir at Preston at a cost of £30,000. The Government could not undertake to amend the Sewerage and Water Act, for the purpose of providing compensation to the water ratepayers for loss and inconvenience which may arise from any temporary failure of the supply."

Mr. HOOD wished to know whether the hon. member would supply the House with documents showing what pressure per square inch was on the pipes at the time of their bursting, such documents to be signed by competent officers?

Mr. JOHNSTON said if the hon. member gave the usual notice, he would be prepared to answer the question.

POSTPONEMENTS.

Several questions on the paper were postponed, in consequence of the absence of the Postmaster-General. They all related to public works.

THE NATIONAL SCHOOLS.

Mr. JOHNSTON wished to explain that he had made a mistake on the previous evening when he stated that the returns of the schools were not ready. They had been furnished to the hon. the Chief Secretary.

Mr. O'SHANASSY said they had been sent to his office, but at an hour too late for him to see them till this morning.

THE SCAB ACT.

Mr. MOLLISON said there was some business on the paper he was most anxious to dispose of, as it seriously affected the pastoral interests in the colony,—he alluded to the Scab Act. He trusted the Chief Secretary would allow him half an hour on some Government night to get the bill through the House.

Mr. O'SHANASSY said he would have no objection to giving the hon. member half-an-hour at six o'clock on the following evening.

EAST COLLINGWOOD IMPROVEMENT BILL.—RESUMPTION OF DEBATE.

On this order of the day being called on,

Mr. HEALES explained that his reason for moving the adjournment of the debate on this subject on a previous evening was, that he thought it would give too great powers to the municipality. Since then he had made inquiries, and he was now prepared to support the motion.

After some remarks from Messrs. Service, Don, and Hood, the motion was carried, and the bill was read a first time.

YARRA POLLUTION PREVENTION ACT REPEAL BILL.

Mr. FRANCIS moved the second reading of this bill, and in so doing said he thought he had only to remove one or two prejudices against it. The Yarra River was protected by existing acts, for on referring to the various Municipal Acts, he found that they were bound to appoint officers to see that no trade which would have a deleterious effect upon the water, was carried on near its banks. The hon. member the Minister of Justice on a former occasion drew a comparison between the Yarra and the Thames, but no analogy existed, for whilst, as was well known at Woolwich, the waters of the Thames were pushed back by the tide, such was not the case here, and he was able to show that no injury was caused by any trade carried on. He was prepared to admit that a considerable amount of offensive matter found its way into the river, but it was nearly all from the drains of Collingwood. That was a question, however, to be dealt with at some other time, as also the injury to the water alleged to be caused by the refuse from the Collingwood Gas-works. If he had succeeded in showing that damage to the river would not arise from manufactures carried on in the locality within the limits authorized under the Municipal and Public Health Acts, but that, on the contrary, the establishment of manufactures would be a great boon to the public, he trusted that the measure which he had brought forward would receive the support of all the protectionists in the House, as well as of all those who desired to see the prosperity of the colony advanced. As to the argument, that the establishment of manufactories on the banks of the river would pollute the water, he might state that one gentleman, who had a fellmonger's establishment there, stated that he had the greatest difficulty in keeping a number of boys and amateur fishermen away from that part of the river on which his establishment was situated, because the fish collected there in preference to other parts. (Laughter.) This clearly proved that the existence of such manufactories could not be prejudicial to animal life. The operation of tanning had a most wholesome influence on the air, and he knew that one district in England, in which tanneries abounded, had been free from cholera when other places were attacked by it. He trusted that the House would support the second reading of the bill.

Mr. MOLLISON regarded the proposition of the hon. member (Mr. Francis) as a piece of that remarkable selfishness which distinguished the people of Richmond. If they had not done some measure of good in returning his hon. friend to that House, he should almost say that the people of Richmond, by their extreme selfishness, had done more injury to the city of Melbourne than they could compensate. They had destroyed one of the most beautiful parks in the neighbourhood of Melbourne, and, by bringing political influence to bear upon the head of the Lands Department, they had procured a road where no road was wanted or was used; but, not content with this injury, they now wanted to destroy the River Yarra. He asked hon. members to take a boat, on the first holiday, and proceed two miles down the river from where these "wholesome manufactures" were already established, and two miles up the river above them, and they would then see how the comfort and enjoyment of the people would be interfered with if the bill now before the House became law. No person with ordinary nostrils would then be able to go by boat to the Botanical Gardens. As to the assertion, that a large number of persons were anxious to establish manufactories on the banks of the river, he believed that all the foundation for the statement was, that two or three individuals thought it would be convenient for them to carry on manufactures there. But there were other places for them; there was the Saltwater River, for instance. ("Not suitable.") At all events, it was not necessary that they should come almost into the centre of the city of Melbourne to carry on their manufacturing operations. The hon. member who sat below him (Mr. Johnston), alluded, in the earlier part of the evening, to the large quantities of water brought from the Yarra, for the use of the inhabitants of Melbourne, when the supply from the Yan Yean was obstructed. What kind of water would the people be called upon to drink if manufactories were allowed to be established on the Yarra? The hon. member had said that the tide would prevent the pollution of the water, but he forgot that the breakwater constructed below the town would effectually prevent the tide flowing higher up the river. The refuse would be continually festering in the space between the breakwater and the Botanical Gardens. He (Mr. Mollison) did not hesitate to characterise the measure as simply a piece of selfishness on the part of two or three persons who were anxious to establish manufactures on the Yarra, which might as readily be carried on elsewhere; and he believed that the numerous establishments which it had been represented would be called into existence were a mere myth. He hoped that the House would not condemn the city of Melbourne with its 100,000 inhabitants, to the intolerable nuisance which would arise from the river being made a receptacle for all the refuse which the hon. member (Mr. Francis) was anxious to throw into it. He moved that

the bill be read a second time this day six months.

Mr. BENNETT seconded the amendment.

Mr. L. L. SMITH did not think that the people of Richmond alone were to blame for the park being divided, for he understood from Councillor Wragge that the Melbourne Corporation had had a good deal to do with that division. With respect to the allegation made by the last speaker, that the intention to establish a large number of manufactories on the banks of the Yarra was a mere myth, he (Mr. Smith) would inform the House that he had heard many persons say they would commence manufactures there, if the necessary water could be obtained. He believed that the passing of the bill would be a great public benefit, and he drew the attention of the House to the fact, that a petition signed by 3,500 persons had been presented in favour of it.

Mr. SNODGRASS remarked that the last speaker being in favour of the bill was ominous as to the effect which the passing of the measure would have on the health of the inhabitants of Melbourne. (Laughter.) The hon. member who had introduced the measure appeared to have forgotten that, in attempting to forward the interests of a certain number of people, he was damaging the interests of the rest of the community. Speaking as a landowner on the Yarra, he believed that the effect of the passing of the bill would be to reduce the value of the land on the river to a mere song.

Mr. M'LELLAN, seeing the quarter from whence the opposition to the bill proceeded, could almost suppose that the squatters, in addition to possessing the whole of the lands of the country, wished also to monopolized the whole of its waters. (Laughter.) He knew no statute more unjust than the one which it was proposed to repeal, because it did nothing more nor less than give a monopoly to those persons who had already established manufactures on the Yarra. He did not believe that the manufactures were so offensive as had been represented, and he knew that many classes of manufactures could be carried on without giving the least offence to the most scrupulous individuals. The bill must be passed before the inhabitants of Melbourne, Richmond, and Collingwood could obtain employment. Many towns in the mother country had been made great and prosperous by manufactures, and nothing but the establishment of manufactures would make Melbourne what it ought to be. He contended that the Saltwater River was not suitable for manufactures, and that the Yarra was the proper place for them. In reply to what Mr. Mollison had alleged as to the experience gained by taking a boat on the Yarra, he (Mr. M'Lellan) said that from tanneries and candle manufactories there was scarcely any smell whatever.

Mr. SERVICE remarked that there was a candle manufactory on Emerald Hill, which caused a smell over the whole city.

Mr. DENOVAN said there was another at Sandhurst, which was very offensive.

Mr. M'LELLAN thought hon. gentlemen were not acquainted with the improvements which science had effected in the carrying on of those manufactures. In the city of Glasgow, candle manufacturers were compelled to consume their own smoke, and everything of an offensive character. (Laughter.) He hoped that the Speaker would enforce a little better order; it was difficult to hear himself speak.

The SPEAKER observed that he was not in the habit of allowing disorder.

Mr. M'LELLAN did not intend his remarks to be offensive, but he hoped the House would exercise a little forbearance, and allow him to proceed. (Hear, hear.) As to the argument that the River Yarra was necessary for domestic purposes, he denied that such was the fact; but, at all events, a large reservoir could be constructed at a small expense, which would obviate any public inconvenience. Gentlemen who had built expensive residences on the Yarra were afraid that manufactories would spring up, and damage their property; but so far from the value of the property on the river being depreciated by the passing of the bill, as had been represented by Mr. Snodgrass, it would be increased ten-fold; and he (Mr. M'Lellan) knew individuals who would be too glad to give five times the present price for plots of land on the river if they were allowed to establish manufactories there. What would be the consequence if the bill was not passed? The yield of gold was falling off, and mining pursuits could not be carried on with such profits as had hitherto been obtained, and if capital could not be invested in the establishment of manufactories, capitalists would be driven elsewhere to find investment. The hon. member for South Grant spoke of sending them to Geelong; but he (Mr. M'Lellan) trusted that the House would not force them there, for, independent of other considerations, the banks of the Barwon would be found very unhealthy, and not adapted for the carrying on of manufactures. He hoped that no selfish prejudice would prevent manufactories being extended on the banks of the Yarra.

Mr. LOADER was anxious to afford every assistance for the establishment of manufactories on the banks of the Yarra; but he could not support this bill as long as there were no means of supplying the inhabitants of South Yarra and Prahran with water except from the Yarra.

Mr. FRANCIS said that a meeting of the inhabitants of Prahran was held the other evening, to consider the propriety of taking measures for putting in force the existing powers for supplying the district with Yan Yean water, but the meeting was inundated with water-carriers, who defeated the object of those who were desirous of obtaining a water supply.

Mr. JOHNSTON knew that many of the inhabitants were anxious that the water would be laid on to Prahran.

Mr. LOADER said that the fact of the water-carriers of Prahran defeating a public meeting of the inhabitants was no reason why that House should pollute a river which was a source of water supply to the inhabitants of the districts to which he referred. If it could be known that those localities would not be deprived of an ample supply of pure water, he might be inclined to look upon the bill more favourably.

Mr. EDWARDS denied that the bill was a selfish measure. It was intended for the benefit, not of Richmond, but of the whole colony, and he should cordially support it. A petition, signed

by 3,600 persons, had been presented in favour of it, and the only petition presented against it was one from the Corporation of Melbourne. He believed that the passing of the bill would increase the value of property on the Yarra fourfold.

Mr. KYTE, as chairman of the Collingwood Gas Company, on seeing a statement in the press that the refuse from the works of that company had injured the fish in the Yarra, immediately instituted inquiries, and found that no refuse from the works had gone into the river. The statement referred to was therefore incorrect. Having made this explanation, he said he would oppose the bill, believing that the repeal of the existing act would be a great injustice to the owners of property on the Yarra, many of whom had invested their capital on the supposition that no such measure as the one now proposed would be passed by the House.

Mr. JOHNSTON said he had no selfish reasons for opposing the bill. His only desire in the matter was to promote the health and welfare of the city of Melbourne. Allusion had been made to the Clyde (A Voice—"A tidal river"); but no stronger argument, he thought, could be adduced against the bill. The last time he was on the Clyde the stench was so great that it interfered with the passenger traffic. (Hear, hear.) A return which had been prepared showed that during eighty-one hours of the present year (1862) the city drew its supply of water from the Yarra, the quantity obtained per hour being something like 9,000 gallons; and with this consumption was the pollution which the establishment of manufactories along the banks of the river would cause to be allowed? He would add that it would cost £30,000 to place a reservoir at Preston to supply the city when any accident like those which had taken place lately occurred to the Yan Yean pipes. Although the Yarra was not a tidal river, the water was not still. It continued to flow until it reached the breakwater, but that breakwater acted as a dam, and there, just opposite Melbourne, would the nuisance resulting from these manufactories accumulate. He maintained that it would be much more convenient to apply the scheme to the Saltwater River, where the river would be navigable to the very doors of the factories. He maintained that there would be sufficient Yan Yean water for all manufacturing purposes in and around Melbourne for a hundred years to come, and he concluded by reading an extract from the report of the Central Board of Health, which declared the unanimous opinion of the board that the repeal of the Yarra Pollution Act was most inexpedient, and was calculated to have a seriously prejudicial effect upon the public health of the city of Melbourne.

Mr. BERRY contended that the act which the bill sought to repeal was introduced under circumstances which no longer existed, and that the operation of the bill would not make the Yarra less drinkable than it was at present. Trades were already being carried on along the banks of the river, and the effect of the existing state of things was to give certain persons a monopoly in its pollution, if pollution it could be called. He maintained, in reply to the argument as to the Saltwater River, that manufactures would be useless if established in a place far away from the dwellings of the people required to carry on those manufactures; and he considered that in dealing with this measure they would be determining the question whether the people around Melbourne should have employment continuously. He contended that the harm which certain manufactories could do was not so much in polluting a river as in tainting the air, and he took it that, with the existence of sanitary regulations, all disagreeable results in that direction would be avoided.

Mr. HOOD said there had been a great talk about the encouragement of manufactures, but what use would there be in establishing coach, boot, or biscuit manufactories on the banks of the Yarra? There was no single manufactory, except those of fellmongers and tanners, which required such a site. (Cries of "Yes; cloth mills and soap works.") The member for Collingwood was against a monopoly on a small scale, though strongly in favour of a monopoly on a grand scale. (Laughter.) He (Mr. Hood) considered that the health, comfort, and convenience of 100,000 people in and around Melbourne were of more consequence than the establishment of one or two manufactories on the banks of a stream.

Mr. BENNETT complained of fish being destroyed in the Yarra. He saw a Murray cod the other day floating dead upon the water. He considered that some remedy was required.

Mr. SINCLAIR thought that it would be best, upon the whole, to leave the Yarra Pollution Bill as it stood, till those parties who wished to carry on manufactures on the banks of the river had prepared the plans of their works, and submitted them to a board, which should be appointed to consider how their erection might be permitted without injury to the public.

Mr. M'CANN supported the bill, because, if the only streams which were available for manufactures were to be locked up, the only result would be to drive manufactures out of the country.

The question was then put, and the House divided, with the following result:—

Ayes	14
Noes	18
Majority for the second reading on that day six months	4

The following is the division-list:—

AYES.

Mr. Berry	Mr Heales	Mr M'Donald
— Don	— Jones	— Richardson
— Edwards	— Kirk	— Smith, A. J.
— Francis	— Lalor	— Smith, L. L.
— Grant	— M'Cann	

NOES.

Mr. Anderson	Mr. Hedley	Mr Reid
— Bennett	— Hood	— Sinclair
— Brodribb W A	— Johnston	— Snodgrass
— Cummins	— Kyte	— Tucker
— Denovan	— Mollison	— Wilson
— Haines	— O'Shanassy	— Wright

THE BELLS OF THE HOUSE.

Mr. SERVICE suggested that the practice of not ringing the bell regularly at the reassembling of the House after the refreshment hour was very inconvenient. A misunderstanding had

arisen some evenings ago because the bell was sometimes rung and sometimes not. He suggested that the practice of ringing should be a fixed and regular one.

Mr. EDWARDS said the objection he had raised in this respect a few evenings since was not to the ringing of the bell, but to its being rung irregularly. He agreed that it would be a good thing to have the bell rung regularly when the House resumed after dinner.

The SPEAKER said that if the House desired it he would give instructions to the sergeant-at-arms to ring the bell regularly. (Hear, hear.)

LICENSED VICTUALLERS ACTS AMENDMENT BILL.

Mr. EDWARDS moved that this bill, which he had introduced a short while ago, be read a second time. He said there were several acts in force on this subject, the principal of which was 13 c. Vic, No. 29, passed in Sydney in the year 1849, and this had been since supplemented by several smaller acts, passed in this colony, to remedy some of the more pressing evils which arose from the working of the former act. For some years past, however, it had been generally admitted that the law in this respect required alteration, for the act which was found to work well in 1849 was very inapplicable to present circumstances, and for this reason he had thought fit to introduce the present bill, so that the House, while legislating on the subject, might consolidate the law as well as amend its deficiencies. He would have wished to see such a bill introduced by the Government, but on a reference to *Hansard*, he found that while several hon. members who had endeavoured to introduce bills of this kind had withdrawn them, on the promise that a Government measure should be brought forward, many years had elapsed without anything being done; and he thought it, therefore, to be his duty to step forward. He had heard that there were many objections urged against this bill, especially by country members, but the greatest objection of all seemed to be, that he had retained too much of the old bill. He had done this that it should not be thought that he desired to favour the publican too much; but if the clauses retained from the old bill were thought too stringent they might be amended in committee, and he should not object. As the law stood at present, there were one annual and three quarterly meetings of magistrates for the granting and transfer of publicans' licences; and thus, after a man had obtained his licence, he was compelled, although no complaint was made against him, to apply again every year—a course which was a source of great inconvenience to the publican, who was sometimes—owing to the number of applications—detained at the police court for three or four days, and in some instances for an entire week. To amend this, he proposed that when a publican had once obtained his licence, he should not be obliged to go to the bench of magistrates again, but simply to go to the Treasury, pay in his licence fee, and, as a matter of course, have his licence renewed. Should any complaint be made against him, those making it would have to give him seven days' notice of opposition, and the grounds thereof, so that he might know what he had to meet. He would then have to go before the bench of magistrates, who would say whether his conduct had been justified or not, and whether his licence should, or should not, re-issue. By this bill the magistrates would be compelled, if they refused a licence, to give their grounds for so doing, and if hon. members would look at the evidence taken before the committee appointed to consider this subject, a few lines would convey to them a clearer notion of the reasons which existed for his than he could give. It was well known that many magistrates were seen on the bench on licensing days, who were never to be seen there on any other day in the year. Mr. Sturt, the police magistrate, in giving evidence before the committee, had stated that while the average attendance of magistrates at the City Police Court, on ordinary days, was limited to one or two, in addition to himself, about twenty or thirty always attended on licensing days. The bill would also give an appeal from the bench of magistrates to Quarter Sessions, when a certain number of magistrates, say four, none of whom had been present when the previous decision was given, would be required to be on the bench. Mr. Hackett, the magistrate, had, in his evidence, given before the committee, stated it to be his opinion that this appeal should be allowed, and that the refusal of an ordinary bench of magistrates should not be final. This, Mr. Hackett said, was the law in England, and that gentleman also added that magistrates on a licensing bench often gave very extraordinary reasons for their refusal, and that many of them were themselves interested in public-houses. The bill would also allow transfers of licences once a month, for by the present law, if a man abandoned his licensed house—that was, if he parted with his beneficial interest therein, though he remained on the premises, the licence might at once be cancelled. Again, if a publican were one day late, he had at the present time to wait till the next quarterly licensing meeting, and this had been found so inconvenient, that almost every bench of magistrates had allowed what was called "leave of absence" to the publican, the only benches who refused to do this and persisted in interpreting the law literally, being those of East Collingwood and Fitzroy. (Mr. Foott—"And East Geelong.") For this reason he proposed to introduce this new system. He was also perfectly willing to adopt a suggestion made by the hon. Commissioner of Customs, that a clause should be inserted preventing a publican from getting credit on the strength of his licensed house, and then disposing of it; and such a clause should be introduced when the bill was in committee. With regard to the hours of selling, the present law fixed them at between four a.m. and ten p.m., the holders of night licences—for which an extra £10 was paid—being permitted to keep open till midnight. Now, it was well known that the majority of publicans did not take out night licences, and yet kept open till midnight; and to remedy this he proposed to extend the hours of selling from four a.m. to midnight, thus doing away with the present system of night licensing altogether. The system of night licences which he proposed to introduce was similar to that which he understood existed in London. He proposed that public-houses near markets, print-

ing-offices that were open all night, and theatres, should be licensed to keep open all night, for the convenience of the public; but these cases would of course be rare, and benches of magistrates would have to be very careful to whom they granted such licences. Under the present law, no publican could sue for liquor supplied in quantities of less than two gallons at a time; but he (Mr. Edwards) could see no reason why a publican should be placed in a worse position than any other trader. He had never heard any argument adduced for such a state of things, except the fact that in 1849 it was thought necessary to protect the large number of shepherds and bullock-drivers who came down from the country with orders for money in their pockets, which they were in the habit of leaving with hotel-keepers. It was then thought necessary to prevent the publican from fraudulently exhausting the worth of those money orders by giving credit; but there was a different state of circumstances in existence now, and the occasion for such extraordinary protection existed no longer. A great deal of discussion had taken place with reference to Sunday trading, but there could be no doubt of the fact that almost every publichouse in the colony was kept open on Sunday, in spite of the law. ("No, no.") For proof of what he said he would refer hon. members to the evidence taken before the committee to which he had alluded, and they would see that by the evidence of several police magistrates it appeared not only that the evil existed, but that it was almost hopeless to try and stop it. The argument urged by many publicans in their defence was that they were compelled to do the same as their neighbours, but they were quite willing that certain hours should be allowed for selling on Sunday, and that this law should be very stringently kept. He proposed, therefore, to allow liquor to be sold on Sundays from one p.m. to three p.m. and from seven p.m. to ten p.m., though hon. members could fix the hours differently if they thought fit; and this would, he was sure, meet the wishes of almost every licensed victualler in the colony, the great body of whom were anxious to close during Sunday for as long a time as they could without injury to themselves. As to licences on new gold-fields, he found that by the present law licences could be granted to a publican at a new rush after twenty-one days' notice. The consequence, was, however, that owing to the length of notice required, a publican always found that before he could open, the place would be overrun by sly grog-sellers, who injured the honest trader to an extent hardly to be believed except by those who knew what a new rush was, or who read the evidence taken before the committee. Several attempts had been made to put down sly grog-selling, but it had been found almost impossible to obtain convictions. It was not likely that the ordinary police could obtain convictions, for no one would sell to a man in uniform, and, therefore, a class of men called revenue police had been employed; but, in almost every case, the magistrates demanded such strict evidence, and exhibited such sympathy with the offender, that it was very difficult to bring a charge home. Even where convictions had been obtained the last two Governments allowed the fines to be remitted, or reduced to a nominal amount. He moved for a return of the number of cases in which fines had been reduced in twelve, and he found the number was twelve in fifty-two. He was glad that the Minister of Justice had intimated that it was not the intention of the Government to continue the system of reducing fines. The amount on the Estimates expected to be realized from publicans during the present year was £70,000; and he trusted that, as they paid such a large amount to the revenue, the House would give some consideration to their interests. With reference to sly-grog selling, he had introduced two clauses into the bill which had exposed him to the censure of a great part of the country press, and had induced a number of members who generally voted on that (the Opposition) side of the House, to say they would oppose the bill. One of those clauses, the 62nd, rendered persons found drinking in sly-grog shops liable to a penalty, as well as the seller, unless they gave voluntary evidence; and clause 63 allowed the apprehension of persons found drinking in unlicensed houses. In consequence of the opposition which these clauses had met with from country members, and finding that the publicans, as a body, were not anxious that they should be retained, he had withdrawn them. The bill had been stated to be a publicans' measure, but he denied that it was. There was nothing in it specially in favour, or specially opposed to, the publicans. There had, however, been for many years improper restrictions upon the licensed victuallers, and he trusted that the House would assist him in removing those restrictions, and doing justice to the class to which he referred. Several of the clauses which he had adopted from the existing act were not, in his opinion, necessary, and, if it were the wish of the House, he should be glad to withdraw them.

Mr. SNODGRASS suggested that the second reading of the bill should be postponed until hon. members had had an opportunity of considering the clauses of another bill on the same subject, which he had introduced, but which had not yet come from the hands of the printers.

Mr. EDWARDS had no objection, if the House would agree to the second reading of the bill, to refer it to a select committee, to which the bill introduced by Mr. Snodgrass might also be referred, in the event of its passing a second reading.

Mr. SNODGRASS thought the proposal very fair, but that the hon. member ought rather to have deferred the second reading until the House had had the opportunity of seeing what the two measures were. There were some important distinctions in the two bills. The one which he (Mr. Snodgrass) had introduced, provided that no man should be debarred from a renewal of his licence, except he had been convicted of such an offence as the bill deemed punishable with forfeiture of licence. It was not for the House to consider the benefit of any particular class of persons, and the publicans were the last class in the colony which ought to be considered. He regarded publichouses as a necessary evil, and thought that the licences for keeping them ought to be granted, so that they might inflict the smallest possible mischief upon the general community. Holding this opinion, he had, in framing his bill, looked to the interests of the whole colony. He had provided for no less than six

different classes of licences, namely—a retail licence, a town bar licence, a town and country licence, a wholesale licence, a brewers licence—

Mr. EDWARDS.—Did the hon. member intend to repeal the present act relating to brewers?

Mr. SNODGRASS had embodied the provisions of that act in his own measure, which took a comprehensive view of the whole of the matters connected with the sale of spirituous liquors. Mr. Edwards proposed what he considered would be a great boon to the gold-fields, namely, that temporary licences might be granted by two justices where the necessities of a district required that there should be an establishment for the sale of liquors; but he (Mr. Snodgrass) made a provision which would be much more beneficial. It was to grant country bar licences, to be used by storekeepers and others, and the holders of which might remove to any place to which there was a rush, and sell drink there, without application to a justice of the peace. He submitted that this portion of the hon. member's bill was far from perfect. His (Mr. Snodgrass's) object was to put a stop to the system of sly-grog selling, which was extending throughout the length and breadth of the land; and he believed that if the facilities for the legalised sale of liquors which he proposed were granted, that system would become an exception, and not a rule. The hon. member (Mr. Edwards) had spoken of monthly transfers of licences. He (Mr. Snodgrass) was opposed to the transfer of licences altogether. It was a remnant of the old New South Wales act, and the sooner it was abolished the better. His bill possessed other advantages. He wished the publicans to know exactly what offences they were liable to be punished for, and he had therefore prepared a code of such offences. The bill of the hon. member for Collingwood did not meet the requirements of the class with which it dealt. It was a narrow-minded bill from beginning to end. No doubt some of the most respectable publicans approved of the bill, for in fact it emanated from them. He did not say the publicans were not a respectable body, but he thought the House should look with suspicion upon a bill of this description, emanating from that body. He opposed the second reading of the bill for a week, in order to enable his own measure to be distributed amongst the members of the House.

Mr. HUMFFRAY supported the bill, and considered that Mr. Snodgrass had failed to show any reason why this matter should be longer postponed.

Mr. ORKNEY also supported the second reading. He thought there were many good features in the bill, and that the House ought to be satisfied with the proposition of the hon. member for Collingwood, to refer it to a select committee.

Mr. SERVICE said that, in dealing with the question involved in the discussion, which was one of the most difficult questions which could occupy the attention of public men, the House ought to watch any clauses introduced from the existing act into a consolidated bill even more carefully than it should scrutinize the new clauses. The bill now before the House was radically defective in many of the provisions on the licensing system contained in the existing act. It had, indeed, been prepared in a most insidious manner to promote the interests of the publicans without regarding the interests of the public. He compared the proposed alterations with the provisions of the existing law, to show the principle which ran through the whole measure. The second clause altered the character of the penalties imposed for selling fermented liquors in any unlicensed house.

Mr. EDWARDS would have compared the existing act with his own measure, clause by clause, but thought it better not to do so on the second reading, when he would have the opportunity in committee. He might mention, however, that he had originally proposed to increase the penalties, but he now thought they were too high. He proposed to reduce the penalty for sly-grog selling from £30 to £15, believing that with the smaller penalty, there was more chance of obtaining convictions, and more chance of the fines being paid.

Mr. SERVICE was dealing with the bill as it was printed. With reference to the severity of the penalties, the nature of the penalties were to some extent altered by the bill. Under the existing act, persons selling liquors in an unlicensed house were liable to a penalty of not less than £30, nor more than £50 for the first offence, and for the second offence they were liable to be imprisoned for not less than six, or more than twelve, months, without the option of paying a fine. These provisions had been altered. The clause of the existing act disqualifying policemen from being the owners or agents of publichouses had been entirely left out of the present bill.

Mr. EDWARDS.—I left that to the Courts of Petty Sessions.

Mr. SERVICE said the House would not think it desirable to leave that to the Courts of Petty Sessions. The hon. member had himself shown that Courts of Petty Sessions dealt with licensed victuallers' applications in a peculiar manner.

Mr. EDWARDS.—I give appeal.

Mr. SERVICE did not believe in appeals. He agreed with the provisions of the bill doing away with the renewal of licences, and the necessity of each applicant having a certificate of character, signed by six householders, and with one or two other provisions of the bill. The 41st clause gave larger privileges to the licensed victualler than he had at present, and would enable him to keep a billiard-table without paying an additional fee, as he was required to do under the existing act. The 43rd clause showed that the bill had been most studiously drawn, for it simply directed that every person having a publican's licence should have the words "licensed victualler" painted in a conspicuous part of his house, but the penalty attached to this clause in the existing act had been struck out. The offences for which publicans were liable to penalties under the present act had been reduced, while the penalties against the general public had been increased. The 44th clause reduced the maximum penalty to which a publican was liable for not receiving a traveller as a guest from £20 to £10. Clause 48 was the next most important one. It was a copy of the 42nd clause of the existing act, which provided that a licensed victualler supplying liquors to any person until he was intoxicated, or when he was in-

toxicated, was liable to a penalty of not exceeding £10. The clause in the present bill continued the penalty in the event of liquor being supplied to any person in a state of intoxication; but there was nothing in the clause to prevent a licensed victualler from supplying a man with liquor until he became intoxicated. This was not a desirable omission. It was another proof that the bill had been drawn up in a most insidious fashion, and that none but those who were well acquainted with the matter could detect the alterations, omissions, and insertions which had been made in it. The 44th clause of the existing act prevented a publican from recovering the value of any liquors which had been sold in less quantities than two gallons. The object of that clause was to prevent men running up scores at public-houses, and was a very wholesome regulation; but it had been omitted in the present bill. The 46th clause of the existing act provided that all liquors sold by licenced victuallers should be sold by Imperial measure. This was also left out, and thus publicans might sell their liquors in earthenware jugs or in any other mode. The 50th clause of the present bill referred to Sunday trading, and on this point Mr. Edwards used a peculiar argument, for he asked the House to legalize what was the practice all over the colony. That was a very dangerous doctrine to adopt. (Hear, hear.) He (Mr. Service) went to this extent on the subject of Sunday trading—he believed that liquors might be sold during certain hours on Sundays. ("Hear, hear;" and "No, no.") There was more danger from an extreme, either on one side or the other, than from adopting a middle course. It was a great hardship upon persons who took a walk of three or four miles into the country on a hot Sunday afternoon not to be able to get any refreshment, and he thought there ought to be a provision to enable them to obtain it. He objected, however, to public-houses being open on Sundays in the city and within municipalities, so that persons might go and drink there; but he had no objection to allow such houses to be open between one and three o'clock on Sunday afternoon, for the sale of liquor, not to be drunk on the premises, so that persons who wished to obtain a jug of ale for their Sunday dinner might do so. He was altogether opposed to the clause inserted in the bill, which, in effect, provided that public-houses should be open during all Sunday, except between three and five o'clock in the afternoon. Another important clause in the existing act, which had been left out of the present bill, was that providing that no wages should be paid in a public-house. (Hear, hear.) The tendency of all legislation of late years had been to increase stringency in this respect. There was another grave omission in the bill. The 59th clause of the existing act provided a general penalty for infringements of the act to which no special penalty was attached. This clause had been carefully dropt out of the bill; so that in several cases, in which a general direction was giving, without prescribing any penalty for its non-fulfilment—as, for instance, in the clause relating to Sunday trading, where he had forgotten to mention that the penalty was left out—no penalty could be inflicted if the law was not obeyed. The present act empowered any constable to apprehend persons found drunk in the public streets, and carry them to the lock-up till next morning, when they would be taken before the magistrates and fined 40s. That clause had also been carefully dropped. He believed that a bill had been passed in Sydney without this provision, and the result was that the drunkards there had holiday for two or three months, until the Legislature could amend the bill. (Laughter.) He had known gentlemen of the highest honor and character connected with the sale of spirituous liquors, but he could not help noticing that the association promoting this bill had lost sight of every interest save their own. He was afraid that the bill was not of a character to which the House could deliberately give its assent. Were the measure to pass, they would not be able to feel that they had done with the laws relating to publicans. They would feel that they had simply been tinkering with the law.

Mr. HEALES agreed with many of the remarks of the last speaker with reference to the tone and intention of the bill. There was no use disguising the fact that the trade of the licensed victualler must be regarded, to a certain extent, as a dangerous trade, and, therefore, it was necessary that the subject should be treated in the interests of the general public, and not simply in the interests of the parties engaged in this particular traffic. He thought the referring of the question to a select committee would be the only way to present to the House such a bill as would claim the consideration of members on both sides. He should support the second reading, with a view to its being referred, with that of the member for Dalhousie, to a select committee.

After some remarks from Mr. DENOVAN, the motion was agreed to.

LICENSING ACTS AMENDMENT BILL.

On the motion that the order of the day for the second reading of this bill should be postponed to Thursday next,

Mr. FRAZER complained that he had been unfairly treated by the Speaker in not being allowed to address the House before the last question was put.

The SPEAKER.—Order, order.

Mr. FRAZER insisted that he was quite in order.

The SPEAKER said he must put it to the House whether the member for Creswick was justified in insulting the House in this way. He should not permit it. (Loud cries of "Hear.")

Mr. FRAZER observed that, whether the Speaker permitted it or not, he had to state that he rose to address the House before the last question was put. But the Speaker had done the same thing before numbers of times with other hon. members.

The SPEAKER could not allow the hon. member to address himself to anything but the question now before the chair.

Mr. FRAZER was addressing himself to the motion for adjourning the present question, and he should speak to it as long as he pleased. He complained that the Speaker had treated him unfairly, and he hoped he should never have to make such a complaint again.

The SPEAKER observed that the question was not whether the member for Creswick was or was not in order with regard to the question last be-

fore the chair. The question now was, whether this order of the day should be postponed, and if the hon. member would confine himself to that no doubt he would please not only the House but also himself.

Mr. FRAZER said he should be the best judge whether he pleased himself or not. (Cries of "Order.")

Mr. SERVICE would not sit there and hear the Speaker insulted. He was happy and pleased to listen to the member for Creswick when he spoke to the point, but he would not allow the Speaker to be insul ed. He hoped the Speaker would use his authority in the case.

Mr. O'SHANASSY could make allowance for an hon. member being carried away by his feelings. He regretted to see that the member for Creswick was a little irri ated—a little warm—but he trusted the hon. member would allow the ruling of the Chair to have its due weight.

Mr. GRAY hoped the member for Creswick would comply with what appeared to be the wish of members on all sides of the House. He believed the hon. member rose to address himself to the last question just as it was being put; but, in consequence of an hon. member near him speaking to him at the time, he stooped down, and so failed to catch the Speaker's eye. That was the cause of the present misunderstanding.

Mr. FRAZER was much obliged to his friends for the kind tone they had manifested towards him. He thanked the member for Kilmore for his advice, although he was not aware that he required it, or that he was irritated. But as for the member for Ripon, he had never required the smallest advice from that hon. member. (A laugh) At the same time, if he had violated any rule of the House, he begged to express his regret.

The motion was then agreed to.

INSOLVENCY.

The House having resolved itself into commi tee,

Mr. LEVI moved—

"That an address be presented to His Excellency the Governor, requesting him to recommend the appropriation of a sufficient sum of money to defray the salaries of official assignees in the Insolvent Court."

This, the hon. member observed, was one of the most important recommendations of the select committee, to whom the subject of the insolvency laws had been referred. He would not detain the House with any observations, as it was his intention on an early day to move for leave to bring in a bill embracing the leading features of the committee's report.

The motion was agreed to, and the resolution was afterwards reported to the House.

ALIENS BILL.

Mr. LEVEY, in moving the second reading of this bill, called attention to the absolute necessity for such a measure, if they desired to secure the presence in the colony of foreigners acquainted with the cultivation of the vine, olive, tobacco, cotton, and other products. The bill provided that a residence of five years in the colony should entitle an alien friend to letters of naturalization, which letters of naturalization would give him all the privileges of English citizenship, including those of voting for members of Parliament. The hon. member quoted largely from statistics respecting the condition of aliens in the different European and other states, and added that with such facts before the House, he saw no valid reason why this much-desired amendment in the law should not take place.

Mr. SERVICE agreed with all that the hon. member for Normanby had urged, feeling that the only difficul y created by the bill, was that mentioned by the hon. member himself, viz., that the measure being different from the fundamental law of England, it was doubtful if the Governor could give his assent to it. He (Mr. Service) also thought that the power conferred by the latter portion of clause 5, viz., that allowing naturalized aliens to be elected members of the Legislature, was a most dangerous one, and in this respect he should be prepared to move an amendment when the bill was in committee.

Mr. DENOVAN also supported the second reading, but he thought the five successive years' residence, which was made a condition of naturalization, altogether too long a period. He also agreed with the remarks of the hon. member for Ripon and Hampden.

Mr. L. L. SMITH would support the second reading of the bill, but hoped the hon. mover would take steps to remove some of the restrictions at present pressing on the Chinese, and grant them some of the privileges conferred on other aliens.

Mr. O'SHANASSY thought that, as there appeared to be a general concurrence in the spirit of the bill, it would be better to deal with it in detail when it was in committee. While saying, however, that he believed the scope and tendency of the bill would receive general assent, he wished to guard himself from being supposed to agree with every passage in it. For instance, he disagreed wi h the proposal to make naturalized aliens eligible for seats in the Legislature, which might eventually lead to seats in the Executive Council. He looked upon the right of holding real property and exercising a vote for the election of members of Parliament, as sufficient privileges for naturalized aliens to enjoy. Without expressly stating whether he wished to exclude Chinese from the operation of this bill or not, he could not but say that he looked upon the conduct of the foreign population of this colony as entitling them to every consideration. (Hear, hear.)

Mr. LEVEY wished to remark that an eminent legal authority whom he had consulted had given it as his opinion that this Legislature could deal with any of the provisions of this bill. As to the Chinese, he judged it best to leave the matter in the hands of the Governor in Council, at whose discretion the letters of naturalization would issue. To attempt to draw any distinction between Chinese and any other aliens in any clause of the bill, might cause the Queen to refuse her assent.

The question was then put, and agreed to. The bill was then committed, and the preamble having been postponed, the Chairman reported progress, and obtained leave to sit again on next Thursday fortnight.

GOLD EXPORT DUTY ACT AMENDMENT BILL.

Mr. M'LELLAN said that, as the Government

had brought forward a bill similar to his own, he would not waste time by proceeding now to move the second reading of his own measure if the hon. Treasurer would state when he intended to proceed with the Government bill, and if he would press it through committee the same night.

Mr. HAINES said he was prepared to move the second reading of the Government bill on to-morrow (Friday) week, and to press it through committee the same evening.

Mr. M'LELLAN would, in that case, ask that his motion for the second reading of his bill might be postponed till next Thursday fortnight.

Mr. O'SHANASSY.—Why not withdraw it altogether?

Mr. M'LELLAN would have no objection to do so, but must first obtain the consent of the gold-fields members, now absent, who were associated with him in this matter.

The postponement was then agreed to.

MEDICAL PRACTITIONERS BILL.

Dr. MACADAM moved the second reading of this bill, the object of which was to secure a proper registration of medical practitioners in the colony, and remarked that it was substantially the same as that which had last session passed both Houses of Parliament, but which the sudden close of the session prevented from becoming law. The bill simply proposed to cause a registration of all the legally qualified medical men in the colony, in whose hands was entrusted the public health, and the importance of whose evidence in criminal cases made it necessary that they should be properly qualified for the performance of their duties. The bill would also do away with those defects in the present law, by which foreign medical men were almost excluded from legitimate practice. The difficulty in this respect was, that on the continent of Europe, the Government boards which granted medical men the certificates that entitled them to practise did not require that any continuous course of study, at a university or otherwise, should be undergone; whereas the law, as it existed here, made this a necessary condition. The result was, that many foreign medical men of high attainments were prevented from practising in Victoria. Again, the existing law did not provide penalties for the use of forged or counterfeit diplomas, and the bill before the House would supply that deficiency. The former bill, which had so nearly become law, imposed penalties upon those who assumed titles, such as that of "doctor," to which there was no real claim; but this was omitted in the present bill in consequence of the strong objections to it which were urged by country practitioners, and the bill would now only apply to those who practised without any diploma at all. The right of appeal was also granted by the bill, in order that injustice should be prevented as much as possible. The former bill required that each practitioner should have undergone a course of four years' study, but in the present measure only three years' study would be required, as this was thought to be quite sufficient. Power would be given to physicians to sue for their fees in the same way as surgeons; and the bill also provided that all medical men connected with public institutions, and who gave evidence in courts of law, should be only those who were registered according to this act. He might state that the measure which he had introduced had been approved of by meetings of both physicians and surgeons, and even those who were in favour of what was known as "one faculty" agreed with it. The bill would not prevent any one from practising, but only provided that those who chose to practice as homœopathists, or otherwise, could not assume the titles of a legally-qualified practitioner unless they were registered in the mode specified. He would not trouble the House further with details, but simply conclude by stating that the bill was a very liberal one, and would, he believed, act for the public convenience.

Mr. RICHARDSON believed the bill to be one of the fairest that could be brought forward, though he intended to move a few unimportant amendments in committee.

Mr. L. L. SMITH did not intend to oppose the second reading of this bill, though he believed its effect would be to exclude from registration many talented and qualified men, who by some unfortunate circumstance or other could not obtain diplomas. He was sorry the "one faculty" system, which abrogated all differences between physicians and surgeons, was not recognized by it, and desired to see it amended so as to impose penalties on registrars who induced medical men to sign an incorrect cause of death. He should also like to see a clause introduced similar to that in the Tasmanian Act, whereby coroners would be compelled, when they required medical evidence, to obtain that of the medical attendant of the deceased, or that of the medical man whose residence was nearest.

Mr. HEALES did not rise to oppose the bill; but when it was in committee he should endeavour to make certain alterations in it which would to some extent alter its principles. For instance, he should move that the medical man who desired to be registered should not be required to attend personally on the board for the purpose of submitting his diplomas; nor did he think it necessary that the course of medical study should be necessarily of three years duration, provided the student could prove his fitness for his duties. Having satisfied themselves of that fitness no medical board had a right to demand more. He also objected to the 5th clause, providing that the board should communicate with the newly-qualified medical men every twelve months, and that they who did not reply within a certain time should have their names, struck out of the register.

Mr. HOOD thought an injustice would be done by the bill in special cases to gentlemen who had acted as medical men for the last five and twenty years or more. He suggested that provision should be made to prevent this injustice. For the last ten years the medical profession had been trying to compel every person to consult a qualified medical man for the most trifling matter. He should not oppose the second reading of the bill, but he would endeavour to introduce certain amendments in committee.

Mr. LALOR remarked that the hon member who had introduced the bill had said that it would be beneficial to surgeons and physicians, but he had not proved that it would be beneficial to the public.

The second reading was then agreed to, and the bill committed *pro formâ*.

PREFERABLE LIEN ON CROPS BILL.

Mr. ANDERSON, in moving the second reading of this bill, said that its object was to enable agriculturists to raise money without being compelled to mortgage their freehold or grain, which was a very expensive process. It enabled a farmer, by giving a simple bill of sale, the form of which was set forth in the schedule of the act, to give a lien on a certain portion of his crops to secure repayment of the money which he required. In accordance with a feeling expressed by the House when the bill was introduced, he had introduced a clause which would enable any party to repay the money advanced to him and have the lien discharged. Provision was made by the bill for the registration of the bill of sale, and, notwithstanding that this portion of the bill had been struck out in the Upper House, he still proposed that the deeds should be registered within ten days of their execution. He believed that the bill would be a great boon to the agricultural interest, and, without further remark, moved the second reading.

Mr. LEVI gave notice of his intention to move in committee the omission of the eighth clause, which he thought was in opposition to the first portion of the bill, and would afford the opportunity of a farmer obtaining a second advance on his grain without the knowledge of the person to whom he had already given a preferable lien.

The second reading was agreed to, and the bill committed, reported to the House, and ordered to be considered on Tuesday next.

BILLS OF SALE BILL.

On the motion of Mr. ANDERSON, the House went into committee on this bill, and the various clauses were agreed to, with an amendment of the second clause, substituting ten days as the period within which bills of sale must be registered after their execution, instead of one month.

The preamble was agreed to, and the clauses were reported and adopted.

COLONIAL WINES SALES BILL.

The House having gone into committee on this bill,

Mr. GRAY asked whether the privilege to sell colonial wines, as provided by the first clause, could not be granted without restricting it to the sale of wines to be drunk on the premises.

Mr. RICHARDSON thought it better to limit the licence to the sale of wines drunk on the premises.

Mr. SERVICE did not see how to prevent persons from selling foreign wines under the act, because it would be impossible to distinguish between foreign and colonial wines.

Mr. RICHARDSON said the class of wines which he contemplated should be sold under the act could be bought at about 5s. 6d. per gallon, but no foreign wine could be bought at anything like the price.

Mr. ANDERSON suggested that the cost of the licence should be increased, and allowed to include foreign as well as colonial wines.

Mr. SNODGRASS considered the bill a very valuable one, and calculated to encourage the sale of wine made from grapes grown in the colony of Victoria.

Mr. EDWARDS thought it would be most difficult to convict a person under the act for selling foreign wine, for the onus of proving that the wine sold was not colonial would lie upon the prosecutor, unless there were a special provision to the contrary. He recommended that the measure should be referred to the select committee to which his bill for the amendment of the Licensed Victuallers' Acts had been referred, with a view of obtaining a general measure to consolidate all the laws relating to the sale of liquors.

Mr. GRAY was against legislation being made cumbrous and heavy, and was afraid that, in endeavouring to accomplish much, this little measure might be lost sight of altogether. He urged that the bill should be dealt with at once.

After observations from Mr. DENOVAN and Mr. NIXON in support of the bill,

Mr. MOLLISON expressed the hope that the bill would be referred to a Select Committee. Confectioners had not been allowed hitherto to dispose of intoxicating drinks, and he objected to such a subject being dealt with piecemeal.

Mr. M'CANN contended that the colonial wines were but "slightly intoxicating;" and that to refer the bill to a select committee would be only to shelve the measure.

Mr. SERVICE suggested that, as the hour was late (half-past eleven p.m.), that the Chairman should report progress.

Mr. RICHARDSON declined to accept the suggestion.

Mr. EDWARDS moved that the Chairman report progress.

Mr. ORKNEY said he should not object to the bill if it were confined to Victorian wines; but if, under the term "colonial wines," Cape of Good Hope wines were included, he should oppose it, because those wines were the most intoxicating in the world.

After some discussion,

Mr. O'SHANASSY suggested that, as this was a large question, involving many important considerations, the motion for reporting progress should be agreed to. To show the necessity for care in the matter, he might mention that, unless the strength of the wine were defined, spirits would be sold by confectioners under the bill.

Mr. HEALES concurred in the suggestion.

Mr. EDWARDS said, before bringing forward his motion the following evening for the committee, he should consult with the member for East Geelong and the member for Dalhousie, with the view to secure the best twelve members they could have.

The motion for reporting progress was then agreed to, and progress was reported accordingly.

MRS. BROWN.

The House having resolved itself into committee,

Mr. NIXON moved—

"That an address be presented to His Excellency, praying that a sum equal to one year's salary (say £175) be placed on the Supplementary Estimates as compensation to Mrs. Robert Brown for the loss of her husband while in the execution of his duty as keeper of the Swan Spit Lighthouse."

Mr. ANDERSON denied that Brown lost his life while in the execution of his duty, but offered no opposition to the motion on the part of the Government.

Mr. SNODGRASS contended that, after what had fallen from the Hon. Commissioner of Customs, the matter ought to be referred to a select committee. He, therefore, moved that the Chairman leave the chair.

Mr. M'CANN could not see how Mr. Brown had been neglecting his duty when he had been ordered by his superior officer to remain on shore till the tide changed. That he remained on shore longer than was quite necessary was no argument that he had neglected his duty. His duty required him to be at the lightship at a certain hour, and in endeavouring to fulfil that duty he was drowned.

Mr. NIXON having replied,

The question was put "that the Chairman leave the chair," and the House divided with the following result :—

Ayes	13
Noes	13

The division-list was as follows :—

AYES.

Mr. Anderson	Mr. Levey	Mr. Mollison
— Bennett	— Levi	— O'Shanassy
— Haines	— M'Mahon	— Snodgrass
— Hedley	— M'Donald	— Tucker.
— Hood		

NOES.

Mr. Denovan	Mr. Heales	Mr. Nixon
— Edwards	— Kyte	— Orkney
— Foott	Dr. Macadam	— Richardson
— Frazer	Mr. M'Cann	— Sinclair
— Gray		

The CHAIRMAN said the practice in such cases was for the Chairman to vote against money expenditure. His vote would therefore be with the ayes.

Mr. Nixon's motion was therefore superseded.

SUPPLY.

The resolutions last passed in Committee of Supply were reported to the House, and the report was agreed to.

A NEW CENTRAL RAILWAY STATION.

Mr. KYTE moved—

"That a select committee be appointed to inquire into, and report on, the necessity for constructing a central terminus for passenger traffic, in connexion with the Government Railways, on the site of the old Cattle-yards, fronting Elizabeth-street, as also the formation of a short branch line from the proposed terminus to the main line north of the North Melbourne Station; such committee to consist of Mr. M'Mahon, Mr. Brooke, Mr. Loader, Dr. Macadam, Mr. Snodgrass, Mr. John Davies, Mr. O'Connor, Mr. Edwards, Mr. Sinclair, Mr. Sullivan, Mr. M'Lellan, and the mover, three to form a quorum; with power to call for persons and papers."

He said that, personally, he was not in the slightest degree interested in the matter, but moved the resolution solely in the public interest.

Mr. SINCLAIR seconded the motion.

Mr. BENNETT opposed the motion; and thought it extraordinary that a proposition to expend £220,000 should be brought forward at so late an hour. He was not aware that goods and passengers traffic were separated in England, nor did he think such a plan desirable. In fact, an enormous expense would be incurred to secure a very doubtful advantage. If such a question as this were to be disposed of by a packed committee in that House, what would debenture holders in England think? He thought that the old Western barracks would be amply sufficient for any extra accommodation that would be required at the Spencer-street station.

Mr. SNODGRASS denied that the proposed committee was a packed one.

Mr. DENOVAN moved the adjournment of the debate. His sole reason was the lateness of the hour, as there was no knowing when the debate would end.

Mr. ORKNEY seconded the motion for adjournment.

Mr. EDWARDS asked if the Government opposed Mr. Kyte's motion?

Mr. O'SHANASSY said the hon. the Minister of Finance was not in the House; but that gentleman had, he (Mr. O'Shanassy) believed, some information to give on the subject. The fact was that this new station would cost about £119,000, and before so large a sum was expended it would be well that the subject should be fully considered. It must be borne in mind that all that the committee could do would be to report. As the question was a purely Parliamentary and not an Executive matter, and as he was a large owner of property in Elizabeth-street, he hoped to be excused from offering a direct opinion on the subject.

After some discussion, in which Mr. Heales, Mr. Bennett, Mr. Nixon, and other members took part, the motion for adjournment was put, with the following result :—

Ayes	12
Noes	17
Majority against the adjournment	5

The following is the division list :—

AYES.

Mr. Bennett	Mr. Levi	Mr. Orkney
— Denovan	— M'Cann	— Richardson
— Lalor	— McIlison	— Tucker
— Levey	— Nixon	— Wright.

NOES.

Mr. Anderson	Mr. Haines	Mr. M'Donald
— Aspinall	— Heales	— O'Shanassy
— Edwards	— Hood	— Sinclair
— Foott	— Kyte	— Snodgrass
— Frazer	— Macadam	— Sullivan.
— Gray	— M'Hanon	

Mr. M'CANN asked if a ballot could be demanded.

The SPEAKER said that if there was an intention to demand a ballot, it ought to be demanded before the motion was put.

Mr. LEVI opposed the motion, and contended that no necessity existed for the contemplated expenditure. He hoped the House would consider before it authorized the appointment of a committee which might lead to the addition of £300,000 to the present railway liabilities.

Mr. TUCKER also opposed the motion. He thought the present stetion at Spencer-street was equal to the requirements which were likely to

exist for the next five or seven years, and suggested that when any addition was required, the most economical as well as the most suitable plan would be to level Batman's-hill, and so increase the present railway accommodation. He believed that the cost of extending the Government line to Elizabeth-street would be about half the amount of constructing a railway from Sandhurst to Echuca, or from Castlemaine to Maryborough.

After a few remarks from Mr. LEVEY,

Mr. ORKNEY contended that the erection of a central terminus in Elizabeth-street would not be to the general advantage of the population of the city, though it might be to particular districts.

Mr. M'CANN moved that the House do now adjourn, because it was intended to demand a a ballot if the resolution were agreed to, and that would occupy a long time.

Mr. BENNETT seconded the motion for the adjournment of the House; and

The House divided, with the following result:—

Ayes	9
Noes	19
Majority against the adjournment	10

The adjournment was accordingly negatived.

Mr. FRAZER then proposed the adjournment of the debate.

After observations from Mr. LEVI and Mr. SNODGRASS,

Mr. ORKNEY said he thought the Government should abide by their present engagements, and carry out the trunk line to Echuca before entertaining this question, which, judging by the reception accorded to certain deputations, both the late and the present Governments seemed disposed to carry out nicely and snugly if only a little pressure were brought to bear upon them.

Mr. EDWARDS objected to a miserable minority endeavouring to upset the questionb y moving constant adjournments. He did not wish to sit on the committee, and should be happy to abdicate in favour of any hon. member on the other side of the House except Mr. M'Cann.

Mr. M'CANN said he should be sorry to occupy the position which the member for Collingwood now occupied or ever had occupied.

Mr. BENNETT thought that an adjournment should be assented to in order that the whole House might have an opportunity of selecting the committee.

After remarks from Mr. SINCLAIR,

Mr. ANDERSON suggested that the House should proceed at once to appoint the committee by ballot.

The question of adjournment was then put, and a division was called for. During the interval following upon the ringing of the bell, several hon. members left the House, and when the doors were closed only one member (Mr. Frazer) was left on the side of the "Ayes." No division, therefore, took place.

Mr. FRAZER endeavoured to address the House, but being told that he was out of order, having already moved an adjournment, he called the attention of the Speaker to the state of the House, and at once left the chamber.

The bell was rung, and at the close of the usual interval the Speaker counted the House, and declared that there was no quorum.

The following were the members present at the time:—Messrs. Mollisson, M'Donald, Edwards, Sinclair, Haines, Kyte, Snodgrass, O'Shanassy, Levey, Heales, Hood, Gray, Macadam, Sullivan, Aspinall, Fcott, M'Mahon, and Lalor.

An adjournment accordingly took place at a quarter to two o'clock.

FIFTY-SECOND DAY—FRIDAY, FEBRUARY 14, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty-three minutes past four.

NOTICES OF QUESTIONS.

Mr. TUCKER gave notice that, on Tuesday next, he would ask the hon. Commissioner of Public Works to state when the railway would be opened to Kyneton, and whether any contracts for the erection of a station at that place had been entered into?

Mr. M'DONALD gave notice that, on Tuesday next, he would ask the hon. Commissioner of Crown Lands to lay on the table a return showing the number of stock depastured, and for which assessment had been paid, upon the 10,000,000 acres set apart for agricultural occupation?

Mr. TUCKER gave notice that, on Tuesday next, he should ask the hon. Commissioner of Public Works what improvements the Government intended to make to the bridge lately erected on the Campaspe, between Kyneton and the railway station.

Mr. DENOVAN gave notice, that on Tuesday next, he would ask the hon. Attorney-General to lay on the table a copy of a memorial, Oct. 18th, 1861, and referring to the case of *Towns v. Jordan*, together with an account of the proceedings taken in reference thereto.

NOTICES OF MOTIONS.

Mr. HEALES gave notice that, on Tuesday next, he would move the following resolution:—

"That, during the present session, no fresh business (excepting the postponement of business on the paper and unopposed motions) shall be called on after eleven o'clock." (Hear, hear.)

Dr. MACKAY gave notice, that on Thursday next, he would move for leave to bring in a bill to limit the power of imprisonment for certain debts and demands; and also for leave to introduce a bill to reduce the expense of proceedings in the Supreme Court. (Hear, hear.)

Mr. EDWARDS gave notice, that on Thursday next, he would move that the Licensed Victuallers Act Amendment Bill be referred to a select committee, to consist of Mr. Anderson, Mr. Heales,

Mr. J. T. Smith, Mr. W. C. Smith, Mr. Richardson, Mr. Levey, Mr. Denovan, Mr. Snodgrass, Mr. Orkney, Mr. Kyte, Mr. Loader, and the mover.

Mr. FRANCIS gave notice, that on Tuesday next, he would move the addition of the name of the Hon. J. S. Johnston, to the Parliament Buildings Committee.

Mr. B. G. DAVIES gave notice that, on Tuesday next, he would move for leave to introduce a bill for the more equitable drainage of quartz reefs.

MINING SURVEYORS' REPORTS.

Mr. B. G. DAVIES postponed the questions relating to this subject standing in his name, because of the absence of the hon. Minister of Justice, and because he (Mr. Davies) desired to alter the form of the questions.

NATIONAL EDUCATION.

Mr. SERVICE asked the hon. the Chief Secretary whether he had yet received the returns from the National Board of Education which were required in order to enable the Government to decide on the distribution of the educational vote; and, if so, whether he proposed to fix an early day for the consideration of such vote?

Mr. O'SHANASSY replied that he had received the returns on the morning of the day before, and it was his intention to submit them to the consideration of his colleagues on an early day.

ADMINISTRATION OF JUSTICE IN EQUITY.

Mr. LOADER and Mr. LALOR brought up a bill to regulate the administration of justice in the equity courts.

The bill was read a first time, and ordered to be printed, and its second reading was fixed for Wednesday next.

THE INTERNAL ARRANGEMENTS OF THE POST OFFICE.

Dr. EVANS laid on the table of the House a copy of the memorial addressed on the 29th September last to the Postmaster-General, by the clerks and sorters in the mail departments He remarked that it had been moved for by the hon. member for Normanby, who was now absent, but he (Dr. Evans) nevertheless produced it, as it would in some way answer a question respecting the sorters' hours of labour, of which notice had been given by the hon. member for Collingwood.

THE POLICE REWARD FUND.

Dr. OWENS asked the hon. the Chief Secretary to state the amount of the sums appropriated to the Police Reward Fund during the last three years; the rules and regulations for the distribution of rewards, and the names of persons and their rewards, under the fund during the same period; and also, whether there was a balance sheet of the Police Reward Fund published annually in the *Government Gazette*.

Mr. O'SHANASSY said the hon. Chief Commissioner of Police was preparing the return, which would be ready by Tuesday next.

THE ELECTORAL LAW COMMITTEE.

Mr. K. E. BRODRIBB begged, without notice, to ask the hon. member for Mandurang what this committee was doing.

Mr. OWENS replied that the committee had already brought up a progress report which the House had rejected. (Laughter.) Of course it would be some time now before the committee would again bring up a report, but he trusted that the ordinary course of business would be resumed before long.

THE BROADFORD BRIDGE.

Mr. SNODGRASS asked the hon. the Postmaster-General why the repairs of the Broadford Bridge were still delayed; and if inquiry would be made into the cause of the delay, in order to prevent a similar neglect of duty again occurring?

Dr. EVANS replied that the repairs would be proceeded with with as much celerity as possible.

ESTIMATES OF ROADS AND BRIDGES.

Mr. M'CANN, in the absence of Mr. O'Connor, asked the Government when they intended to lay before this House a definite scheme for the appropriation and distribution of the amount placed on the Estimates for roads and bridges?

Dr. EVANS said his hon. colleague in the Upper House was at the head of the department, and had not yet intimated to him (Dr. Evans) the exact course it was intended to pursue. He would bring up the desired information as soon as possible.

REFRESHMENT-ROOMS COMMITTEE.

Mr. SNODGRASS brought up the report of this committee, which was read, and ordered to be on the table.

VOLUNTEER PROMOTIONS.

Mr. A. J. SMITH asked the hon. the Treasurer to inform the House the reason that Captain Edward Newell Bull, captain commanding the Castlemaine Volunteers, had been passed over in the recent promotions to the rank of lieutenant-colonel.

Mr. HAINES was sorry to say that the hon. member's information did not appear to be quite correct. He would apply to the military authorities, and be able to give further information on Tuesday next.

Mr. A. J. SMITH would, on Wednesday next, ask the hon. Minister of Finance upon what principle the promotions in the volunteer force were made.

Mr. M'CANN gave notice that, on Tuesday next, he would ask the hon. Minister of Finance who recommended Captains Champ and Mair for promotion to the rank of lieutenant-colonel; on what principle the recommendation was made; whether the Government was aware that Captain Mair was in fact junior to many officers in the service holding the same rank as himself; and if the Government intended to establish any principle on which such promotions would be made in future.

Mr. SNODGRASS took exception to this notice of motion, as it was not exactly in accordance with fact in its reference to Captain Mair's standing in the service.

The SPEAKER could allow no discussion.

Mr. M'CANN rose to explain, amid loud cries of "withdraw," but was ruled to be out of order.

AMENDMENTS TO THE LAND BILL.

Mr. LOADER gave notice that, on Tuesday next, he would, in committee on the Land Bill, move the following amendments :—

Clause X.—Fourth line, after words "shall be" insert "surveyed and shall be ;" ninth line, after word "and," strike out remaining portion of clause and insert, "the remaining area shall be surveyed and shall be open for selection as rapidly as possible, and all such areas, or any portion of them as may not be surveyed within twelve months from the passing of this act, shall thereafter be open for condi ional sale by selection."

Clause XI.—Add the following words, "and the board shall cause a geodetic survey to be made, within twelve months, of such portions of the agricultural areas as are not surveyed into allotments."

New Clause.—"Where any person desires to settle upon any portion of land within any agricultural area under this act, and which has not been surveyed into allotments or defined by the geodetic survey, after twelve months from the passing of this act, the temporary boundaries thereof shall be determined by the conditional purchaser, who shall be entitled to have the land surveyed by a duly licensed surveyor, under regulations to be made by the Board of Land and Works, and the expenses of such survey shall be allowed to such purchaser as part payment of his purchase-money, such expense to be allowed in accordance with a scale of charges fixed, or to be fixed, by the Surveyor-General."

WAYS AND MEANS.

Mr. HAINES moved that the House resolve itself into a Committee of Ways and Means, on Tuesday next. He had been informed by the Speaker that it would be necessary that all proceedings with regard to the bills introduced to give effect to the grant made by the House the other evening of a certain sum of money in aid to Her Majesty, would have to be initiated in Committee of Ways and Means. The bills introduced would have, therefore, to be commenced *de novo*, and he should, on Tuesday next, move resolutions in Committee of Ways and Means, authorising the application of the sums of money advanced to Her Majesty. It was a mere formal matter, and the two bills would be incorporated in one.

The motion was agreed to.

SCAB ACT AMENDMENT BILL.

Mr. MOLLISON reminded the Government of their promise to allow him an hour that evening, to enable him to proceed with the Scab Act Amendment Bill.

After a short discussion, it was agreed that all orders of the day and notices of motion standing before the order of the day for the consideration of the report on this bill should be postponed.

Mr. MOLLISON then asked that the bill should be recommitted, to enable him to introduce certain amendments suggested by his hon. friend, the Minister of Justice.

The House then resolved itself into committee, for the reconsideration of the bill.

Clause 1, which provides that the Governor shall appoint inspectors, was agreed to with some verbal amendments.

In clause 2, which refers to the penalty on owners of scabby sheep, the sum of three shillings was substituted for four shillings.

Clause 3, empowering an inspector to grant a licence to keep sheep for the purpose of cleansing the same, was struck out, with the view of substituting a new clause in lieu thereof.

Clause 4, which renders it imperative on owners of sheep to deliver correct accounts of infected sheep, was passed with some few verbal amendments.

Clause 5, requiring all sheep to be branded by the owners, under a penalty not exceeding £50, was agreed to.

Clause 6 was struck out.

In clause 8, which provided that any three or more owners of sheep occupying runs within ten miles of any lands upon which infected sheep were depastured, might give notice to the inspector, requiring such sheep to be destroyed, the words "three or more" were struck out. The clause also enacts that the inspector, on receiving the notice, and also a bond, with three sufficient sureties, shall, on finding the sheep to be infected, seize and destroy them. The clause was amended, and adopted.

Clause 9 provides how the bond, referred to in the previous clause, shall be enforced, if requisite. The chief inspector, upon being requested by the owner of any such sheep destroyed, shall put the bond in suit in the name of the inspector to whom it was given, and shall be entitled to recover the full value of the sheep destroyed, not exceeding 7s. per head. This clause was agreed to.

Clause 11, providing that no sheep infected, or dressed for disease, within the previous six months, shall be removed from any run without the authority of the inspector, was adopted.

On clause 12, providing that the inspector may employ persons to assist him in examining and destroying sheep, the owner of sheep so examined or destroyed to pay the cost of such assistance,

Mr. SNODGRASS moved, as an amendment, that the word "and," should be substituted for "or."

The amendment was accepted, and the clause adopted.

Clause 13, providing that a penalty made against an unknown owner of sheep shall be enforced by the sale of such sheep, was agreed to.

Clause 14, providing that all penalties recovered under the act shall, except when otherwise specially provided for, be paid to the Treasurer for the public uses of the colony, was adopted.

Clause 15 (the interpretation clause) passed without opposition.

Clause 16, rendering persons importing infected sheep into the colony liable to a penalty of not more than £10 for each such sheep, was adopted, with the proviso that the aggregate penalties in each case shall not exceed £200.

Clause 17, providing that persons driving sheep across any land are to give not less than twelve hours' notice to the occupier of the land, under a penalty not exceeding £50, was adopted.

Clause 18, providing that informations under the act shall be laid on oath, was agreed to.

In clause 19 an alteration was made, providing

that the act shall not come into operation until August 1, 1862.

Two new clauses—one to stand as clause 3, the other as clause 18—were then agreed to.

Mr. MOLLISON proposed a new clause, authorizing the Governor in Council to direct the Treasurer from time to time to pay out of the public revenue such sums as might be necessary to give effect to the act. He did this because it would be impossible to fix the exact amount required for the inspectors, and therefore it would be difficult to ask for a sum of money on the Estimates. Mr. Mollison added that, no doubt, the fines and forfeitures recoverable under the bill would compensate the Treasurer for any expenses which might be incurred.

The CHAIRMAN ruled that the clause was inadmissible, and stated that the only proper course was to place a sum for the inspectors on the Estimates.

Mr. MOLLISON then proposed a new clause, limiting the operation of the act to two years from the passing thereof. He did this to meet the views of the member for Collingwood (Mr. Edwards), though against his own will.

At the request of several hon. members, the time was altered to three years.

Mr. LEVEY objected to any limitation at all.

The committee divided on the question that the clause, as amended, stand part of the bill, when there appeared :—

Ayes	21
Noes	18
Majority for the clause ...	3

The following is the division-list :—

AYES.

Mr. Anderson	Mr. Lambert	Mr. Richardson
— Bennett	— Loader	— Sinclair
— Benovan	Dr. Macadam	— Smith, J. T.
— Edwards	Mr. M'Cann	— Sullivan
— Heales	— Mollison	— Weekes
— Humffray	— O'Grady	— Wood
— Kirk	— Pyke	— Wright.

NOES.

Mr. Brodribb, W. A.	Mr. Haines	Mr. O'Shanassy
— Cohen	— Hedley	— Reid
— Davies, B. G.	— Johnston	— Smith, A. J.
Dr. Evans	— Levey	— Snodgrass
— Foott	— M'Donald	— Tucker
— Francis	— Nicholson	— Wilson.

The House then resumed, and the bill was reported, Friday next being appointed for the consideration of the report.

SUPPLY.

The House then resolved itself into committee of supply. The additional Supplementary Estimates for 1861 were first taken into consideration.

The sum of £30 was voted without opposition, as compensation to Matthew Lemon, mail guard, for injuries sustained by him in the execution of his duty.

Mr. HAINES then proposed the following votes :—Compensation to Mrs. Seekamp, £500; compensation to Mr. Pyke, £450; compensation to Mr. Bell, for loss of office as secretary for the immigration agents, the appointment not having been confirmed, £950; verdict in the case of Parker v. the Queen, £850 ; verdict in the case of Lavender v. the Queen, £403 12s. 6d. ; verdict in the case of Jacomb v. the Queen, £563 3s. 10d. ; gratuity to Mr. Stokes, for services rendered to the Defence Commission from July, 1858, to 31st December, 1861, £150 ; gratuity to Mrs. Morphy, widow of the late J. S. Morphy, £650 ; to Malcolm Smith, costs in an action brought against him by Girdlestone, £66 19s. 4d. ; to W. O. Bechervaise, telegraph manager at Ballarat, reimbursement of amount embezzled by B. A. P. Guyot, convicted of the offence, £42 16s. 11d. ; Edward Lucas, late postmaster, Wangaratta, reimbursement of remittance for stamps stolen from the mail on the road, May, 1859, £6 ; Michael Quaine, reimbursement of amount contained in a registered letter, stolen by A. Pointz, convicted of the offence, £16 ; compensation to J. A. Panton, Esq., being the value of gold forwarded by him to the Commissioners of the Victorian Exhibition in 1854, and not returned, £200. Total, £4,748 12s. 7d.

Mr. LOADER proposed the reduction of the compensation to Mr. Bell to a similar amount to that set down for Mr. Pyke.

Mr. HAINES called attention to the fact that the amounts set down for Mrs. Seekamp and Mr. Pyke had been placed on the Estimates, in obedience to the directions of the House.

Mr. LEVEY said the money voted to Mrs. Seekamp was voted to her as a widow, but he knew, of his own knowledge, that Mr. Seekamp was alive, and he contended that, to him should the money be given.

Mr. SERVICE proposed that the item for compensation to Mr. Bell be struck out. There was no evidence before them that Mr. Bell had any claim upon the state. He suggested that the matter should be referred to a select committee.

Mr. HAINES said he had no objection. He was sure that Mr. Bell would like his claim to be thoroughly investigated.

Mr. HEALES suggested that the vote for Mr. Pyke should be withdrawn. He did this in order that hon. members might read the evidence taken before the select committee on Mr. Pyke's claim. He never thought Mr. Pyke had the right which the committee considered he had; and, as the composition of this House was very different to that which consented to the grant, he held that the matter should be reconsidered.

Mr. HAINES thought the hon. member for East Bourke Boroughs was a little hard on Mr. Pyke, for that gentleman's case had been referred to a committee of seven members, six of whom were members of the present House; so that, substantially, present circumstances were as though a committee of the existing House had recommended the appropriation of the compensation. He trusted the House would not refuse to vote the amount set down.

Mr. SULLIVAN had, while in office, looked over the papers respecting Mr. Pyke's case, and come to the conclusion that that gentleman was fully entitled to the amount set down. He (Mr. Sullivan) stood up now to assert that he really thought Mr. Pyke entitled to compensation; and while Parliament had affirmed a certain principle, he considered that the Government of the day were fully warranted in carrying that principle out, and in the action they had taken had only

done justice to the opinion which the House had manifested.

Mr. ANDERSON thought that this was not the proper time to raise the question of the merits of this had been before the House so long. Those merits had been decided upon long ago by a competent tribunal, viz., the House itself.

Mr. DON had been a member of the committee which inquired into Mr. Pyke's case. The matter had been very closely investigated, and he was fairly convinced that a more legitimate claim had never been submitted to the House. Mr. Pyke had been very harshly treated; and he hoped that the hon. member for the East Bourke Boroughs would not look at the matter through the green spectacles of a party politician.

Mr. HEALES was only taking the position he had always taken in respect to this question. He did not oppose the motion, but only asked that hon. members should be allowed a fair opportunity to look over the evidence. ("No, no.") If that opportunity were refused, he should offer no factious opposition to the motion. He repudiated entirely the charge that he was viewing the subject as a party politician. Because Mr. Pyke was a member of that House, he (Mr. Heales) was not to be debarred from discussing the question on its merits.

Mr. MOLLISON pointed out that the vote would have been passed by the last Parliament but for the fact that because Mr. Pyke was a member of the House his case was subjected to the fullest consideration.

Mr. JOHNSTON, even after the denial of personal motives on the part of the hon. member for the East Bourke Boroughs, could hardly believe him to be actuated by other considerations, seeing how long the Estimates had been before the House, and the ample opportunity which had been afforded for any investigation into the case.

Mr. HOOD remembered the time when the hon. member for East Bourke Boroughs was not so particular, and when on his own bare authority he awarded compensation to a certain individual contrary to the wish of the head of the Railway department, and in the face of the written opinion of the engineer-in-chief. (Mr. Heales.—"No no.")

Mr. RAMSAY thought the hon. Commissioner of Public Works had acted unfairly in supposing that all new members were necessarily familiar with Mr. Pyke's case.

Mr. HEALES called attention to the item of compensation to Mrs. Seekamp, and stated that a discussion had arisen in the last Parliament as to the propriety of granting the sum to Mr. or Mrs. Seekamp. He wished to know whether, if the amount were granted to Mrs. Seekamp, Mr. Seekamp could claim a similar amount?

Mr. WOOD said he thought neither party had any right to compensation. Had he been in the House when the matter was brought forward he should have opposed it. He did not see why the money should be voted to Mrs. Seekamp, when there was no judicial separation from her husband. He did not believe Mr. Seekamp would seek to make another claim.

Mr. FRAZER explained that the reason the vote was put forward in Mrs. Seekamp's name was, that it was not known where Mr. Seekamp was—whether at the Snowy River or in Queensland (laughter). He wished to deny that he had ever represented Mrs. Seekamp as a widow, and he thought the House would be satisfied with that explanation.

Mr. O'SHANASSY confirmed what Mr. Frazer had stated; but remarked that since the discussion took place on the subject, Mr. Seekamp had returned, and had called at his (Mr. O'Shanassy's) office; and he believed that the most amicable relations existed at the present time between Mr. and Mrs. Seekamp. (Laughter.)

In answer to Mr. LEVEY,

Mr. HAINES explained that the claim of Mrs. Morphy had received great consideration.

Mr. O'SHANASSY explained that the vote was put on the Estimates entirely as a matter of charity towards the widow of Mr. Warden Morphy, who was a most deserving officer.

Mr. LEVEY trusted the amount would be withdrawn.

Mr. SERVICE expressed his concurrence with what had fallen from the hon. member for Normanby. He thought that, in a case like the present, where it was said that a gentleman had been put to great expense from having to remove his quarters, compensation should be given, if necessary, at the time, and not a double claim made because a gentleman died. The gentleman might have been an efficient officer, but he took it all the wardens did their duty.

Mr. A. J. SMITH, as a warden of eight years' standing, said he never knew of a case in which a warden was compensated for removal. He had removed eighteen times, and had never been reimbursed.

Mr. WEEKES brought under the notice of the Government the case of a man named Curran, who was killed at the Spencer-street Station. He did not see the case mentioned in the Estimates, but he thought it was one deserving of notice.

Mr. HAINES said the case had been considered by the Government, and it was intended to make provision for it on the Supplementary Estimates which would be brought up.

Mr. B. G. DAVIES trusted the vote for Mrs. Morphy would be carried, as then it would be a precedent for granting a similar compensation to the widow of the late Mr. Warden Murray, who was one of the most deserving officers in the colony, and not one of whose decisions had ever been appealed against.

Mr. FRANCIS thought the case of Mrs. Morphy should be referred to a select committee.

Mr. HAINES was willing that that should be done, as also other cases which had been alluded to.

Mr. WOOD said he was at Beechworth at the time of Mr. Morphy's death, and the greatest sympathy was expressed for Mrs. Morphy by the inhabitants there. Owing to various expenses to which Mr. Morphy had been put, he had been compelled to mortgage his property; and since his death Mrs. Morphy had been entirely dependent upon the assistance she received from her son, who was not in a position to assist her very much. He thought the case was one most deserving the assistance of the House.

Mr. O'CONNOR, in a few remarks, bore testimony to the high qualifications of Mr. Morphy as an officer.

Mr. HEALES was in favour of the matter being referred to a select committee.

The suggestion to refer it to a select committee was agreed to.

Mr. ASPINALL, in reference to the vote of £200, as compensation to Mr. J. A. Panton, "being the value of gold forwarded by him to the Commissioners of the Victorian Exhibition in 1854, and not returned," submitted that, unless very good reasons were shown to the contrary, the commissioners, and not the colony, should be held responsible for any gold not returned.

Mr. HAINES stated that a quantity of gold belonging to the colony was sent to the Exhibition, and a number of private individuals sent gold there at the same time, but, owing to some mismanagement, no distinction was made, and on its return the gold became mixed. The gold sent on behalf of the colony appeared to have been about 2,851oz, and the quantity returned and afterwards sold was 2,976oz. The difference consisted of gold belonging to private individuals; so that, in making this compensation to Mr. Panton, the Government were only restoring to him the value of his gold, which had been in the Treasury up to the present time.

Mr. HOOD asked if £200 was the actual value of Mr. Paton's gold, or only an estimate?

Mr. HAINES believed that it was only a fair price, and that Mr. Panton was quite incapable of making an unjust demand upon the Government.

Mr. ASPINALL asked for an explanation in reference to the item of £42 16s. 11d. "to W. O. Bechervaise, telegraph-manager at Ballarat, reimbursement of amount embezzled by B. A. P. Guyot, convicted of the offence."

Dr. MACADAM stated that the embezzlement took place during Mr. Bechervaise's absence on important business, and while Guyot was officiating in his stead.

Mr. HOOD moved that the item be struck out. When the hon. member for West Melbourne held the office of Postmaster-General, Mr. Bechervaise was told that he must either pay the money himself, or give up his office, and he paid it willingly. Since then there had been a change of Government, and he now claimed to have the money refunded.

Mr. HUMFFRAY.—He did not pay it willingly, but under compulsion.

Mr. GILLIES considered it unjust that Mr. Bechervaise should be called upon to refund the money embezzled by another person during his leave of absence.

After some remarks by Mr. LOADER,

Mr. SERVICE thought the question ought to be referred to a select committee.

Mr. O'SHANASSY said the late Government intended to refund the money to Mr. Bechervaise, and the present Government were only keeping faith with their predecessors.

Mr. HOOD then withdrew his objection.

The vote, minus the items relating to Mr. Bell and Mrs. Morphy, was then agreed to.

The following votes were next passed:—

£1,500 for travelling expenses for the Inspector-General of Roads and Bridges (in lieu of a sum allowed to lapse from a vote last year).

£1,950 to increase the height of Mollison-street Bridge, Kyneton.

£8,400 for military buildings and works of defence, viz.,—£900 for the erection of gun-sheds for the Armstrong guns; £2,500 for the erection of batteries and other defences, and £5,000 for completing portion of officers' quarters now commenced at the new barracks.

THE NEW TREASURY.

On the vote of £8,300 for "completing the interior of the new Treasury, and portion of drainage, and other works,"

Dr. MACADAM asked what departments of the Government the new Treasury would accommodate?

Mr. HAINES replied, the Governor's establishment, and the departments of the Chief Secretary, Treasurer, and the Audit Commissioners.

Mr. RAMSAY inquired whether the vote provided for furniture?

Mr. HAINES replied in the negative. It provided only for the internal fittings.

The vote was then agreed to; as were also the following:—

£1,100 for fittings and furniture for public offices, &c.

£1,050 for works at Melbourne gaol.

£360 for completing Survey office at Dunolly.

£250 for crane, &c., for jetty at Port Albert.

£222 1s. 2d. for extra works on reservoir at Ararat.

£145 10s. for completing warden's office, &c., Morse's Creek.

£1,200, amount due to the Tasmanian Government for the completion of the lighthouse at Cape Wickham.

£238 13s. for wages in connexion with the lithographing of the geological survey.

GOLD PROSPECTING.

The next votes were £500 for prospecting for new gold-fields or new leads, or deposits of gold, and £1,000 rewards for the discovery of gold-workings.

In reply to questions,

Mr. HAINES observed that these rewards were for the discovery of the Baw-Baw diggings, and the Londonderry diggings, and the money was appropriated on the recommendation of the Prospecting Board, appointed by the Nicholson Government, of which board Mr. Pyke and Mr. Humffray were members.

The votes were then agreed to; as were also the following:—

£300, for increase of pay, at the rate of £25 each per annum, to twelve tidewaiters.

£72 18s., for additional pay to the mate, carpenter, and men of the Empire buoy vessel.

£73, for additional pay to the assistants at the Cape Otway, Cape Schanck, Wilson's Promontory, and Gabo Island lighthouses.

£77 7s. 6d., for additional pay to the keepers of the Portland, Port Fairy, and Port Albert lighthouses.

£110 10s., for additional pay to the mates and seamen of the West Channel, Gellibrand's Point, and Geelong Ship Channel light vessels.

Mr. HAINES said he had now arrived at the close of the Additional Supplementary Estimates; but it would be necessary, on a future occasion, for him to bring down one or two other items. He was now quite ready to proceed with the items for "works and buildings" on

THE ESTIMATES FOR 1862.

The vote of £1,500 for repairs and additions to wharfs, sheds, &c., Melbourne, was agreed to without comment.

On the vote of £3,500 for the extension of Sandridge jetty, sheds, &c., including repairs,

Mr. RAMSAY said he understood that vessels were allowed to unload at this jetty on much lower terms than they could unload elsewhere, and thus a Government Wharf was brought into competition with the wharfs erected by private persons. He thought the wharfage charges should, at all events, be sufficiently high to reimburse the Government.

Mr. HAINES replied, that he believed there were no wharfage rates, and that the Government had no power to impose any.

The vote was then agreed to; as were also the following:—

£2,000 for constructing a bridge across the Moyne, at Belfast.

£4,000 towards the extension and repairs of the jetty at Warrnambool, and other harbour improvements at that place.

£1,500 for the extension and repair of Portland Jetty.

On the vote of £1,000 for the repairs of wharfs, jetties, and sheds, and for dredging at Geelong,

Mr. RICHARDSON called attention to the fact that, owing to the shallow water, ships could not approach the wharfs at Geelong, although the channel has been made sufficiently wide for them to pass. A further expenditure would, therefore, be required for dredging, and he proposed that the vote should be increased by £1,000.

Mr. HAINES thought the sum which the Government had set down should be first expended, and that, if more were required, it should then be applied for

Mr. ASPINALL expressed his surprise that there should be any difficulty about the matter, particularly after £4,000 had been voted for Warrnambool without a word. He trusted that justice would be done to Geelong, notwithstanding that all her four representatives happened to sit on the Opposition side of the House.

Mr. HOOD believed that the desire of Geelong in asking for the extra £1,000 was somewhat similar to its expectations from the Geelong railway—viz. that the whole trade of Melbourne was to be transferred to Geelong.

Mr. JOHNSTON would point out that while the Geelong harbour had cost £90,000, that of Warrnambool had had only £3,000 spent upon it.

Mr. M'CANN could not see that the fact that £90,000 had been spent already was any argument why £1,000 more should not be granted.

Mr. O'SHANASSY said that if there was a prospect of any large vessel coming to Geelong during the present year that fact might make a difference. (A laugh.) It would be better that the Geelong members should take the £1,000 offered them, and if the inspector-general found that £1,000 would complete the public work in question it would not be withheld.

Mr. M'CANN said that nearly as much wool was shipped from Geelong as from Melbourne.

Mr. O'SHANASSY did not deny this, but all the wool ships had left some time since, and none more were expected for many months.

Mr. HAINES promised that the extra £1,000 should be put on the Supplementary Estimates, if required.

Mr. RICHARDSON expressed himself as quite satisfied.

Mr. B. G. DAVIES thought that the mining members had great reason to complain of the ease with which large sums were voted for the metropolis or the sister kingdom of Geelong, while the smallest sum required for the mining districts was only got with the greatest difficulty. Here was Geelong, which place he had visited twice; there was nothing there but a few dilapidated vessels looking out for forlorn cargoes, or for something generally to turn up; and he objected to such large sums being spent there. He moved that the sum for wharfs, jetties, and shed at Geelong should be reduced to £500.

Mr. HAINES reminded the hon. member that wharfs and jetties could not be erected at Sandhurst or Castlemaine, except on the shores of the sludge channels. (A laugh.) It was quite right that every district should have its share of the public revenue, but such unnecessary pressing forward of the claims of the mining districts was really going too far.

Mr. SNODGRASS said that £500 was the amount voted last year.

Mr. JOHNSTON trusted the Geelong members would rest satisfied with what the Government proposed to do for that place. To reduce the £1,000 to £500 would prevent any good being done.

Mr. DON said the hon. member for Avoca was talking as though the wharfs at Geelong were solely for the benefit of Geelong. What would the country districts do without conveniences of transit for the goods which were consumed there?

Mr. B. G. DAVIES withdrew his amendment, feeling gratified that he had called attention to the unequal distribution of the public moneys.

The item was then agreed to.

A grant of £1,500, for repairs to the wharfs, sheds, jetties, &c., throughout the colony, was also agreed to.

DREDGING THE YARRA.

Mr. HAINES moved that £15,000 be voted for dredging operations in the river Yarra, river improvements, the maintenance and repair of steam dredges, &c.

Mr. JOHNSTON explained that £10,000 had been voted for this purpose last year, but that sum had been found insufficient, and £15,000 was put on the Estimates for this year. It had been proved that this sum would serve to keep the river at a uniform depth of ten feet, while, if a greater depth were required, it could be obtained.

Mr. RAMSAY asked if the vote would be kept in abeyance till a river trust was appointed.

Mr. JOHNSTON stated that as soon as the money was voted the operations would be proceeded with. He might say that the officer under whom the operations were conducted was second in skill to none in the colony.

Mr. SNODGRASS thought, after the large amount of money which had been spent on

dredging operations, it was high time that the committee should say they would not vote more money for the purpose until the hon. member for West Melbourne had brought forward his motion for a River and Harbour Trust. He thought the item should be struck out, as it would be better spent on roads and bridges, and he would, therefore, move that the item be struck out.

Mr. L. L. SMITH endorsed the opinion of the hon. member for Dalhousie. He would like to know whether any good had yet been done by the dredges?

Mr. JOHNSTON, in answer to the question, said great good had been done, and larger vessels were able to come up the river than formerly. One firm in Melbourne lost £6,000 annually by their vessels not coming to the Melbourne Wharf, and he thought that was a great argument in favour of the dredging operations being continued.

Mr. LOADER thought the committee should exhibit more consideration than they seemed inclined to do. The rock at the entrance to the Saltwater River had been partially dredged through, and a few thousand pounds would complete the channel. Then, again, there was a large rock at the entrance of the Pool, which, if cut through, would enable larger coasting vessels to come to the wharfs. He would also point out that iron vessels which went into fresh water occasionally required less cleaning and lasted much longer than vessels always in salt water. He might mention that in deepening the Yarra great benefit was done to Melbourne; and although the Hobson's Bay Railway Company might be robbed of some of their traffic, the benefit of a private company should not be put forward as an argument against carrying out a work for the advantage of the public. There was another fact to be considered—that when the Government railways were completed there would be increased traffic in that part of Melbourne, and every facility should be given. It was not a work for Melbourne alone, but for the benefit of the country at large.

Mr. L. L. SMITH wished to know whether the amount proposed would be sufficient to complete the dredging operations, as, if not, it would be thrown away. He had heard that as fast as the silt was taken away there was a new deposit washed down.

Mr. JOHNSTON said minute calculations had been entered into, and it was the opinion of eminent engineers that the river could be deepened to a uniform depth of ten feet during the year. He had no hesitation in saying £15,000 would not be sufficient, and he trusted money would be spent until the Yarra was deepened to seventeen feet, whether it was done by contract, or by a harbour trust, or by the Government. £85,000 had been, as yet, spent on dredging the Yarra, but £35,000 of that was expended in purchasing plant. No other improvement was so necessary as dredging the Yarra.

Mr. O'CONNOR thought that as it was moored that a harbour trust would be appointed, the expenditure of money for dredging operations should be vested in such trust. In the meantime, however, he thought the Government should have money to go on with, and as he thought the present sum was too large, he would suggest that the vote be reduced to £10,000.

Mr. RAMSAY suggested that the silt dredged from the Yarra should be deposited on the banks, so as to prevent the low lands near the river from being flooded, as at present. That was done on the Clyde, and if it were done here lands now useless could be made profitable. He thought some comprehensive scheme should be carried out by the Government, instead of their spending money year after year upon no definite plan.

Mr. DENOVAN supported the amendment of the hon. member for North Grenville.

Mr. ANDERSON urged, as an argument against the reduction of the vote, that one of the dredging vessels would be thrown out of employment, and the money expended on it would be idle. He thought hon. members representing the gold fields were acting injudiciously in their way of treating the subject, as he could inform them that, so far from no good having been done, the river had been deepened two feet, and that whereas formerly only vessels drawing eight feet of water could come up it, vessels drawing ten feet could now go up to the wharves. The House had recently agreed that a bill should be introduced for the establishment of a river and harbour trust. From the information of the hon. member for North Melbourne, he understood that the members of the proposed trust would have the expenditure of any moneys available for the improvement of the harbours, but it would be under the control of the Public Works Department. In the meanwhile, a committee had been appointed to inquire into the dredging operations, with the view of having the money voted for those operations expended in the best and most economical manner. Under the circumstances, the House would do well to pass the item; and he appealed to the members of the gold fields not to oppose it.

Mr. HEALES was informed that the system of dredging the Yarra which was in operation was simply to take silt from one portion of the river to place it in another. He asked the Commissioner of Public Works if such was the case?

Mr. ORKNEY said that the system of dredging which had hitherto been adopted had been defective, but, from the attention which had been directed to the subject, he believed that it would be remedied in future. There was great necessity for improving the navigation of the Yarra. The Australian Wharf, constructed some years ago, at a cost of £32,000, was not available for more than three quarters of its extent for vessels drawing above seven feet of water. Whether a harbour trust were established or not, this state of things ought to be immediately remedied. He knew that a ship consigned to the hon. member for Sandridge had, after being towed up the river, to be towed down again, in consequence of there not being a sufficient depth of water to enable it to reach the wharf. However well adapted the piers in Hobson's Bay were for vessels of 1,000 tons burthen and upwards, vessels of smaller tonnage—say, 600 tons—knocked about there, and damaged both themselves and the piers, and it was imperatively necessary that the Yarra should be made available for such vessels. The House might safely trust that the select committee appointed to inquire into the dredging of the river would put matters in proper order, and prevent a repeti-

tion of past extravagances; and he therefore hoped that the item of £15,000 would be agreed to. The improvement of the navigation of the river would not only benefit the city of Melbourne, but also the gold-fields, and every part of the colony.

Mr. GILLIES supported the amendment. A reduction had been made in the Estimates for public works up the country, and he thought a reduction should be made in the money expended in and about Melbourne.

Mr. COHEN considered it absolutely necessary that the Yarra should be kept navigable for smaller vessels, and that it would be for the benefit of the whole colony if this were done.

Mr. GRAY desired information on two or three points.

Mr. JOHNSTON, in reply, said the rock at the junction of the Yarra with the Saltwater River was originally triangular, and vessels proceeding up the Yarra were compelled to go sharply round the edge of it. The dredging-machines had formed a channel along the base of the rock, thereby allowing vessels to sail up the river without going round such a sharp angle as formerly. Most of the money contemplated to be expended this year would not be expended in deepening the whole of the river, but in extending the depth already gained by means of the channel to which he referred. It was proposed to remove the whole of the rock, so as to throw the river open from side to side. There was also a bluestone rock impediment in the river below the upper wharfs, which prevented vessels coming alongside one part of the basin. It was proposed that this rock should be removed. With respect to the inquiry, why the item for dredging had been increased from £10,000 to £15,000, he had to say that there were already two expensive dredges, and it had been found that £10,000 would only work one of them, so that the use of the other would be lost unless the sum was increased. In reply to the question of the hon. member for East Bourke Boroughs, he said that the silt was not taken up from one place and laid down in another, so as to impede the navigation, but it was taken round Gellibrand's Point, and dropped beyond Williamstown. An honourable member had suggested that the banks of the river should be raised. During the tenure of office of the late as well as of the present Government, it had been proposed that the matter taken out of the river should be applied to that purpose, but the great difficulty in the way was, that before this could be commenced, machinery would be required especially for the purpose, which would cost £9,000. (Mr. Service. — "No.") Such, at all events, was the statement of the experienced officer at the head of the department; but if the hon. member for Ripon and Hampden knew better than that gentleman, of course he (Mr. Johnston) would give way at once. It was solely on account of the great expense that the raising of the banks of the river had not been commenced.

Mr. WEEKES spoke in favour of the amendment.

Mr. BENNETT said the improvement of the navigation of the river would be a great benefit to the whole colony.

Mr. J. DAVIES supported the vote as it stood. He did so in the interests, not simply of his constituents, but of the country at large. The improvement was both necessary and practical. He was surprised that any hon. member should regard this merely as a Melbourne project. An expenditure of money on the Yarra would prove as great an advantage to the country districts as the expenditure of money in the Murray River, and in the Geelong and Ballarat railways. There was on the Yarra a large wharf which cost a considerable sum, and which was not patronized as it ought to be; and he thought they should use every practical means to induce vessels to discharge their cargoes at that wharf.

Mr. FRANCIS called attention to the fact that 100,000 tons of coal were brought into Melbourne every year; and the other kinds of cargo now discharged in the bay, but which could be brought up the Yarra if the river were improved, might be estimated at another 100,000 tons. By making use of the Yarra, there would be a difference to the consumer of at least from 3s. to 5s. per ton, and thus in the course of a single year there would be a reduction in the necessaries of life to the tune of upwards of £30,000. Again, the vessels drawing twelve or thirteen feet of water frequenting the port were worth at least £100,000; and he was prepared to assert that, if these vessels came up the Yarra, there would be a difference of at least half per cent. on the insurance. This would be a further advantage of £5,000 per year. Then there would be a difference in towage to the extent of £25,000. So that the result of securing a depth of twelve and a half feet instead of nine feet of water would be a gain to the community of upwards of £60,000 a year.

Mr. SERVICE alluded to the practice which prevailed on the Clyde of placing the silt on the banks, which work was carried out with great advantage to the locality. The House ordered the same thing to be done on the Yarra four years ago, and the then head of the department endeavoured to carry it out, but he did so in the most bungling manner possible. There would be no difficulty whatever in doing the work.

After some discussion, the motion for reporting progress was negatived.

The committee then divided on the amendment to reduce the vote to £10,000, when there appeared—

Ayes	9
Noes	36
Majority against the amendment...	27

The vote as it stood was then agreed to, without a division.

The following votes were also passed:—

£500 for lifeboat—shed, &c., on Clonmel Island.

£500 for repairs, &c., to the patent slip, Williams own.

Progress was then reported.

CHINESE IMMIGRANTS ACT AMENDMENT BILL.

Mr. O'SHANASSY moved the third reading of this bill, which was agreed to.

A message transmitting the bill to the Legislative Council was ordered to be sent.

REAL PROPERTY.

Mr. SERVICE moved for leave to introduce a

bill to simplify the laws relating to the transfer and encumbrance of freehold and other interests in land.

Mr. LEVI seconded the motion.

The motion was agreed to. The bill was read a first time, and the second reading fixed for Thursday next.

PENSIONS COMMITTEE.

Mr. LEVI moved, without notice, that this committee have leave to call for persons and papers.

The motion was agreed to.

INSOLVENCY.

The resolutions passed in committee on this subject were reported to the House, and agreed to.

STANDING ORDERS COMMITTEE.

The resolutions arrived at by this committee, in reference to the appointment of Parliamentary agents, were reported to the House, and agreed to.

The remainder of the business on the notice-paper having been postponed, the House adjourned at twenty minutes to twelve o'clock till four p.m. on Tuesday next.

FIFTY-THIRD DAY—TUESDAY, FEBRUARY 18, 1862.

LEGISLATIVE COUNCIL.

The ACTING-PRESIDENT took the chair at eight minutes past four o'clock, and read the usual prayer.

PAPERS.

Mr. MITCHELL laid on the table an Order in Council authorizing mining operations on reserved lands at Fryer's Creek, a return of friendly societies registered during 1861, an Order in Council under the Gold fields Act, and the proclamation of a farmers common.

Mr. THOMSON brought up the report of the Printing Committee.

BARRISTERS' ADMISSION BILL.

Mr. FELLOWS moved, without notice, that a message be transmitted to the Legislative Assembly requesting permission to be granted to Mr. Edwards, Mr. Humffray, and Mr. Gray, all members of that House, to give evidence before the Select Committee on this bill.

Mr. MITCHELL seconded the motion, which was agreed to without opposition.

PETITION.

Mr. HULL presented a petition from Mr. Valentine Hellicar, of Melbourne, against the establishment of a mint in Victoria.

THE DOG ACT.

Mr. ROBERTSON asked whether it was the intention of the Government to comply with the recommendation of the Council of the Board of Agriculture, and introduce a bill this session to amend the Dog Act, so as to make it apply to the colony generally.

Mr. MITCHELL observed that the matter rested with the law officers, who, from press of business, had been unable to give to the subject the attention which it deserved. He hoped that they would shortly bring the question before the Cabinet. When this was done, the matter would be duly discussed, and he should be in a position to give the hon. member some further information on the subject.

THE MINT QUESTION.

Mr. ROBERTSON moved,—

"That this Council agree with the address to Her Most Gracious Majesty the Queen, adopted by the Legislative Assembly, praying Her Majesty to grant that a branch of Her Majesty's Royal Mint may be established in Victoria."

A similar motion, the hon. member observed, was rejected last year, owing to an apprehension that the gold export duty would be affected; but he did not fear that the same fate would await the present proposition, particularly as the address had been passed unanimously by the other branch of the Legislature. Were a mint established, the full value would be given the miner for his gold, and the fixity of price would naturally engender a feeling of security that would be most beneficial. At present, the loss to the producer of gold was 1s. 10d. per ounce. The standard price in Melbourne was £3 13s. 6d. per ounce, to which should be added 2s. 6d., the amount of the gold export duty; but the standard price in the mother country was £3 17s. 10½d. per ounce. He called attention to the speeches made by Mr. Miller and Mr. Westgarth, in the old Legislative Council, in 1852, on the subject, and went on to observe that, had a mint been in existence in Victoria, the exports would have amounted to £12,500,000, instead of £10,000,000, thus showing that, for want of a mint, there had been a loss to the country annually of £2,500,000. Looking at the importance of Victoria, both as a gold-producing country and as holding a central position among the Australian colonies, he held that it was entitled to an establishment of this sort. The revenue to be derived from the mint he estimated at over £6,000 a-year, which would pay all working expenses, as well as yield a handsome interest on the original outlay. Mr. Robertson concluded by calling this a conservative measure. It was only asking for the establishment of a measure that would give employment in the country.

Mr. COPPIN seconded the motion.

Mr. FELLOWS said the objection which was urged last year against concurring in the address of the Legislative Assembly still remained open. He held that agreement to the address should be preceded by the passing of an act to the effect that, when a mint was established, certain charges would be made for coining, because under the existing state of things there was no guarantee that the whole expense of this mint would not be thrown on the general revenue of Victoria. If a mint were to be established, let it be understood that those who benefited by the

conversion of gold into coin, should pay for that benefit. The House, although supposed to have no cognizance of fiscal matters, should take care, whenever it had the chance, that the revenue was not unnecessarily squandered.

Mr. HULL opposed the motion. There were at present about £2,000,000 of coined gold lying useless in the coffers of the banks. It was evident, therefore, that there was enough available coin for all mercantile and trading purposes. He was in a position to say, that in one banking establishment in Victoria, the coin and bullion held amounted not only to one-third of the liabilities—which was the proportion insisted upon by eminent banking authorities—but to more than one-half. But supposing the gold were coined into sovereigns, it would be of no more value in consequence at home and in foreign countries. The Bank of England would make no purchase of gold, whether in sovereigns or bullion, until assayed. At Hong Kong, the English sovereign was worth 3d. more than the Sydney sovereign; and, indeed, a Chinaman, on receiving a sovereign in this colony, always scrutinized it with a view to ascertain whe her it was coined at London or Sydney. Again, rupees and pagodas, the coin of the Calcutta mint—a mint established in the most glorious days of the East India Company—were not passable in England except through brokers, who took them at a valuation. He believed the Imperial Government would never give up its authority to coin; or, if it did, that foreign countries would not accept coin produced out of England. Then, again, the consideration of cost was an important one. The expense of getting the plant in order would be from £50,000 to £100,000, and then a staff of officers would have to be employed, and a mint-master created (who would probably be a Minister), without the slightest possible imaginable benefit to the colony.

Mr. COLE supported the motion. He looked upon the question as one which should come within the bounty scheme of the Government. He did not think it at all necessary to ascertain the cost until they had decided whether they should have the mint. He thought the manufacture of coin in the colony would help greatly to dispel the ignorance which prevailed as to the geography of Australia. It would show, at all events, that Victoria was an independent colony.

Mr. MILLER observed that because, in 1852, it was deemed expedient that the colony should obtain a mint, it by no means followed that a mint in 1862 would be a benefit. He must say he had not heard anything to induce him to support the address that had come up from the Legislative Assembly. At the time that the address to the Queen was agreed to in the old Council, the colony was in want of coin. Their only supply of coin was then drawn, at considerable expense, from the old country. They then had an abundance of the raw material, and they naturally thought that, with a little exertion on their part, they might convert that raw material into currency. The Legislature of New South Wales at the same time addressed the Home Government, and Her Majesty was graciously pleased to accord permission for the establishment of mints both here and at Sydney. The Victorian Legislature, however, chose the more prudent course, and the colony had received all the benefits of a local mint without having to contribute in any way to the expense. Shortly after the establishment of the mint at Sydney, the Victorian Legislature caused the Sydney sovereign to be a legal tender in this colony, and the result was that they had abundance of coin from Sydney at a mere nominal cost; and should the demand require it—which he scarcely thought possible—they had only to telegraph to the mint at Sydney to get down unlimited supplies of coin. Therefore he asked, what benefit would it be to the colony to stamp their bullion? It appeared that some members of the House of Assembly thought that the producers of the gold would be benefited by such a course, but this he denied. He thought it possible that if an assay office were established, and if the producer could readily get an exact assay of the bullion which he obtained from the earth, he would secure the highest price for his product. But at present there were efficient assay offices at all the diggings, and the producer, with little trouble and trifling expense, could ascertain exactly the value of his gold; and, in consequence of the competition being so great between the public and private purchasers of the bullion, the digger actually got more at the pit's mouth than in any other part of the colony. Then who would benefit by the establishment of a mint? He was at a loss to know. He should, therefore, vote against the motion.

Mr. HIGHETT contended that, with the present rate of exchange, the digger obtained as much for his gold as if there were a mint. The establishment, he considered, would be a useless expense to the colony, and the digger would not obtain, on an average, more than 6d. per ounce profit by the proceeding. And who would have to pay for the securing of this profit to the digger? Somebody must be taxed. He considered that it would be only wasting money to establish a mint here at the present time. They had £2,000,000 of coined gold in the colony, and this was sufficient for all requirements.

Mr. ROBERTSON, in reply to the objection raised by Mr. Fellows, said it was out of the power of the Legislature to pass an act in anticipation of an exigency that might never occur. In reply to a further objection, as to defraying the charges of the mint, he would only observe that it was clearly in the power of the Government and the master of the mint to impose whatever charges they deemed best.

The House divided, when there appeared—

Contents	9
Non-contents	9

The ACTING-PRESIDENT said, in accordance with the practice of the chair, and in order that his vote should not close the question against further discussion, he should vote with the non-contents.

The motion was therefore lost.

The following is the division-list:—

CONTENTS.

Mr. Cole	Mr. M'Crae	Mr. Rolfe
— Coppin	— Mitchell	— Vaughan
— Henty, E. G.	— Robertson	— Williams.

NON-CONTENTS.

Mr. Degraves	Mr. Hull	Mr. Power
— Fellows	— Kennedy	— Sutherland
— Highett	— Miller	— Thomson.

PASTORAL RUNS.

Mr. ROLFE moved for returns for the years 1860 and 1861, of the number of acres, the number of sheep or cattle said to be depasturing upon, the assessment paid for, and the grazing capabilities of certain pastoral runs.

Mr. MITCHELL said the preparation of the returns would take some time, but there was no objection whatever to producing them. He hoped, from the information which he had received from the Lands-office, to be able to lay the returns on the table on Tuesday next.

The motion was then agreed to.

THE REFRESHMENT ROOMS.

Mr. HIGHETT moved the adoption of the following recommendations, submitted by the Joint Select Committee for Refreshment-rooms, in their progress report: — "1. That the tender of Mr. Walsh for the management of the Parliament stables be accepted for six months, the management during such period to be under the supervision of the comptroller. 2 That, in consequence of the abolition of the office of stablekeeper, Mr. Taylor, the late keeper, be recommended for favourable consideration by the Government. 3. That the rule relating to the exclusion of strangers from the refreshment rooms be strictly enforced, unless in the case of ex-members of Parliament."

The motion was agreed to without comment.

DIVORCE ACT AMENDMENT BILL.

Mr. POWER (in the absence of Mr. Fawkner) moved the adoption of the report of the committee on this bill.

Mr. FELLOWS regretted that when the bill was last before the House he had not the good fortune to be present, but although it was the practice of the House—a practice of which he did not complain—to read a bill a second time and pass it through committee the same day, it must be manifest that an hon. member ought not to be put, in consequence, in a worse position than he would occupy if the bill advanced only one stage in a day. It might be in the recollection of hon. members that the existence of the clause which formed the present measure was the only ground upon which a former Divorce Bill was rejected by the Imperial Government. Now, the mere fact of a bill being once refused by the authorities in the mother country was no sufficient reason why the measure should not be submitted again; but he objected to this bill altogether on principle. He need hardly say that the principle of the bill was totally at variance with Divine laws. There were, no doubt, in the present day, men who considered those laws of no obligation whatever, when it suited them to sweep them on one side, and to those who held such opinions who preferred their own legislation to laws made for them—he would point out the consequences likely to arise from the enactment of a law like that proposed as between this colony and the mother country. There was decided, about the year 1820, a case known as "Lawrie's case." A person having married in England, obtained a divorce in Scotland, and then, returning to England, married again. For that he was tried as a bigamist at the Liverpool Assizes. The facts were proved to the satisfaction of the jury, but a question of law was reserved for the opinion of the twelve judges, who her, under the circumstances, the prisoner could be convicted of bigamy. The judges decided that he could, because the law of England did not recognise the divorce of any country in a case for which a divorce could not be obtained in England. Now, supposing a man obtained a divorce in Victoria under this bill, he might leave his first wife here, and proceed with his second wife to England. While in England his first wife—the one from whom he was divorced—might die. He would require no divorce to get rid of his second wife, and he would be able quietly to marry a third time. The divorce on pretence of which the second marriage took place would not be recognised by the English law, and the children by that marriage would be illegitimate. Now, intimately connected as they were with the mother country, did hon. members wish that state of things brought about?—a state of things by which a man might be considered married in one country and not married in another?—a state of things by which certain children might be considered capable of succeeding to his property in one country and not in another? And yet no other result would follow the passing of a marriage law applying to this particular colony, and to no other part of the British dominions. Now, he did not ask the House to act on his views. He did not suggest that the bill should be read again that day six months. He only asked them to pause; he asked them to agree to making the adoption of the report an "order" for that day month. He did not wish to shirk inquiry. He only objected to such a measure being dealt with precipitately. No doubt it would be said in answer to his objection, that until the passing of the recent Divorce Act there was no such thing as divorce known to the law of England, and that it was on that account that the courts would not recognise the divorce in Scotland. But it should be remembered that, while the law in England had recognised the right of divorce for adultery, without putting parties to the expense of procuring an act of Parliament in each case, divorce was not allowed in England for separation or desertion. He thought he had thus answered by anticipation any argument of that kind which might be advanced. The hon. member concluded by formally moving the postponement of the order of the day for a month.

Mr. HULL seconded the motion.

Mr. POWER expressed his regret that Mr. Fellows was not present when the second reading was discussed. The hon. gentleman's arguments were cogent, and had they been advanced on the occasion referred to, the debate might have ended in the rejection of the bill. He had no objection, on the part of Mr. Fawkner, to assent to the postponement of the question for a fortnight.

The order of the day was then postponed for a fortnight.

CHINESE IMMIGRANTS BILL.

This bill was brought up from the Legislative Assembly, and, on the motion of Mr. MITCHELL, was read a first time.

The measure was ordered to be printed, and its second reading was appointed for Tuesday next.

The House adjourned, at twenty minutes past five o'clock, to Tuesday next.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

RETURNS.

The SPEAKER announced that a return had been laid on the the table of the number of friendly societies established up to the end of 1861, and an Order in Council under the Goldfields Act.

PETITIONS.

Mr. LOADER presented a petition from the Melbourne and Suburban Railway Company, praying for power to make further provisions in the bill now before the House for the sale of that line.

Mr. ANDERSON presented a petition, signed by 1,800 persons residing at Emerald Hill, in favour of the erection of a swing-bridge across the River Yarra at Spencer-street.

Mr. OWENS presented a petition from certain graziers, dairymen, storekeepers, and miners at Kingower against the present Land Bill.

Mr. BERRY presented a petition from one Samuel Gordon, of Little Lonsdale-street, against the Land Bill now before the House.

NOTICES OF MOTION.

Mr. NIXON gave notice that, on Thursday week, he would move for the appointment of a select committee to inquire into the case of Mrs. Brown, whose husband was drowned whilst engaged in the performance of his duties as lighthouse-keeper.

Mr. LOADER gave notice that, on the following day, he would move that the prayer of the petition of the Melbourne and Suburban Railway Company be granted, and that the committee now sitting on the bill have power to entertain the new clauses deposited with the clerk.

Mr. NIXON gave notice that he would call the attention of the Commissioner of Trade and Customs to the fact that the entrance of the western channel, near the Swanspit Lighthouse, was fast filling up; and would move that a survey be made, and the truth be ascertained.

Mr. ORKNEY gave notice that, on Tuesday, he would move for leave to bring in a bill to amend the Electoral Act, with the view of preventing the nomination of candidates who contest the election of members to that House from fictitious and unworthy motives.

Mr. ORKNEY gave notice that, on Thursday, he would move that an address be presented to His Excellency the Governor, praying him to place on the Supplementary Estimates for 1862 a sum not exceeding £3,500, to reimburse members of that House whose usual domiciles or permanent places of residence were outside of the city of Melbourne, the surrounding municipalities of Brunswick, Boroondara, Mulgrave, Brighton, Williamstown, and the township of Keilor, for expenses incidental to attendance on Parliamentary business, such allowance not to exceed £120 sterling, and no licencee or lessee under the Government of Victoria to receive any of this allowance.

Mr. HAINES gave notice that, on the following day, he would move for the appointment of a select committee to inquire into the cases of Mr. E. Bell and Mrs. Morphy, and other special cases which did not come under the provisions of the proposed Civil Service Act, and which might be referred to the committee on petition.

Mr. LEVI gave notice that, on Thursday, he would move for leave to bring in a bill to amend the present insolvency laws.

Mr. J. DAVIES gave notice that, on the next day, he would ask the Commissioner of Public Works whether it was intended to extend the Government railway to the Australian Wharf, so that goods might be at once shipped from vessels into railway trucks¿

EAST COLLINGWOOD IMPROVEMENT BILL.

Mr. DON gave notice that, on Friday, he would move the second reading of this bill.

THE LAND BILL.

Mr. SERVICE gave notice that he would move the following amendment in the 69th clause:—"Provided that no such yearly licence shall be issued after the 1st January, 1864, or be in force after the 31st day of December of that year except for temporary purposes as hereinafter provided." The following new clause to come in after clause 86:—"At the expiration of the period for the issuing of the yearly licences hereinbefore mentioned, all runs which are now occupied for pastoral purposes shall be dealt with in the same manner as is hereinafter provided with respect to new runs. Provided always, that not fewer than twenty nor more than thirty of such runs shall be exposed to auction in every calendar month, commencing from the 1st day of January, 1865. Provided also, that on or before the 1st day of July, 1864, the Governor in Council shall proclaim in the *Government Gazette* the arrangement for the consecutive sale of such runs, and the conditions of such sale, and the boundaries of such runs, whether as now occupied or as they may be subdivided or altered, and may issue temporary licences to the persons occupying such runs on the 31st day of December, 1864, until the expiry of the respective periods mentioned in such proclamation."

Mr. W. A. BRODRIBB gave notice of his intention to move the insertion of the following new clause in the Land Bill:—"Every person who shall, prior to the passing of this act, be the owner of country lands which in one block shall not be less than twenty acres, and shall have effected improvements to the amount of the purchase-money on such block to the amount of £1 per acre, shall be allowed to select within the said areas, upon lease, one acre for every acre so purchased up to 640 acres, upon the terms and conditions contained in the 19th clause of this bill; and it shall be necessary for each applicant to satisfy the Governor in Council that he is the

bonâ fide proprietor of the block so purchased, and that he had effected improvements to the amount of the purchase-money as aforesaid."

Mr. FRAZER gave notice that when the 28th clause of the Land Bill was under consideration, he would move a clause enabling those persons who had taken up twenty acres of land under the occupation licences to purchase the whole block, not exceeding 160 acres.

REPAIRS OF RAILWAY CARRIAGES.

Mr. L. L. SMITH asked the Commissioner of Public Works if he would have any objection to lay upon the table of the House a return of all the moneys paid from 1st January to 31st December, 1861, for the repair of first, second, and third class carriages employed on the Government lines of railway, distinguishing each class separately?

Mr. JOHNSTON laid on the table a return which showed the cost to be as follows:—First class, £1,129 8s. 1d.; second class, £992 6s. 9d.; third class, £121 1s. 10d.

BARRISTERS ADMISSION BILL.

The SPEAKER announced the receipt from the Legislative Council of a message asking for leave to be given to Messrs. Gray, Edwards, and Humffray to attend and give evidence before the committee sitting on the Barristers Admission Bill.

On the motion of Mr. NIXON, leave was given to the hon. members to attend.

CHURCH OF ENGLAND TEMPORALITIES BILL.

The SPEAKER announced that the Legislative Council had sent down to the Assembly a bill, intituled, Church of England Temporalities Bill.

Mr. MOLLISON moved that the bill be read a first time.

The motion was agreed to, and the second reading was made an order for Tuesday week.

RAILWAY WORKSHOPS.

Mr. VERDON asked the Commissioner of Public Works if he had any objection to say when the railway workshops at the Geelong Junction would be proceeded with?

Mr. JOHNSTON said no decision had been arrived at on the subject.

WEIGHTS AND MEASURES.

Mr. MOLLISON asked the Commissioner of Trade and Customs if he would lay on the table of the House a list of the Imperial standard weights and measures forwarded from the Colonial Office, and now in the custody of his department?

Mr. ANDERSON said the return would be laid on the table on the following day.

MR. COMMISSIONER PIPER.

Mr. HEDLEY, in the absence of Mr. Snodgrass, asked the President of the Board of Land and Works if he would lay upon the table of the House the evidence taken before a board of inquiry into charges preferred against Mr. Commissioner Piper, together with the report of the board?

Mr. DUFFY said he was sorry the hon. member for Dalhousie was absent, as he would have asked him to save the expense of the report being copied, by inspecting it at the Department.

THE GHERINGHAP RAILWAY STATION.

Mr. M'CANN asked the Postmaster-General if it had been determined not to have a railway station adjoining the railway level crossing on the Ballarat-road, contiguous to the surveyed roads from Pollocksford and Darrawal, at their junction near the Eureka Hotel, parish of Gheringhap? If so, would the place referred to be appointed a temporary stopping-place? If not, what statistical data having reference to passengers and traffic induced the authorities to change the original intention, notwithstanding that twenty acres or thereabouts were permanently fenced in for the purpose of a station?

Mr. JOHNSTON said it was not intended to have a station at the junction near the Eureka. There would not be a temporary stopping-place. Lastly, because the site now selected was considered better than that originally intended.

RAILWAY TO KYNETON.

Mr. TUCKER asked the hon. the Commissioner of Public Works if he would inform the House, and the country, when the railway would be opened to Kyneton, and whether any contracts had been entered into for building a station there?

Mr. JOHNSTON said it was intended to open the line to Kyneton in April next. No contract for a station had been entered into, but tenders would be almost immediately invited.

ASSESSMENT RETURNS.

Mr. M'DONALD asked the Commissioner of Crown Lands and Survey if he had any objection to lay upon the table of the House, at his earliest convenience, a return showing the number of stock depastured, and for which assessment was paid for the year 1861, on the 10,000,000 acres set apart for agricultural occupation?

Mr. DUFFY said the returns would be furnished on the following day.

KYNETON BRIDGE.

Mr. TUCKER asked the Commissioner of Public Works what improvements the Government intend making to the bridge lately erected over the Coliban on the road from Kyneton to the railway station?

Mr. JOHNSTON said he had not received any information on the subject, and, consequently, could not answer the hon. member's question.

POLICE REWARD FUND.

Dr. OWENS asked the Chief Secretary to state the amount of the sums appropriated to the Police Reward Fund during the last three years; the rules and regulations for the distribution of rewards, and the names of persons and their rewards under the fund during the same period; and also whether there was a balance-sheet of the Police Reward Fund published annually in the *Government Gazette?*

Mr. O'SHANASSY said he had not yet received the returns. Owing to the illness of one of the clerks in the paymaster's office the Commissioner of Police had sent his head clerks to supply his place. That probably had occasioned the delay. When the returns were completed

he (Mr. O'Shanassy) would lay them on the table.

VOLUNTEER APPOINTMENTS.

Mr. M'CANN asked the Treasurer who recommended Captains Champ and Mair for promotion to the rank of lieutenant-colonel? On what principle was such recommendation made? Was the Government informed previous to such appointments being confirmed that Captain Mair was junior to many officers in the service holding the same rank? Do the Government intend to establish any general principle upon which such promotions are to be made; and if so, why was it not observed in these appointments?

Mr. HAINES, in reply, said the gentlemen in question were recommended by Captain Pitt. With regard to the second question: the principle was that, to complete the organization of the sixteen metropolitan and suburban rifle corps, it was desirable, for all purposes of general parade or drill, to form them into two battalions, and when they were in battalions an officer was required to command each on parade; where the strength of the command entitled him, to rank as lieutenant-colonel. The selection was made from the captains of each battalion. The two gentlemen selected were the only two of the sixteen captains who had held commissions in Her Majesty's service, and from their experience were most likely to make the best field officers. They were selected on the principle that it was the best arrangement that could be made for the good of the force. In the next place, the Government was not informed of any particulars in reference to the promotions. Lastly, the Government must necessarily leave the appointment of officers to the officer commanding.

Mr. A. J. SMITH asked, why Captain Edward Newell Bull, captain commanding the Castlemaine Volunteers, had been passed over in the recent promotions to the rank of lieutenant-colonel?

Mr. HAINES said that Lieutenant-Colonels Champ and Mair were both gazetted captains in the force before Captain Bull was appointed. Therefore, as Captain Bull was their junior, he had not been passed over by their promotion.

MALMESBURY RIALWAY STATION.

Mr. FRAZER asked the Commissioner of Public Works upon what grounds the Government had changed the site for the railway station at Malmesbury from the west to the east side of the Coliban River?

Mr. JOHNSTON, in reply, said that the east side was outside the town boundary. No reasons were afforded by the engineer-in-chief.

MUNICIPAL ACTS AMENDMENT.

Mr. W. C. SMITH asked the Minister of Justice if he would name a day when he would introduce a bill for the amendment and consolidation of the Municipal Acts.

Mr. WOOD said instructions had been given that such a bill should be prepared; but considerable delay had taken place owing to there being one or two things that the draughtsman wanted to alter. The bill would afterwards be submitted to the Government, and he would give the hon. member notice of the earliest time when it could be introduced.

THE GEODETIC SURVEY.

Mr. VERDON, without notice, asked the Treasurer whether he would make provision for the astronomical part of the new observatory, so as to enable the observations to go on. The late Government thought it necessary to erect a room for the reception of the instruments which had arrived in the colony, and it was necessary that they should be removed. He did not ask for the full amount which the late Government had proposed, but it was most necessary some provision should be made, in order to proceed with the geodetic survey.

Mr. HAINES consented to put on the Estimates one-half the sum proposed by the late Government.

WAYS AND MEANS.

The House went into Committee of Ways and Means.

Mr. HAINES explained that he had been informed by the hon. the Speaker that it would be necessary for him to pass a resolution through a committee before he could proceed with the Appropriation Bill. He would now, therefore, propose that the sum of £422,250 be voted to Her Majesty.

Mr. VERDON asked if such a course would render it necessary to introduce the bill afresh? He asked the question as he was aware that a great many of the civil servants were put to great inconvenience from not having received any salary since January. Under the circumstances, he thought the hon. member should ask the House to suspend the standing orders and pass the bill with all despatch.

Mr. HAINES thought great delay might be caused through passing the bill too quickly through the House. He had ascertained the views of the auditors on the subject, who had consulted the law officers, and found that there was no difficulty at all. He had no objection to the proposition of the hon. member, but he thought it better not to take such a course after what the auditors had said.

The resolution was reported to the House, and agreed to.

APPROPRIATION BILL.

On the motion of Mr. HAINES, the order of the day for the third reading of this bill was discharged from the paper.

CROWN LANDS SALES BILL.—RESUMPTION OF DEBATE.

The House having gone into committee on this bill,

Mr. LALOR informed hon. members that an amendment, once proposed and rejected, could not be proposed again in committee; but it might be submitted on the third reading.

Mr. SERVICE rose to propose his first amendment on the 10th clause, namely, that the words, "and not less than four millions of acres," should be omitted. He hoped hon. members on both sides of the House would divest themselves of the idea that the fate of the Government depended in any respect upon the result of the amendment. Nothing could be a greater absurdity; and he appeal to the House to discuss the amendment fairly and calmly. The omission which he proposed scarcely gave full meaning to

the object which he had in view. His object was simply to provide that parties wishing to select land for agricultural purposes should have the liberty of doing so over all the 10,000,000 acres. As he stated on Wednesday night, he did not propose that this sh uld take place within three months, and, if his amendment were carried, he intended to substitute some other period instead of three months—the time within which the clause at present proposed that 4,000,000 acres should be open for selection. In looking over the Land Bill since last Wednesday night, even more critically than he had done before, he found that the 10,000,000 acres were en irely lost sight of, so far as the bill was concerned, except in the first line of the 10th clause. The Government announced that they intended the bill as a compromise between the squatting and agricultural interests; and, for the purpose of effecting that compromise, they proposed to abstract from the general lands of the colony all the lands fitted for agricultural purposes. They therefore certainly must have meant that the 10,000,000 were to be exclusively reserved for agricultural purposes? (Mr. Duffy.—"Hear, hear.") He was glad to hear the President of the Board of Lands and Survey cheer that sentiment, but he thought the hon. member had not carried it out in his bill. He (Mr. Service) quite agreed with those who believed that it would be many, many years before the whole of the 10,000,000 acres were taken up for agricultural purposes. Unless there were some great inducement for people to come to the colony, as in 1851, he believed no member of the House would live to see all this land occupied for agricultural purposes. It was not, therefore, because he thought the 10,000,000 acres would be required for agricultural purposes within a short time that he contended they ought to be thrown open for selection. He argued the converse proposition, and contended that because there was no likelihood of the land being taken up as rapidly as it had hitherto been, the 10,000,000 acres ought to be thrown open for free selection. As there was not the same inducement for the people to settle upon the land as formerly, greater facilities ought to be afforded them to do so, and one of those facilities should be a larger scope than they had yet had for the selection of land for settlement. The very argument some members used as a reason why the 10,000,000 acres should not be thrown open, he used as an argument why they should be thrown open. If hon. members read the 10th clause carefully they would find that the 10,000,000 acres dwindled down in the seventh line to 4,000,000, and in the tenth line to 2,000,000, where it remained for evermore—he meant for that period of time already alluded to, which would probably embrace the career of every member of that House. He admitted that 4,000,000 acres might be surveyed within the present year, but there was little probability that they would be taken up within the next five years. The probability was, that not more than 2,000,000 acres would be taken up; so that the 6,000,000 acres remaining after deducting from the 10,000,000 the 4,000,000 to be surveyed during the present year, would practically not be open for selection for many years to come. If the bill was to be a compromise between the agriculturist and the squatter, why did not the Government say they proposed to give 4,000,000 acres to the agriculturist, and all the rest to the squatter? (Mr. Duffy.—"Because it would not be true.") He should like to know if the Government proposed to issue yearly licences to squatters within any portion of those 10,000,000 acres, until they were surveyed?

Mr. DUFFY.—The Government propose to do exactly what the hon. member proposed to do.

Mr. SERVICE complained that when the principles of the Land Bill were first announced, the country were led to believe by the Ministers that every acre of the 10,000,000 would be withdrawn from pastoral purposes, and devoted to agricultural purposes. To avoid any misrepresentation, he would take the trouble to look to the speeches of the various Ministers. He not only found that the words delivered on the hustings conveyed the impression which he mentioned, but he found that impression prevailing generally amongst the press and the public. [The hon. member here quoted from a speech made by Mr. O'Shanassy to his constituents at Kilmore, to the effect that he (the Chief Secretary) stated that the Government in their new Land Bill proposed to take from the territory about 10,000,000 acres of agricultural land, that being the quantity estimated as available for settlement, and that it was their intention to direct a survey of the 10,000,000 acres, "as rapidly as possible."] He (Mr. Service) submitted there was nothing in the bill to provide for the survey of that land "as rapidly as possible." The Government only provided that at least 2,000,000 acres should always be open. If it were really the intention of the Government to survey the 10,000,000 acres as rapidly as possible, that might be done within the next three years; and if they would consent to an amendment to that effect, it would nearly meet the object which he had in view.

Mr. O'SHANASSY said the land would be surveyed as fast as the House would vote the money for the purpose.

Mr. SERVICE wished the bill to be altered, so as to make it imperative that the 10,000,000 acres should be surveyed within a certain time. Hon. members had never found the House stingy with respect to money for such purposes.

Mr. O'SHANASSY.—Yes, we have.

Mr. SERVICE remembered that, two years ago, when the Nicholson Government placed a sum upon the Estimates for the purposes of survey, a large supplementary sum was proposed, and granted by the House.

Mr. O'SHANASSY said he recollected the time when he was refused a vote for survey.

Mr. SERVICE did not recollect that circumstance. The President of the Board of Lands and Survey had stated a few minutes ago that it was the intention of the Government to issue pastoral licences over the agricultural lands which were not surveyed. The Chief Secretary, at Kilmore, said he held, and always did hold, that when land was required for higher purposes, squatting must give way; but having already given way to the extent of 10,000,000 acres, it was not advisable to proceed further "with the unnecessary destruction of property." He (Mr. Service) submitted these words clearly implied that the Chief Secretary meant it was the intention to destroy the squatting property as far as the 10,000,000 acres were concerned. Did

they intend that now? If they did not, it was unfair for them to charge him with changing his opinion, by asking them to adhere to their original programme.

Mr. DUFFY.—What you asked for was free selection before survey.

Mr. SERVICE said that if the Government, after surveying 4,000,000 acres during the present year, would continue to survey at the rate of 2,000,000 or 3,000,000 acres every year, he thought (though he admired free selection before survey) his objection would come to be very trifling indeed. The quantity of land not surveyed would be so rapidly diminished, that the want of an extended system of free selection before survey would hardly be felt. An attempt had been made to show that the system which he proposed was equivalent to free grass over the 10,000,000 acres. No one who argued thus could understand his amendment. His object was simply that, over these 10,000,000 acres any person might go where he liked, and select his land for agricultural settlement, without providing that the land should be thrown open for cultivation until, as proposed in the bill, one quarter of it should be taken up. He had no wish at once to destroy the squatting interest within the 10,000,000 acres. He thought it would be "an unnecessary destruction of property."

Mr. O'SHANASSY denied that he had ever made a statement to the effect that he proposed to destroy property within the 10,000,000 acres, and complained that the hon. member had only quoted a portion of his remarks on the point.

Mr. SERVICE contended that the words used by the Chief Secretary clearly meant that he did not wish to destroy squatting within the 10,000,000 acres. He (Mr. Service) thought that, until the land was taken up to the extent of 10,000,000 acres, squatting licences should be issued from year to year. It would, perhaps, be said that no squatter would take up a licence under such a system; but such was already the case. Annual licences had been issued close upon the centres of the population—within five miles of Geelong, and in many other places. He did not desire that the squatters should be deprived of their licences, even within the 10,000,000 acres, until that land was actually taken up for agricultural purposes. The question might arise, whether this was the first time he had advocated those views. His past conduct on the land question fully justified the view he was now taking. For example, had he not always contended for the principle of squatting licences? He could not be challenged with having adopted any new sentiments for the purpose of embarrassing the Government; and, in bringing forward his present amendment, he was only giving effect to the principles which he had always contended for. What would be the effect if his amendment were adopted? Would the effect be to injure the intending settler, or any interest whatever, if free selection were granted over the 10,000,000 acres before the state surveyed them? He did not wish the people to go where they liked, and settle down upon the land without any survey, but he drew a distinction between state survey under the Lands and Survey department, and survey by surveyors duly licensed by the surveyor-general. Practically, however, there was very little difference between the two. The only difficulty that might lead to any mischief was, perhaps, the impossibility of in all cases laying out lands as might be found necessary after the country was fully settled; but with respect to the survey itself, he did not see why survey by a licensed surveyor should be different from that made by paid officers of the department. It had been said that if the system he proposed were adopted the lines of the various allotments would run in all directions; but that would not take place if the Survey department did its duty. He presumed that the same regulation would be laid down as was enforced by the hon. member for East Geelong, when occupation licences were in vogue, namely, that the boundary lines should all run in accordance with the cardinal points of the compass. He did not wish to occupy more of the time of the House; and he would simply say that, if the amendment were not carried, he trusted the Government would consent to introduce some provision in the bill which would give effect to their own expressed determination to survey the whole of the 10,000,000 acres as rapidly as possible. If they did that, they would, at all events, meet half way the proposal which he submitted. With respect to the time within which 4,000,000 acres should be surveyed, he intended to move that three months should be substituted for twelve, and he thought it possible that the whole 10,000,000 might be surveyed within twelve months. He concluded by moving the omission of the words "and not less than 4,000,000 acres.

Mr. O'SHANASSY repudiated the statement which the hon. member for Ripon and Hampden had endeavoured to fasten upon him. The whole tone of the speech which the hon. member had referred to was strictly in accordance with the opinions which he (Mr. O'Shanassy) and his colleagues had expressed; and he denied that they had any intention to alter or violate the spirit of anything which they had stated to the country they intended to do. The hon. member for Ripon and Hampden, while informing the House that the Government had promised that the 10,000,000 acres should be surveyed "as rapidly as possible," had forgotten to say that, under their present bill, they proposed that 4,000,000 acres should be surveyed within a year, and that the remaining 6,000,000 should be surveyed as fast as Parliament voted money for the purpose. After the passing of the bill, the House might order not only the 10,000,000 acres, but the whole land of the colony, to be surveyed, if they thought proper. What did the proposal of the hon. member (Mr. Service) amount to? He said that a survey made by a licensed surveyor was in effect the same as a survey made by the Government contract surveyor. There was, therefore, no material difference between his proposition and that contained in the bill. He was at a loss to know why the hon. member raised this nice distinction. The meaning of free selection was, that a man should go out into the country himself, and be his own surveyor.

Mr. DON.—That is what it ought to be.

Mr. O'SHANASSY said that was the meaning of free selection; but, instead of this, Mr. Service proposed to employ a surveyor. How could this proposition meet the views of the hon. gentlemen

who were favourable to free selection without survey?

Mr. GRAY.—The phrase "without survey" was never used—it was "before survey."

Mr. O'SHANASSY would take the expression, "before survey." The hon. member for Ripon and Hampden did not propose free selection before survey, but, on the contrary, he wanted survey to precede selection. ("Hear, hear;" and laughter.) He was, therefore, in antagonism to the gentlemen on the Opposition benches, and, being in antagonism to them, he said, "Gentlemen, you vote for this; it is really what I mean, but I want to allow the Government to consent to it, and then we must all agree." That was the position of the hon. member for Ripon and Hampden. The hon. member had not done him (Mr. O'Shanassy) the justice to say that, according to the division of the land into farms of 640 acres, as he proposed, he contemplated adding 62,500 to the number of farmers, and increasing the aggregate population of the colony to a much greater extent. He stated twenty years ago, and he had never changed his opinion, that when the agriculturist was ready to settle on the land the squatter must give way; but he had always opposed, and he did so still, the destruction of one interest until another of a higher order was ready to replace it. It was unjust to prevent persons herding cattle and sheep on the land so long as it was not required for any better purpose.

Mr. SERVICE.—Why mention 10,000,000 acres at all?

Mr. O'SHANASSY said the reason was, because the 10,000,000 acres contained all the land which he believed was available for agricultural purposes, and it was necessary to decide which were agricultural lands and which were not. But he had pitched upon that quantity from experience derived in that House, from the experience in the survey department, from the reports of duly qualified persons, and from his own knowledge of the physical features of the country; and for the reasons so derived, he had felt justified in arriving at the conclusion he had arrived at. In his view, it would neither be a just nor a statesmanlike course to take, to destroy a large interest at once; and on that point he did not retract one single word of what he had said to his constituents. The country was without population, and the Government proposed to devote all the agricultural land in the colony for the purpose of inducing population to come to it, and that, too, in the manner most likely to accomplish the object in view. The hon. member had not been able to complain of anything else in his (Mr. O'Shanassy's) speech; but he had to complain of the manner in which the hon. member had dealt with the 4,000,000 acres which were to be surveyed within the year. The hon. member's proposition was not free selection before survey, but he proposed to have licensed surveyors to make the surveys, independent of the state; but he added his belief that the people would not go upon the 10,000,000 acres at once. Why then did he make his proposition with regard to these 10,000,000 acres?

Mr. SERVICE.—Why not restrict it to 2,000,000?

Mr. O'SHANASSY.—Because the Parliament had already settled that part of the question by giving the means of surveying the 4,000,000; and why it was not proposed to survey more at once was, that hitherto the supply had been in excess of the demand—a result which was likely still to continue, for a time at least.

Mr. SERVICE asked whether he was to understand that all the land surveyed was withdrawn from squatting?

Mr. O'SHANASSY.—No; nothing of the kind. What he had said was, that when settlement, which was a higher interest, came to demand the land, squatting must give way, and that was one great reason why the survey should go on in the manner proposed by the Government. It was the only high moral and constitutional manner of dealing with that part of the question, to say that when you could supplant any interest with a higher one, that course must be taken; and in no other way should the matter be dealt with. Suppose the whole of the land could be surveyed, there had been nothing done by them which would prevent it; and it was the intention of the Government that the land should be surveyed as rapidly as possible, so that there was no necessity for saying that the 10,000,000 acres should be at once surveyed, especially since the land could not all be taken up at once. Besides, he believed that practical men would come to the conclusion that, by doing so, they would simply be wasting some of their power, because they would require, when land was taken up, to survey some of the already surveyed land over again. He could not see, then, what was the use of the hon. member's proposition, nor did he think that the hon. member had been altogether explicit with the House in stating his case, especially with reference to the taking up of the land.

Mr. SERVICE had stated that the squatter should not be deprived of the use of the land until the fourth of the land had been taken up.

Mr. O'SHANASSY said the real question at issue was, whether the survey should go on by the Survey Department, or whether they should call in extraneous aid to carry out the survey. ("No, No.") He had no wish to mislead the House, and the hon. member heard and could correct him if he was not correctly stating the issue.

Mr. SERVICE said there were two ways of stating a thing, and although he acquitted the hon. member of any intention to mislead, yet it was almost impossible to re-state a case without altering it somewhat. What he wanted to know was why the Government fixed upon 10,000,000 acres? Suppose that quantity was all taken up, and there was still a demand for land, people would necessarily go beyond that quantity, and the Government would have to survey more. (Hear, hear.) Then why name the 10,000,000? Would it not just be as well to speak of surveying the 4 000,000? The Government, however, had named 10,000,000, yet there was no provision in the bill for the survey of that quantity; and what he wanted was to see the Government do what they had said they would do.

Mr. O'SHANASSY said that, instead of answering his distinction, the hon. member had again raised the question about the 10,000,000

acres; but he appeared to forget that these lands would be sold by selection, while the other lands outside that quantity would be sold by auction, and that was a difference which he desired especially to point out. The hon. member's scheme, as he had said, was merely that the surveys should be private surveys, while the Government proposed that they should be made by the survey department; and he would ask what reason the hon. member had given for his proposal? He could not see why a private surveyor should be allowed to go over and survey the public lands when the Government had a staff which was equal to the work. ("No, no.") The proposal was, essentially, that there should be free selection before survey, and no reason had been given for such a proposal. The hon. member merely said that the Government had promised 10,000,000 acres at once, and were only going to give 4,000,000, while 2,000,000 should be thrown open afterwards. In Canada, 6,000,000 so set aside of all that extensive country, was thought a very great deal, and yet it was contended that the 4,000,000 acres here would not meet all present requirements. His calculations showed him that, taking the subdivision of that area at an average of 160 acres, it would give the country a population of an additional 125,000 persons engaged in agriculture under the system of the Government. The policy of the bill was not to hinder the settlement of the people on the land, but to attract a large additional population to the country; and as that result was brought about, would not the Parliament give the necessary additional means for survey? He could not see for a moment, how the hon. member made out his case. The member for Rodney was in favour of free selection before survey.

Mr. SERVICE.—So am I.

Mr. DON. Before any survey?

Mr. O'SHANASSY regarded the hon. member for Collingwood's statement as the plain explanation of the real views of these and other hon. members on the subject. He said the hon. member for Collingwood had laid down the true explanation of views elsewhere held, and that was, that those holding them did not want the surveyor to interfere at all; and now he should like to know whether hon. members would vote for a proposition of that kind? He thought the hon. member (Mr. Service) had placed himself in a dilemma, out of which it would be well to allow the Government to help him. The hon. member had before talked about the charm of letting people go wherever they pleased, and select land. ("Hear, hear," and "You have got at it now," from Mr. Service), and probably his wish was to repeat the charm again. (Hear, hear.) But the hon. member had done his (Mr. O'Shanassy's) colleagues an injustice in the course of his speech, from which it was his duty to defend them. He and his colleagues had repeatedly said that they did not want members to support them whose views on the land question did not coincide with their own, and, therefore, the hon. member was neither justified in saying that the amendment was of such a nature that the Government could accept it in the most amicable spirit, and that all parties might act smoothly together, nor that it would be unfair on the part of the Government to seek to influence the votes of hon. members. But the hon. member misunderstood the Government if he thought that they would accept an amendment which altered a principal feature in the bill, and sit quietly down in their seats, and see it carried by the House. The difference he wanted to point out was between a mere verbal alteration of a clause and a proposal such as the present, which contained a principle affecting property. It would not be desirable for his or any other Government to accept such an amendment. He did not say this to intimidate hon. members, but merely to place the question in its proper light before the House. The Government thought survey on the part of the state the wisest course to adopt—first, because it gave a man a settlement on the land without the cost of survey, and, secondly, because it gave him a proper title to his allotment. It would not do to allow any man to go where he liked upon the land, and make a selection without having it surveyed, and that was the difference between the hon. member and the Government; and they would hold to their view of the subject. And, besides, it would rest with the House to authorize such large surveys, if there should be population to take up the land. For himself, he wished there was that large population, and he had struggled in that House for years to obtain it. He had endeavoured in every way to see the people settled on the lands of the country, but he desired that to be done under the control of the Legislature. That was the great distinction between the member for Ripon and himself, and he trusted that he would receive his remarks in the same spirit in which he (Mr. O'Shanassy) had taken his. ("Hear, hear," from Mr. Service.) He now spoke for his colleagues as well as for himself, and he had to say that the Government would not accept the amendment. (Hear, hear.)

Mr. ORKNEY had been the first to raise the question of free selection over the 10,000,000 acres, and he had done so because he believed that the Government were not sincere when they named such a large extent of country. He did not think it right to take away what was, and what was likely to be, their largest interest—squatting; and, therefore, he disapproved of fixing so large an extent of country as 10,000,000 acres. He would object to give free selection over that quantity of land; and he was of opinion that, if the land system in force in Otago could be introduced into the colony, it would work most beneficially. He should like to see such a system introduced, or such modifications made in the present bill as would more assimilate the two measures.

Mr. GRAY would reply to the misrepresentations made by the Chief Secretary with regard to the opinions of himself and other hon. members. The hon. member had said that the doctrine of members on his side of the House was for free selection without survey, in contradistinction to before survey; but his answer was, that their doctrine had always been free selection, whether before or after survey. ("Which?" from the Government side.) Either the one or the other. Any man who went beyond the Government surveys, and took up land, could not get his allotment defined unless he had it surveyed, and hence one argument on the other side was got rid of; and all that he and

others argued for was, that persons taking up land should not be confined by the state surveyors. They claimed, in fact, to have the right of selection before the state survey took place. The House had already refused free selection over the colony, and no man should be made the slave of the squatter in the allotment he took up. If people from England, Scotland, and Ireland were to be brought to this colony it could only be through the 25,000 letters which went home monthly, he might say to every hamlet and town in the three kingdoms, and not through the efforts of the paid lecturers, provision for whom he saw made in the Estimates; and for the encouragement of those people to come out the truest system of all would have been the occupation licences. ("Hear, hear," and "No.") In his own case he had been prepared to write for three families, but had not done so when he found that the licences were first declared illegal, and then discontinued. What would be the fact with regard to Phillip Island—("Hear, hear," from Mr. L. L. Smith)—if it came to be included in the agricultural lands? Why, over its subdivision, and that of every squatter's run in the colony, there would be a battle in that House. An hon. member (Mr. Hedley), who was very busy on the Government side, and had been formerly busy also on his (Mr. Gray's) side of the House, had pledged his personal honour that there was not 100 acres on Philip Island which any farmer could take up and cultivate. He believed that in the Survey-office this land was looked upon as the most desirable in the colony. Indeed an hon. member had stated that certain of his constituents were prepared to give £6 an acre for much of it. For this reason, he was for selection independent of the Government survey. He did not know whether the Minister of Lands would vote for this amendment. If he had been told six weeks ago that the Minister of Lands would not have voted for such an amendment, he should have rejected the assertion as an insult to his judgement, and as an insult to his respect and regard for the hon. gentleman's political honour and consistency. (Hear, hear.) He knew not how the Minister of Lands relished the lecture just delivered by the Chief Secretary. He should be rejoiced if the hon. member would rise and say that the principles he had held hitherto he would assert still. It was in the hon. member's power to insist upon those principles. If he did so, not only would the principles be saved but the hon. member also.

Mr. DON remarked that this principle, which the member for Ripon proposed, of allowing a purchaser, at his own expense, to engage a surveyor, and have the land which he desired surveyed at his own cost, was a fair compromise between the various contending parties in the House. All legislation was to a certain extent a compromise; and since they must yield a little, in order to gain something, why should not hon. members at once accept a proposition that would set this question at rest for many years to come? But while he was willing to accept this as a fair compromise between contending parties, he would remind the House that this was not the doctrine of the Convention. The doctrine put forward by the Convention had invariably been, that wherever the settler wanted to settle there he should go, whether the land was surveyed or not. He believed in the principle of free selection before survey as firmly as he did years ago; but, after the agitation which had taken place upon the land question, he was willing, as he had said already, to accept this as a compromise. By yielding to this proposition, the pastoral tenants might secure themselves in possession of their present vast estates until they were required for settlement; by rejecting it, they would accelerate proceedings which they would repent most bitterly. He did not see the slightest necessity for the Government leaving office, even if the amendment were carried. No Land Bill had passed through the House without being materially altered in its passage, and he did not see why the present Government should not submit to this, so long as the principles of the measure were not violated.

Mr. DUFFY did not complain of the amendment, nor of the spirit in which it was put forward, except inasmuch as the hon. member for Ripon and Hampden had made a charge—and the hon. member for Rodney echoed it—that the bill as it now stood did not correspond with the programme of the Government, as originally announced. He had risen mainly to give that statement a distinct contradiction. The hon. member for Ripon, who had assured the House that since he had given notice of his amendment he had addressed himself to a more deliberate examination of the bill, did not yet thoroughly understand the Government scheme. It would be a pleasure to extend the same belief to the hon. member for Rodney; but, to his (Mr. Duffy's) unspeakable surprise, that hon. member whenever he was speaking on the bill deliberately misstated its provisions. This fact was not however so surprising, when it was remembered what the hon. member had always said of every Land Bill that was brought forward there, namely - that it was the very worst bill he had ever heard of. It appeared to be certain, that if even the Sydney Land Bill, in which so many hon. members delighted, were laid on the table, it would meet with the same reception. (Hear, hear.) He (Mr. Duffy) was, however, unspeakably surprised at the hon. member, for such conduct by no means corresponded with his conceptions of the hon. member's character.

Mr. GRAY would at least ask that it might be shown that he had deliberately misstated the provisions of the bill.

Mr. DUFFY would probably find it necessary to treat of these points at a convenient time. Coming back to the amendment of the hon. member for Ripon, he would say that it meant this, that whenever the lands reserved for agricultural settlement were thrown open, they would be opened to the selector before the Government survey, and within twelve months. Now, he would ask if the Government scheme, as originally published and laid before the country, was not wholly incompatible with this arrangement, which never could have been meditated by Ministers? The hon. member for Ripon, however, said now that the Government had in their first statement to the country led it to a belief that the whole of these 10,000,000 acres would have been thrown open at once—

Mr. SERVICE had never charged the Government with the intention of throwing open those 10,000,000 acres at once without survey. What he had said was, that the Government had gone to the country with a promise that the 10,000,000 acres should be surveyed as rapidly as possible, while in their bill they actually made no provision for such survey. This did not correspond with their first statement.

Mr. DUFFY replied that such a provision certainly was not in this bill, nor ever was in any land bill, not even in the hon. member's own. It was the intention and the desire of Government to have these surveys effected rapidly, provided that the House gave a sufficiently liberal grant for the purpose; but there could be no need for such a provision for a matter which was entirely subject to the annual vote of the House. Not only did the Government not mean to lead to the belief alluded to, but it was impossible that any such intention could have existed. The Government now proposed, and for the first time, to ascertain what were the agricultural lands of this country; and whatever help was to be found in science, geology, the practical experience of old surveyors, or the traditions in the Survey-office, would be brought to determine this question. The hon. member had over and over again asked why the Government spoke of 10,000,000 acres at all, if they did not intend to throw them open at once? This was the answer: the Government scheme was to ascertain what were the best agricultural lands, to grasp them from the actual settler, and declare that he should have no more of them, that they should not even be sold by auction, but go at once to the selector. 10,000,000 acres were spoken of, because in that amount was comprised all, and more than all, the agricultural lands which this country possessed. Those lands were put in store, in reserve for the time when they would be wanted by those who were now at home, as well as those who were already out here. The Government wanted at the same time to prevent those who happened to have the best local knowledge from taking the plums out of the pudding, leaving the dough for those who came after them. There were great differences in these agricultural lands in respect to depth of soil, neighbourhood to market, and so on, and the Government having ascertained these differences, and also exactly where the agricultural lands lay, took half of them at once, and said to the people—"Into that half you may enter forthwith." Let those who wanted the whole 10,000,000 acres ask the relation which that quantity bore to the lands already in the hands of the people, and he would reply that the half of it, which the Government proposed to throw open at once, was more than had been taken up for twenty-six years past. Would anybody say that was too little? Coming back to the question which he had first opened up, could the proposal to open the 10,000,000 acres at once have been in the minds of the Government, or could they ever have intended to say as much? Even when the hon. member for the East Bourke Boroughs, on the last night this question was before the House, brought forward a much more reasonable and fairer proposition, the hon. member for Rodney voted against it. He (Mr. Duffy) was not prepared to accept either one or the other of the propositions; and why? Because by them the free selector would be left to go at large, and very slowly find and settle upon the best lands of the country. On the other hand, the present Government had set all these lands down on a map, so that the selectors could go all over them, and all the best lands would be found out in the first year. If the House adopted the amendment, what chance was there of immigration? The House was told that lecturers were to be sent home; but unless they stretched their consciences, what chance was there that they could offer any reasonable attraction if those who happened to come first to the colony, large and small, were allowed to pick out the best bits first? He should be ashamed to send home lecturers after the House had decided that those already in the colony should have all the best lands. These 10,000,000 acres were in the position of the special lands pointed out in the Nicholson Land Bill; they had a peculiar value, and were not to be disposed of recklessly; but the arrangements would have the effect of allowing every one with any knowledge of the country, whether he had determined to set le or not, to get some holding, and before the country could be thrown open to those who were yet to immigrate it would go forth that in making such magnificent offers we had still secured to ourselves all the advantages we proposed to confer on others. The hon. member for Collingwood had put the question in a different way, and there was a certain truth in what he had said, but it was only half the truth. The other truth was, that the short experience the colony had had of occupation licences had shown that a power which would be beneficially used by a few, would by a much larger number be used much in the same way as soldiers used their powers while sacking a city. The powers given under the occupation licence system were used to take up lands on the shores of water stored by the Government at a vast expense for the use of the people. This was not the legitimate or natural use of a power to settle, but was rather a plundering of the people.

Mr. SERVICE.—They did not get them.

Mr. DUFFY replied that unless the House instructed him to cancel their rights, they would get them. In Sandhurst, those very persons who were loudest in their praise of the system, had squatted down beside a water reservoir which had cost the state £8,000. So much for the general principle, that the Government ought to keep some land in reserve, and this was the idea which existed in the minds of the framers of the bill. There was another phase of the question. The system of permitting free selectors to use the services of surveyors not in the employ of Government would work ill, and why? Because it had been tried and found to work eminently ill. It had been tried with the occupation licences, and with what result? 800 licences had been granted, but 600 had been refused. Of these latter nearly 200 had been refused because two persons had in each case selected the same allotment, and gone to the expense of having them surveyed. Eighty-four applications were refused after the selectors had paid for surveys because those surveys were informal. And what security was there against informal surveys under this bill? Selectors might licence surveyors, but the interests of

those persons would not be in common with that of the state. In fact, the interest of the surveyor would be to give the selector a larger quantity of land than the state thought it was giving, and the surveyor would have to be a highly moral person to be able to withstand the temptations which would be held out to him. Besides, selectors could not be kept within the areas set down on the map if they were allowed to select before survey. There was good reason for believing this, for out of the applications made under the occupation licence system a very large number were in direct violation of the very extensive privileges given. 121 persons had surveys made at their own expense on lands which had been specially reserved from the operation of the system altogether.

Mr. SERVICE.—If people make these mistakes, they suffer for them.

Mr. DUFFY had yet to learn that this was a proper way to view the question. The hon. member had said as much as this before; but was it not one of the first duties of the state to prevent people from falling into mistakes, and by warnings keep them altogether from danger? At that moment there was a number of applications sent in to Government for compensation to persons who had selected land which had been surveyed by licensed surveyors, and refused because those surveys were incorrect. Whose fault had it been that these surveys were incorrect? Was it not plain that the licensed surveyor had every temptation to go wrong, besides an occasional want of skill? And was not the State in some way answerable for such errors? The end of all would be, that the state would have enough to do to pay for these mistakes, of which it was in fact the author. Coming to other points of the question before the committee, he would allude to what the hon. member for Collingwood had said—viz., that the amendment, being a compromise, ought to satisfy everybody. Now, he rejected it, because the bill itself was a compromise—(cries of "Hear, hear," and "No, no,")—because he thought it a fair compromise, and because he knew, and those hon. members who were so ready with their interruptions knew, that, however much the House might consent to the amendment, it would never become law. (Hear, hear.") It might be very convenient for hon. members to endeavour to give effect to their ideas in that House, but the business of the Government and of true legislators was, to carry something that would pass into law, and confer a benefit on the country. Surely the hon. member for Ripon, of all hon. members, ought to know that it was not an easy task to carry a measure through both branches of the Legislature. The Government had endeavoured to do this. If the amendment of the hon. member for Ripon were to pass, two things were sure to happen: first, the Upper House would strike it out, and when they had done so, might they not feel at liberty to follow the example set by the Assembly, and make amendments in an opposite direction, so that between the two the chances of carrying the bill would be at an end. Now, he should definitely refuse to lend himself to anything that would have this effect; and it was rather too much to find the hon. member who had swallowed the Nicholson Land Bill, and called it a triumph, talking of forcing ideal systems on the House, especially when they knew that under pressure of circumstances they had been extremely glad to accept a bill which gave a thousand times less than the bill before the House. It might be asked why he concluded that the Upper House would refuse to accept this amendment, and he would reply, that such was certain, if for no other reason than this, that it was an unnecessary disturbance of existing interests. He, for one, was quite willing to disturb the pastoral interests, where such was necessary for the interests of the public, but the Upper House would be sure to resist such disturbance where it was unnecessary. He held in his hand a return which showed what the effect of throwing open the whole 10,000,000 acres intended for agricultural settlement would have. The number of pastoral runs which, were those 10,000,000 acres thrown open at once, would be abolished, was 474; those which would have to be partially vacated would be 94; and thus nearly 600 runs, the assessment of the cattle and sheep on which amounted to £123,000 per annum, would be interfered with. Under such circumstances, the Upper House would be justified in declaring that it would not displace at one time any more pastoral tenants, and the large number of persons in their employment, than the necessities of the country would justify; and surely no one could say that the proposition of the Government did not reach that extreme. He could not see how any hon. member who was really desirous that a land bill should pass, and who realized the difficulty of bringing that about, could be a party to the acceptance of these amendments. The hon. member who proposed these amendments had challenged the imputation on himself that they were not in harmony with his past career. He (Mr. Duffy) had not been at all disposed to raise this question, but since the hon. member had himself raised it, he must say that the hon. member's proposal did not very nicely correspond with what he had formerly done on this question. After refreshing his memory he had found that the hon. member for Ripon, when strongly supporting the Government of which the present Minister of Finance had been the head, and which had been so strongly opposed by hon. members on the Opposition benches, had taken a course which did not accurately agree with his present one. When the government which that hon. member had supported introduced a land bill, the hon. member did not think as now that there ought to be provision made for the settlement of the people upon the pastoral as well as the agricultural lands of the colony. The hon. member had moved an amendment to that effect. He would read the clause which the hon. member (Mr. Service) proposed as an amendment on the Haines Land Bill:—

"For the purpose of affording facilities to persons of limited means desirous of settling down to agricultural or pastoral pursuits, there shall be set apart, in various parts of the colony, and in such localities as shall be deemed most suitable, without interfering with lands of the first and second-class, certain lands, comprising an area in the whole of not less than acres, which shall be called 'farm lands,' and which

shall be surveyed and marked off in blocks, varying from to acres; and any person may at any time select any one of such blocks not previously selected, at the upset price of 20s. per acre, subject to the provisions and regulations next hereinafter contained."

The present Chief Secretary asked the hon. member how he proposed to fill up the blank relating to "farm lands," and Mr. Service replied, that he proposed to fill it up with 250,000 acres. (Laughter.)

Mr. SERVICE.—That is five years since.

Mr. DUFFY said it was true that this was five years ago, but he was at a loss to know why sixteen times this quantity of land should not now satisfy the hon. member. Moreover, it should be remembered that the hon. member proposed that these 250,000 acres should be surveyed before settlement. (Loud laughter.) Hon. members' opinions had grown during five years, and he would not hold the hon. member for Ripon and Hampden accountable because his present opinions did not exactly correspond with those he professed five years ago; but what had they grown to? The hon. member had charge of a bill himself, and carried it through the House against great resistance from the opposite side of the House. The hon. member for East Bourke Boroughs proposed a clause, which he (Mr. Duffy) seconded, with a view of having a fixed quantity of land thrown open for settlement each year, and Mr. Service undertook that, within six months after the passing of the act, there would be 1,000,000 acres surveyed. Afterwards, on being further pressed, he thought that in a year he might have 2,000,000 acres surveyed, and perhaps 3,000,000. The resolution, which was proposed by the hon. member for East Bourke Boroughs, and which was finally embodied in the bill, proposed that 3,000,000 acres should be thrown open within a year after the passing of the measure. The land also was to be surveyed. The hon. member had not then the faintest idea of giving free selection before survey.

Mr. SERVICE.—The bill contained a clause providing for free selection all over the colony.

Mr. NICHOLSON. Only after survey.

Mr. SERVICE.—Selection before survey, and occupation after, was what I proposed; and that is what we want now.

Mr. NICHOLSON.—The intending settler might demand survey.

Mr. SERVICE.—He had the choice.

Mr. DUFFY said no doubt the Nicholson Land Bill contained a very useful clause to the effect that four or more persons might, by putting down a certain sum of money, have a survey made by the Government. The hon. member for Rodney was unsuccessful in his attempt to get that clause struck out.

Mr. SERVICE.—So was the hon. member for Villiers and Heytesbury. (Hear, hear.)

Mr. DUFFY said there was one incident in connexion with the present motion of the hon. member for Ripon and Hampden which was quite amusing. The resolution moved by Mr. Heales, and seconded by him (Mr. Duffy), when the Nicholson Land Bill was before the House, was as follows —

"For the purpose of affording facilities to persons desirous of selecting and settling on farms under this act, there shall be surveyed, and open for selection in various parts of the colony, on and after January 1st, 1861, not less than 3,000,000 acres of agricultural land in the market."

When that motion was proposed, Mr. Gray said he "would also prefer the omission of the words 'on and after January, 1861,' thinking that, if 3,000,000 acres were surveyed by that date, the Government might be safely left to shape future surveys, as the demand might make desirable." Yet the hon. member never got up during the present debate, except to attack members on that (the Ministerial) side of the House for changing their opinions?

Mr. GRAY explained that, instead of limiting the quantity of land to be open for selection to 3,000,000 acres, he wished it to be left to succeeding Governments.

Mr. DUFFY said the present Government proposed to throw open 4,000,000 acres during the first year, and to make future surveys even more rapidly "than the demand might make it desirable;" but the hon. member (Mr. Gray) could not find words sufficiently unparliamentary to express his horror and indignation. If the hon. member who had proposed the amendment now before the House felt it his duty when conducting a land bill through the House to change his opinion, and to restrict his proposals within limits that might give them a reasonable chance of being carried through the Upper House, what satisfaction could he have in endeavouring to force amendments into the present bill which he knew could not be carried in that House? Or, if he preferred the other horn of the dilemma, why did he not put those opinions into his bill in 1861 which he now professed? (Hear, hear.) He (Mr. Duffy) had only another word to add. He thought the Government had made a proposal which, upon the whole, was more liberal to the actual and to the intending settler than was ever presented in any bill brought before Parliament. They offered greater facilities for the settlement of the land than had ever been offered before; and he trusted the measure would receive the support of every member of the House who really desired a settlement of the land question. (Hear, hear.)

Mr. M'LELLAN said the bill would give pastoral tenants more security over the 10,000,000 acres than they had at present. One-fourth of the land was not fit for agricultural settlement at all, and it would not be possible for the settler to get one inch of commonage. It had been said that the measure was a compromise between the Assembly and the Upper House; but when the Nicholson Land Bill was under discussion the hon. member, Mr. Duffy was opposed to anything like compromise, and said it was impossible to get any liberal measure through the Upper House except by coercion. He (Mr. M'Lellan) most heartily supported the amendment. All he wanted was a reasonable compromise; but he did not think that compromise lay in handing over 35,000,000 acres to the squatters in perpetuity, and 10,000,000 acres also in what was next to perpetuity.

Mr FOOTT, considering that the paramount object of the Land Bill was the settlement of the people, did not see how there could be any com-

promise. He deprecated the system of the Government setting apart certain lands for agricultural purposes, and urged that the people ought to be allowed to exercise their own judgement, and choose land wherever they thought fit. The 10th clause he characterised as obstructive to settlement, and destructive to the best interests of the country. He would say that the 10,000,000 acres were set aside as the battle-ground between the squatters and the agriculturists, and every hon. member who looked into the matter must see that such was the case. He would ask why one particular class should be subject to the dominion of another? It was neither fair nor just to legislate in such a manner as to permit the existence of such a state of things. There was a great difference between the working of a pastoral run and an agricultural holding. That difference was greatly in favour of the squatter, and, therefore, there was the additional necessity that greater facilities should be given to the latter class than was contemplated in the present Land Bill. They must not kidnap, as it were, people to these shores by the influence of lecturers, but they must induce them to come by offering them just and reasonable advantages, and proper facilities for settling upon the land. He would support the principle of free selection over the whole of the 10,000,000 acres, and the same system, in his experience, had worked admirably in a neighbouring colony. In his opinion, the over-legislation of this and every other Government had had much to do with hindering the true settlement of the people on the lands; and, as regarded the 10,000,000 acres, it would be a monstrous proposition to say to people who would hereafter come to the country, that already all the best land had been disposed of, and that nothing remained for them but land of an inferior quality. But the Government need not be particular about keeping back land for future generations, because it would be the case that years hence land, which was at present only second-rate, would then most likely be of first-rate quality. And, taking all these circumstances into consideration, he did not see why there should be an objection to let the people select their own land. There never was, in his opinion, a more obstructive bill introduced to the House; and, again, it was absurd to say that they should deal with the bill only with a view of getting it passed by the other House. Were they not rather to legislate upon such an important subject, without reference to what the members of the other House might think or do? He would add, as a practical agriculturist and horticulturist, that there was no difficulty in producing in this colony as cheaply as in any other, and that was an additional and important reason why the farmer should have greater facilities placed within his reach. So far as regarded the 10,000,000 acres to be set aside under the bill, his own knowledge led him to believe that there was not more than one-eighth of it really fit for agricultural purposes, and certainly of the 4,000,000 it would be found that not more than 50,000 acres would be available. The bill, as he had said, was a most objectionable one as it stood, and he would, so far as he was able, endeavour to amend it, clause by clause, until it became such a bill as he would like to see in force.

Mr. O'CONNOR said that as the effect of the amendment, if carried, would be that the bill would be taken from their consideration, he would make a few remarks in support of the bill. If the views of members on the other side were carried out, the result would be to give the capitalist great advantage over the practical agriculturist, and enable him to take away the very pick of the 10,000,000 acres. ("No, no.") It was a mockery to tell him that any large portion of the people wanted to settle for agricultural purposes. The occupation licences had satisfied the greater portion of the demand (ironical cheers from the Opposition), and the object of the Legislature should be rather to render the country as attractive as possible to persons in other countries who were not engaged in agricultural pursuits. He complained of the conduct of Opposition members in seeking to defeat the bill in one of its essential points, and thus rendering necessary the withdrawal of the measure altogether. He called that a mockery of legislation. He hoped that hon. members, in dealing with this question, would not be influenced by any pressure, whether it came from within or without. He was sorry to observe that pressure had been brought to bear on one hon. member which had induced him to recede from his own publicly declared intentions; for his (Mr. O'Connor's) part, he should not submit to any such pressure, no matter whence it came.

Mr. WOODS said the member for North Grenville had furnished another illustration of the little faith that could be placed in some men. Not long since the hon. member was literally howling in the Eastern Market.

The CHAIRMAN called the hon. member for Crowlands to order.

Mr. WOODS begged to retract. If the hon. member was not howling he was doing his best towards it, and in such a way that, at one time, there were apprehensions as to whether a policeman would not take him away. (Laughter.) The Minister of Lands complained that certain members on the Opposition side had deserted him. But had they deserted him, or had he deserted them? (Hear, hear.) He denied that the map which had been produced to the House showed where the best land was. Among the land which had been marked were hills with nothing but rocks cropping out. The whole of the Pyrenees was put down as first-class agricultural land. A great deal of Gipps Land was also put down as first-class agricultural land.

Mr. DUFFY observed that only one small spot in Gipps Land was marked out. He hoped it would be understood that, although silent, he was not admitting the assertions of the member for Crowlands.

Mr. WOODS then proceeded to quote speeches made some time since by the Minister of Lands, with a view to show that the hon. gentleman was formerly in favour of free selection before survey. With regard to what had been remarked about the Legislative Council's rejecting the bill in the event of this clause being negatived, he had only to say that he would rather put his resignation in the hands of the Speaker, and leave Parliament at once, than act as a sort of jackall to the Upper House. Time was when in a British House of Parliament things were debated, and divisions turned upon a debate. But

be thought the division-list was made up, and that further discussion was useless. There were arguments which could be urged with more effect outside than inside the House. Perhaps some hon. members could explain the reason. Government, it appeared, had secured a majority, and f hon. members who agreed with him in political opinion were to follow his advice, they would walk out of the House, and let the Government carry the question unanimously.

Mr. RAMSAY observed that he never experienced such disgust—if he might be permitted by Parliamentary rules to use the term—than at the speech of the member for Grenville. He was surprised at the position which the hon. member had taken up after is five years' connexion with the Convention. The last time he (Mr. Ramsay) addressed the House he had pointed out that out of the 4,500,000 acres which had yet been offered for sale, 500,000 had never been purchased, because they were unfit for agricultural settlement; and he expected that something of a very similar character would occur were this bill to pass. Besides, by its provisions there would be very great uncertainty as to whether a selector would be enabled to get the land he wanted at all. Applications for each allotment were to be sent in on a particular day after the lapse of a month, and it was certain that, after the lapse of that month, the squatters and speculators would put in applications for every allotment, if not two or three for each, and the consequence would be that the selector would be by no means sure of getting the ground he wanted. This plan would, in nine cases out of ten, be fatal to the *bonâ fide* agriculturist. It had been said by the Government that they had stretched out their hands to grasp the agricultural lands from the squatters, but he denied that they ever intended to do so; for by the 22nd clause it was provided that, after a certain interval, all lands unselected should be put up to auction. Was this reserving 10,000,000 acres for agricultural purposes? The whole bill was a sham pretence, and it would be a curse to the country if carried. (A laugh.) It was not a compromise, but a barefaced robbery, and its supporters could have no sympathy with *bona fide* settlement. (Cries of "Divide.") He protested against it, and at least hoped that the amendment would be carried. In another colony squatters were not allowed to come within two miles of an agricultural settlement; but the case would not be so here, so that directly a horse or cow strayed for a foot beyond the boundary it would be impounded, and the agriculturist would be subjected to impounding fees, which ranged from £50 downwards. The hon. member concluded by denying that the country would lose £120,000 a-year, now paid as assessment fees, if the whole 10,000,000 acres were opened at once, for he for one had never advocated that the farmer who depastured his cattle on unsold land should not be charged for the privilege. The effect of this would be, that not only would the £120,000 not be lost, but the revenue in this respect would be improved in a wonderful ratio.

Mr. NIXON would willingly defer to those who were anxious for short hours, but the question was of so much importance that he felt compelled to repeat his determination to oppose the bill at every stage. The Government who brought it forward had only obtained their seats by deceit and delusion, and if it were carried it would be no less than a barefaced robbery. He however, would be faithful to himself in spite of the large capacity of the hon. member who had charge of the bill, and vote for the amendment, being convinced that no man could sincerely desire the welfare of the country who did not. He might be beaten on this question, but he was prepared for the worst, for when the third reading came on it might be found that the majority which was now so wonderfully inclined for spoliation would change their minds. (Cries of "Order," and "Hear, hear," from Mr. Heales.) He had a slight knowledge of the English language (great laughter), and knew what the word spoliation meant.

Mr. LOADER rose to order. There were many members who wished to address themselves to the question before the committee, and the hon. member had not yet touched upon it at all.

The CHAIRMAN read the question before the committee, and expressed a hope that hon. members would confine themselves to it as much as possible. (Hear, hear.)

Mr. NIXON proceeded. He was not aware of the question, but he intended to vote for the amendment of the hon. member for Ripon and Hampden. The Government had attempted to deceive the people, which was more than the late Ministry had ever attempted to do. ("The Occupation Licences.") They were no deceit, and all he wanted now was those licences under the present bill. He did not wish to trespass upon the time of the House, but he would again say that he should vote for the amendment notwithstanding the threats of dissolution made by the Government.

Mr. LOADER, who rose amid cries of "divide," said he thought the present question was one of too much importance to justify him in letting it pass without making one or two observations upon it. It was his intention to do all in his power to carry the bill, but, at the same time, he desired to see some amendments made in it. He was of opinion that much of the present depression in the country was due to the delay in settling the land question. As regarded the principles of the tenth clause he had to complain that there was a great want of sincerity in them. The clause started with 10,000,000 of acres, and ended with 2,000,000, so that either the words "ten millions" were a sham, and put in for the purpose of deceiving the people, or the real meaning was that not more than 2,000,000 should be prepared for selection. If that was the case, why could not the Government content themselves with letting the question be tested upon that issue? He was not prepared to say with Mr. Duffy that 540 squatters would be dispossessed by putting forward 10,000,000 acres at once for selection; but if that was the case, the committee would be justified in giving further consideration to the reduction of the area. The statement, however, only came forth late in the evening, and even then it was in reply to a question from the hon. member Mr. M'Donald.

Mr. BROOKE.—The map on the table showed it.

Mr. LOADER.—It did not show the number of stations. If the member for East Geelong was

aware of that information he at any rate had not given it to the House. Unquestionably no member wished to disturb to destruction the pastoral interests of the country. All they wished to do was to remove in a gradual manner any obstruction to the free settlement of the people. For many years he had been identified with free selection before survey, but recently he had modified that opinion to free selection within limited areas, and his vote must go with the amendment of the member for Ripon and Hampden. If that amendment was not carried some hon. member could move for a larger area than was proposed by the Government. The great objection he had to the clause was that, supposing the maximum number of acres were really open for selection, when 2,000,000 had been taken up 2,000,000 only would remain, and if those 2,000,000 were composed of barren land, still the purposes of the clause would be complied with, and it would not be imperative upon the Government to survey any more.

Mr. O'SHANASSY reminded the hon. member that the House could direct the Government to survey more.

Mr. LOADER said he pointed out that if 2,000,000 acres were bad land the meaning of the act would be complied with. He was not prepared to say that the land would be inferior for all purposes, but it might be inferior from a variety of causes for agricultural purposes: that was a reason in favour of every person being his own free selector, and he admired the principle of the amendment, as it was a self-acting system of settlement. The only reason why the Government proposition was entitled to consideration was, that the amendment might disturb a large interest more than the persons representing it could afford. If after two years of immigration there were only to be two millions of acres to select from, he thought the Chief Secretary might strike out the thirty-second and thirty-third clauses of the bill, which referred to passage-warrants. If the quantity of land to be surveyed was to be so limited, then there would be a stop to immigration. Other colonies were giving land away to induce immigration; and this colony should adopt an almost equally liberal system, although he did not mean they should give away lands, as this country possessed many advantages not found in other colonies. He did not think the clause was a fair representation of the promises made to the country.

Mr. BROOKE, after referring to the waste of time caused by hon. members who had voted for the second reading and now proposed amendments opposed to its principles, said that when he heard the Government state that evening that they were not prepared to accept the amendment, he thought they were aware, before making that statement, that they would be in a majority. However, hon. members could give their opinions, and he would give his,—against the clause. He set his face altogether against the distinction drawn between agricultural and pastoral lands. Whilst he had charge of the Land Department he gave instructions to have a map prepared showing the distinction, as he thought it would be desirable if that could be done. The map was prepared, and after that he asked some of the most experienced officers in the department for their opinions on the subject, and he found that the greatest difference of opinion prevailed, with the exception of the very best lands, of which there were not more than half a million acres. The present Government had adopted that suggestion, and proposed to draw a distinction between the best agricultural land and the rest of the colony, and the consequence would be that they would exclude some of the best lands in the 10,000,000 acres, and include some of the pastoral lands. In Canada, where there was land suited for agriculture a settler could take it; and here it had been proved that selectors had selected lands actually not known to the officers of the department as good agricultural land. Whatever views hon. members had in reference to class interests, at least every hon. member would agree that they should bring such a principle into operation as would not press unjustly upon any particular class. If the House were not in a position to apply the principle of selection over 10,000 or 11,000 squattages now existing, how could they bring it into operation with regard to 500 or 600 of those squattages? They ought to deal with the whole interest, and not with part; they ought to leave the agricultural land open to free settlement for the settlers, and give security of possession over the remainder of the territory to the pastoral tenants of the Crown. He agreed with the proposition of the hon. member for Ripon and Hampden, that the 10,000,000 acres should be open for selection at once after the passing of the bill, because the principle of it was the fundamental principle of the squatting licence system. If that proposition were lost, as he expected it would be, he would then vote for the proposition of the hon. member for West Melbourne (which would also be lost), because he believed it was founded upon rational principles, and would be conducive to the real and permanent prosperity of the country. Many of the arguments used by the President of Lands and Survey against the member for Ripon and Hampden, with regard to survey and so forth, were arguments which, though brought directly against the squatting licence system, applied with equal force against any system of survey. It was notorious that a very large number of errors had been committed in the Crown Lands Department in regard to survey, not merely with respect to agricultural settlement, but with respect to other matters also. He believed that if the city of Melbourne were re-surveyed, the utmost confusion would arise as to the titles to property in consequence of the defective survey which had been made. In point of fact, no great difficulty could arise from adopting the system of survey recommended by Mr. Service, because the department had the means of checking all surveys which were made. With respect to the reservation of the 10,000,000 acres, under the 22nd clause of the bill, the Government proposed that after all, this would only be a temporary reservation; because if, after twelve months from the date of any proclamation, any lands in any area so proclaimed remained unselected, the Governor in Council might direct that such lands, or any portion of them, should be sold. The principle of bringing lands under the occupation by selection system was an unwise one.

That was not the way to attract population. It was equally as foolish as it would have been to prevent the mining population from working at Sandhurst as long as there were gold deposits at Ballarat. The policy adopted by the Legislature with respect to gold-mining was to allow the people to settle upon the auriferous lands where they thought fit, and a similar policy ought to obtain with regard to agricultural land. It was unwise for the Government to induce the population to waste any of their energies upon second-class land when they could get first-class lands. They ought to give every facility for settlement upon the richest lands in the territory, because the state benefited most by what conduced most to individual prosperity. He would, therefore, vote for every proposition which had a tendency to make the tenth clause of the bill come nearer the occupation system. He would do so with the profound conviction that not one of the propositions would be carried, but, at the same time, with the conviction that it was a duty incumbent upon him to endeavour to effect that object. (Hear, hear.)

Mr. BERRY believed that these 10,000,000 acres were merely mentioned to throw dust in the eyes of the people, and he did not believe that it was at all intended that 10,000,000 acres, especially of the best agricultural land of the country, should be thrown open to the people. All that they had heard on that point throughout the debate on the bill was wholly unreliable. He was also of opinion that Ministers ought to be in their places to hear what hon. members had to say on so important a subject, and they had not been so that evening. The second reading of the bill, he would say, had been carried under false pretences, if the Government were not prepared to have alterations made upon it in committee; and in its present shape it was, to his thinking, a bill to render squatting permanent. The Nicholson Land Bill, with all its faults, was the better bill of the two. It was absurd to speak of the bill as a great gift to the country, and it was equally so to say that they were not to legislate upon so important a subject without reference to what the other House might do. If the Government plan were accepted the 4,000,000 to be thrown open immediately might be the worst land, and most unfit for agricultural purposes of the whole; and why not, then, give the right of selection over the whole 10,000,000 acres? The bill was notoriously framed in the interests of the squatters, and such being the case the Government ought at once to say that they did not believe in farming, but that they did believe in squatting. The bill did not wish and did not intend agricultural settlement, and in passing it, they would simply be deceiving the country,—a country which was fitted for great things, but in which the people were almost eating each other from over-competition, and from which the real wealth of the country was being driven away to other countries. The records of the press would show them that such was the case, and they had only to look at the insolvency lists and the wholesale immigration from the country for further proofs. Squatting had been the ruin of the country, and if one word more than another could explain the present depressed state of the country, it was the word squatting. If the bill, with its pro-squatting tendencies were carried, it would be the worst work ever done by that House, and it would be the worst session ever the country had seen. He believed that until the Upper House was reformed they would never have the land question properly settled, and if the present bill passed, they might say that the control of the lands of the country had for ever passed out of the hands of hon. members who were the representatives of the country. It was not until it was found that the 68th clause of the Nicholson Land Bill permitted the issue of the occupation licences that the cry for a new land bill was raised, and the great necessity for one discovered. No bill which did not tend to encourage immigration would be satisfactory to the people, and the present bill certainly did not do so. For himself, if the amendment were not carried, he would feel that it would be almost useless to go on with amendments on other parts of the measure, since the clause in dispute contained, perhaps, the leading feature of the bill.

Mr. SNODGRASS considered that the argument of the last speaker, that the squatting licences should be withheld, and occupation licences issued, was an argument for showing the necessity of dealing with the entire question by bill. With regard to what had been said about hon. members, he regretted to find that some hon. members had consented to act in that House merely as delegates. Then, as to the country press, would any hon. member pin his faith to what was advanced by the country press? That press could be bought for a mere song.

Mr. SERVICE.—And hon. members too.

Mr. SNODGRASS was not aware of any such circumstance. He knew of one instance of the conductor of a country newspaper offering for £100 to write against the occupation licences. (Cries of "Name.")

Mr. DENOVAN called upon the member for Dalhousie to give the name.

Mr. SNODGRASS said the matter was no secret. It was stated at a public meeting.

Mr. K. E. BRODRIBB observed that if he believed the bill had been prepared in the interests of a class he would not support it. But he believed Ministers would not peril their high reputation by bringing forward such a measure; he was of opinion that the bill had been framed in a spirit of compromise—in a sincere and earnest desire to conciliate all classes. In doing that, it was essential that the great squatting interest—an interest which had grown up under the sanction of the law—under which rights had been acquired, and capital to the extent of millions had been invested—should be considered. To ignore such an interest would be to indicate that the Ministry had no more sense than was possessed by the unfortunate men in the Yarra Bend Asylum. (Hear, hear.) Now, he would call the attention of hon. members to some observations made to the House by the member for West Geelong, when Minister of Lands. That hon. member, on the 4th January, 1861, said:—

"I have directed that inquiries should be made of the officers who have conducted the various sales of Crown lands, with a view to ascertain how far the bill is practically operative; and I regret to inform the House that those provisions which were thought the safeguard of the small settler and the working man, are in a fair way of being

entirely evaded. From information which I hold in my hand, I am led to the conclusion that, whatever might be the complaint before as to a certain class becoming possessed of large tracts of land, they have now greater facilities than ever, and covertly and in disguise, of being in that position. The land is passing to the larger capitalists, while men of small means, under the system of limited auction, are in a far worse position than under the former plan of open sale. The capitalist, by means of friends and relations, lodges several applications for certain lands; the poor man who desires an allotment also lodges his application. On a certain day the tenders are opened, and the poor man is outbid by the capitalist, and having lodged but one application, is stopped from bidding for any other lot at the same sale. The result is that, after taking the trouble of going across country to make his application, the proceeding ends in disappointment, vexation, and annoyance to the poor man, who has also to be put to the inconvenience, owing to the execution of certain formalities, of waiting fourteen days before his deposit-money can be returned from the Treasury."

Now, he would ask the advocates of the poor man whether they would assist those who wished to put a stop to what was admitted a great grievance by the enactment of a remedial measure, or whether they would perpetuate—to use their own words—the evils which were most properly and correctly stated by Mr. Brooke? He could not help stating that there was an inconsistency between the votes of those hon. members who were continually crying out for the interests of the poor man and their speeches. If they really desired to have the land question settled in a fair, reasonable, and honourable way, they would rather assist hon. members in passing the measure than seek constantly to retard it, by having discussions night after night, on principles which ought to have been settled on the second reading. (Hear.) Now, they were told by the bill, after setting apart 10,000,000 acres of agricultural lands, that "All lands not delineated in the map hereinbefore mentioned and reserved for proclamation in agricultural areas, shall be sold subject to such covenants, exceptions, and reservations as the Governor in Council may direct, in fee-simple, by public auction, at an upset price of £1 for each acre, or at such higher upset price as the Governor in Council may direct; and no such lands shall be sold otherwise or except, as hereinafter provided, for any less sum." This was the effect of the 34th clause, and the very next clause said that there should be quarterly sales by auction of these lands. Therefore, he maintained that the whole territory would be thrown open for sale, and it would be in the power of any Ministry—supposing the bill passed into law—to go upon the land of any squatter, without notice, and cut up his run, and sell it by public auction. (A Voice.—"They have that right now.") He was not saying whether they had or not. The argument on the other side proceeded on the assumption that they had not—that the squatters had undue power, and that the bill was framed in their interests. He maintained that it was not framed in their interests, and that if he were a squatter he should consider that a very harsh measure of justice was dealt out to him.

Mr. HEALES thought it scarcely fair for the last speaker to accuse hon. members on the Opposition side of factious motives in opposing this bill.

Mr. BRODRIBB said he never used the word "factious."

Mr. HEALES understood the hon. member to say that the opposition manifested to the bill was of a factious nature. (A Voice.—"No; inconsistent.") Well, it might appear inconsistent to the hon. member, but if he looked to the conduct of hon. members on the Opposition side he would see that all they had done had been in one direction. On the second reading they fought the Ministry on the merits of the bill, and having failed to throw out the measure at that stage, they had endeavoured to make it as acceptable as possible to the people, consistently with the views which they entertained. He supported the amendment because it was certainly a step in the direction of the amendment which he proposed the other evening; and here he could not help saying that the Government had failed to reply to the charge brought against them, of flying from their avowed intentions, as expressed before the bill was introduced to the public. When it was announced that the Government intended to throw open for selection 10,000,000 acres of the best land of the colony, it was generally understood that those 10,000,000 acres would be surveyed as quickly as possible and left open for selection until they were all taken up. Now, he would ask, reading the clause as it was printed, whether any such interpretation could be put upon it? Instead of 10,000,000 acres, they would have no right to expect more than 4,000,000 acres, and had no reasonable prospect of having more than 2,000,000 acres, open for selection at any one time. Again, there was no disguising the fact that, by the 22nd clause, after twelve months these acres thrown open for selection might come under the auctioneer's hammer; and it was quite possible that in three years, or three years and a half, the whole of the 10,000,000 acres might pass into the hands of the squatters. And if it should turn out that they were not sold by auction at the upset price of £1 per acre, the 34th clause would only have to be brought into play, to reduce the upset price under the auctioneer's hammer to 10s. per acre.

Mr. DUFFY said it had been explained over and over again to the member for East Bourke Boroughs that the upset price would not be lower than £1 per acre.

Mr. HEALES would in that case withdraw his remark, but still he contended that the spirit of the three clauses he had particularized was as he had asserted. The hon. Commissioner of lands had stated as his reason why the 10,000,000 acres were to be set aside, that it was for the purpose of grasping the best lands of the colony from the squatter; but he contended that there was really no such principle in the bill at present, and until a clause was introduced which enacted that the agricultural lands should pass to the *bonâ fide* agriculturist and no other. It had been urged, as a reason for not voting for the amendment, that the Government would not accept it; but it was scarcely fair to hold out threats of this kind; nor

was it calculated to preserve the independence of hon. members. The House, too, had a perfect right to suppose that the other branch of the Legislature would be as reasonable as themselves; and after the question had been so long and closely discussed, the case demanded more than usual consideration on the part of the members of the other branch of the Legislature. Where the Upper House to refuse its consent, two courses would remain open to hon. members—one would be, to relinquish the contest; the other would be one which he had always thought the proper course, and one which would tend materially to shorten the discussion—it would be to have a land bill initiated in the Upper House, so that hon. members of the Assembly might know what the other branch of the Legislature were prepared to do. If hon. members were to be told that the Upper House would not pass such and such a clause, at least it should be known what they would pass. To call upon the House to sacrifice itself to the Legislative Council was to ask them to give up every principle they now held; and only because the Upper House would not come to what one side of this House declared to be a reasonable settlement of the question. He had not, however, lost all faith in the other branch of the Legislature, and he had reason to believe that these discussions, properly carried on—as he admitted they had been—would have their full weight; nor did he think the members of the other House were prepared, without reason, argument, or discussion, to dissent from amendments of the kind now under consideration. As to the hon. member for Dalhousie, who had been very free with taunts, he would remind that hon. member that the side of the House to which he (Mr. Heales) belonged, had even a greater right to discuss the question than the hon. member had, for though it had been ruled that the money interests gentlemen connected with the pastoral interest, could not prevent their voting, they should, at least, be rather chary in the way they dealt with the question. He trusted the amendment would be agreed to.

Mr. SNODGRASS said that he had much less interest in the question than the hon. member for East Bourke Boroughs. He (Mr. Snodgrass) had never sought for office, while the hon. member was no doubt doing so.

Mr. HEALES replied, that if the hon. member had not sought for office, he had at least proposed more votes of want of confidence than any other hon. member. (A laugh.)

Mr. DENOVAN hoped the debate would be speedily brought to a conclusion. He intended to vote for the amendment, though he was not altogether satisfied with it. Still it was better than the bill as it stood.

The question was then put, "that the words proposed to be omitted stand part of the question;" and the House divided, with the following result:—

Ayes	32
Noes	24
Majority against the amendment ...	8

The division-list was as follows:—

AYES.

Mr. Anderson	Mr. Ireland	Mr. O'Connor
— Bennett	— Johnston	— O'Grady
— Brodribb, K E	— Kirk	— O'Shanassy
— Brodribb, W A	— Levey	— Reid
— Cathie	— Levi	— Riddell
— Duffy	— Mackay	— Smith, W. C.
— Evans	— MacMahon	— Snodgrass
— Haines	— M'Donald	— Tucker
— Hedley	— Mollison	— Wilson
— Hood	— Nicholson	— Wood
— Humffray	— Orkney	

NOES.

Mr. Berry	Mr. Gillies	Mr. Nixon.
— Brooke	— Gray	— Owens
— Davies, J.	— Heales	— Ramsay
— Denovan	— Houston	— Richardson
— Don	— Lambert	— Service
— Edwards.	— Loader	— Sullivan
— Foott	Dr. Macadam	— Woods
— Frazer	Mr. M'Lellan.	— Wright.

Mr. LOADER desired to move an amendment, that after the words "4,000,000 of acres," there should be inserted the words, "shall be surveyed."

Mr. DUFFY explained that it was the intention of the Government to have the 4,000,000 acres surveyed.

Mr. LOADER would, in that case, withdraw his amendment. He moved that after the word "and," in the 9th line of the act, all the remaining words of the clause be omitted, to make room for the words "that the remaining areas be surveyed and opened for selection as rapidly as possible."

The question was put, and the House divided, with the following result:—

Ayes	31
Noes	25
Majority against the amendment	6

The following is the division-list:—

AYES.

Mr. Anderson	Mr. Johnston	Mr. O'Connor
— Bennett	— Kirk	— O'Grady
— Brodribb, K E	— Levey	— O'Shanassy
— Brodribb, W A	— Levi	— Reid
— Cathie	— Mackay	— Riddell
— Duffy	— M'Mahon	— Smith, W. C.
Dr. Evans	— M'Donald	— Snodgrass
Mr. Haines	— Mollison	— Tucker.
— Hedley	— Nicholson	— Wilson
— Hood	— Orkney	— Wood.
— Ireland		

NOES.

Mr. Berry	Mr. Gray	Mr. Nixon
— Brooke	— Heales	— Owens
— Davies, J.	— Houston	— Ramsay
— Denovan	— Humffray	— Richardson
— Don	— Lambert	— Service
— Edwards	— Loader	— Sullivan
— Foott	Dr. Macadam	— Woods
— Frazer	Mr. M'Lellan	— Wright.
— Gillies		

The clause as amended was then carried.

The House resumed, the CHAIRMAN reported progress, and obtained leave to sit again on the following day.

SUPPLY.

The resolutions passed in Committee of Supply on Friday last were adopted.

PASSENGERS ACT AMENDMENT BILL.

This bill was read a third time, and passed.

LEGISLATIVE ASSEMBLY ARRANGEMENTS.

Mr. MOLLISON moved—

"That it be referred to the Standing Orders Committee to inquire into and report upon the present control of, and arrangements in, the department of the Legislative Assembly."

The motion was carried.

BUSINESS OF THE HOUSE.

Mr. HEALES, pursuant to notice, moved—

"That, during the present session, no fresh business (excepting the postponement of business on the paper and unopposed business) be called on after eleven o'clock."

The hon. member drew attention to the fact that in a former session a similar arrangement was found to act well. He had merely added to the motion then carried the words "unopposed business."

Mr. O'SHANASSY thought the object of the hon. member had been frustrated last session by hon. members speaking against time. As regarded the present motion, he most cordially agreed with the spirit of it, as he thought when hon. members sat so late at night they were unfit to transact business next day, and that circumstance was likely to prevent many gentlemen from entering Parliament.

Mr. FOOTT made a few remarks in favour of commencing business earlier in the day, as country members should be considered in any alteration made in the arrangements.

PARLIAMENTARY BUILDINGS.

The motion was put, and carried.

In the absence of Mr. FRANCIS, Mr. MOLLISON moved—

"That the name of the Hon. J. S. Johnston be added to the joint committee on Parliamentary buildings, in lieu of Mr. Grant, who wished to resign."

The motion was carried.

BANK NOTES BILL.

Mr. MOLLISON moved—

"That the petition from the several banking companies presented to the House 12th February instant be printed and referred to the committee of the whole on the Tax on Bank Notes Bill."

The motion was carried.

The other business was postponed, and the House adjourned at seven minutes past one till four o'clock the following day.

PAIRS.—For Mr. Service's Amendment.—Mr. L. L. Smith, and Mr. J. M. Grant. Against it.—Mr. E. Cohen, Mr. J. G. Francis. Generally.—Mr. B. G. Davies, against the Government; Mr. Pyke, for the Government.

FIFTY-FOURTH DAY—WEDNESDAY, FEBRUARY 19, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty-two minutes past four o'clock.

DR. THOMSON'S CASE.

Mr. M'CANN, in the absence of Mr. Snodgrass, presented the report of the select committee appointed to inquire into Dr. Thomson's case. He moved that the report be printed, and taken into consideration on Thursday, the 27th inst.

The motion was agreed to.

REPORT OF PRINTING COMMITTEE.

Mr. M'LELLAN presented the Fourteenth Report of the Printing Committee, which was ordered to be laid on the table of the House.

PETITION.

Mr. RAMSAY presented a petition from farmers and others at Baringhup, on the Loddon River, and moved that it be received and read.

The motion was agreed to, and the petition read.

NOTICES OF MOTIONS.

Mr. W. C. SMITH gave notice that on the following day he would move that in future all moneys granted out of the general revenue for the improvement and maintenance of main lines of road, within the boundaries of any municipality or district road board, should be handed over to such local authority, who should expend the same under the supervision of an officer appointed by the Government. On this being carried, he would move that the Government should insert a clause in the Appropriation Act enabling them to carry out the resolution.

Mr. NIXON gave notice, that on Wednesday next, the 26th inst., he would move, that in the opinion of this House, in the settlement of the land question by the present bill, or any other that may come before this House, due provision ought to be made for the claims of the aboriginal population of this country to some portion of the territory, upon such terms and conditions as the Board of Lands and Survey may deem expedient to meet the requirements of the case.

NOTICES OF QUESTIONS.

Mr. NIXON gave notice that, on Tuesday next, he would ask the Chief Secretary to lay upon the table of the House a return of the number of men and boats employed in the Government service in Hobson's Bay, defining the nature of the duties performed by the different boats' crews; also, the number of hours the police boats' crews are on duty, with the amount of daily pay it was proposed to give each crew.

Mr. M'DONALD gave notice that, on the following day, he would ask the Commissioner of Lands and Survey to lay upon the table of the House a return of stock depastured during the year 1861 (and upon which assessment had been paid) throughout the colony, exclusive of the stock depastured on the 10,000,000 acres reserved for agricultural occupation.

THE VICTORIAN RAILWAYS AND THE AUSTRALIAN WHARF.

Mr. J. DAVIES asked the Commissioner of Public Works, in the absence of the Postmaster-General, whether the Government intended to extend the Victorian Railways to the Australian Wharf, so that the vessels frequenting that wharf might, when necessary, discharge their cargoes into the railway waggons; and if so, when?

Mr. JOHNSTON was instructed to say that it was not proposed to extend the Victorian Railways to the Australian Wharf at present, but when the new goods station was built the extension might possibly be made.

PROMOTIONS IN THE VOLUNTEER FORCE.

Mr. A. J. SMITH asked the Treasurer upon what principle the promotions in the Volunteer force were made.

Mr. HAINES repeated the explanation which he gave on this subject on the previous evening, in reply to Mr. M'Cann. In reference to the reason he gave why Captain Bull was passed over, he added that the mistake was not on his (the Treasurer's) part, but on the part of the officer from whom he got the information. Captain Bull was appointed in the same manner as Captain Mair, but his appointment was not known so early.

Mr. W. C. SMITH asked if the Treasurer was aware that Captain Mair was a subaltern under Captain Bull in the regular army?

Mr. HAINES said he was not.

THE POLICE REWARD FUND.

Mr. OWENS asked the Chief Secretary if he would state the amount of the sums appropriated to the police reward fund during the last three years; the rules and regulations for the distribution of rewards, and the names of persons and their rewards, under the fund during the same period; and also, whether there was a balance-sheet of the police reward fund published annually in the *Government Gazette*?

Mr. O'SHANASSY read the following replies, with which he had been furnished by the chief commissioner of police:—

"1. The amount of the sums appropriated to the police reward fund, during 1859 and 1860, will be found in the Treasurers' balance-sheets in the Parliamentary papers of those years. The balance-sheet for 1861 has not yet been audited. A copy is, however, attached, showing the amount collected last year to be £7,473 10s. 10d. 2. The rules and regulations for the distribution of rewards from this fund are given in the *Government Gazettes* of the 5th April, 1855, page 898, and 28th December, 1860, page 2 486. 3. The names of persons who have received rewards from the fund, together with a statement of the amount in each case, are contained in the attached list. I have not thought it necessary to specify the services for which the several rewards were given, as such information could only be obtained at present by a lengthened search through the Treasury and police records for the years 1859, 1860, and 1861. The particulars can be obtained, if required; but their collection would be a work of some time. 4. The balance-sheets of the fund are not published in the *Government Gazette*, but are given among the Treasurers' annual balance-sheets, published in the Parliamentary papers."

Mr. O'Shanassy added that the tabular statements appended to these replies showed that the expenditure in connexion with the police reward fund during the year 1861 had been as follows:—Pensions, £286 19s. 4d.; good conduct pay, £12,603 19s.; rewards, £416; gratuities, £987 9s. 8d.; gratuities to widows, £75; medical expenses, £2 5s.; making a total of £14,371 13s. The balance on the 1st of January, 1861, was £47,647 1s. 5d.; received by collections during the year, £7,473 10s. 10d.; making the total receipts of the year £55,120 12s. 3d. Since he came into office, he had appointed a board to investigate the position of the police reward fund, and the registrar-general (though it was not within the scope of his duties) had kindly consented to prepare an approximate calculation with regard to the fund. He (Mr. O'Shanassy) had taken every care to place the fund on a proper footing. (Hear, hear.)

PERSONAL EXPLANATION.

Mr. SINCLAIR asked the permission of the House to explain why his name did not appear in the division-list on Mr. Service's amendment on the 10th clause of the Land Bill, on the previous evening, nor amongst the pairs. On Friday night Mr. Hedley requested him to arrange, if possible, with Mr. Woods to pair off with the hon. member for Castlemaine (Mr. Smith). He did so, and his name was put down in the pair-book for Tuesday night; but Mr. Woods, on coming to the House that night, demurred to the arrangement; so that the only honourable course he could adopt was to absent himself from the division. Before doing so, he erased Mr. Woods's name from the pair-book and substituted his own. He expected that his name would have appeared in the newspapers along with the names of the other members who had paired; but, as this was not the case, he felt it his duty to set himself right with his constituents and the public generally by giving this explanation, and to state that he was, and had always been, favourable to the principle of free selection, before and after survey.

THE REAL PROPERTY BILL.

Mr. SERVICE asked permission to correct a mistake made in the newspapers as to the day fixed for the second reading of the Real Property Bill. The newspapers had stated that the second reading was fixed for to-morrow night, instead of to-morrow week. No doubt the mistake arose in consequence of the low tone of voice in which he spoke; but, as he found the error had caused considerable inconvenience both in this and the neighbouring colonies, he should be glad if the newspapers would correct it.

THE ERADICATION OF THISTLES.

Mr. W. C. SMITH said that in coming down from Ballarat he saw clouds of thistle seeds

blowing about; and he should be glad if the Commissioner of Land and Survey would inform him whether any steps would be taken to eradicate thistles on the Crown lands? If this were not done, the whole face of the country would be destroyed.

Mr. DUFFY replied that for some years past respective Governments had come to the conclusion that money for the eradication of thistles could only be expended by local authorities, and the District Councils Bill would enable district councils to take the matter up. He had communicated with the Board of Agriculture on the subject, but that board had not thought proper to offer any suggestion on the subject.

THE VOTES FOR ROADS AND BRIDGES.

Mr. SERVICE requested the Government to fix a time for asking the House to vote the sums placed on the Estimates for roads and bridges.

Mr. O'SHANASSY said there would be a Cabinet Council on the following day, and he would mention the matter, with a view of meeting the wishes of the hon. member.

THE VENTILATION OF THE HOUSE.

Mr. LOADER called attention to the state of the ventilation of the House. Not only in that chamber, but in every room of the House the ventilation was very deficient. This was a source of great inconvenience, as well as being injurious to the health of hon. members; and he suggested that the Commissioner of Public Works should adopt some means to get the ventilation improved.

Mr. JOHNSTON intimated that he would convene a meeting of the Parliamentary Buildings Committee to investigate the subject.

MELBOURNE AND SUBURBAN RAILWAY.

Mr. LOADER asked the Government to postpone the orders of the day, to enable him to bring forward the first notice of motion standing in his name, referring to the Melbourne and Suburban Railway.

Mr. O'SHANASSY consented, and moved that the orders of the day be postponed accordingly; which was agreed to.

Mr. LOADER moved—

"That instructions be given to the committee sitting on the Melbourne and Suburban Railway Sale Bill, that they have power to entertain and consider the expediency of incorporating the purchasers of the undertaking and property of the company, and also to entertain and consider the several other matters embodied in several clauses, marked E. to VV., deposited with the Clerk of the Assembly."

He might mention that it was considered desirable that the motion should be passed; but if the matter was to excite any discussion, the best time for that would be when the report of the committee was brought up. He hoped that the motion would be passed, because, as chairman of the committee, he could assure the House that it would be quite impossible to deal with the affairs of the company in any other manner than was proposed in the motion—a motion in which the committee concurred.

Mr. TUCKER seconded the motion.

Mr. SULLIVAN desired to know whether it was intended to give the committee the power of incorporating the purchasers, as explained in the motion?

Mr. GILLIES had no intention of opposing the motion, but he thought it had been made in an informal manner. Before the motion was made, the clauses ought to have been submitted to the examiners, to see whether they were in accordance with the preamble of the bill, and he was not aware that that had been done.

Mr. LOADER said there was the necessity first of coming to the House with the motion.

The SPEAKER stated that the question stood in this way. The bill sent to the committee merely provided for certain requirements, and now the committee wanted some further powers; and the question therefore was, whether the House would agree to grant the request made? It was not necessary to refer the clauses to the examiners, because they could only examine with reference to the standing orders of the House, and not as to whether the clauses agreed with the preamble.

Mr. O'SHANASSY said the committee desired to have further powers extended to them, and, if all the parties interested were agreed, there was no reason why the House should not assent to the motion. He was perfectly of opinion that the House should be jealous of extending large powers to committees; but in the present case there was no reason for refusal.

The motion was then put and carried.

SUPPLY.

The House then went into Committee of Supply.

Mr. HAINES stated that he proposed going on with supply until the dinner hour, after which the Crown Lands Act would be proceeded with. He begged to move, "that £2,000 be granted for the erection of a jetty at Dromana."

Mr. GRAY submitted that the plan upon which supply had been brought before the House since the commencement of the session had been most unsatisfactory. The Government could know the day before what course they would follow, and yet hon. members came there not knowing what the Government were going to do. The system adopted looked much as if opportunity had been taken of the absence of certain members for passing certain votes. He did not say that such was the case, because the vote now to be considered was the one at which the House had left off on a previous evening; but it certainly did look like it. He would draw the attention of the Treasurer to the matter of which he complained.

Mr. HAINES thought the charge of the hon. member was quite unfounded, and he was altogether in error in supposing that the Government were desirous of passing from one part of the Estimates to another in the absence of any hon. members. He had previously stated, distinctly, the plan upon which the Estimates were to be dealt with, and had explained that it was not intended to proceed with votes for salaries, for example, until the Civil Service Bill had been brought in; but he had at the same time stated that it was desirable to proceed with the votes for public works and roads and bridges at as early a period as possible, and he had carried out that course as far as practicable. He had not an-

nounced, yesterday evening, his intention for that evening, because the notice-paper showed that supply was to take precedence of the Crown Land Sales Act, and the reason for which was that the unavoidable absence of certain hon. members would preclude them from going on with the Crown Lands Bill until after the dinner hour; and in order that the time of the House might not be wasted, he now proposed to go on with supply until then.

Mr. HEALES thought the member for Rodney was fully justified in the remarks he had made, because the order of business laid down was that Friday night should be devoted to supply, and Tuesday and Wednesday evenings to the Land Act. But the hon. member having called attention to the irregularity, would not, he presumed, carry it farther.

Mr. GRAY.—It has already been carried far enough.

Mr. DUFFY.—Not merely far enough, but too far, especially as there was not the slightest necessity for the charge at all. His hon. colleague had given notice that he would take the votes for public works on a certain day. He had kept that promise, and had gone as far as the House permitted; and he merely took that early part of the day to go on with supply, at the point at which the House had left off, until there could be a larger attendance of members, when the Land Sales Act would be gone on with. He was aware that Friday was to be devoted to supply, and such intervals as could be got from other business.

Mr. GILLIES dissented from that remark.

Mr. DUFFY.—The hon. member had spoken in his turn, and would, perhaps, allow him to speak.

Mr. HEALES.—Chair!

Mr. DUFFY.—What did that exclamation mean? The member for Rodney had made an unfair and unjust attack on the Government.

Mr. GRAY called the member for Villiers and Heytesbury to order. If he used those words he ought to be in a position to justify them. The hon. member had made use of similar terms regarding himself on the previous evening, and he would call him to order for using the words "unfair and unjust," as he had done.

Mr. DUFFY repeated that the hon. member had used language regarding the Government which was not warranted.

Mr. LALOR said the member for Villiers and Heytesbury was not in order in making use of the terms he had done.

Mr. DUFFY thought the Chairman would have done more wisely if he had listened to what he (Mr. Duffy) had to say before giving his ruling.

Mr. HEALES rose to order, and would say that when a member accused the Chairman of an improper performance of duty, order in that House was violated. They would never be able to get on with business in committee if such a practice was to be allowed.

Mr. DUFFY.—Well, then, suppose they came to what he wanted to say, which was, that the remarks made by the hon. member for Rodney had no foundation in fact. That hon. member stated that the action of the Government was suspicious, as evincing a desire to take advantage of the absence of certain members to pass certain votes. Now, the Government had simply taken the plain and ordinary course of their duty. His colleague gave notice that he would take the votes for public works and roads and bridges, as at this season the money could be most judiciously expended. He did so, and he had on the previous evening put a notice on the paper that he would go on with Supply, because it was thought that, after the late sitting on the previous evening, there would not be a sufficient number of members present to justify the House in proceeding with so important a measure as the Land Bill. Well, his hon. colleague had proceeded to take the votes in their proper order, as placed on the Estimates in the hands of hon. members. Still the member for Rodney characterized the procedure as unfair and unjustifiable, and he thought that if the hon. member made so serious a charge without foundation, he could not complain of what he (Mr. Duffy) had said. If the facts were not as the hon. member had stated them, but as he had explained, the member for Rodney had made a charge against the Government which he ought not to have given utterance to. (Hear, hear.)

Three members here rose at once. The chairman's eye was caught by

Mr. GRAY, who rose to say, that in the first place he had made no charge against the Government, but had merely said that a course had been followed which was awkward for hon. members; and in the next place, he had said it would be well if the Government avoided a system which was inconvenient. If that was a charge, he would not withdraw it; but he did not consider it so. Nor did he think that any other hon. member in the Government, except the Commissioner of Lands and Survey, would consider it a charge. Character was the shield of every member of that House, and he would leave the House to judge of his. The hon. member (Mr. Duffy) had said that what he (Mr. Gray) stated was untrue; but he would not mention the name nor the vote, because it was one he would not oppose, which he had in view when he made the remarks he had done. He would leave the House to say whether his statement was an untruthful one. He had merely wished to draw the attention of the Government to their action in this matter, and he did not believe that the hon. member (Mr. Duffy) would have spoken as he had done but for the fact that that hon. member and himself happened to be at present in political hostility.

Mr. L. L. SMITH thought that the opposition which had previously been made to the vote before the House was sufficient to justify the remarks of the member for Rodney.

Mr. JOHNSTON.—The hon. member said that the opposition to this vote was sufficient to justify the course adopted by the member for Rodney. Now, he thought that, on the contrary, it was quite sufficient to show the absurdity of the course pursued, because, seeing that the members who were absent were of the Government side of the House, they seemed to have taken the opportunity of bringing forward the vote when the number of their own supporters was smaller than usual. The member for Rodney asked if any member of the Government, except the Commissioner of Lands and Survey, would consider what he had said a charge against the Government? He did so, but he had not jumped up to reply to

it, because he believed it to be one of those visionary charges which the member for Rodney was so fond of making, and therefore not worthy of being answered. The charge, that hon. members did not know that supply was to come on, showed that they did not read the notice-papers provided for them. They could not but have known it, since notice had been placed upon the paper. The Government had begun where they left off on a previous evening, and under these circumstances, he would leave the House to say whether that was not the best time to resume consideration of supply.

Mr. M'LELLAN thought the Government ought to have shown a better temper, after so much leniency had been exhibited towards them. (Laughter.)

Mr. O'SHANASSY said the Government had no other desire in the matter than to consult the public convenience, and carry on the public business in the best possible way.

Mr. SINCLAIR supported the vote. The best timber for sleepers that could be found in the colony was to be obtained in the neighbourhood of Dromana, and it was important therefore that the jetty should be erected as quickly as possible.

Mr. NIXON characterized this as an attempt at political bribery. The election for Mornington was now proceeding, and the passing of the vote would be pointed at as a recommendation in favour of the Government candidate. (Laughter.) He objected to the Government resorting to such a little pettifogging dodge.

Mr. FRANCIS observed that when holding office as Commissioner of Public Works he found on the Estimates of the Ministry preceding the Nicholson Government a vote of £2,000, for a jetty at Dromana. The item was expunged by him with a view to economy. Deputations from the district afterwards waited upon him, and from their representation, coupled with the report of the inspector-general of public works, he felt that it would be only an act of simple justice to recommend that the vote should be placed on the Estimates for the following year, and so to carry out a promise made by the previous Ministry. The present Government, therefore, were open to no motive of political chicanery, as had been imputed by the last speaker, and he thought that gentleman would have done better had he acquainted himself with the facts of the case before indulging to such an extent in vituperation.

Mr. JOHNSTON remarked that this sum was voted last year, but was not placed in the Appropriation Act—for what reason he did not exactly know. A jetty on this part of the coast would be a great public advantage, seeing that it would be the means of securing timber, for which they had now to send to Tasmania.

Mr. NIXON, in explanation, said he did not demur to the vote. All that he contended for was, that it was unseemly to bring forward the vote at this particular juncture.

Mr. JOHNSTON suggested that no one could be so good a judge of what was seemly and delicate as the last speaker. (Laughter.)

Mr. J. DAVIES thought, after the statement made the other night on the part of the Government, that supply would be taken only on Fridays, the remarks of the member for Rodney were perfectly justified. He would suggest the postponement of the question.

Mr. HAINES observed that the stopping at this vote the other night was a pure accident. It was unfortunate that so many questions were mixed up with political considerations. He would ask whether the committee desired to punish the inhabitants of this particular district for any political shortcomings? (Cries of "No.") Why, then, should delay be asked for, unless political considerations were involved? He maintained that the committee should take the vote independent of all political considerations, and deal with it upon its merits.

Mr. W. A. BRODRIBB supported the vote.

Mr. BERRY remarked that the only additions made by the Government to the Estimates of the Heales Ministry, under the head of "wharfs, jetties, and harbours," were in favour of two small constituencies that returned either members or supporters of the Government. One vote was for Warrnambool, and had been promised by the Minister of Justice; the other was for Dromana, and had been promised by Mr. Chapman. He complained of the manner in which the Government were proceeding with regard to the Estimates, and of the rapidity in which a vote of £2,000 for an additional puisne judge was picked out and passed the other evening. As to the present question, he looked upon it as a political vote, and should therefore oppose it.

Mr. JOHNSTON thought, if the member for Collingwood looked a little deeper, he would be able to ascertain whether the vote, which had been on the Estimates for three years, was not struck off last year from a political motive.

Mr. O'SHANASSY considered the member for Collingwood (Mr. Berry) had on this occasion somewhat overshot the mark. The hon. member alleged that the vote for an additional puisne judge was slipped through the House in an adroit manner; but the fact was, that when that question was brought forward it was fully discussed. It was shown that leave of absence had been given to one of the judges, and that a vote was necessary to remunerate the gentleman who might act in his absence. Both the member for East Bourke Boroughs and the member for West Geelong (Mr. Brooke) took part in the discussion, and the latter hon. member expressed his doubts as to whether such an appointment was necessary. Had there been any objection to the vote on the part of hon. members who were absent when the matter was discussed in committee, it could have been raised when the report of the committee was submitted to the House. (Hear, hear.) The member for Collingwood should not only before making a statement consider the effect of what he was going to say, but he should also make himself acquainted with the forms of the House. (Hear, hear.) With regard to the vote now before the House, he was not at all surprised at the member for Rodney, and other hon. members opposite, feeling sore towards the Government, after their defeats the previous night. (A laugh.) He did not anticipate that the vote would have any influence on the Mornington election, because Mr. M'Culloch had already promised to advocate such a grant; and he did not suppose that, if the committee chose to reject the vote, the Minister of

Finance would complain, seeing that there were more demands on the state funds than could possibly be complied with. (Laughter.)

Mr. L. L. SMITH moved that the Chairman report progress.

Mr. SNODGRASS hoped that the opposition to the vote would have its due weight, and show the country on what principles such subjects as the one before the House were dealt with by a certain proportion of hon. members.

Mr. WOODS did not object to the vote itself, but desired that it should be withdrawn till after the Mornington election was over. He should like to know why the vote had been brought on that night?

Mr. DUFFY would tell the hon. member why the Estimates had been brought forward that evening. It was at his (Mr. Duffy's) request. His hon. colleagues, the Attorney-General and the Minister of Justice, would not be in their places till after the adjournment for refreshment, and, as legal questions were sure to arise during the discussion on the Land Bill, he was unwilling to proceed with it in their absence. (Hear, hear.) He had, therefore, on the previous evening asked the hon. Minister of Finance to place supply on the notice-paper, so that the House might be occupied with carrying on the business of the country before the Land Bill came under discussion. He had had as much knowledge of the present item being likely to be brought forward as the man in the moon. (Hear, hear.)

Mr. WOODS considered the explanation satisfactory; but would still ask that the vote should be passed over for the present.

Mr. M'CANN would correct the error made by the hon. member for Collingwood, in saying that the only extra votes for public works were in favour of two small districts represented by Government supporters. There had been a large increase in the vote for Geelong, which was represented by four members of the Opposition.

Mr. HAINES hoped the vote would pass, for if any mischief (politically) had been done at all, it had been accomplished by placing the money on the Estimates. The mere carrying of the vote could not increase the popularity of the Government, for if it were lost the more reason there would be for giving the Ministry additional support.

Mr. SULLIVAN hoped the objections to the vote would be withdrawn, for he was inclined to agree that more good would be done to the Government by refusing the vote than by passing it. That the money was required was generally admitted, and to reject it would appear as though the Opposition members were punishing the electors of Mornington.

Mr. COHEN was sorry to find an hon. member whose profound oratory so often delighted the House accusing the Government of trickery and dodgery in this matter, when both the candidates at the Mornington election had promised to support the Government. He regretted that every subject brought before the House was treated as a party question, while the general good of the people was forgotten. (Hear, hear.) It would be well if the reporters did not report speeches in which the question was so treated.

Mr. BROOKE must reply to the question of the hon. Commissioner of Public Works, as to how it was to be known that the vote had not been previously struck out of the Estimates for political reasons. On looking at the Estimates alluded to, he found that the vote had not been inserted therein at all. The hon. member had, therefore, brought a charge against himself, he being in office at the time. (Laughter.)

Mr. JOHNSTON had not made any charge at all; and the hon. member must know that the vote had been on the Estimates for two or three years previous.

The motion to report progress was then put and negatived, and the item agreed to.

Mr. HAINES moved that £12,100 be granted for police quarters, lock-ups, repairs, and police buildings generally; and also for furniture for the use of the police.

In answer to Mr. FRAZER,

Mr. JOHNSTON explained that the money would be expended on receipt of requisitions from the police department. The Government were aware that, large as the item was, it was still very insufficient.

Mr. SNODGRASS desired that the vote should be postponed till the select committee considering the police question brought up their report.

Mr. O'SHANASSY stated that the amount was set down at £20,000, but it was reduced to £12,100 on account of the pressure of the times. The money would, in great part, be spent in providing accommodation for the police at new rushes on the gold-fields, and supply police protection to places now nearly destitute of it. The expenditure of the vote would not rest on the judgement of the officers of police, for frequently requests for extra police accommodation were urged by municipal councils and such like bodies. The money was required almost immediately; and though he had no objection to the reception of the report of the select committee, delay would be dangerous.

In reply to Mr. WOODS,

Mr. O'SHANASSY said the Government could not tell how the money would be spent, for they could not say how many new rushes would take place, nor what repairs would be required.

Mr. HEALES pointed out that nothing was to be gained by opposing the vote, which his experience informed him was a necessary one, and usually amounted to from £20,000 to £25,000.

After a few remarks from Mr. RAMSAY and Mr. W. A. BRODRIBB,

The item was agreed to.

Progress was reported, and the committee obtained leave to sit again on Friday.

CROWN LANDS SALES BILL.—RESUMPTION OF THE DEBATE.

The House having gone into committee on this bill,

The 11th clause was read. It provides that the Board of Land and Works shall, from time to time, cause to be surveyed agricultural areas taken from the 10,000,000 acres appropriated for agricultural purposes, in allotments of not less than 40 nor more than 640 acres; and that the Board shall cause plans of the land so surveyed to be prepared, on which plans each allotment shall be divided into two equal subdivisions.

Mr. GRAY said he intended to move two amendments on the clause—first, that "320" should be substituted for "640;" and, secondly, that the word "four" should be substituted for "two."

Mr. RICHARDSON asked the Commissioner of Lands and Survey to give the information which had been asked for by the hon. member for Maldon, as to the probable extent of the areas; as this would have an important bearing on the subject of commonages.

Mr. DUFFY suggested that the hon. member should postpone raising this matter until the question of commonages was before the House. The sole reason why he had not answered the question of the hon. member for Maldon was, because the Government had not yet determined what should be the probable extent of the areas. On a question of such intricacy the Government could not be expected to have their opinions ready, cut and dried. When the 10,000,000 acres were indelibly fixed, the Government would state what 4,000,000 acres they proposed to have thrown open for selection during the first year, and the precise position of the areas. He should then feel it his duty to answer the hon. member for Maldon, and give the House ample opportunity of knowing what the intentions of the Government were. At a more advanced stage of the measure he would state exactly where the 4,000,000 acres lay, into what number of areas the Government proposed to divide them, and the extent of each area. It was the sole desire of himself and his colleagues that when the bill became law it should work efficiently for the public service of the country; and they were prepared, within any reasonable degree, to alter their own views to meet the wishes of the House. (Hear, hear.)

Mr. GRAY moved his first amendment, limiting the maximum extent of the allotments to 320 acres, instead of 640. He had two reasons for proposing the amendment. The first was, because surveying in large blocks might lead to favouritism on the part of the surveyors, and was unfair to men who desired to purchase small quantities of land. No person practically acquainted with the matter could fail to perceive that the greatest favouritism might be shown in surveys if the surveyor were permitted to survey one portion of the land in lots of forty acres, another in lots of 160 acres, another in lots of 320 acres, another in lots of 640 acres, and so on. From the influence which would be brought to bear upon the surveyors, it would be found that the best lands would be included in the allotments of 640 acres, and the consequence would be that the man who required a large allotment would gain an advantage, while the man who required a small one would suffer. He wished the House could determine that the surveyor should survey allotments of a fixed quantity—say 80 acres—by right lines, according to the system in operation in the United States, which would prevent any possibility of favouritism; but it would be futile to attempt to accomplish that object. It was not unreasonable, however, to ask the House to limit the maximum extent of the allotments to 320 acres. Those gentlemen who thought that a man who bought a plot of land ought to have a preferential right to purchase 640 acres within twelvemonths after the proclamation of the land, need not vote against his amendment, because that principle might still be carried out by a man purchasing two lots of 320 acres each, instead of one of 640 acres. The second reason why he proposed the amendment was that, even supposing the surveyors acted quite impartially, it was unjust to the man who wanted a small farm to make the maximum area 640 acres. He knew an instance under the present act, in which a person in the neighbourhood of Avenel was ready to go into the auction-room to bid for 160 acres of land, but it was impossible that he could bid for 400 acres, and therefore he was deprived of the opportunity of purchasing. Such cases as these might not strike the minds of hon. members until after the bill was passed, when it would be too late to apply a remedy. He thought 320 acres was quite large enough for any agricultural area, and that experience in connexion with the squatting licence system proved he was right. He concluded by moving his amendment.

Mr. DUFFY understood the hon. member for Rodney to take two objections to the clause in its present form. In the first place, he was afraid that if survey were permitted to be made in such large quantities as 640 acres the best land would be surveyed in those quantities, and the person who wanted them would be able to get the very best land. In the second place, he thought that 640 acres was too large a farm to permit any person to take up in the first instance perferentially. He (Mr. Duffy) would reply to both these propositions in turn. With regard to the survey, he reminded the hon. member that the same power existed under the Nicholson Land Sale Act. Hundreds of surveys made under that act had passed through his (Mr. Duffy's) hands, and he did not remember a single allotment of 640 acres ever to have been surveyed. The power to survey allotments of that size had existed, but it had been an absolute dead letter. There had been no areas of land surveyed in lots so large as 640 acres, and probably very few so large as 320 acres. So far as this went, therefore, he was disposed to say that he and his colleagues had no objection to accept the amendment; at all events he would promise that it should be acted upon as long as he was at the head of the Lands and Survey Department. Upon the second point, namely, that it was desirable to limit the quantity of land a man might take up in the first instance to 320 acres, he could not agree with the hon. member at all. The hon. member should remember that the Government proposed to reserve in the 10,000,000 acres all the fine agricultural land. Many persons would come into the country who did not intend to be farmers at present, but would desire to buy land as their permanent home. He dared say that many members of that House would be disposed to buy 320 or 640 acres of the land included in the agricultural reserve, and to comply with the law in making improvements and fencing. Well, then, to limit the land in the manner proposed would give rise to very great inconvenience. His experience led him to believe that it would be unwise to limit the occupation to 320 acres. He had been in communication as much as possible, since the Land Bill was introduced, with practical men, and he found that amongst them

there was a desire to combine the two branches of industry—farming and grazing. The hon. member would know how large a sum of money went home in the purchase of bacon. Well, many practical men said that the better plan would be to raise crops which would feed pork for their own markets, and in these 640 acres they gave land a portion of which would be devoted to that purpose. As he had said, he was willing to accept the amendment in part; but when they came to the clause which fixed the limit to 640 acres, he trusted the House would keep to that proposal.

Mr. FOOTT approved of the view of the question taken by the hon. member (Mr. Duffy), and hoped that the member for Rodney would not press his amendment.

Mr. W. C. SMITH also supported the proposition contained in the bill; and thought that if the hon. member for Rodney was as well acquainted with the greater portion of the country as he and other hon. members were, he would not have moved his amendment, which was altogether inapplicable to land of second-rate quality, which was the nature of a proportion of the 10,000,000 acres, however applicable it might be to land of first-rate quality.

Mr. NIXON was proceeding to address the House in opposition to the amendment, when

Mr. GRAY rose and said that, after the explanation of the Commissioner of Lands and Survey, he would withdraw his amendment; but, at the same time, he would take action regarding the 320 acres at the proper time. He would now propose an amendment of much more consequence. It was that the word "two," in the seventh line of the clause, be omitted, with the view of inserting in its place the word "four;" the real object of his motion being whether, with regard to deferred payments, one-fourth or one-half should be the proportion paid down. During the discussion on the Nicholson Land Bill many hon. members in the House had always desired that one-fourth should be the amount, although one-half was the amount ultimately fixed. Remembering past circumstances, he thought he might reasonably bring forward that proposal, and he could not be accused of doing so in any party spirit. In the first place, in a House much less popularly composed than the present, the prevailing opinion was that the proposition should be one-fourth instead of one-half; and in the next place, opinion had much advanced since that time, and it had done so in favour of allowing the man of small beginnings to commence easily; and in the next place, circumstances and the condition of the country, and the value of money, had much altered, and, therefore, there was the greater reason for his amendment. It was two years since the Nicholson Land Bill passed, and he believed there was no class in the country who now found that the labour of the twenty-four hours in the day yielded as much as it had done then. He believed that the man who then earned 9s. or 10s. a-day did not now earn more than 6s., and certainly nearer 6s. than 7s. He believed that the public officer found his pay considerably reduced, while those who were living by independent means and the possession of property found that a revolution had taken place almost equivalent to the change he had described. He would suggest, therefore, that the proposition he had submitted, which had not formerly met the approval of the Upper House, but which he had reason to believe would now be adopted by that body, that the deposit should be at the rate of one-fourth, or 5s. an acre, should be carried into effect; and that amount would be equivalent to 10s. an acre two years ago. He would ask any man who had a house for which he then received a rent of £200 a-year, whether he received now more than £100, if as much? And he would ask any one engaged in trade, whether his profits had not fallen to something like the same proportion? When a public adversity like that overtook a country, the case of those who nearly lost their livelihood altogether was still more deplorable, and there were many such cases. In fact, in every class of life persons found their incomes greatly diminished, and in cases where property was removed from Government occupation or the occupation of great firms, who did not alter their rates of payment at all times, it had so declined in value that a person who was in a position to give £200 for a piece of land two years ago, could not give more than £100, or £120, at the present moment. Under these circumstances, he did not think he was asking too much when he asked the House to change a decision of the Upper House which they had accepted on compulsion, and make the proportion one-fourth, instead of one-half. He had been in communication within the last two months with persons who were desirous of going upon the lands, with persons who had taken up occupation licences, and with men who had earned their 9s. or 10s. a-day, who had brought up families respectably and had been able to save money, but who were now nearly thrown out of employment. And these were the persons upon whom they should now depend, as forming the materials for the aggregate agricultural industry of the country. If they exacted from persons who came here, say with £250 or £300, fully one-half of the price of the land at £1 per acre which they were disposed to take up, the result would be that an immense numerical proportion of the persons desirous to come in and take a share of this industry would be shut out from so doing. It should be remembered that, while two years ago wheat fetched from 8s. to 9s. per bushel, the price now ranged only from 4s. 9d. to 5s. 3d. per bushel, and nothing but scarcity in France and the war in America kept it at this price. Again, hay, which two years ago brought from £8 to £9 per ton, now commanded only £5 per ton. Then, it should be considered, that by limiting the selection to 4,000,000 acres, instead of 10,000,000 acres, the selector would not have the pick of the lands. Again, the farming population would be shut up within their fences. They would have no opportunity—like the population of other countries—of availing themselves freely of the natural grasses of the country. Indeed, the persons to whom this clause applied would be deprived of the cream, and have only the skim milk. In almost all the other new countries of the world, 5s. per acre seemed to have been adopted by almost universal consent as the price which should be paid for land such as that which the bill offered at £1 per acre; and yet this

colony was 14,000 miles away from the best markets of the world, and the diminution in values within the last two years, as he had shown, had been remarkable. He might here observe that the district which he represented (Rodney) was not included in the agricultural areas referred to in the bill. It was marked white upon the map. In California, in British Columbia, at the Cape of Good Hope, and in India, the price of land was now set at 5s. per acre. Under these circumstances he thought it an extremely modest proposition, in fact it was a timid proposition—to ask that the immediate payment should be 5s. instead of 10s. per acre. A family might set out from England, Ireland, or Scotland, for the purpose of settling in this country. They might sail with a few hundred pounds, which would be considerably diminished when they arrived, and still further diminished after paying the cost of residence in Melbourne during the time they might be ascertaining in what part of the country it would be desirable to settle. Supposing this family desired to go upon 320 acres, would it not be an enormous tax to compel them at once to pay down £160? No other industry in the country was treated in this manner. What he asked was, in such a case, that the settler should not be required to pay down more than £80, or one-fourth of the purchase-money. He hoped that the Minister of Lands, if he could not at once assent to the amendment, would take counsel with his colleagues as to whether this was not a reasonable proposition. Mr. Gray concluded by stating that he had presented the case in an aspect altogether unconnected with party, and with the desire solely to secure the benefit of the agricultural interest.

Mr. O'SHANASSY trusted that the member for Rodney would give the Ministry credit—seeing that most of them had lived some years in the colony — that they had not come to a decision on a question of this kind without due deliberation. The price of land was certainly a fair subject for consideration in the settlement of the land question. He thought, however, that the member for Rodney, in dealing with this subject, had overlooked the position which he had recently taken up. For example, the hon. member had urged that, rather than this bill should pass, he would have the present law remain. Now, it so happened that that law provided that the price should be, not merely £1 per acre, but £1 per acre for the most inferior land. ("No," from Mr. Gray.) Country lands could be obtained for £1 per acre, but the right of grazing on a portion at 1s. per acre did not give any right of fee or any right of cultivation. Again, if the lowest class of lands realized £1 per acre, it was quite clear that the money payment under the existing law must be larger than was proposed in the present bill.

Mr. GRAY said he had before him a return showing the land sold during the three months ending the 1st of April last, which might be taken as an index of the operation of the Nicholson Land Act. During that period 92,000 acres of country lands were sold. Of these, 6,000 acres were disposed of by competition, and produced more than £2 per acre. The rest sold for £1 per acre, thus showing an average on the whole £92,000 acres of £1 2s. per acre. But to take 6,000 acres from 92,000 acres did not show that the land left was of an inferior quality.

Mr. O'SHANASSY thought the conclusion to be drawn was, that 6,000 acres were eminently valuable land, and 86,000 acres were not. Those who were acquainted with the features of the country knew well enough that there was a great deal of competition for the best land, arising from the peculiar character of the soil or situation. But taking the whole quantity at £1 per acre, he would remind hon. members that that was £1 cash, and, therefore, a much harsher mode of payment than that of the bill, which only required the payment down of one-half. Experience, however, had shown that the people preferred paying cash to holding their lands on credit. The quantity of land held on credit was about 100,000 acres, which was a very small proportion to the quantity paid for. (Hear.) The member for Rodney had urged that, although the Legislative Council rejected, two years ago, the proposition in the Nicholson Land Bill of requiring payment for only the fourth of an allotment, the time had arrived when the other House would accept such a proposition. But had the hon. member produced any evidence to show that the Legislative Council had altered its mind on the subject? No. Then what use was there in bringing forward such a proposition when it was well known that persons who had bought property in the country during the last twenty years were naturally jealous of that property being depreciated in value by the action of the Legislature? The quantity of land sold in the country during the last twenty years was about 4,000,000 acres, which had realized about £10,000,000, and those who represented that interest had come to a compromise on this question with the view to a final settlement. Certain members of the Government had advocated for years cash payments altogether, and yet they now made a concession, based on compromise, with a view to give greater facilities for the settling of the industrial classes on the agricultural lands. But to ask for the cash payment to be reduced to 5s. per acre was to ask that which the member for Rodney knew well would not be carried in this or the other House. (Hear.) And now as to the merits of the reduced price. The hon. member had not said that he would give a title on payment of 5s., or whether he would adopt the condition imposed in New South Wales, and only issue the title when all the money had been paid up. Looking over the Convention pamphlet, he found that that body had carefully left the question of the price of land alone, though it was a most important element in a consideration of the question. For himself, he believed that agricultural land in this colony at £1 per acre was really cheaper than land at 5s. per acre in the other countries spoken of; nor had he formed this opinion hastily, or after short experience. When he looked at the productiveness of this country, and its possession of all that made property valuable—its favourable climate, good roads and railways—he could not but think £1 per acre here cheaper than 5s. in the backwoods of America, with an inferior climate, and its distance from the seaboard. Looking at the *New York Almanac* he saw how the price of land rose as civilization advanced.

As towns rose, churches were built, and roads were made, land became more valuable, and this entirely upset the hon. member's comparison; for surely land in Victoria at £1 an acre was cheaper than land at £12 per acre in the State of New York. Another and additional argument was, that all the Australian colonies adopted the price of £1 per acre; and, considering the quantity of land the colony possessed, a reduction to 5s. an acre would be most destructive to the industrial classes. The price of 2,000,000 acres would only be £500,000, which was not a large sum for this country; and the result of a reduction would be that that which was best in the hands of small freeholders would be thrown into the hands of capitalists. Surely the hon. member would abandon his proposition.

Mr. GRAY said he had not brought it forward.

Mr. O'SHANASSY replied that the hon. member had, in fact, argued for it when he pointed to other countries who, in spite of their low-priced land, never got a population and probably never would. The price of land was, in point of fact, the smallest possible incident in farming pursuits. The farmer's real difficulty was that his industry was swallowed up by the price of labour.

Mr. DON.—Nonsense. It is the want of grass.

Mr. O'SHANASSY continued to say that in South Australia one of the reasons of the farmer's success, with an inferior soil and worse climate, (hear, hear,) was that he was at the commencement of his career, owing to the distress which fell upon the country, driven into very frugal habits. And it was an ascertained fact that three-fourths of the labour required on his farm was performed by himself and family. In New South Wales, notwithstanding the many free grants of land, only 150,000 acres of those grants were under cultivation. It was plain, therefore, that the mere price of land did not enter into the farmer's calculations so much as the labour market, and its peculiar position since the discovery of gold. The hon. member had argued that it was necessary to reduce the price of land as the circumstances of the country altered; and if that view was to be held good, the Board of Land and Works would be enabled to fix a new tariff of rates every year, bringing down the price to 3s., 2s. 6d., or perhaps 1s. per acre. The hon. member called the price of land a tax on the purchaser, but surely he forgot that the land once handed over to the purchaser became his property, representing money and an inheritance for himself and children. That half the purchase-money should be paid down was called a great burden, but yet, when a man proposed to take up forty acres, he could go on to it at once for £22 10s.; which was no great sum for any man in this country to possess. Would not the hon. member turn his attention to the advantages derivable from keeping up the price of land? Surely there was some advantage to be derived from being able to get one's friends out from England, and the New South Wales act contained no such proposition. Lecturers had been sent home from that colony,—men whom he highly respected,—but he could not see that they had been successful in inducing any large number of persons to come out. (Several hon. members.—"Nor will they.") For himself, he would say that he did not believe in lectureships of that kind by themselves. Of himself, a lecturer could not do so much good as people supposed, but such a lecturer might remove misapprehensions as to the actual state of the land law here, pointing out the privileges which this bill would give, and if anything could assist immigration that ought to do it. It was only in connexion with such duties that such lectureships were in any way brought before the House. Hon. members who advocated occupation licences must see that the payments proposed by the bill were much easier than those under the occupation licence system. Even the hon. member for the East Bourke Boroughs had said,—"Of what do you complain? I am going to charge 2s. 6d. per acre per annum, and that is twelve and-a-half per cent?" At the time he (Mr. O'Shanassy) had thought such terms very usurious, especially when the land would eventually be sold at auction for whatever it would fetch.

Mr. HEALES said he had never made such a proposition as to sell the land for what it would fetch. The late Government had proposed to let the occupier have it at £1 per acre. This was not set forth in the conditions of the licence, because there was nothing in the clause which would enable the Government to do so, but it had been intended to effect this purpose by bill.

Mr. O'SHANASSY, even supposing that this was the case, was sure that a payment of twelve and-a-half per cent. per annum, followed by a sale at £1 per acre, was not so liberal or easy in any sense of the word as the proposition contained in the bill before the House, which gave the farmer a good start, on easier terms, good roads, and the power to get friends from home. The circumstances of the country would not warrant a reduction in the price of land.

Mr. GRAY and Mr. WOODS.—Who seeks it?

Mr. O'SHANASSY.—Then the hon. member is satisfied with the present proposal.

Mr. GRAY complained that he had been misrepresented. The hon. Chief Secretary knew that he (Mr. Gray) had not disputed the question of paying £1 an acre in the end.

Mr. O'SHANASSY could not have misrepresented the Convention when he said that they had not fixed upon an upset price at all. He intended to oppose the amendment, because he thought the bill as it stood to be a fair compromise, especially when it was considered that many hon. members who always opposed deferred payments had yet, knowing that deferred payments had been to some extent granted by the last Parliament, agreed to accept them now. To ask for land at 5s. per acre after that was rather too much, when it was remembered that the subject had never been discussed at all in any part of the country, everybody seeming to agree that it was a great concession on all sides. Indeed, so much was thought of it that he knew of persons coming here from New Zealand and waiting for the law to pass, believing that it would confer greater benefits upon them than any other land law. If the amendment were carried it would merely give the Upper House an opportunity to reject the proposition and introduce others of their own.

Mr. HEALES complained that the hon. Chief Secretary had not dealt fairly with the arguments of the hon. member for Rodney, for that hon. member had never argued for a reduction in the price of land, but for a reduction in the first payment from 10s. to 5s. Such a proposition could not be unreasonable when it was adopted by the last Parliament, and only abandoned by the pressure of the other branch of the Legislature. He did not believe that the Upper House were in the same position now as they were then. It was not unreasonable to suppose that sufficient time had elapsed to justify the hon. members of the Upper House to come to the conclusion that they might concede this amendment, considering that 5s. was as much as 10s. was two years ago. The amendment contained no alteration of principle, but merely proposed to enable cultivators the better to meet the contingencies that might arise. Everyone who watched the circumstances of cultivators must be aware that the farmer had more difficulties to contend with during the first year than ever he had afterwards, and the great object of any a tempt to facilitate the settlement of the country ought to be to ease his first payments, so that his labours to redeem the wilderness might not at the start be cramped by want of means, and he might be enabled to dispose of his capital far better than he could if it only came into his hands some years later. It was not too much to say that the Legislature in New South Wales had this object in view, and took from the farmer the least possible amount at the commencement of his career. In America the case was different, for there the custom was not to make any payments for land at all till the money came up to the settler, by which time he would have accumulated enough to pay the whole amount of the purchase-money. It was no doubt necessary here that some portion of the purchase money should be paid in advance as an earnest, but it was by no means out of the way to consider whether that first payment should not be reduced, so that the number of persons cultivating the soil might be increased, and also to suppose that the Upper House, considering the increased value of money, might possibly be ready to concede this point. The hon. member for Kilmore had said that the advantages of the occupation licences had been considerably over-rated. The issue of those licences, however, was merely a means to an end. The object was simply to commence another land system, which, in reality, gave to those who intended to settle upon the land greater advantages than they had before. The Government who initiated that system had not the power to give the advantages under it which they wished to give. They acted according to what they believed to be the legal interpretation of the bill; and considering this, and the fact that they placed the best lands in the colony under free selection before and after survey, they were justified in commencing with a small rent of 2s. 6d. The hon. member for Kilmore must be aware that when he (Mr. Heales) made the statement which he did in reference to twelve and a half per cent. on capital, and holding the land still in the possession of the state, with power to sell at £1 per acre, he was merely defending the Government against the charge of wasting the property of the state, undervaluing the securities of the mother country, and doing everything they could to depreciate the value of the property of this colony. He clearly stated that, in legislating upon the subject, he should feel justified in introducing a more liberal system than the occupation-licence system. Those who availed themselves of that system were delighted with it, and did not think 2s. 6d. an acre an unreasonable price to pay for advantages which the promoters of the present bill did not even attempt to give—the advantages of free selection over the whole colony. Those parties who believed in free selection—who believed in their own power to choose for themselves, in contradistinction to the choice made for them by the Government surveyors—believed they could choose land which to them was better worth 2s. 6d. per acre per annum than other lands chosen by the state might be even at 6d. per acre. That was their opinion, and they considered the occupation licences a very great boon. It was not fair, therefore, to compare the system of occupation licences adopted by the late Government—admittedly an imperfect system, but as perfect as it could be made under the law—with a system put forward by a Government after mature consideration, and with all the advantages which they believed they could give. The hon. member for Kilmore was mistaken when he imagined that the introduction of the system of deferred payments would reduce the price of the lands already sold. He believed that the reverse would be the case, and that it did not matter in the slightest degree to a person who had already purchased land what price was paid by his neighbour.

Mr. O'SHANASSY.—You better give it away.

Mr. HEALES thought that as far as a present owner was concerned it would be a matter of no importance if the land was given away. The fact mentioned by the hon. member for Kilmore, that land had been sold in the United States for 5s. per acre which was worth £12, was an illustration of this.

Mr. O'SHANASSY said nothing of the kind.

Mr. HEALES understood the Chief Secretary to say that, by the increase of population, lands in the city of New York had increased in value to £12 per acre.

Mr. O'SHANASSY.—But I did not state that they were originally sold for 5s. an acre.

Mr. HEALES.—Were they?

Mr. O'SHANASSY.—I know that land in the city of New York was given away.

Mr. HEALES said that made the argument stronger. Any system which kept up a false value to land was fallacious. The only thing which could give increased value to land was increased population. If they could get population to surround the lands which were already sold, the value of those lands would be increased.

Mr. O'SHANASSY.—How will you get the population?

Mr. HEALES would get population by giving the inducements to settlement which were given in other colonies; and unless they did so, the very object which the hon. member for Kilmore had in view would be frustrated. However hon. members might differ as to the means to the end, they all agreed that the object in view was to increase the population and increase the value of property. It was a well-known fact that for

some years past neither the population of Victoria nor the value of property in the colony had much increased; but, on the contrary, the population had been almost stationary and proper y was decreasing in value. The House wished to increase the population, and to increase the value of property. They must, therefore, in the first instance, compete successfully for population, without which property would not increase in value. The amendment proposed by the hon. member for Rodney would really not place them on an equal footing of competition with the sister colony of New South Wales. The hon. member for Kilmore was scarcely justified in saying that the lands in New South Wales were different to those in Victoria. He (Mr. Heales) was informed, on good authority, that some of the land in New South Wales was as barren and inferior as some in Victoria, and, on the other hand, that some of the land in New South Wales was as fertile and valuable as any in Victoria. The Legislature of this colony must compete for population, and compete through the medium of their land law; but they could not do so unless they conceded the principle of deferred payment, which was in operation in New South Wales. Even if they extended to intending immigrants all the advantages proposed by the hon. member for Rodney, the advantages would still be inferior to those offered by the sister colony. Not only ought there to be a competition for population, but something must be done to dispose of the large number of persons who were at present in the colony, wondering whither to direct their steps, or what part they should make their future home. The House had, in the first place, to dispose of that portion of the population. Not only ought those persons to have the advantage of deferred payments, but facilities should be given for the combination of the two branches of agriculture, the cultivation of cereals and the rearing of stock. Unless this were done, he believed that farming would soon come to an end, and the country would become one vast sheepwalk. On the other hand, if provision were made for a combination of the two branches of agriculture, there might still be a large increase of the pas oral tenants of the Crown for many years to come. The two things were quite compatible, and both were necessary to the permanent prosperity of the country. The proposition submitted by the hon. member for Rodney did not involve any new principle—it was simply an extension of what had been concurred in by a large majority of the members of the present Government; and, therefore, in requesting them to vote for the amendment, he was simply requesting them to ask the other branch of the Legislature to concede what they had, on a former occasion, asked the Upper House to concede. If they agreed to the proposition, such an amennment in the Land Bill would be commenced that night as would make the measure, to a great extent, acceptable to the country, and conducive to the general prosperity. (Hear, hear.)

Mr. W. C. SMITH thought the amendment now before the House was the most reasonable and fair one which had been proposed. Only one class could be injured by the proposition, namely, present holders. They complained, with some degree of justice, that if this principle were adopted, future holders would have an advantage. On the other hand, however, it ought to be borne in mind that many of the present holders had acquired large fortunes. He did not believe that, ultimately, the present holders would be losers, because the value of their property would increase as the population in the vicinity increased; in support of which opinion he might state, that large quantities of land in the neighbourhood of Ballarat had increased in value tenfold. The only objection which he thought could be offered to the proposition was, that it would give the rich man the same advantages as the poor man; but he did not see how this could be obviated.

Mr. L. L. SMITH urged that, as greater inducements were given for settlement, the value of the land would increase; and that this opinion was borne out by what the Chief Secretary had stated with reference to the city of New York. He had been disposed, before the amendment was proposed, to move the substitution of the word "eight" for "two," in order to assimilate the system as nearly as possible to the occupation licence system. The hon. the Chief Secretary gave no reason why the amendment should not be accepted. He merely said that this bill was a compromise between his party and other parties. But were the interests of the country to stand still for a compromise? He might say that he was surprised, and regretted to see, that the Commissioner of Crown Lands had joined an Administration which brought down a bill which contained great inconsistencies in relation to the views formerly held by that hon. member.

Mr. SINCLAIR was in favour of the principle of deferred payments which was contained in the bill, and he had supported the same principle in the Nicholson Land Bill, but he dissented from the proposal of the Government, and therefore he intended, without saying more, to vote for the amendment of the hon. member for Rodney.

Mr. RAMSAY said the great object in view was production, and that could only be brought about by cultivation. But he would ask if it was wise to extract from the beginner the greatest amount they could, without reference to what he might be able to do afterwards? He thought not, and therefore he approved of the proposition which would give a man occupation of the land on the easiest possible terms. Insolvency literally would, in his opinion, be the result of a different system. He would say, take as little as possible from a man in the first instance, and leave him something to stock and cultivate his land, and by doing so, the prosperity not only of the individual, but of the country, would be advanced. He therefore quite approved of the amendment of the hon. member for Rodney. If they wished to keep the population they had, and to get additional population, they ought to extend to the people of Victoria the same advantages which were offered in neighbouring colonies.

Mr. ORKNEY was opposed to the amendment, and thought that such a proposal would work injuriously. As regarded the argument of the late Chief Secretary, he thought he had a case in point:—A farmer on the Dandenong road had put his farm in his (Mr. Orkney's) hands for sale, at a reserve price, less than the original cost of the land; and that although he had fenced in the land, made 100 acres of it fit for agricultural

purposes, and built a nice house upon it. But people who looked at it said they would not give as much for the land as had originally been paid for it; and, they added, that they would soon have the new Land Bill, under which they would be able to get land cheaper than it was got before. Now, he thought that was unjust to people who had purchased land under the old system; and, holding that view, he would vote against the amendment.

Mr. FOOTT would support the amendment. He was sorry to hear it so often repeated as it had been, that the House should not negative this or that because the Upper House would not assent to propositions except in connexion with the present Government, and in his opinion these statements made it appear as if the Government had been delegated by the Upper House to bring in the present bill. The member for Kilmore had referred to the inferiority of the climate and soil of South Australia, as compared with the climate and soil of this colony. And yet agriculture had succeeded there. But the reason of the success was, that every purchaser of land in South Australia, as soon as he had possession of his land, enjoyed the full benefits of free grass. Again, there was more stock in South Australia, according to the population, than there was in Victoria, by 2 to 1. And yet that colony was not founded, like this, by squatters. Mr. Foott then went on to refer to squatters as the stumbling-block to the progress of the country.

Mr. REID.—And yet the hon. gentleman was once a squatter himself.

Mr. BENNETT supported the clause, and pronounced the provisions of the Land Bill as liberal as could be desired.

After some observations from Mr. NIXON,

Mr. DUFFY desired to say a few words before the question was put. He confessed the argument on which the hon. member for Rodney had based his amendment—viz., that the value of money had greatly increased—had considerable force; but he asked the hon. member to remember at the same time that the price of land under the bill would be so considerably reduced below that imposed under the existing law that the case set up would be entirely met. When there had been competition under the existing law, the average price of land had been £1 19s. 4d. per acre; and when there was no competition, and land had been taken up under the leasing conditions, the price had amounted to £1 7s. per acre; whereas, under the proposed law, the price would be, practically, only 15s. 9d., when the interest, which the Government did not propose to enforce, was deducted. (Cheers.) This was a considerable reduction, and in some cases it would be even less. He confessed, again, that were this all that remained to be urged for the clause before the House he should still be inclined to go further with the hon. member; but there was one great difficulty which he could not get over—this was, that the introduction of the system contained in the amendment had been already tried, and it was determined that it would not be accepted by the other branch of the Legislature. For himself, he could say that he was one of those who most strongly urged on the Assembly not to give way on this point; but, with the exception of the hon. mover of the amendment, he hardly knew a single hon. member who had sustained this view of the case. Five shillings had been fixed upon by the House as the amount of the first payment, and when the then head of the Government proposed that the alteration made by the other House, changing the five to ten, should be adopted, and the House came to a division, the only members who voted with the "noes" were Mr. Hood, Mr. Humffray, Mr. Mackintosh,—now no longer a member of the House -Mr. Duffy, Mr. Gray, and Mr. Frazer. On the other hand, Mr. Heales spoke most strongly for the amendment. Mr. Sinclair and Mr. L. L. Smith did the same; and he could add that many other hon. members on the other side of the House did the same also. This was only one year and four months ago; and it would be only sending this measure to have it mauled about by the Upper House to insert this amendment in it so soon. Now, the view in which he had prepared the measure had been, that it was a compromise, and, under this circumstance, the Government would neither accept alterations in this House nor the other. Looking at the matter thus, he concluded it to be his duty to stand by the bill at the present time.

Mr. BERRY considered that as far as the first payments were concerned, there was no particular difference between the bill and the law as it stood. It was true that there would eventually be a difference when the principle of lot was substituted for limited auction, but that was not under discussion, and he could not see how the present proposition contained any particular liberality. Under the existing system, the purchaser would be made to pay 7s. in the first seven years after he took possession, while all that he would have to pay under the present bill would go towards the purchase-money. This was, however, not so liberal as it seemed. The hon. member then adduced a variety of figures to show that, under the system of 2s. 6d. payments, the extra interest alone would amount, in eight years, to 10s., which entirely outdid the 7s. payment made under the existing law. In fact, the whole bill was only part of a system of seeming liberality. It was never intended to facilitate agricultural settlement, but only to perpetuate the squatting tenure. He would, of course, vote for the amendment, which took a direction more acceptable to himself.

Mr. LEVEY wished, in relation to a remark made by the hon. member for Rodney, to say a word or two. That hon. member had said that his district had been left out of the map of agricultural lands.

Mr. GRAY had said that his district was marked in white.

Mr. LEVEY, in looking over the map since, had seen that at least half the district of Rodney was marked down as "good agricultural land." (Mr. Gray.—"And more than five-sixths of every other district.") After a careful search, he was satisfied that it would be difficult to find any good agricultural land which had been omitted from the map.

The question was then put, "that the words proposed to be omitted stand part of the question," and the House divided, as follows:—

Ayes	26
Noes	24
Majority against the amendment	2

The division-list was as follows:—

AYES.

Mr. Anderson	Mr. Hood	Mr. Orkney
— Aspinall	— Ireland	— O'Grady
— Bennett	— Johnston	— O'Shanassy
— Brodribb W.A.	— Levey	— Riddell
— Cohen	Dr. Mackay	— Smith, A. J.
— Duffy	Mr. M'Mahon	— Tucker
Dr. Evans	— M'Donald	— Wilson
Mr. Haines	— Mollison	— Wood.
— Heuley	— Nicholson	

NOES.

Mr. Berry	Mr. Gillies	Mr Richards
— Cathie	— Gray	— Service
— Davies, J.	— Heales	— Sinclair
— Denovan	— Humffray	— Smith, L.
— Don	Dr. Macadam	— Smith, W. C.
— Edwards	Mr. M'Lellan	— Sullivan
— Foott	— Nixon	— Weekes
— Frazer	— Ramsay	— Wright.

The motion, that clause 11 stand part of the bill, was then agreed to without a division.

Mr. L. L. SMITH moved that the House report progress.

Mr. DUFFY said that he apprehended there would be no opposition to the next two or three clauses, and he would ask the committee to deal with those. ("No, no.") A great deal of time had been wasted in discussing the last clause.

After some discussion as to the propriety of adjourning, in which Mr. W. C. Smith, Mr. Service, Mr. Ramsay, and others took part,

The motion to report progress was negatived.

Clause 12, which provides that agricultural lands shall be open for selection within one month after proclamation, was next submitted.

Mr. GRAY moved that three months should be substituted for one month. He intended that the maximum time should be three months, and would leave it to the discretion of the Government to fix a minimum.

Mr. DUFFY was willing to accept the amendment if the committee were in favour of it.

Mr. GRAY said his object would be served if the Commissioner of Lands and Survey would take the matter into consideration at his own office.

Mr. DUFFY said he would do so.

The amendment was then withdrawn, and the clause agreed to.

Clause 13—"Proclamation of land office and land officer"—was agreed to.

On clause 14—"Mode of selecting agricultural lands"—

Mr. RAMSAY said he was afraid that the clause would establish the principle of allowing any individual to select a section of 640 acres in every area.

The clause was agreed to.

On clause 15, "Applicants' register-book to be kept at land-office," being read,

Mr. DUFFY said the clause in its present form provided that the Land-office should be open every day, but he would introduce an amendment to provide for the office being open only on certain days to be duly notified, in accordance with the system adopted in New South Wales.

After some remarks from Mr. GRAY,

The clause, as amended, was agreed to.

Clause 16, "Priority of application to be determined by lot."

Mr. RAMSAY said that under the clause as it at present stood, a person who went to the office to register his application at eight o'clock in the morning would have no advantage over the man who went at four o'clock in the afternoon of the same day. This would be a great injustice, and he intended to propose an alteration in the clause, but he had not yet been able to put his ideas into shape. He hoped the Government would consent to report progress, to afford him the opportunity of drawing up his amendment.

Mr. DUFFY said the object of the Government in framing the clause as it stood at present, was to place all persons on an equality who applied on the same day, because, if a different system were adopted, mistakes might be made as to the precise hours at which persons called, which would give rise to misunderstandings and disputes. He suggested the clause should be allowed to remain as it was, but if the House were of a different opinion he would consent to a suggestion made by the hon. member for Ripon and Hampden, to insert the words "and hour" after the word "day," which was a very simple mode of meeting the difficulty.

Mr. DENOVAN said that the plan adopted in granting mining leases at Bendigo was to make a memorandum of the hour at which the parties made their applications, and issue the licences in the order in which the applications were recorded.

Mr. WEEKES said that in the case of applications made by letter the letters might be stamped with the hour at which they were opened, and the applications registered and granted in that order.

Mr. O'SHANASSY said it might happen that the officials in the Land Office would not stamp the letters in the order in which they were received.

Mr. WEEKES proposed that the letters should be stamped before they were opened.

Mr. ASPINALL pointed out that a difficulty might arise if the words "same day and hour" were inserted in this way; as an applicant might apply at fifty-nine minutes to the hour, and another at two minutes past the hour, and these could not be regarded as at the same hour, because, in the one case it would be between eleven and twelve o'clock, and in the other it would be between twelve and one.

Mr. GRAY thought it would require a different interpretation to be put upon the act if the words "same day and hour" were used.

Mr. IRELAND said, with regard to this question, the custom on the gold-fields was, when leases were issued, persons made applications to magistrates, and one person might come in with an application while a second immediately followed him. The first might require to go outside to get money from his mate to deposit, and, in the meantime, the second, who might have the money ready, would have his application granted. That was an objectionable plan, he thought, and it was better, therefore, to adopt the scheme which the Government proposed. He would not leave such power in the hands of the officer of the department, as to enable him alone to decide which was the first application. There must be some arrangement made, and that which the Government proposed was the best.

Mr. GRAY doubted whether the arrangement would work as was expected.

Mr. IRELAND said that if the clause were passed, and an interpretation clause added, the difficulty would be met.

Mr. DUFFY would point out that since he had been in office a charge had arisen against a stipendiary magistrate, under the Nicholson Land Bill, of unduly favouring an applicant, and it was to avoid such cases for the future that the present proposal was made. He believed that if the matter were properly looked into, all hon. members would adopt the same view as the Government had done.

Mr. GILLIES pointed out that the regulation on the gold-fields was, that a book of registration should be kept, in which all applications were entered, and if that system were adopted all difficulty would be got rid of.

Mr. O'SHANASSY thought the hon. member did not see that twenty letters might be received at one time, and in that case which was to be entered as having been received first?

Mr. GILLIES.—When two personal applications were received, they would take precedence of the afterwards received posted ones; and where twenty written, or whatever number of letters were received at the same time, they would be entered as having arrived at the same time.

Mr. DUFFY explained that the last-passed clause of the bill provided that a book of registration should be kept. If the House passed the clause as it stood, he would undertake to recommit it if it was found necessary to do so.

Mr. GRAY.—That assurance is quite satisfactory.

The motion, that the clause stand part of the bill, was then put and carried.

On the 17th clause, providing for the registration of purchase and the issue of Crown grants,

Mr. GRAY hoped the hon. member (Mr. Duffy) would allow him, in the hurry with which some of the clauses had been passed over, to refer at a future time, if necessary, to the 14th clause, with the view of effecting an improvement upon it.

Mr. DUFFY had taken a note of all the clauses which he had promised to recommit, and all these would be recommitted, in accordance with the promise made. He would also add, that the clause now under discussion obviated the inconvenience which would result to the poorer settler if he did not get his land forthwith. In such an event the money of the applicant would be immediately returned to him, so that he could at once devote it to other purposes.

The question, that the clause stand part of the bill, was put and agreed to.

On the 18th clause,

Mr. DUFFY moved that progress be reported.

The motion was put and carried, and the Chairman reported progress, and obtained leave to sit again on Tuesday.

The House then resumed.

THE EXPEDITION TO THE GULF OF CARPENTARIA.

Mr. HEALES said that it had come to his knowledge that a very important telegram had come to hand with reference to a matter of great importance, and he would ask the hon. the Chief Secretary to read it to the House.

Mr. O'SHANASSY would have no objection to do so. He had already sent the telegram to the press for publication; but he would read it to the House with pleasure, especially as the hon. member (Mr. Heales) might be able to give some information respecting it which might be of advantage. The telegram was as follows:—

"Brisbane, Feb. 19, 1862.

"Jessie Oswald just arrived in Moreton Bay. Discovered on one island, in Torres Straits, about three months ago, portions of wreck of the Firefly; a cask, marked 'H.M.S 8. Victoria;' four horses, with Government brands; and sheep running wild. It was evident, from marks of encampment, that the crew had been on the island for some time. No trace of the Victoria, except the casks referred to above. This cask was probably lent to the Firefly."

He believed he was correct in saying that the Firefly was chartered by the late Government to convey stock, provisions, &c., to the Gulf of Carpentaria, where it was to meet the colonial steamer Victoria. She had casks on board marked in the manner mentioned in the telegram, and these casks, as he understood, were sent by the Firefly from Melbourne. Hon. members would observe that there was nothing in the telegram to show that the Firefly had met the Victoria in Torres Straits or on the coast at all.

Dr. MACADAM observed that, as soon as he understood this telegram had arrived, he endeavoured to secure what information he could with respect to the vessels which had gone to Carpentaria, and particularly with respect to the Firefly. The documents of the Exploration Committee, however, were at present in the hands of the commissioners appointed to inquire into the circumstances attending the fate of Burke and Wills, and, consequently, he could furnish no very precise data with regard to the matter. He believed that what the Chief Secretary had stated was quite correct—that the Firefly was one of the tenders employed to go to Carpentaria, and that she had on board some three months' provisions for the Victoria. It would appear from the telegram, that in the wreck of the vessel, those provisions were lost, with the cask and cases bearing marks as belonging to the steamer. But the documents would be examined in the morning, when the precise cargo of the Firefly would be ascertained, and some estimate could be formed of the real extent of the disaster.

Mr. O'SHANASSY begged to observe that, as far as the information in the possession of the Government went, the Victoria was not expected back at Melbourne until the close of February, or the beginning of March, so that she might not have met the Firefly at all. Indeed, she might have been detained at the Gulf of Carpentaria a longer period than was at first expected, owing to her crew being engaged in endeavouring to follow up traces of Burke's expedition. He trusted, therefore, that the telegram did not point to anything disastrous with regard to the Victoria or her crew. He saw nothing in the telegram to justify any apprehension in that regard. What the telegram most

distinctly pointed at, as he understood, was an injury to the tender Firefly, and the possible loss of the crew of that vessel. However, it might be that that vessel had escaped. At all events, the Exploration Committee probably would, the next morning, elucidate some particulars relating to the matter.

Dr. MACADAM remarked that the telegram stated that signs of the crew were observed on the island, which he supposed to be one of the coral islands; but no remains—either of men or horses—seemed to have been noticed. There appeared no signs of starvation. He thought the probabilities were that the crew had been removed from the island.

Mr. A. J. SMITH considered it not probable that the vessel had been wrecked.

Mr. ORKNEY observed that the Firefly belonged to the same owners as the other tenders which had been despatched to Carpentaria, and probably those gentlemen had received some information on the subject, and therefore it would be well for hon. members to refrain from indulging in speculations.

Mr. O'SHANASSY remarked that if the telegram did not refer to "portions of wreck" there would not be much ground for alarm.

Mr. A. J. SMITH asked what was the quantity of provisions on board the Victoria?

Dr. MACADAM said the Victoria carried four months' provisions, and the tender carried three months' further provisions.

Mr. SMITH.—For the crew of the Victoria?

Dr. MACADAM.—And also for the supply of the land parties.

Mr. ORKNEY added that the Grazia and the Willing Lass were chartered as well as the Firefly.

The subject then dropped.

LICENSED VICTUALLERS ACTS AMENDMENT BILL.

Mr. EDWARDS moved,—

"That the Licensed Victuallers Acts Amendment Bill be referred to a select committee, to consist of Mr. Anderson, Mr. Heales, Mr. J. T. Smith, Mr. W. C. Smith, Mr. Richardson, Mr. Levey, Mr. Denovan, Mr. Snodgrass, Mr. Orkney, Mr. Kyte, Mr. Loader, and the mover, three to form a quorum."

With the leave of the House, the hon. member said he would add to the committee the names of Messrs. Hedley, Nixon, W. A. Brodribb, Don, Sullivan, and Mollison.

Mr. ORKNEY seconded the motion.

Mr. M'CANN objected to the addition.

Mr. RICHARDSON did not object to serve on the committee, but declined to have his Colonial Wines Bill referred to it.

Mr. EDWARDS complained that he had been misled in the matter, and begged to withdraw his motion for the present.

The motion was accordingly withdrawn.

THE DRAINAGE OF QUARTZ-REEFS.

Mr. B. G. DAVIES moved for leave to bring in a bill for the more equitable drainage of quartz reefs throughout the colony.

Mr. RAMSAY seconded the motion.

Dr. EVANS said there was no objection on the part of the Government to the introduction of the bill, but pointed out the propriety of hon. members, before asking for legislation on important matters, taking care to ascertain whether their requirements would not be met under the existing law. The Mining Department was now engaged in furnishing to the Minister of Justice all the materials necessary for a bill for the amendment of our legislation relating to the gold-fields, and if it was thought advisable that additional powers should be given for the purpose of securing a more equitable arrangement in the draining of quartz reefs, such powers would be included in the measure.

The motion was then agreed to, and the bill was read a first time.

The remaining business on the paper was postponed, and the House rose at twenty-two minutes to one o'clock.

PAIRS.—Land Bill.—For—Mr. M'Cann, Mr. Snodgrass, Mr. Reid, Mr. Jones. Against—Mr. Lambert, Mr. Brooke, Mr. Woods, Mr. Houston. Mr. W. Gray's Amendment on the 11th Clause.—Mr. O'Connor and Mr. Kyte for; Mr. Levi and Mr. Francis against. For the Night.—Mr. K. E. Brodribb and Mr. Cohen for the Government; Mr. Verdon and Mr. L. L. Smith against.

FIFTY-FIFTH DAY—THURSDAY, FEBRUARY 20, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty minutes past four o'clock.

PETITIONS.

Mr. SERVICE presented a petition from the inhabitants of Brown's, and vicinity, in favour of free selection over all the agricultural areas, and the subdivision of large pastoral holdings, to suit small capitalists.

Mr. HEALES presented a petition to the same effect.

These petitions were ordered to be laid upon the table.

NOTICE OF QUESTION.

Mr. DENOVAN gave notice that, to morrow, he would ask the Chief Secretary why the registrar in the Sandhurst district was not kept supplied with forms; and why, although application for additional forms had been made, they had not as yet been supplied?

NOTICES OF MOTIONS.

Mr. NIXON desired to give notice that, when the Civil Service Bill was introduced, he would move that the members of the Pilot Service be placed on the same footing as the members of the Civil Service with regard to appointments—such, for example, as harbour-masters, light-house-keepers, &c.

Mr. IRELAND gave notice that, on Wednesday next, he would move for leave to introduce a bill to establish a register of titles to lands which shall be hereafter alienated by the Crown, and to facilitate the transfer of the same.

Mr. EDWARDS gave notice that he would, to-morrow, move the appointment of a committee to consider his Licensed Victuallers Bill.

Mr. FRAZER gave notice that he would move for the appointment of a committee to consider the best site for a railway station at Malmesbury.

Mr. TUCKER gave notice that, contingent on the foregoing motion being carried, he would move that a committee be appointed for a similar inquiry at Kyneton. ("Hear, hear;" and a laugh.)

THE YAN YEAN.

Mr. BENNETT said he would, to-morrow, call the attention of the House to the fact, that the Yan Yean pipes being laid in the water channels, when the supply was cut off by any accident the pipes became filled with dirty water, and then, when the supply was renewed, that dirty water was necessarily first run off and used for household purposes.

THE WESTERN CHANNEL.

Mr. NIXON called the attention of the hon. the Commissioner of Trade and Customs to the fact that the entrance to the Western Channel, near the Swanspit Lighthouse, was fast filling up, so much so as to become dangerous to vessels drawing over twelve feet of water, and which might attempt to run through the channel during the night; and asked that a survey might be immediately made to ascertain the truth of the report. He might state that he had good reason to believe his information to be well-founded, and that great danger was to be apprehended to the mail steamers and other vessels drawing as much as fifteen feet of water, if some steps were not taken to prevent the filling up of the channel at that point.

Mr. ANDERSON thought the hon. member was not correct in stating that the channel at the point mentioned was fast filling up. At least, in information which he had received from the harbour-master it was stated that, unless an alteration had taken place within a few days, there was no serious change. In December, 1861, an inspection had been made, and no alteration was then apparent, and none of the sea pilots had since reported any material change He was also made aware that vessels, both under steam and canvas, drawing up to eighteen feet, passed through the channel both by day and night. He had, however, given instructions for a personal visit to the spot by the harbour-master, and if it were found necessary to do as the hon. member required, the proper steps would be taken.

RETURN OF STOCK.

Mr. M'DONALD asked the hon. the Commissioner of Crown Lands and Survey if he would lay upon the table of the House a return of stock depastured during the year 1861, and for which assessment had been paid throughout the colony, exclusive of the stock depastured on the 10,000,000 of acres reserved for agricultural occupation?

Mr. DUFFY stated that the return, as well as that which the hon. member had previously asked for, would, he expected, be ready that evening.

THE CASE OF TOWERS V. GORDON.

Mr. DENOVAN asked the hon. the Attorney-General if he would lay on the table of the House a copy of a petition or memorial, dated 18th October, 1861, in reference to the case of *Towers v. Gordon*, together with an account of any proceedings taken in reference thereto?

Mr. WOOD said the petition had been forwarded to his office, and there was no objection to allow the hon. member to see a copy of it. The petition had been considered, and the Government were of opinion that there was no case whatever made out.

Mr. DENOVAN said the question really was, whether the hon. member would lay the petition on the table for the benefit of hon. members?

Mr. WOOD did not think it was a petition which should be laid upon the table. (Hear, hear.) The hon. member should, at all events, first look at it, and then, if he thought it should be laid on the table, there might be no objection to that course.

Mr. DENOVAN would call and see it.

THE EXPEDITION TO THE GULF OF CARPENTARIA.

Mr. O'SHANASSY said, before the orders of the day were called on, he wished to lay before the House a memorandum he had received from the Government storekeeper, having relation to the telegram he had read on the previous evening. It was from Mr. Spence, and he said that the Firefly did not carry stores for the Victoria. It was probable, the Victoria having been rather overloaded, that her commander had put some of the stores on board the Firefly at Brisbane. The Firefly had been chartered to carry the overland party sent by the Queensland Government, with their stores, their horses, and forage; and he might add that he had been informed by the Under-Secretary that there was an island in these straits named Booby Island, where vessels called to deposit or take up letters, and that island was not far distant from where the wreck was said to have taken place, so that the crew of the Firefly might have been relieved by a passing vessel. He was also informed that the owner of the Firefly had not been communicated with as to the loss of that vessel.

Mr. SERVICE had seen the owner that day, and had learned that he had received no communication from the master of the Jeanie Oswald, which was also in his employ, and which was one of the vessels chartered.

Mr. O'SHANASSY thought that might be accounted for in this way. They had learned from the Queensland Government that that vessel had arrived in Moreton Bay, which was fifty miles distant from Brisbane; but, from the distance, the master of the ship might have been unable to proceed to Brisbane to send information of his whereabouts to the owner.

THE BURKE AND WILLS EXPEDITION.

Mr. FRAZER desired to ask the Chief Secretary, without notice, when the report of the Royal Commission appointed to inquire into the late Expedition would be laid on the table?

Mr. O'SHANASSY stated that the report was placed in his hands yesterday, or the day before, and it would be laid on the table as soon as it had been copied. It was a very short report.

THE MINING DEPARTMENT.—MR. M'LELLAN'S MOTION.

Mr. MOLLISON begged to call the attention of the Speaker, and the House, to a notice on the paper, which was essentially the same as one which had been disposed of on the 30th of January; and if the Speaker would examine the present notice while he (Mr. Mollison) read that of the 30th January, he would see that the two were almost identical. The first motion was—

"That in the opinion of this House, in the absence of a Minister of Mines, the mode of transacting business by the present Government in connexion with the gold-fields is highly unsatisfactory, and tending to create great inconvenience and confusion."

That motion had been discussed and carried against the hon. member (Mr. M'Lellan); and if hon. members looked at the last line of the present motion they would see the very same words, "attributable to the absence of a Minister of Mines," used; while they would see that the first part of it was framed in this way, "that, considering mining to be the largest and most stable interest in the colony, and one that produces upwards of ten millions sterling annually, it is undesirable that so vast and so valuable an interest should be without a responsible head or Minister." Now, it could not be doubted that these motions were effectually the same; and he put it to the Speaker, and to hon. members on all sides, whether it was desirable that such a course as was proposed should be pursued? If an hon. member lost a motion was he to repeat it with a few variations, again and again? It was quite against the spirit of constitutional Government that any Ministry should thus have repeated votes of want of confidence brought against them.

Mr. GRAY rose to order; and was of opinion that the hon. member was altogether anticipating what might be the result of the motion.

Mr. MOLLISON put it to the House that, whatever hon. members on the other side thought of the Government, there should be a certain good faith and loyalty observed as regarded the rules and orders of the House; and it was a rule that a Government should not be assailed day after day with motions of want of confidence. If the previous motion had been carried, the Government might have resigned, and this motion was essentially of the same character; and if it were lost, the hon. member might repeat it the day afterwards. He was reminded, also, that there was a motion already on the paper for a committee to inquire into this very subject, and he would ask hon. gentlemen if it was right that the subject should be dealt with in that way?

Mr. M'LELLAN rose to order, and thought the hon. member was travelling beyond his province altogether.

The SPEAKER.—The hon. member (Mr. Mollison) is quite in order.

Mr. MOLLISON repeated, that members on all sides must show a certain respect for the rules of the House, by which they were all bound, and it was against them that a motion once decided should be again brought forward, and repeated from time to time. He relied particularly on the two concise expressions which he had quoted in support of the case he had submitted.

Mr. M'LELLAN would submit that the hon. member had not read the two motions very carefully, because that of the 30th January set forth that the manner of conducting the business of the Mining department was injurious, and likely to lead to confusion; and, although the same phrase might be repeated in the present motion, it was done with an entirely different object. The present motion meant that the defective laws on the gold-fields were attributable to the absence of a Minister of Mines, while the meaning of the first motion was what he had already explained. As a matter of course he would submit to the ruling of the Speaker, but he submitted that, although the phrases might be similar, the motions were entirely different.

Mr. TUCKER begged to remind the hon. member that he had said at the time that, if he were beaten, he would bring forward his motion in another shape, and he had now done so. (Hear, hear.)

Mr. O'SHANASSY said the hon. gentleman had forestalled what he was about to say. The hon. member (Mr. M'Lellan) was bringing forward essentially the same motion which he had already submitted, and was defeated upon. In doing so he was virtually setting aside the rules and standing orders of the House, and he trusted the Speaker's decision would be adverse to the motion. If there were any doubt on the matter, that had been removed by the declaration of the hon. member himself on this occasion. The object of this motion was to have a Mining Minister, and the object of the motion brought forward a fortnight ago was the same.

Mr. SULLIVAN denied that those who supported the motion brought forward a fortnight ago did so as a vote of want of confidence; and he objected, when a motion was proposed on his side of the House, for the supporters of it to be accused of seeking to embarrass the Government, and bring about a political crisis. He would not lend himself for a moment to any petty factious movement, for the purpose of upsetting the Ministry.

Mr. WOOD did not understand the member for Dundas to do more than urge that the motion was a censure upon the Government; and a censure upon the Government was always construed as a vote of want of confidence. With regard to the question before the chair, it seemed to him that the motion was substantially the same as that formerly brought forward by the member for Ararat. True, the phraseology might not be the same, but it was the easiest thing in the world to ring the changes on a particular expression, and the same motion could be brought forward day after day, if it were only necessary to alter the phraseology. Now, according to *May*, it was a rule of both Houses of the British Legislature that no question should be brought forward which was substantially the same as one on which, during the current session, judgement had already been expressed; and this rule was necessary to prevent contradictory decisions, to prevent surprises, and to allow proper opportunities for

determining the several questions as they arose. Now, if this motion were carried, would not the decision of the House be contradictory? Again, the 58th standing order of the House said that "No question or amendment shall be proposed which is the same in substance as any question which, during the same session, has been resolved in the affirmative or negative." The motion now before the House was the same as that brought forward a fortnight ago, with the addition of some reasons which were then embodied in the speech of the member for Ararat. The former motion declared that it was desirable to have a Mining Minister for the sake of departmental convenience; the present motion declared that it was necessary to have a Mining Minister in order that he might bring forward legislation connected with the mining interest. But the motions were actually the same. The object desired to be attained was the same. (Hear.) He admitted that the rules of the House were liable to exception, and this rule even might be infringed. He could conceive that, after the lapse of some months, the House might think it harsh to insist upon a rule, because events had shown that the decision which they formerly arrived at was erroneous. He could also understand another hon. member – a member of greater mark and influence—bringing forward, after a lapse of time, a question which had been once disposed of. But here they had the same member, and he had threatened that, although unsuccessful on the last occasion, he would take the opportunity of bringing the subject forward again and again, until he was successful. Now, he (Mr. Wood) thought that language disrespectful to the House, and ought not to be tolerated. He thought the minority ought to abide by the decision of the majority, and that every opportunity should not be taken of seeking to reverse the decisions of the House. He trusted hon. members would remember the question before them. They were not asked to say whether they were for or against a Mining Minister; but they were asked to decide whether they would allow the same member at intervals of about a fortnight to bring forward a question which had been already fully discussed and decided in the same session. He trusted hon. members would show their respect for the order and regularity of the House, of which they were the guardians, and declare that this motion could not be brought forward by the member for Ararat.

Mr. SNODGRASS called upon the Speaker to give his ruling in the matter.

Mr. GRAY urged that it was perfectly possible for the House to consider two motions bearing on the same subject, even if brought forward by the same member. A motion might be brought forward, worded so as to be a direct vote of no confidence in the Government; it might be afterwards submitted in such a form as to amount to a declaration on the part of the House that the Ministry enjoyed their confidence.

Mr. HEALES said, although he was not prepared with cases, he was aware that many questions had been discussed more than once during the same session, and that the difference in the shape in which those questions came before the House was not greater than the difference between the late and the present propositions of the member for Ararat. He admitted that, so far, the argument was with the other side; but he suggested that time should be allowed hon. members to look up cases, and see whether the present motion came within the standing order. With that view, he would move that the debate be adjourned for a fortnight.

Mr. M'LELLAN observed that he expected, on bringing forward this motion, considerable opposition from the members of the Government, who had systematically ignored the mining interest.

The SPEAKER hoped the hon. member would confine himself to the question before the chair, or the discussion would last the night.

Mr. M'LELLAN submitted that, if the debate were adjourned, he would only have to combat the opponents of his motion a fortnight hence.

After some observations from Mr. RAMSAY,

Mr. DUFFY submitted that there was no question brought forward on which a debate had arisen, and on which an adjournment might reasonably take place. The Speaker had been simply asked to decide a point of order, and there was no necessity, unless the Speaker asked for time, that this matter should be postponed for a fortnight.

Mr. BROOKE, while admitting to some extent the statements of the Minister of Lands, contended that the House might exercise its own pleasure in the matter, and order an adjournment.

Mr. MOLLISON remarked that he appealed not simply to the chair, but to the sense of the House, to uphold the rules of the House.

The SPEAKER observed that every hon. member had a right to express his opinion on the point of order, and the debate might be adjourned. He would, however, recommend the member for Ararat to withdraw his motion. This would not prevent the House coming to some decision, both on the subject itself and the point of order, at some future occasion. It would be far more satisfactory if hon. members would take time to consider the matter. He had no hope that his ruling would be satisfactory to both sides of the House.

Mr. M'LELLAN expressed his willingness to postpone his motion for a fortnight.

The proposition for adjournment having been withdrawn, the motion was postponed accordingly.

MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL.

Mr. ANDERSON moved—

"That a committee, consisting of Mr. Owens, Mr. Orkney, Mr. M'Lellan, Mr Lalor, and Mr. Anderson, three to form a quorum, be the committee to consider the Melbourne and Hobson's Bay Railway Act Amendment Bill."

This bill (the hon. member observed) was before the House last session. It was read a second time, and referred to a select committee, consisting of Messrs. O'Shanassy, Duffy, Service, Lalor, and Grant. That committee took evidence, and a resolution was afterwards passed by the House enabling the bill to be carried over from one session to the other. A recommendation made by the committee of last session had been embodied in the bill, and the committee now asked for was required only to bring up the report. Several of

the gentlemen who served last session were not willing to act on this committee, but all those who were named in the resolution had consented to serve.

Mr. BROOKE seconded the motion.

Mr. HEALES said he had been requested by the gentlemen representing the Hobson's Bay Railway Company to urge the House to settle this matter as early as possible. If the gentlemen forming the committee which sat on the subject last session were re-appointed this might be done, because they had already taken evidence, and had a full knowledge of the facts, so that it would only be necessary for them to hold one or two further meetings in order to agree to a report; on the other hand, if a new committee were appointed fresh evidence would be required, for, otherwise, the committee could not properly understand the facts, as much depended upon the demeanour of a witness, as well as upon the statements he made. He hoped, therefore, that the old committee would be re-appointed, or that the motion would be postponed for the present.

Mr. SERVICE believed that the hon. member who had proposed the motion wished to have the former committee re-appointed. (Hear, hear.) He (Mr. Service) would consent to waive his objection to sit on the committee, and he hoped that the other members would also do so, in order that they might finish the work which they had begun.

Mr. O'SHANASSY did not think there was much force in Mr. Heales' argument, that a new committee could not prepare a report without fresh evidence. The House would have to consider both the report and the evidence, so that the only object of appointing a committee was to institute a preliminary inquiry, in order that the House might decide upon the merits of the case. He did nor object to be on the committee for the purpose of shirking any work; but as the matter of inquiry involved a dispute between a local municipality and a private company, which private company had already appealed to England against the injustice which they alleged would be inflicted upon them if the wishes of the local body were sanctioned by Parliament, he thought it desirable that the Government should be shielded from any reflection which might be cast upon them if a Minister of the Crown were a member of the committee. Interests to the extent of considerably over £500,000 were involved, and as many of the persons affected lived in England, it was far better to prevent the possibility of any reflections being cast upon the Government. This was his sole reason for objecting to be a member of the committee.

Mr. HEALES thought the Chief Secretary had not stated any valid reasons why the amendment he suggested should not be adopted.

Mr. ANDERSON thought the Chief Secretary had shown a degree of delicacy in the matter which would convince every one that the interests of the Hobson's Bay Railway Company would be safe in his hands. He (Mr. Anderson) did not wish to have the matter postponed, and he would therefore accept the amendment proposed by Mr. Heales—to re-appoint the select committee of last session.

Mr. K. E. BRODRIBB said the House was indebted to Mr. O'Shanassy for stating his views as to the duty of a Minister under the circumstances which had been mentioned. It would be most unfortunate if the Chief Secretary were mixed up with a report which might be detrimental to a company of which a large number of the shareholders resided in England.

Mr. SNODGRASS had no objection to the re-appointment of the former committee.

Mr. O'SHANASSY did not wish to involve the Government in any quarrel about a subject which was altogether insignificant to the interests of the country at large. He appealed to the House whether, under these circumstances, they would force him to act on the committee.

Mr. ANDERSON said that, any decision which the House arrived at would be considered by the shareholders in England more satisfactory if the Chief Secretary were on the committee.

The amendment was then put, and agreed to.

BENEVOLENT SOCIETIES.

Mr. RICHARDSON moved—

"That this House will, on Thursday next, resolve into a committee of the whole, to consider the propriety of presenting an address to His Excellency the Governor, praying that a sum not exceeding £5,000 be placed on an additional Estimate for this year, as a grant in aid to the various ladies' benevolent societies and visiting societies of the colony, the amount to be appropriated as nearly as possible in accordance with the vote for the same object in the year 1860." Hon. members would remember that in 1860 a sum amounting to rather more than half £5,000 was voted by the House for the same object as that mentioned in the resolution. He believed the money had been well spent, and that the charitable institutions referred to had suffered considerably in consequence of the grant being withdrawn last year. There was great necessity for the state to assist in mitigating the distress which prevailed at the present time, and he hoped the hon. Treasurer would allow the motion to pass.

Mr. M'CANN seconded the motion.

Mr. HAINES said it was absolutely necessary that some limit should be put to the sums granted by the House in aid of charitable objects, for it was impossible that all the claims of this kind could be met without an increase of taxation. He thought it his duty, as Treasurer, to say that the revenue did not come in so readily as he hoped it would; and he did not see how it was possible to add to the Estimates of Expenditure which had been already brought under the consideration of the House. He regretted that he was compelled to oppose the present motion, because he fully appreciated the labours of the ladies and other benevolent persons who went about relieving the necessities of the poor. These societies, however, were purely local, and if their funds were to be supplemented by any grants of public money, those grants should be contributed by the respective municipal councils. He thought the House would be compelled to refuse the claims of all such societies for assistance from the central Government.

Mr. M'CANN was sorry that the Treasurer opposed the motion.

Mr. SERVICE was glad that the Treasurer had taken the stand he had taken.

Mr. DON spoke against the motion.

Mr. SNODGRASS said the proper time to bring forward the motion would be when the votes on the Estimates for charitable purposes were considered.

Mr. NIXON opposed the motion, on the ground that charitable institutions were generally in connexion with some religious body, and that therefore it was undesirable they should receive support from the state.

Mr. RICHARDSON, seeing the feeling of the House, withdrew his motion.

THE CASE OF HOLDERS UNDER OCCUPATION LICENCES.

Mr. HEALES begged to postpone for a fortnight the motion standing on the business paper in his name, praying His Excellency the Governor to place £300 on the Estimates to enable the Government to pay any nominal damages which might be justly claimed by a pastoral tenant of the Crown from the holders of occupation licences for lands on his run.

The postponement was agreed to.

Mr. HEALES then moved—

"That in the opinion of this House, it is the duty of the Government to defend and protect in their holding, against the pastoral tenants of the Crown, all persons who may have taken up and now hold residence and cultivation licences under the authority of the Board of Land and Works, and approved by this House."

He said that in bringing this motion forward, he should not think it necessary to open up the whole of the question of occupation licences, but only to refresh the memories of hon. members as to the history of the subject, and the position in which the House and Government stood in respect to it. Hon. members would recollect that the late Government, under the advice of their law officer, issued occupation licences, and took a first quarter's rent from the parties to whom they were issued, thereby putting them in possession. After the late Government left office, a special case was heard before the Supreme Court, and the ruling of the judges was, that such issue, according to the case presented to them, was not legal. The consequence was, that though the holders of such licences had been up to that time in peaceable occupation of the lands granted to them, many of them were at once proceeded against by the pastoral tenants of the Crown, part of whose runs they had taken up, through the instrumentality of the verdict of the Supreme Court. Now, it appeared to him to be part of the duty of the Government of the day to carry out to the full any arrangements which had been made by their predecessors. It was not for him now to defend the action which had been taken by the late Government. The only thing he wished to point out to the present Government was the fact, that those occupation licences did issue. The question of their policy had been fully discussed in that House, and a majority had declared in favour of their legality and propriety, and though the reverse of that opinion had, to a certain extent, been given from the Supreme Court, the question of their policy remained, in his opinion, precisely the same. Those licensees had been put in possession, therefore, in a full belief that it was a legal possession, the Government of the day having a perfect right to grant it. One great reason why the Government of the day was bound to defend those parties was because actions had been brought against them of so thoroughly harassing a character as to be calculated to drive them from their lands, and actually bring about their ruin. That seemed to be the desire of the pastoral tenants who had begun those actions. He would give an instance to show that the licensees were not being proceeded against in the ordinary way. The actions were commenced to recover damages for trespass. Now, the only object to be gained by the issue of a writ under these circumstances was, to draw largely upon the fears that some persons had of any action against them in the Supreme Court, and to which special class the persons holding occupation licences principally belonged. He knew the case of one man who took out a licence before the expiration of the year 1861, and who, ten days prior to the expiration of that year, commenced the erection of a cottage, as a residence for himself and family. Before the year was out, the building was erected, at the cost of a considerable sum of money, and with the exception of the block of land occupied by the cottage, the licensee did not trespass one inch upon the run of the pastoral tenant of the Crown; for he had not brought any cattle upon the land, nor in any way inconvenienced any one, not even by bringing his family to reside at the cottage he had built for them. All this, however, did not prevent the squatter from bringing an action against the occupation licensee, and having a writ issued, in which the damages were laid at £2,000. It was quite unnecessary for him (Mr. Heales) to say that this amount was ridiculously too large, but the very fact of so large an amount being named must have its effect on the persons on whom such writs were issued, because they would be sure to look upon an approximate sum at least as that which would probably be awarded in the Supreme Court. Anybody not familiar with courts, or the assessing of damages, would think the sum which he might be called upon to pay as so high that it would be better for him to give up possession at once, and abandon his land, rather than continue a contest with a rich neighbour at such odds. The result would, in fact, be to press upon these licensees so hardly, that unless they were at once relieved they would be ruined. So trifling was the case against them, that there was not a coin small enough to represent the amount of damage which had been really sustained.

Mr. WOOD.—Take a farthing.

Mr. HEALES.—That is too much. The only object for which the squatter could pursue this line of action must be, that by a kind of continued annoyance, he might ruin these holders of occupation licences, and so cause them to give up, thus relieving the Government of their promise to secure these licensees in their holdings. The pastoral tenants could never secure any but the smallest damages; and, inasmuch as this branch of the Legislature had already declared in favour of occupation licences, as the first quarter's rent had been received by the late Government, and a second quarter's rent had been paid to the present Government, it was certain that the clear duty of the present Go-

vernment was to defend these licensees as against the pastoral tenants of the Crown. Had the present Government thought otherwise, surely it was their duty to have refused to take the money when the second quarter's rent was paid; but he (Mr. Heales) presumed that the Government thought it could protect them, but had discovered since that there was a point yet to be contested. Under these circumstances, he hoped the Government would not oppose this proposition, because he felt certain that the remedy to the evil was clear and simple. All that need be done was this—where an action of this sort had been commenced, let the Crown law officers pay a nominal sum—say 1s.—into court, and put in an appearance when the trial came on, so that the pastoral tenants would at once see that it would be of no use for them to proceed any further. If this were not done, the very nature of the actions commenced would tell upon the fears of the licensees, who, though the squatters had been scarcely injured at all, would remove their families and stock from their holdings merely because they would be afraid to enter into a contest with so dangerous an opponent as a pastoral tenant of the Crown. There could be no doubt that the object for which occupation licences had been issued was to settle the people on the land; and it was also generally admitted now, by the pastoral tenants themselves, that their rights were only good as against other squatters, and that they were never to stand in the way of actual settlement. This being the case, their grounds for a claim for damage must be small indeed, for the holders of occupation licences had never been put in possession of any greater amount of land than they would be able to get under the ordinary working of the Nicholson Land Bill. In reality occupation licences could by no manner of reasoning be made to appear a greater inroad on the squatter than settlement under any circumstances. It was, in his opinion, only owing to the merest accident that in the special case brought before the Supreme Court, the ruling had been against the licensees, but since that time the squatters seemed to feel that they were not only justified in annoying those persons who sympathized with those who had taken up occupation licences, but that it was now in their power to extinguish the system altogether, by bringing ruin on those individuals who could not be directly chargeable with the unfortunate position in which they were placed. He trusted, therefore, that the Government would see its way to a confirmation of the acts of their predecessors. Before he sat down he would say that the easiest possible mode of settling this question was for the present Government to show unequivocally that they were determined to protect these licensees. If this was done, considering the very small amount of injury done them, the pastoral tenants would surely go no further. There might be a political victory to achieve, but if it was the wish of hon. members to gloat over their victory over the late Government, still they need not countenance a system which could only be characterised as persecution, which a large majority of the squatters would be ashamed to put into practice, and which was now being carried out more to obtain a political victory than a practical advantage.

Mr. SINCLAIR seconded the motion.

Mr. WOOD had certainly anticipated that the hon. member would have shown some feasible plan by which the Government would have been able to protect those licensees. (Hear, hear.) After the hon. member had taken the trouble to put two notices of motion on this subject on the business paper, surely he might have come down with some suggestion. What could be the good of passing this resolution if no means were pointed out by which the Government would be enabled to protect the parties in question? No suggestion of such means had been made.

Mr. HEALES.—I made two suggestions.

Mr. WOOD said the only one which he understood to have been made was, that the law officers should appear and pay nominal damages into court. He (Mr. Wood) might quote the old line about Jove not intervening until intervention was needed, but perhaps the hon. member for the East Bourke Boroughs would not understand it. (A laugh.) Supposing the Government were ready to go to the extent of one shilling, or even half a farthing, which was the smallest coin known, surely the licensees themselves might pay that sum into court. He might, too, inform the House that paying money into court was the work of an attorney, and not of a barrister. A barrister could not do anything in the matter. It was the duty of an attorney, and perhaps the Crown Solicitor might attend to it; but why could not the person who was sued by the pastoral tenant of the Crown pay in the shilling for himself? (Hear, hear.) The hon. member had said—and he (Mr. Wood) believed truly—that only nominal damages could be obtained. One person so sued had come to him, introduced by a member of that House, and his advice had been to pay money into court. And he was quite sure that if that person did pay money into court, and unless the case was a very exceptional one indeed, he would be sure to obtain a verdict, because the jury would think even a very small sum sufficient to answer all damages; and then the plaintiff would have to pay all costs. If, therefore, the statement were correct—and he thought no one would dispute it—that if nominal damages were paid into court the defendant must get a verdict, the squatter would have to pay something like £100 for costs of action, and after that, would not, perhaps, be ready to bring another similar action. All that he (Mr. Wood) could say to the licensee would be, "Pay 1s. into court," and no jury would give a verdict for the plaintiff. Even if this were not done, and judgement went by default, the plaintiff would have to prove damages; and the rule of law was, that no costs would be given in such cases when the damage could not be proved to amount to £10. In England, this sum was formerly 1s., but now it was made 40s., and, by the Common Law Practice Act, that 40s. was supposed in this colony to be equal to £10.

Mr. GRAY asked if there was not a rule that the plaintiff could not recover more costs than the amount of the damage done.

Mr. WOOD was not quite sure on the spur of the moment. He rather thought the hon. member was correct, and even in that case it was clear the plaintiff would be out of pocket, supposing he got the 40s. damages. The defendant might have to pay his own costs,

but if he did not appear those costs would be but trifling. Another suggestion he had heard made was, that the hon. member for West Geelong (the late Commissioner of Crown Lands) should be made a co-defendant. (Laughter.) He was quite aware that a barrister of eminence in this city had suggested that actions for trespass of this nature should be discontinued, for the purpose of instituting fresh actions, in which the hon. member for West Geelong would appear as a co-defendant, and no doubt in those cases the plaintiff would prefer to get his damages out of the hon. member. As he (Mr. Wood) had made a suggestion to defendants, it was only fair that he should also take an opportunity to do as much for the plaintiffs, and in that spirit he had offered his last remarks. (Laughter.) When this statement became known, and the licensees took the course which he had pointed out, he really thought the hon. member's aim would be entirely accomplished. (Hear, hear.) The hon. member for East Bourke Boroughs had almost implied that the present Government had in some way instigated the pastoral tenants to bring these actions.

Mr. HEALES.—No, no.

Mr. WOOD could say to the hon. member, that the Government had done everything in its power to discourage these actions—(Mr. O'Shanassy.—"Hear, hear"); and his hon. colleague, the Commissioner of Crown Lands, had taken precautions with respect to this year which would prevent such disputes occurring; but they could not do anything like this with regard to the year that was past. As far as the individual feeling of the Government could go, he would remark that they were always impressed with the idea that it was a harsh and impolitic procedure on the part of the pastoral tenants to bring these actions; but he did not see how the House or the Government could interfere. If the pastoral tenants had a legal right to damages —even though the damages were only nominal — how could the Government step in? He was afraid that if the Government did take up these cases, and their law officers appeared in court for the defendant, the public would be mulcted of a large sum of money in the way of damages, because the counsel for the plaintiff might say to the jury that they need not assess the damages very strictly, as they would not be paid by the defendant but by the Crown, and from his experience of juries he always found them apt to look with a favourable eye on actions in which the Crown was virtually the defendant. So that the position of the defendant would not be greatly improved by the appearance of the Crown as defendant, and a large sum of money might be lost to the public. He expressed his own sentiments and those of his colleagues when he said that he regretted that the pastoral tenants of the Crown had thought proper to bring these actions, and if this expression of opinion could exercise any influence on them he trusted it would have its full weight.

Mr. HEALES had had much pleasure in listening to the speech of the hon. Minister of Justice, which would accomplish all that he (Mr. Heales) wanted. With the understanding in his mind, that as far as 1862 was concerned the Government had taken every precaution possible to prevent a recurrence of these actions, he should withdraw his proposition, because he believed the opinion of the Minister of Justice going forth to the country would have all the effect desired.

Mr. GRAY had listened with great satisfaction to the statement that the Government had made a distinction between last year and this.

Mr. WOOD said the distinction was made in the pastoral licences which were issued for the present year.

The motion was then withdrawn.

CENTRAL RAILWAY TERMINUS RESUMPTION OF DEBATE.

The debate on the following motion, brought forward by Mr. Kyte on a previous evening, was resumed: —

"That a select committee be appointed to inquire into and report on the necessity for constructing a central terminus for passenger traffic in connexion with the Government railways on the site of the old cattle-yards, fronting Elizabeth-street; as also the formation of a short branch line from the proposed terminus to the main line north of the North Melbourne station; such committee to consist of Mr. M'Mahon, Mr. Brooke, Mr. Loader, Dr. Macadam, Mr. Snodgrass, Mr. John Davies, Mr. O'Connor, Mr. Edwards, Mr. Sinclair, Mr. Sullivan, Mr. M'Lellan, and the mover; three to form a quorum; with power to call for persons and papers."

Mr. SERVICE thought it would have been better if the hon. member had divided his motion, in order that hon. members might have addressed themselves to the first portion of it, without looking to whether the committee proposed was a proper one or not. He opposed the motion altogether, as he looked upon it as an attempt on the part of a few holders of property in North Melbourne to commit the country to a large expense, without the public generally reaping any advantage. He might say that no person in Melbourne, unconnected with North Melbourne, had taken any action in the matter. It was not a question mooted by persons residing in Geelong, Castlemaine, Melbourne, or other places, and he believed that if the opinion of those persons who had an interest in the opening of the Government lines was consulted, it would be against the proposition. He was not in the House when the hon. member brought forward his motion, as he understood from the hon. member that it would be too late for him to bring it forward that evening, but from what he had seen in the newspapers not one argument had been raised in favour of the proposed "central terminus." Where was that terminus to be? Of all places North Melbourne, at the old cattle-yards. If it was to be near the Post-office he could understand such a proposition, and that there would be a pretext for asking for the expenditure of a large sum of money; but at present the word "central" could only be considered as hoisting as fair a flag as possible, to catch the attention of passers by. If any person took a map of Melbourne he would find that the distance from the junction of Collins and Elizabeth streets to Spencer-street and the cattle-yards was the same, or nearly so, so that no advantage would be gained; whereas, at present a merchant coming to Melbourne from the country stepped from the Spencer street

Station at once into where the principal business houses of Melbourne were situated. Another point to be considered was, that at some future time it was proposed to connect the Hobson's Bay Railway with the Government lines by means of a tramway; but he did not think a tramway could be made along Elizabeth-street, owing to the gradients. Then, again, the cost of the undertaking was against the motion, and he believed the authorities had pronounced a pretty distinct opinion upon that point. He should oppose the motion, and would not vote for the appointment of the committee. If the House refused the motion it would be tantamount to rejecting the proposition put forward by it.

Mr. LOADER said he had always been an advocate for a central terminus at the head of Elizabeth-street. The hon. member stated that the proposition was only put forward by owners of property in North Melbourne; but he might retort upon the hon. member, by saying that the only persons opposed to it were those that had property near Spencer-street. Another argument was, that the cattle-yards were not central, whereas they were most central. If a bridge were erected across the Yarra, the Spencer-street terminus would be more convenient, perhaps, for the people of Emerald Hill, but it was a greater distance from Prince's Bridge than the head of Elizabeth-street was. Another point was, that a number of municipalities radiated from the cattle-yards, and the erection of a terminus there would be a great boon to them. The present station was not sufficient to accommodate both the luggage and passenger traffic, and although it might be the most suitable for the luggage traffic, the cattle-yards would be more central for passengers. If this proposal were not carried into effect, it would be necessary to remove the goods traffic to Williamstown. The removal of the station as desired would injure no interest, and tend to fetter no interest which the House required to consider. He denied that any injury would be done to property in West Melbourne; but more injury would be sustained there by the removal of the goods traffic than by the removal of the passenger traffic. He agreed, however, with the member for Ripon and Hampden, that an alteration might be made in the committee which seemed to be composed too much with reference to one interest.

Mr. KYTE said his personal interest would suffer, rather than otherwise, if the proposal were carried into effect; and he made the motion solely in the interests of the public.

Mr. SULLIVAN thought the hon. member for Ripon had dwelt a little too much on the composition of the committee. For himself, he did not know why he should have been selected instead of any other hon. member, and he had no particular desire to be upon the committee; but if the motion were carried, he would devote his attention to the subject with a most unbiassed mind. (Hear, hear.)

Mr. ANDERSON was opposed to the appointment of a committee for such a purpose, especially as the hon. member for West Melbourne had stated that there was every likelihood of the committee bringing up a report favourable to the scheme, the expense of which would, he thought, prove a fatal objection. The question with the House tought rather to be the speedy extension of the railway to the River Murray—a work to which they were bound by their contracts—and the formation of the different branch lines up the country which would be necessary to connect the different districts with the main line. In carrying out that project the money which the proposed undertaking would cost could be better spent than would be the case in the terms of the motion. The member for West Melbourne could not point to any line in England where there was greater accommodation for traffic than at the present station, and less than the amount wanted to carry out the present scheme would extend the accommodation to any extent which could be desired. Until the railway was completed to the Murray, and the necessary branch lines formed, he would vote against any such proposition as the present.

Mr. M'LELLAN thought that the very fact of these railways being opened would create the necessity for the new terminus, by creating additional traffic which could not be accommodated at the Spencer-street station. It would be for the interests of the public that such a station should be formed; and even if the committee did no more than purchase the land, although it might not be built upon for years, they would have done good service. He did not believe that the formation of the branch line would cost so much as had been stated, and hon. members who made use of that argument should have been better prepared to support it.

Mr. HOOD said that if it were the intention of those who planned the railways to keep the station outside the city, and let them be fed by cars, the present station was on the proper site; but it was a question for a committee rather than for the House whether the present system should be maintained, or whether the city should be intersected by railways. If the proposal now made was to be carried out, he did not see why it should not be extended until it embraced all the city and suburbs ("Hear, hear;" and "Oh"), and Collingwood, Richmond, &c., had their stations also. Let it be the commencement of a general system. There was something singular, to his thinking, in the fact that almost every member who had spoken on the subject had thought it necessary to disclaim anything like personal motives or interest in the matter. He believed the true system of carrying out railways was to intersect the town with them; and he should like to see the subject well ventilated. He was therefore prepared to vote for the committee.

Mr. J. DAVIES said hon. members who had spoken against the motion seemed to jump to the conclusion that the committee must necessarily report in favour of a terminus being constructed at Elizabeth-street; but of course the committee, if they went into the inquiry with a proper spirit, would report only according to the evidence submitted to them. However, to remove all doubt on that head, he would suggest that the committee be appointed by ballot. Railway experience had shown the necessity of railway termini being as near as possible to the centres of population. Great confusion at present existed at Spencer-street, and when the lines were opened to Ballarat and Bendigo that con-

fusion would be "worse confounded." Again, a large quantity of land had been reserved at the site of the cattle-yards by former Governments for the purposes of a central railway terminus. ("No," from Mr. Francis.) He begged to say "Yes;" and the idea had been encouraged by succeeding Governments. ("No," from Mr. Francis.) At all events, the question should be set at rest, so that, if not required for this purpose, the land might be offered for sale.

Mr. WEEKES supported the motion; and dwelt upon the risks to life attendant upon the present imperfect arrangements at Spencer-street. In London, the goods traffic was kept separate from the passenger traffic on each line. Here, however, with accommodation for only ten carriages, the goods traffic had to be shunted on to the passenger line, and, as the goods came down an incline, the least inattention on the part of the person in charge of the goods traffic might lead to a tremendous accident. He thought the subject a very fair one for inquiry.

Mr. WRIGHT considered that the interests of the population generally should be consulted before those of a small section, and that, as the money estimated to be required to create a terminus at Elizabeth-street (£220,000) would form half the line between Sandhurst and Echuca, the latter was the work to which the country should first address itself. It was more important for the country that twenty or twenty-five miles of the line to the Murray should be completed than that a mile and a-half of railway should be laid down at North Melbourne. In Edinburgh the passenger and goods stations were together, and no doubt the only reason for not carrying out the same arrangement in London was the great cost. He did not see why the Spencer-street station, when enlarged, should not supply all the requirements of a metropolitan terminus.

Mr. SINCLAIR complained that the Government estimate of the cost of bringing the railway to Elizabeth-street included an item of £77,000 for a station, when £25,000 would supply all that was required in that respect. The whole estimate should be reduced fifty per cent., seeing that it was framed when wages were double what they are now.

Mr. DON thought the question ought not to have come before the House at all. The matter was one which should be settled by the Railway department. It was perfectly evident that the Spencer-street station did not afford accommodation for both goods and passenger traffic; and from the fact of the goods shed being two or three feet higher than the station, he was expecting to hear of a smash every day. He hoped the committee would take the evidence only of practical and disinterested men, who would feel that their characters were at stake in the matter, and would behave themselves accordingly.

Mr. RAMSAY said up-country members in dealing with this question should look to convenience, safety, and expense. So far as the convenience of up-country members was concerned, he did not think Elizabeth-street would be any improvement on Spencer-street; neither did he think not that danger would be removed by the alteration—there would be as much risk at the junction of the two lines as there was now at Spencer-street; and with regard to expense, it was clear that a great alteration must take place under any circumstances in the Spencer-street arrangements, and as the land on the west side of the station was of no use whatever to the public, while a large sum could be obtained from the sale of the land in Elizabeth-street, he considered the continuance and enlargement of the station at Spencer-street the more advisable course to adopt. He should therefore vote against the motion.

Mr. JONES thought hon. members were discussing the desirableness of presenting an address to the Governor, to set aside a certain sum for the construction of a central terminus in Elizabeth-street, rather than the propriety of appointing a committee to investigate the subject. He had heard several arguments urged against the construction of the proposed central station, but not one against the appointment of a committee. Believing that committees should always be granted when their appointment was likely to elicit information of public utility, he should vote for the motion.

Mr. RICHARDSON said the general opinion out of doors was that a sufficient sum of money had been expended on Spencer-street Station to make it suitable for all public requirements. If this was not the case, the professional head of the works, or some other person, had been sadly at fault. He believed that it would answer all requirements for many years to come. There was considerable confusion, and perhaps some risk, in consequence of the amount of traffic there, but this could be remedied at a far less expense than the cost of constructing a branch line and central terminus. He therefore opposed the appointment of a committee.

Mr. LAMBERT believed that the proposed undertaking might be accomplished for a less sum than had been estimated, and was in favour of the appointment of a committee, to obtain evidence on the subject. If the Spencer-street Station were enlarged, a central terminus would still be required at a future period, and the cost of it would then be much greater than it would be at the present time.

Mr. JOHNSTON did not agree with Mr. Loader that no one would oppose the appointment of a committee except a few persons who had an interest in property in the west part of Melbourne. He (Mr. Johnston) believed that the erection of a central terminus in North Melbourne would be opposed by every man who had a due regard for the interests of Melbourne generally, or of the country at large. He had no personal interest in the matter; for whatever property he had in Melbourne was about equi-distant between Spencer-street and Elizabeth street. It had been stated that in the mother country the accommodation for the goods and passenger traffic was invariably divided. He admitted this was the case; but he knew of no instance in which the two departments were on separate branches. The goods sheds were always either in the same place as the passengers' station, or they were on the same line. £100,000 or £125,000 would be required for the proposed extension of the Spencer-street Station to Batman's-hill, and it had not been stated that this sum would not still be required if the proposed central terminus were constructed. Mr. Weekes argued that there was at present great danger in consequence of goods trains running down an incline with such force that

they could not always be stopped; but this would still exist, and would have to be remedied, wherever a passenger station was constructed. The cost of constructing the proposed central terminus had been roughly estimated at £220,000 or £240,000, and the extension of the Spencer-street Station at £100,000 or £125,000; but the difference in the cost of the land required for the two undertakings had not been taken into consideration. The land in North Melbourne required for the construction of the branch line and central terminus would have to be purchased at a very high rate. (Hear, hear.) In England mixed trains were very common, and the same system was adopted in this colony; but if the proposed central terminus were constructed mixed trains would have to be separated at the junction, and the passenger carriages sent to one station and the goods trucks to another. He thought the whole scheme was perfectly ridiculous. It had been said that the cutting at Batman's-hill would cost a deal of money; but he ventured to say that nearly as much cutting would be required in constructing the branch line to Elizabeth-street. The best argument which had been advanced—an argument which seemed quite conclusive—was that brought forward by Mr. Wright—namely, that the cost of one mile of the proposed line would be as great as twenty-five miles of line would cost in the country. Every member would admit that their object ought to be to carry the lines as fairly as possible throughout the country, and not to benefit North Melbourne, West Melbourne, or any one particular district. The existing railways had been constructed at a most exorbitant expense, for they might now have two miles, or perhaps three miles, of line constructed for the amount which one mile had cost. (Hear, hear.) To construct the proposed branch line would not remedy the evil. It would be preposterous for them to spend £230,000 or £240,000 in constructing a mile of railway in Melbourne instead of pushing on the Sandhurst Railway towards Echuca and the Ballarat Railway westward. The member for Collingwood, Mr. Don, stated that if a committee would simply consult practical engineers and present a report founded on their opinions, some good might result. He (Mr. Johnston) admitted this; but he was very much afraid that if the committee sought for evidence, they would not endeavour to believe what they heard so much as to hear what they believed. (Laughter.) He believed that the committee proposed was a packed one. ("No, no," and "Show it.") He was asked to show it, and he would do so. He had taken down the names of the speakers who had spoken in favour of the appointment of a committee, and, with the exception of Mr. Sullivan, who had honestly stated that he had no interest whatever in the matter, all of them, including Mr. Kyte, Mr. Loader, Mr. Davies, and Mr. Sinclair, were proposed as members of the committee. ("Hear, hear," and "Oh, oh.") The hon. member for North Melbourne (Mr. Sinclair) informed the House that he was quite astonished that his name had been placed on the committee. If it had not been pretty well known that the hon. member was likely to support a report in favour of the project, it was very likely he would never have found his name on the list. ("Hear, hear," and laughter.) He was quite sure that his late colleague (Mr. Brooke) was in favour of a terminus in Elizabeth-street, and his name was on the committee also. (Hear, hear.) Taking a broad and general view of the subject, and considering the number of persons arriving in Melbourne by the steamboats (which he hoped to see greatly increased), as well as the number arriving by the various railways, he believed that the Spencer-street Station was much more central than one in North Melbourne would be. ("Hear, hear," and "No, no.") He believed that every man who arrived in Melbourne on business would rather be set down at the head of Collins-street than at the head of Elizabeth-street. If the committee as at present proposed were appointed, it would be wonderful if a fair report were presented. Mr. Don said it would be the business of a committee to ascertain the opinions of practical men as to whether the Spencer-street site were the most desirable or not; but the committee proposed did not want the opinions of engineers—they wanted to draw up a report themselves, and bring it into the House. ("Oh, oh.") He (Mr. Johnston) should vote against the committee; and he declared that any country member who voted for it, or pledge himself in any way in favour of this project, was not acting fairly to his constituents. ("Oh, oh.")

Mr. EDWARDS found his name was on the committee, and he intended to vote for the motion. There were, however, eight members of the Opposition on the committee (Mr. Johnston.—"Nine"), and only three of the supporters of the Government. He should, therefore, in accordance with the intention which he expressed a few nights ago, always endeavour to have committees more fairly constituted. The mover of the resolution had not asked him to allow his name to be placed on the committee, nor was he aware of the hon. member's intention. He had no objection to have his name omitted, and Mr. Davies had consented to the omission of his name; so that two members on the other side of the House might be placed on the committee. He was in favour of the appointment of the committee, to judge whether the scheme were desirable or not, and would not pledge himself to vote either one way or the other until the House was in possession of full information.

Mr. BROOKE said the question of erecting a central terminus came before him officially when he was in office. An application was made to the Government to allow a private company—the Melbourne and Essendon Railway Company—to have the public lands required in the construction of the proposed line, on condition that they carried out the undertaking. He stated that the Government could not give an advantage to a private company which would enable them to monopolize the site which all engineering officers were agreed was the best adapted for a central terminus. As to the motion now before the House, he would call the attention of hon. members to a fact which was not generally known—namely, that the site of the present terminus was altogether an accidental circumstance so far as the Government was concerned. The old Legislative Council

sanctioned a scheme to construct a line of railway through Mount Alexander, projected by a private company. The company failed in their undertaking, and the Government took up the works which they had commenced. He remembered having a conversation with Capt. Clarke, who was then at the head of all railway affairs, who concurred with him that, if the Government had not taken up a work which had already been commenced, and were therefore to some extent obliged to have a station in Spencer-street, it would have been desirable that they should rather have a station in the neighbourhood of the then existing cattle markets. That, indeed, was the general opinion of the engineers at the time, and experience had proved that it was correct. Hon. members on both sides of the House had spoken with great warmth and vehemence with respect to the constitution of the committee now proposed, and he thought it was rather unfortunate that gentlemen interested in Melbourne property should have been placed on the committee, because it was scarcely to be expected that they would give an unbiassed opinion. He had recently become possessed of property which was nearer the proposed than the present terminus; but having long held a strong opinion in favour of the Elizabeth-street site he did not think this fact should induce him either to retract the opinion he had previously held or otherwise. He thought a fair course to adopt would be to choose the committee by ballot, and he should be glad to see no gentleman chosen except those who would consider the matter fairly, with regard only to the general interests of the country.

The SPEAKER was about to put the question in full, when

Mr. GILLIES proposed the addition of the words "the committee to be chosen by ballot."

The SPEAKER said a ballot must be required by six members.

Mr. Gillies, Mr. Edwards, Mr. M'Donald, Mr. Houston, Mr. W. C. Smith, and Mr. B. G. Davies rose in their places to demand a ballot.

The question was then put (without the names of the proposed committee), and the House divided, with the following result :—

Ayes	25
Noes	23
Majority for the motion ...	2

The division-list was as follows :—

AYES.

Mr Barry	Mr Grant	Mr. M'Mahon
— Brooke	— Gray	— M'Donald
— Cohen	— Haines	— M Lellan
— Davies, B. G.	— Heales	— O'Connor
— Davies, J.	— Jones	— Sinclair
— Don	— Kyte	— Smith, W. C.
— Edwards	— Lambert	— Snodgrass
— Gillies	— Loader	— Sullivan
		— Weekes.

NOES.

Mr. Anderson	Mr. Francis	Mr. Ramsay
— Bennett	— Hedley	— Richardson
— Brodribb, K E	— Johnston	— Service
— Brodribb, W A	— Levi	— Smith, A. J
— Cathie	— M'Cann	— Smith, L. L
— Denovan	— Nicholson	— Tucker
Dr. Evans	— Orkney	— Wood
	— O'Grady	— Wright.

A ballot was then taken, which resulted in the election of the following members :—Mr. M'Mahon, Mr. Brooke, Mr. Loader, Dr. Macadam, Mr. Snodgrass, Mr. J. Davies, Mr. O'Connor, Mr. Edwards, M. Sinclair, Mr. Sullivan, Mr. M'Lellan, and Mr. Kyte.

LIEN BILL.

Mr. DON moved for leave to bring in a bill for the better security of mechanics and others performing work or furnishing materials therefor. The hon. member said that the bill was in all respects the same as that approved of by the Assembly on two different occasions.

Mr. RAMSAY seconded the motion, which was carried.

The bill was read a first time, and the second reading was made an order for that day fortnight.

INSOLVENT ESTATES BILL.

Mr. LEVI moved for leave to bring in a bill to repeal certain acts relating to insolvent estates, and to create a court of insolvency for the administration of the law relating to insolvent debtors and their estates. The bill was based to a great extent upon the recommendations of the committee which had been inquiring into the management of the insolvent courts of the colony. As it had been drawn up by one of the most learned barristers in the colony, there was no occasion for him to detain the House by entering into the principles of it.

Mr. SERVICE seconded the motion, which was carried.

The bill was read a first time, and ordered to be read a second time on Thursday next.

THE NEW PUISNE JUDGE.

Mr. KYTE, pursuant to notice, moved—

"That, in the opinion of that House, the appointment of H. S. Chapman, Esq., to the office of puisne judge, or acting judge, of the Supreme Court of this colony, was unconstitutional, and contrary to the Act 23 Vic., No. 91, sec. 12, and known as the Officials in Parliament Bill, inasmuch as the said H. S. Chapman was a member of that House at the time such appointment was made."

The hon. member expressed his regret that the House had allowed so young a member as himself, and one so inexperienced in Parliamentary debate, to introduce so important a motion. However anxious he might be to expose the matter in hand, his inexperience would excuse any imperfections on his part. In making a few remarks, he begged the House would lend him its assistance to unravel one of the most important questions ever brought before it. It might seem strange that so young a member should take up such a matter; but his only object was that justice should be done in a colony in which he intended to pass his days, and that the appointment as judge of a gentleman who, he might say, had "blackguarded" the colony, should not be allowed by that House. He was aware that the advocates of the appointment in question would say that a judge of the land was exempt from the operation of the Officials in Parliament Act. He had expected as much, and had looked up one

or two authorities on the subject. By the Constitution Act, the Government of the day had power to appoint three judges, and, in accordance with that act, three judges were appointed, one of whom was elected chief justice. Finding that three judges were unable to cope with the amount of legal business brought before them, the Government obtained power by an Act of Parliament (*Adamson*, 1,696, page 1, clause 1), to appoint a fourth. There were, therefore, four judges, to all intents and purposes, but there was no power given to appoint a fifth. He did not wish to impute any motives to the Government in the appointment they had made; but it was the business of members of that House to keep the Executive within their legal bounds. By granting leave of absence to the judges, first the Attorney-General could be appointed judge, then the Minister of Justice, and, if necessary, afterwards the hon. member for Sale—for supporters of the Government must be provided for. A few evenings ago, he asked the question upon what authority the appointment of Mr. Chapman was made, and in the course of debate he elicited the fact that Mr. Chapman was not appointed as judge, but only as acting judge. On referring, however, to the *Government Gazette* of February 6, 1862, he perceived that Mr. Chapman was appointed one of the puisne judges, and not an acting judge. He could not be a puisne judge, as there were four already. In the proclamation there was not one word about "acting judge." If he had been appointed acting judge, he would come within the meaning of the Officials in Parliament Act, and would have to forfeit £50 a-day for each day he held such office whilst being a member of the House. He had no doubt a legal quibble would be raised that an acting judge was a judge of the Supreme Court; but if so, there was nothing to prevent the Government from multiplying the number of judges as they chose. If they could make such appointments, it was doing that which the House had most jealously guarded against. It was surely not to let Governments pay their supporters by making them judges that this act was passed, and he thought the House had too much respect for its own character to have meant to legislate in that manner. He believed that gentlemen who would follow him would attempt, from the same *Adamson*, to prove that Government had the power to appoint one judge in the place of another who might be absent, and that the person so appointed would be entitled to the full powers and privileges of the judge whose place he filled. But the same act provided that it should only be in the case of his being legally appointed, and it was clear to him that the Government had not the power to appoint an acting judge, and in this case the newly-appointed judge was only an acting-judge, and therefore was not entitled to the powers and privileges of a judge. He held that the present judge was acting illegally, and he ventured to assert that the Minister of Justice would scarcely dare to contradict him. The hon. member was always conscientious in giving his opinions, and he would readily accede to his decision, but he did not think the hon. member's opinion would differ from his own. He only brought forward this matter on general grounds, and had no personal feeling in the matter. He would add, however, his belief that no one could say, with his hand on his heart, that he believed he would get justice at the hands of the new judge. He would also venture to say that few members of that House would have retained their seats under such circumstances as those under which the new judge had obtained his seat. The proper course for him would have been to resign, but he had not done so.

Mr. DENOVAN seconded the motion.

Mr. WOOD much regretted that the hon. member had not adopted the proper mode of dealing with the matter, that of permitting the judges of the Supreme Court to decide as to the legality of the appointment. The appointment was properly made, the only penalty attaching to it being a personal one, affecting the judge who had accepted the appointment. If the hon. member had read carefully Act 91, 12th section, he would have seen that there was nothing to prevent such an appointment. The Crown had the right of appointing whom it pleased, and the act was carefully framed not to do away with that power; but, at the same time, any member accepting office within six months after entering the House, was liable to a penalty. Still there was nothing to say that he could not accept the appointment, and his actions in his official capacity were perfectly legal, the only penalty being a personal one. Therefore, the hon. member, if he wished to test the legality, could take the proper steps to do so. He had no doubt the hon. member was able enough to do so, and certainly a penalty of £50 at the end of six months would be a handsome sum to recover. ("Hear, hear;" and a laugh.) That was the proper way of deciding the question. That was a sufficient answer in itself to the arguments of the hon. member. He had shown that there was nothing in the act to prevent the appointment, and therefore it could not be said that it was contrary to the act. He would not further address himself to that point, but he would add that the hon. member was quite mistaken in supposing that the late member in question was liable to a penalty of £50, merely because he was a few weeks in the House. The hon. member had referred to the Constitution Act, and to the act bearing upon the appointment of a substitute for a judge. But the second *Adamson*, page 427, provided that where a judge was absent through indisposition or leave of absence, it would be lawful for the Government to appoint a substitute until the pleasure of Her Majesty was known, and the person so appointed would be entitled to all the powers and privileges of the judge. The hon. mamber had not shown that the new acting judge was not legally appointed, and he maintained that the appointment was legal. When a member of the House was appointed, the only consequence was that he resigned his seat and became liable to a penalty. He could not conceive that words could have a wider meaning than those at the end of the 5th section, and these, too, showed the legality of the matter—the only point, to his mind, being, that the salary which was granted should have been passed rather in the name of Sir Redmond Barry than of Mr. Chapman; for one of the privileges of a judge was to receive his salary in such a case, and therefore the grant was made to carry out the privilege, and to enable Sir Redmond Barry to draw his salary. It was a

principle of law that every penal statute was to be interpreted strictly, and in every respect, except the one he had mentioned, a judge appointed under the 5 h clause, No. 10 Vict., stood on a clear footing with the other judges. He submitted, therefore, on this principle, that a judge appointed in lieu of another was so legally, and was irremovable until the return of the judge whose place he had taken. If a member of the House could be appointed a permanent judge, he did not see why he could not be appointed to take the place of another judge. The hon. member had introduced into his speech an allegation which he ought not to have introduced, and that was with regard to a communication which the gentleman in question was said to have made to a paper at home before he was a member of that House. If he believed that Mr. Chapman was the author of that letter, why had he not brought forward the matter in a proper manner, in order that it might be fairly discussed? Another matter to which the hon. member had referred was, that Mr. Chapman had been mixed up with something that had occurred at Mornington, and he went the length of saying that he could not expect to have justice at the hands of that gentleman on the bench. But had he brought forth any proof to support his allegation? He would venture to say that there were not many members in whose behalf there had not been more or less personation,—not that they were cognizant of it, but that they could not help it. ("No.") He believed that such was the case at almost every election, and if that were so, the matter became merely a question of degree. It might be said that the late member obtained his election by means of personation. Still that would not imply moral guilt on his part, unless he knew of what was being done. But the fact was, there was personation, in his opinion, on behalf of the other candidate at the election. The late member had a majority in all the other divisions, and if there had not been personation on behalf of his opponent, he would probably have had a majority in that division also. If his opponent believed that the return was obtained by personation, why did he not petition against it? The fact was, he must have been aware of the personation on his own side, and could not do so; and if such was the case, he did not see why Mr. Chapman should have been expected to resign. It was not fair, however, on the part of the hon. member to allude to that subject. His hon. colleague, the Attorney-General, had come there prepared to argue the law of the case, and instead of that, they had had quite a different question raised. He did not know whether the hon. member objected to a member of that House being appointed a judge, but if he did so, he could only refer him to the practice in England, where the same kind of appointments were frequently made. In this country, as at home, leading members of the bar often entered Parliament, and it was not thought right to prevent them from having the chance of obtaining a seat upon the bench. With regard to the judgeships of the Supreme Court, the number was limited, and therefore no appointments could be made purely with the object of getting rid of members or of rewarding supporters. Supposing they all applied for leave at once, only four members could be appointed, and they could only sit in the absence of the judges whose places they filled, and he thought the hon. member had rather stretched his argument when he hinted at such a probability. If the four judges did apply at once for leave, no Executive would grant the request; but it was quite impossible to suppose that such a case could arise. He thought on all these grounds that the hon. member had failed in substantiating his case. He ought to have shown that the 12th section prevented a person from being appointed in this way; but there was no such restriction, and the person so appointed was merely liable, as he had said, to a penalty. It came to this, that a member of the House could be appointed to a judgeship, and, after having been so, might get leave of absence, and then another member might be appointed in his place until his return; and it would be absurd to suppose that it should be otherwise; and looking at the fact, that penal statutes were to be interpreted strictly, he maintained that the Government were justified in making the appointment. If his law was wrong, and the hon. member's right, the latter could have an opportunity, if he pleased, of settling the question in the manner in which he had already pointed out. (Hear, hear.)

Mr. EDWARDS would vote against the amendment. He believed, with the Minister of Justice, that penal statutes were to be interpreted strictly. Judges were appointed specially because they were to be out of the reach of the Government. They were appointed for life, and nothing but an address from both Houses of Parliament could displace them. If Mr. Chapman had been appointed a permanent judge, he would not have objected; but having been appointed only for twelve months, he was still under the influence of Government.

Mr. O'SHANASSY.—In what way?

Mr. EDWARDS.—The hon. member was very fond of interrupting members, especially young members, but he observed that no member objected more than he did to being interrupted.

Mr. O'SHANASSY thought the hon. member was unusually sensitive that evening. He had merely asked a question in a very moderate tone of voice, to which he had not received an answer.

Mr. EDWARDS.—The late member was still under the influence of Government in this way—that, being appointed temporarily, he would again, at the expiration of the period, be open for a new appointment. It was against the meaning and spirit of the act that appointments should be made in that manner. They were legal, but most impolitic.

The question was then put, and negatived without a division.

SUPPLY.

The resolutions agreed to the previous evening, in Committee of Supply, were reported, and agreed to.

The remaining business was postponed, and the House adjourned at two minutes past eleven o'clock.

FIFTY-SIXTH DAY—FRIDAY, FEBRUARY 21, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

NOTICES OF QUESTIONS.

Mr. W. C. SMITH gave notice that, on Tuesday, he would ask whether the Government intended to enforce the present business licence fee from persons resident on Crown lands who reside in any municipality?

Mr. DON intimated that, on Tuesday, he should ask the Chief Secretary who were the trustees of St. Patrick's College; under what conditions were the money and land voted for that institution; and whether the trustees had complied with the act in not keeping the college open for educational purposes?

Mr. FRAZER gave notice that, on Tuesday, he would ask the Chief Secretary to furnish a return showing the gross amount paid to each religious denomination in the form of state aid, and the amount received by each clergyman from the state aid fund, since the passing of the Constitution Act.

NOTICES OF MOTIONS.

Mr. HEALES gave notice that he should move the following clause (to follow clause 69) in the Land Bill:—"Purchasers by selection under clause 14 of any lands (or their alienees) shall be entitled to lease (or licence) of Crown lands adjacent to their respective properties, at the rate of sixpence an acre per annum, and to the extent of three times their own purchased land, if there be so much vacant Crown lands available; provided that the sale by selection of any lands under lease (or licence) as aforesaid shall cancel so much of the lease (or licence) as relates to the licence sold, and to three times the area thereof adjoining thereto (should there be so much vacant Crown lands available), which last-mentioned area may be held under a like lease (or licence) by such new purchaser, or may be divided between him and the adjoining holder or purchaser."

Mr. W. A. BRODRIBB intimated that, on Tuesday, he should move that copies of all Parliamentary papers, and the *Government Gazette*, be sent from time to time to the various mechanics' institutes throughout Victoria.

Mr. FRAZER notified that, on Tuesday, he would move that Mr. M'Mahon, Mr. Owens, and Mr. Edwards be added to the select committee appointed to inquire into the management of the police force.

PETITIONS.

Petitions were presented by Mr. B. G. DAVIES, from miners and other residents at Jericho, in the Avoca district, against certain provisions of the Land Bill; and by Mr. HEALES, from 106 inhabitants of Smythesdale, praying that clauses might be inserted in the Land Bill for free selection over the 10,000,000 acres of agricultural land, and the sub-division of the pastoral runs.

THE GOVERNOR'S SALARY.

Mr. RICHARDSON asked whether it was the intention of the Government to take Legislative action with regard to the reduction of the salary of future Governors of the colony?

Mr. O'SHANASSY said it was the intention of the Government to do so as soon as some progress had been made with the business already on the paper.

PAPERS.

Mr. O'SHANASSY brought up the report of the commission of inquiry into the circumstances attending the disasters which befel the Burke and Wills Exploring Expedition.

Mr. BENNETT presented a report from the select committee on the Melbourne and Geelong Corporation Act Amendment Bill.

APPROPRIATION BILL.

Mr. HAINES brought up an Appropriation Bill, to apply the sum of £422,470 out of the consolidated revenue for the service of the year 1862.

The bill was read a first time, the second reading being appointed for Tuesday next.

THE YAN YEAN WATER PIPES.

Mr. BENNETT called attention to the fact that, by reason of the Yan Yean water pipes being laid under the water channels of the main streets of the city, when the Yan Yean was turned off, in consequence of the pipes bursting or other causes, the refuse water in the channels ran into those pipes through the fire-plugs, and when the Yan Yean was turned on again, this dirty water was forced up for domestic use; and asked the Commissioner of Public Works whether those fire-plugs would be made watertight from without?

Mr. JOHNSTON observed that to make the fire-plugs watertight would be to destroy one-half their usefulness, as they were self-acting air valves. The present engineer was aware of the objection of which the member for East Bourke complained, and which was provided against in the pipes lately laid down.

Mr. BENNETT asked whether the Commissioner of Public Works would give directions that no more of these pipes should be laid in the water channels?

Mr. JOHNSON said he should be very glad to ake further inquiry into the matter.

Mr. M'LELLAN spoke to having seen quantities of the merest filth drop into the pipes through the plugs being open, and to the desirability of remedying the evil, if possible.

REGISTRATION FORMS.

Mr. DENOVAN asked the Chief Secretary whether he was aware that the registrar for the Sandhurst Boroughs had been without any registration forms for many weeks past, although he had repeatedly applied for them; and if so, whether the Government would take immediate steps to see that a proper supply of these forms were sent to him? Also, whether the Government intended to appoint deputy registrars for the vari-

ous electoral districts of the colony, with a view to facilitate the voluntary registration of electors?

Mr. O'SHANASSY thought there was no necessity for putting either of the two first questions. The registrar for the Sandhurst Boroughs knew as well as other registrars that if he stood in need of registration forms they could be obtained at the Government printing-office. With regard to the last question, he would observe that there was an ample staff of registrars in the colony, and whenever any vacancy occurred, it would be filled up.

Mr. DENOVAN said, to his certain knowledge, there had been no registration forms in the Sandhurst boroughs since Christmas. He had received more than twenty letters from the district, calling attention to the matter.

Mr. O'SHANASSY observed that if the hon. member brought forward any complaint against the local registrar, it should be investigated; but, according to the wording of the questions, the complaint seemed to be against the Chief Secretary, rather than the registrar.

THE OCCUPATION LICENCES.

In reply to Mr. FRAZER,

Mr. DUFFY said he would have prepared a plan showing the lands occupied by virtue of gold-fields and agricultural licences, issued under the occupation system.

CLAIMS FOR COMPENSATION.

Mr. HAINES moved—

"That a select committee be appointed to investigate and report to this House on the claims for compensation of Mr. E. Bell, Mrs. Morphy (the widow of the late J. S. Morphy), and such special cases not coming within the provisions of the bill to regulate the Civil Service as may be referred to the committee; the committee to consist of Mr. Denovan, Mr. Don, Mr. Hood, Mr. Humffray, Mr. Loader, Mr. Mollison, Mr. Sullivan, Mr. Verdon, and the mover; three to form a quorum; with power to send for persons and papers."

It would be in the recollection of the House (said the hon. member), that when the Supplementary Estimates for 1861 were under discussion two items—those relating to Mr. Bell and Mrs. Morphy — were objected to, and he expressed his willingness that the cases should be referred to a select committee. Accordingly, he now brought forward a motion for a select committee, which committee he desired should be empowered to investigate, not only the cases mentioned, but others which might have to be dealt with. He might refer, for example, to the cases of Mr. Murray, Mrs. Phillips, Mr. Powlett, and Mr. Wright.

Mr. O'SHANASSY seconded the motion, which was agreed to without a division.

SUPPLY.

The House have gone into Committee of Supply,

The first item moved was £14,500 towards the Central Gaol, Melbourne.

Mr. SULLIVAN asked why the sum of £2,000, which had been placed on the Estimates of the late Government for the gaol at Sandhurst, had been omitted from the present Estimates?

Mr. HAINES said that, as it had been found necessary to make large additions to the general expenditure this year, the Government had thought it desirable to make reductions where they could do so. The inspector of public works had reported that the works in connexion with the gaol at Sandhurst might be deferred. The item had been struck out, with the intention that it should be placed on the Estimates in a future year.

Mr. VERDON suggested that, in taking the votes on the Estimates, the sum-total of each sub-division should be submitted to the committee, in accordance with the practice of previous Governments.

This having been tacitly assented to,

Mr. HAINES asked the committee to grant the following items for gaols:—Towards the Central Gaol, Melbourne, £14,500; towards the gaol at Ararat, £2,000; towards the gaol at Ballarat, £1,000; towards the gaol at Beechworth, £2,000; towards the gaol at Geelong, £2,000; towards the gaol at Maryborough, £1,200; towards the gaol at Kilmore, £1,500; repairs and additions to gaols as required, £2,000. Total, £26,200.

Mr. W. C. SMITH asked why the item of £2,000, for completing the existing portions of the gaol at Ballarat (which was on the Estimates last year), had been reduced to £1,000? He believed that within the last few days the new gaol had been occupied.

Mr. JOHNSTON said the reason was because the Ballarat Gaol being finished so far as to be fit for occupation, it had been thought better to lay out money on other gaols which could not yet be occupied.

Mr. DENOVAN was not altogether satisfied with the explanation given by the Treasurer as to the reason why the item for the Sandhurst Gaol had been omitted.

Mr. HAINES said that during the year 1861 the revenue did not meet the expenditure by something like £250,000. Therefore, to avoid a considerable increase of taxation—which the country would not willingly have submitted to—it had been necessary to attempt to reduce the expenditure. The items for salaries and contingencies had been largely reduced, and the Government had also been desirous to reduce some of the items for public works, and grants to charitable institutions. Acting on the information supplied by the inspector of public works, they had struck out the item for the gaol at Sandhurst, because it was not absolutely required this year.

Dr. MACKAY recommended the claims of Gipps Land to more courthouse accommodation.

Mr. JOHNSTON thought the morality of Gipps Land was so great that courthouses were unnecessary there. (Laughter.)

Mr. VERDON objected to the Treasurer stating, as a reason for the omission of several items on the Estimates of the late Government, that a large additional amount of taxation would be required to meet them. The fact was, the expenditure proposed by the present Government was in excess of that proposed by the late Government.

Mr. HAINES said the expenditure the present

Government proposed was likely to be more advantageous,—for example, the item for electric telegraphs had been increased to £33,000, but that was necessary, and would bring in revenue.

Mr. VERDON did not complain of the expenditure itself, but of the Treasurer stating, as a reason for leaving out certain items, that additional taxation would have been necessary to carry out the propositions of the late Government.

Mr. SULLIVAN supposed the Estimates had been framed, as usual, on the information of the practical heads of the different departments. If, then, the sum of £2,000 for Sandhurst Gaol was thought necessary upon the Estimates of the late Government, it was equally necessary now.

Mr. JOHNSTON replied, that if the inspector of public works was told that the items for public works must be cut down, he would consider which works it was most essential to proceed with at once, and which could be deferred. He considered that the money proposed to be voted for Castlemaine and Sandhurst could be dispensed with best, and consequently they could be struck out of the Estimates. The general sum for the repair of the whole of the gaols had been increased from £1,500 to £2,000, in case some special work was required which could not be dispensed with.

Mr. O'SHANASSY said the gaol at Geelong required £15,000 to make it secure, for the prisoners were only confined within a timber stockade. That work was more necessary than many others, if the Government had the money to spare.

Mr. DENOVAN called attention to the large sum set down for the Central Gaol, Melbourne. He was making some inquiries on the subject, and would take an early opportunity of bringing the matter before the House.

The various items for gaols were then agreed to.

The next item proposed was £7,000 for repairs and additions to buildings and hulks.

Mr. W. C. SMITH said that, unless it were the intention of the Government to transfer a large number of the prisoners from the country districts to the city, it was unnecessary for large sums to be continually spent on buildings and hulks in and around Melbourne. He objected to the item being granted without some detailed information being given as to the purposes for which it was required.

Mr. DON said the hon member's complaint was most extraordinary, for if there was one thing more than another which Melbourne could spare, it was the gaol. They were so tormented with the villany of the country districts that they could scarcely get the use of their own gibbet. (Laughter.) He was quite sure that if the hon member would undertake that the blackguardism and villany of the gold-fields and other places should not be concentrated at Melbourne, there would be no objection to remove the hulks, &c to his favourite district, Ballarat, as well as the £7,000 granted for their support.

Mr. O'SHANASSY said that a few years ago the cost of the maintenance of prisoners was from £170,000 to £200,000, for at that time there was about one officer to every two prisoners. By the erection of permanent buildings, the expenditure had been reduced to the sum on the present Estimates. The buildings and hulks for which the £7,000 was required were not for the benefit of Melbourne alone, but for that of the whole country, and they were also of advantage in the way of reforming criminals.

After some further observations from Mr. O'Shanassy, Mr. Heales, and Mr. Johnston,

The question was put, and agreed to.

On the motion for £10,000 for additions and repairs to the Yarra Bend Asylum, including fittings and furniture,

Mr. MOLLISON said the House was aware that a select committee had lately been inquiring into the management of the asylum, and there was great difference of opinion as to whether it was advisable to maintain the asylum in its present condition. Nevertheless, they found that large sums of money were being expended upon it. Last year £10,000 had been voted for it, and the total amount expended upon it was something like £40,000. Now he would like to know how that money was being expended, and what it was spent upon. If the vote were agreed to, he trusted that no portion of the money would be expended until there had been further inquiry into the subject.

Mr. JOHNSTON quite agreed with the hon. member, and as he was also of opinion that, rather than increase the size of the asylum, it would be better to erect others in other parts of the colony, (Hear, hear,) he had made inquiry, so as to be able to answer the hon. member's question. He found that the money would not be spent upon the Yarra Bend itself, but that it was required to furnish the kitchens and store-rooms, and to carry out the drainage works; and even if it were decided to build another asylum at Castlemaine or elsewhere, the whole of the money would be required for the purposes he had pointed out.

Mr. LEVEY asked whether it would not be advisable to substitute brick buildings for the wooden ones which were being and had been erected?

Mr. JOHNSTON pointed out that to do so would involve the expenditure of much more money than was now asked for.

Mr. J. T. SMITH supported the motion, and stated that ten years ago the asylum contained only fifty patients, whereas the number was now 700, and it was absolutely necessary that increased accommodation should be provided for them.

Mr. DENOVAN would like to ascertain from the Commissioner of Public Works the amount in bulk which had been expended upon the asylum during the past three or four years.

Mr. JOHNSTON was not in a position to answer the question at present.

Mr. MOLLISON stated that the total sum would be about £43,000.

Mr. WEEKES felt surprised rather at the smallness than the largeness of the sum, especially when he remembered that some £20,000 had been spent in one district alone in the care of lunatics. He approved of the cottage system, which had apparently been copied from Belgium, where it worked admirably. It was a better system, when properly carried out, than that in force at home.

Mr. DON thought that a great deal of the money voted had been misspent, through a blunder of the Government officials in fixing the site of the cottages in the most inconvenient and

improper place for drainage. He approved of the system at the Yarra Bend, and did not believe that in any institution at home with the same accommodation there were 700 inmates.

Mr. HEALES thought the discussion was somewhat misplaced, especially as the House would have to be prepared for a larger vote next year. There was no proposition against the vote, and the House, under the circumstances, might safely assent to it. (Hear, hear.)

Mr. VERDON believed it unnecessary to protract the discussion, and merely rose to ask the Treasurer whether he would carry out the system he himself had begun, of addressing circulars to the various local bodies, asking them to provide temporary accommodation for lunatics who were to be sent to Melbourne, instead of allowing them to be treated as criminals, as at present.

Mr. HAINES approved of the plan of the hon. member, and would take care to have it carried out.

Mr. J. T. SMITH desired to have some information as to the report of a committee appointed to inquire whether the quarantine station buildings could be used for the reception of lunatics.

Mr. O'SHANASSY said the question was one which had occupied the attention of the Commissioner of Lands and himself for some time. They thought it was possible that these buildings could be used for the purpose, and they had taken steps to have something like an impartial inquiry into the matter. The member for Collingwood had desired to have Dr. Bowie's name put upon a committee for that purpose; but he (Mr. O'Shanassy) had not done so, because he was aware that Dr. Bowie was strongly in favour of using the buildings at the quarantine station for such a purpose, and because he desired to get a strictly impartial opinion. For that purpose, he had named the following gentlemen as a committee:—Dr. Barker, Dr. Motherwell, Dr. Barry, Dr. Hedley, Captain Kaye, and Mr. Wardell, the latter because he was inspector-general of buildings, and they had given in an unanimous report. That report was against the use of those buildings for the reception of lunatics, and therefore the Government were precluded from adopting that plan. The hon. member for Collingwood remarked that Dr. Bowie had offered his services without remuneration, but he would inform the hon. member that the other gentlemen on the commission had done the same.

Mr. W. C. SMITH thought every member who had yet spoken had shown the necessity there was for having branch asylums in the country districts. So far as the district he represented was concerned, he could assure the hon. member for Williamstown that it was impossible in the present state of the hospital to afford accommodation for lunatics in the manner he proposed. He had known cases where lunatics had been taken to Ballarat from a long distance; they were thrown into the prison there, and by the time they arrived in Melbourne they were incurably mad. The present was the time to consider the question carefully. Instead of granting £10,000 towards extending the Yarra Bend, where there were already 700 inmates, it should be applied to the erection of a branch asylum in one of the country districts. He should oppose the motion on those grounds, and if necessary carry the matter to a division.

Mr. W. E. BRODRIBB said he quite agreed with many of the remarks which had fallen from hon. members, but he thought the vote should be postponed until the report of the committee on the Yarra Bend had been brought up. He would move an amendment to that effect.

Mr. BERRY thought the hon. member for Ballarat's remarks were unnecessary, as the vote was not to extend the Yarra Bend, but only to make the present building as effective as possible. At some future time he trusted to see a system introduced by which the lunatics would be distributed throughout the country, instead of all being sent to one place. At present, he saw no other course than to vote for the motion, to improve the present institution.

Mr. W. C. SMITH withdrew his proposition in favour of that of the hon. member for Brighton.

Mr. COHEN reminded the member for Brighton that his amendment would retard the alleviation of the evils he so much deprecated. It was necessary, after the explanation of the President of Land and Works, that the motion should be carried; for, however much he agreed with having branch asylums, the vote was required to put in repair the building where there were so many patients at the present time.

Mr. JOHNSTON pointed out to the hon. member for West Ballarat that had he persisted in his amendment, he would have shelved the question for another year. ("No, no.") The hon. member knew nothing about the subject, he regretted to say. ("Oh.") He did not wish to attribute any blame to the committee, but he had himself been chairman of a committee for two years, and they had not yet brought up their report. If the hon. member for Collingwood would state that he would be in a position to report in the next few days, he would not oppose the postponement of the vote.

Mr. DON said he could not promise that the report would be brought up that session. The committee had sat for three sessions, and he did not know why he should think himself more clever than any other chairman.

Mr. M'LELLAN explained that the present committee had only just commenced to take evidence to rebut that formerly given.

Dr. HEDLEY said that the committee would be ready to report before the main question of the management of the asylums was put forward. Already the majority of the committee had agreed as to the nature of their report. The vote was for maintaining the present institution, but he hoped to see the time when the expense of maintenance would be thrown upon the various districts.

Mr. HOOD thought it strange that such contradictory statements should be made by two members of the same committee.

Mr. HEALES regretted to hear the statement made by the hon. member for South Gipps Land —that a number of the members of the committee were now ready to bring up their report. He regretted that any member should say he was prepared to bring up a report, when it was admitted that up to the present time scarcely any rebutting evidence had been taken. It was not fair that a member should make up his mind as

to the principles of a report before he had heard evidence on both sides.

Dr. HEDLEY stated that the light in which he looked at the matter was not as regarded the efficiency of any person, but as regarded the system under which lunatics were treated in the colony.

Mr. BRODRIBB withdrew his amendment after the remarks which had been made by hon. members.

Mr. WEEKES said that, as a member of the committee, he and Dr. Hedley had had some conversation together, and he had, after reading over the evidence, come to the conclusion that no blame could be attached to any individual, and that all that could be done had been done. He thought the report should be shortened, so that the system should be compared with that in the mother country.

The vote was then carried.

On the vote for £5,000 for buildings for reformatories and industrial schools,

Mr. WEEKES moved that the vote be withdrawn, for the purpose of being increased by £5,000. £5,000 was totally inadequate to initiate the system of reformatories successfully, and if a sufficient sum was not voted, they would soon be in the same condition as the Yarra Bend Asylum.

Mr. HAINES mentioned, that from what knowledge he had of reformatories, £5,000 would be ample to commence them. Next year the Government might add to the present sum, but if the vote was passed they could make a beginning.

The vote was then passed.

On the motion that £9,300 be voted for court-houses, as follows: — Towards the completion of court-houses for the holding of courts of circuit, general and petty sessions, county courts, courts of mines, and keepers' quarters, including fittings, and repairs, and additions to existing buildings, £5,000; towards the erection and completion of court-houses at the following places:—Heathcote, £1,500; Fitzroy, £2,000; Seymour, £800,

Mr. O'GRADY wished to know whether any provision was included in the vote for the court-house at Hawthorn. £96,000 had been voted for court houses, and he thought that Hawthorn should be considered. He would suggest that £500 be devoted for the purpose.

Mr. EDWARDS drew attention to the fact, that a sum of money had been voted for three years for a court-house at Fitzroy, but some objection had always been made to the contract, and the vote had lapsed each year.

Mr. JOHNSTON pointed out that the delay had not occurred through any flaw in the contracts, but because a legal dispute had arisen as to the site selected. That difficulty had been settled, and there was no reason why the work should not be proceeded with if the money was voted. As to the question of the hon. member for South Bourke, he could not say how the money would be distributed.

Mr. BENNETT proposed an amendment, to the effect that the first item be increased by £4,000. He insisted that the completion of the City Police Court was a great public necessity. The building was badly ventilated, and there was no room in which the magistrates could consult. He also called attention to the want of a court-house at Yan Yean.

Mr. LEVEY opposed the increase. He did not see why the petty sessional business at a small country place—such as Seymour—where a court was held, perhaps, only once a week, could not be transacted at an inn. Again, he objected to the multiplication of suburban police courts. There were more police courts in the metropolitan district of Victoria than in the London police district.

Mr. HOOD remarked that the City Police Courts were not fit for a white man to sit in, and that if something were not done in this regard before the vote for police magistrates came under consideration he should move that Mr. Sturt and Mr. Hackett receive each £100 additional, for having to sit in such an atmosphere for five or six hours every day. With regard to up-country arrangements, he had only to say that he had seen, in more than one district in the interior, a "lock-up" not fit to hold a dog, and yet, beside it, a court-house substantially built, and handsomely fitted up.

Mr. JOHNSTON said he should be very glad to undertake to see to the ventilation of the City Police Court.

Mr. HAINES opposed the amendment. This was not a time, when funds were running short, to assent to the increase of a vote, unless a good case could be made out for the proceeding. No doubt gentlemen who frequented police-courts did suffer from the imperfect ventilation, but they were not greater sufferers than hon. members themselves, who had to sit for hours in a chamber the ventilation of which was as bad as possible.

In reply to a question from Mr. O'GRADY,

Mr. JOHNSTON said he would make inquiries as to the wants of Hawthorn, and would be glad to give that place a fair share of the money at his disposal. With regard to the objection of the member for Normanby, he had only to say that the necessity for a court-house was usually brought under the notice of the Government by a deputation; the subject was referred to the law-officers, and if those gentlemen reported that a district was in want of such an establishment, a sum for the purpose was placed on the Estimates.

The amendment was then put and negatived.

Mr. LEVEY asked what necessity there was for building a court-house at Heathcote?

Mr. JOHNSTON replied that he could only say that he found the item on the Estimates of the late Government.

Mr. VERDON observed, with regard to the statement of the member for Normanby as to holding petty sessions courts at inns, that in country districts the clerk of petty sessions or the police magistrate was usually the representative of the central Government in the locality. Now, he thought it highly undesirable that every one having business to do with the representative of the Government in a particular district should be obliged to go to a public-house to find him. (Hear, hear.) He should support all the items set down, because he believed no department of the Government required such liberal provision as that of justice.

Mr. GRAY said the place in which the court was held at Heathcote was at the end of a long

line of police buildings, and was now falling to pieces. A court of mines, a court of general sessions, and a police court were all held there.

After some further discussion, the vote passed.

The following votes were also agreed to:—

£4,914 8s. 9d. for lighthouses and lightships, viz.:—£1,200 for completing lighthouses and quarters at Shortland's Bluff; £1,000 for repairs and additions to lighthouses and lightships; and £2,714 8s. 9d. towards the Gabo Island lighthouse (being a re-vote of lapsed amount of vote of 1860). £2,000 for powder magazines. £2,000 for new buildings, and repairs and additions to buildings, for the use of the Survey Department. £1,500 for new buildings, and repairs and additions to buildings, for the department of the Treasury.

ELECTRIC TELEGRAPHS.

The next vote asked for was £33,000 for electric telegraphs, as follows:—Removal and re-erection of lines of telegraph (including repairs and additions to wires, &c.) along the railways between Melbourne, Castlemaine, Sandhurst, Geelong, and Ballarat, including provision of telegraphic communication for the special use of the railways at all railway-stations, £12,500; provision of a second intercolonial wire through Victoria, to meet the second wire already erected in New South Wales and South Australia, £9,500; extension of telegraphic communication to Redbank, £1,250; extension of telegraph from Inglewood to Swan Hill, £7,000; extension of telegraph to Smythesdale, £1,500; repairs and additions to existing lines, £1,250.

Mr. W. C. SMITH, seeing an item for the extension of telegraphic communication to Smythesdale, asked whether it was the intention of the Government to combine the telegraph-office with the post-office at Smy hesdale?

Dr. EVANS said it was the intention of the Government to carry out that arrangement.

Mr. DAVIES asked whether, in the extension of the telegraph from Inglewood to Swan Hill, the line would pass through the townships of Korong and St. Arnaud?

Dr. EVANS said the department would find it necessary, with the funds placed at their disposal, to construct the line by the most direct route, and therefore it would not pass through the townships referred to.

Mr. DAVIES regretted that the Postmaster-General had given such scanty information on the subject. He should like to know what the extent of the deviation would be if the line went through Korong and St. Arnaud, and what the difference in the estimate would be. It was undesirable that the line should pass through sheep grounds and scrub, instead of through populous and important towns; and he hoped the matter would receive further consideration.

Dr. EVANS was fully aware of the importance of the two places referred to, and there was no town in the colony to which personally he would sooner extend telegraphic communication, but his public duty required him to economise the funds placed at his disposal. A considerable deviation would be required to carry the line to Korong, but if it could be made with the funds placed at his disposal, he would be glad to see it carried out.

Mr. HOUSTON thought it was false economy to extend a telegraph line by a direct route if it would avoid important towns like Korong and St. Arnaud. The average cost of constructing a telegraph line was £50 or £60 a mile, and if only a few additional miles would be required to make the line in question pass the townships mentioned, he thought the House would willingly grant the extra amount. He wished to know why £9,500 for a second intercolonial wire through Victoria was required.

Dr. EVANS said the second intercolonial line was required to connect the existing line with South Australia.

Mr. JOHNSTON, in replying generally to some of the questions raised during the discussion, said it was believed that the extension of the telegraph from Inglewood to Swan Hill would be exceedingly remunerative. The sum of £9,500 was required to connect New South Wales with South Australia. A large number of messages were at present sent between those two colonies, but, in consequence of there being only one wire, considerable delay occurred; and it had been threatened that, unless an additional wire were erected, communication would be established along the banks of the Murray, and the Government line avoided altogether. This would cause a loss of £3,000 a year in the telegraph department. It was the intention of the Government to carry the proposed line through a very populous district to the westward, including the towns of Colac and Camperdown. This route was also ninety miles shorter than the present line of communication.

In reply to Mr. M'CANN,

Mr. JOHNSTON said that the item of £1,250 was for additions and repairs to existing telegraph lines; but the £12,500 was a special vote for the construction of additional telegraph lines along the railways. It was thought very desirable that there should be telegraphic communication between all the railway stations in the colony, to notify the despatch of trains, &c., and insure the safety of Her Majesty's lieges.

Mr. HOOD said that, in addition to the item of £1,250 for "repairs and additions to existing lines," there was a sum of £2,000 on the Estimates, at page 50, "for maintenance and repair of lines, including the purchase, hire, and forage of horses." He thought there must be some mistake, and asked for an explanation.

Dr. EVANS said the item of £1,250 was for ordinary necessary repairs.

Mr. HOOD.—Then the £2,000 is for unnecessary repairs. (Laughter.)

Dr. EVANS said the hon. member's vocabulary might lead him to that conclusion, but from his (Dr. Evans's) experience in the telegraph department he knew that there was an ordinary wear and tear to which he and the hon. member were liable, and which required them to provide for the repair of their——

Mr. HOOD.—Bodies. (Laughter.)

Dr. EVANS was going to say their clothes. (Laughter.) But at all events, telegraph lines, like legislators, were liable to ordinary wear and tear, and also to unforeseen accidents. The £1,250 was for ordinary repairs, and the £2,000

for extraordinary and unforeseen exigencies. (Hear, hear.)

Mr. HEDLEY drew attention to the fact that there was no telegraphic communication with Gipps Land, and it was only thence that submarine communication could be maintained with Tasmania. He would like to ask the Postmaster-General whether the Government would bear that in mind?

Dr. EVANS said the subject had not been overlooked by the Government, because he had some time ago given instruction that estimates of the expenses should be obtained of carrying the line into Gipps Land; but he could not call upon the Government at present to vote money for such a purpose. At the same time it was not in the power of the Government to hold out any encouragement to Tasmania, so far as assistance in the matter of the broken submarine telegraph was concerned, since the experience of other countries as yet was against the adoption of that means of communication.

The question was then put, and agreed to.

The House then resumed, when the Chairman reported progress, and obtained leave to sit again on Tuesday.

THE GOLD EXPORT DUTY.

Mr. HAINES rose to move the second reading of an Act to Amend the Gold Export Duty Act. He did not anticipate any opposition to the motion, because all sides of the House were pretty well agreed upon the principle. While some hon. members were of opinion that the amount collected on gold should be reduced, other hon. members believed that it should be abolished altogether; but he hoped that those hon. members who did not wish to see the revenue materially injured would consider whether the Government had not paid sufficient consideration to the interests of the gold-fields in the present state of the country. He had always been entirely opposed to the total abolition of the duty, because he considered some duty only a fair contribution to the general revenue, and in order to give expression to the views he entertained he had provided for the reduction in the Estimates. What the Government proposed was, that after the 1st of July next sixpence should be taken off the duty, the reduction to be collected during the remainder of the year, and that after the 1st January, 1863, a further reduction of sixpence should be made. He thought that a great concession to the gold-fields interest, and it would be impossible to do more, because they could not say what might be the general state of thing at the last-mentioned date. He would not enter into the question whether the duty was a tax upon industry, because that had been frequently and fully discussed already, and the opinions of hon. members upon it were pretty well known. He trusted, therefore, that no discussion would now be raised; of course, when the bill went into committee, gentlemen who thought the reduction was not enough would be able to move amendments.

Mr. GILLIES asked whether the Treasurer was not prepared to include in the bill the proposition for the abolition of duty on New Zealand gold when exported?

Mr. HAINES supposed that there would be no objection to that course, and there would be no difficulty in adding a provision of that nature.

Mr. M'LELLAN would not oppose the second reading, but he gave notice that when the bill was in committee he would move an amendment.

The question was put and carried, and the bill brought up, and committed.

The House then went into committee on the bill.

The preamble was postponed.

Clause 1, providing that "on and after the 1st day of July, 1862, instead of the duties of customs payable in accordance with the above recited act upon the exportation of gold from Victoria, there shall be payable the duty following, that is to say—2s. per ounce," was adopted.

On clause 2 providing that "on and after the 1st day of January, 1863, instead of the duty payable as hereinbefore provided upon the exportation of gold from Victoria, there shall be payable the duty following, that is to say—1s. 6d. per ounce,"

Mr. M'LELLAN moved, as an amendment, "that the duty shall be 1s. per ounce until the 1st July, 1863; that until the 1st of January, 1864, it should be 6d., and so continue until the 1st July of the same year, when the duty shall be abolished." He thought it necessary only to say a few words in support of his motion, believing that it would neither be wise nor necessary to enter at length into the subject. In the last Parliament there were forty-eight members pledged to the abolition of the duty, there were also a great many members in that House so pledged; and it would be strange, indeed, if two Parliaments should fail to keep faith with the public, as one had already done. He would point to the fact that the yield of the gold-fields was greatly falling off, and that the mining population was not now nearly so well off as they had previously been, so that what they could previously afford to pay was now a heavy tax upon them. Looking at the decline in the yield of gold, the great number of persons employed on the gold-fields, the great amount of capital invested in mines, and in everything necessary to carry on mining, and remembering that the average earnings of the miner were not above £1 per week, he thought it was only reasonable that there should be a remission of the duty on gold, especially as the duty fell heaviest on those who carried on mining in an isolated manner. The miner had paid in direct taxation upon all he had mined at the rate of £20 per acre, and of all the immense yield to the revenue, only half a million had been expended in connexion with the gold-fields. It might be attempted to be shown that the various roads which had been constructed were so in the interest of the miners, and had been rendered necessary by them; but he maintained that the roads ought to be formed out of the road fund, without reference to the miners at all. The hon. member then referred to an election speech made by the Postmaster-General, in which the hon. member stated that he could not have joined the Ministry unless they went the same length as the Heales Ministry as regarded the reduction of the export duty on gold. He then quoted other speeches made by the hon. member in that House. He did not wish to weary so

House with speeches made by hon. members; it was sufficient for him to say that the tax was unjust, as it pressed most heavily upon those miners who got their living by the tub and cradle. In the event of the tax being taken off, and a loss being experienced by the state, a tax upon articles could be imposed which would press equally upon all classes. He thought hon. members who were pledged to do away with the duty altogether ought to vote for the amendment, as that was the only mode by which such an end could be gained.

Mr. O'SHANASSY thought the hon. member had fairly admitted that evening that, after consultation with his friends, the course taken for the last year or so in that Parliament upon the present question was not the one to be taken now —in fact, that the abolition of the tax at a day's notice was not a wise course. The only difference between the two propositions was, that he would terminate the tax in January, 1864. To effect that point, the hon. member had referred to speeches made by various hon. members, and had counted heads to ascertain how many supporters he could depend upon; but the hon. member would pardon him for saying that by his amendment he would not be such a friend to the miners as if he supported the Government proposition. In the first place, the Upper House could only deal with the bill as a money bill, and could not make any alteration in it without rejecting the whole. Supposing the Government bill to be carried by a large majority expressing the sense of the House, that bill was more likely to pass through the other branch of the Legislature than the hon. member's amendment would be if it was only carried by a bare majority. The hon. member had accused some members of the Government with being inconsistent, but such was not the case, as they had never held the duty to be a tax, but only a rent. The hon. member had made a mistake in the number of persons engaged on the gold-fields; for, on referring to the census reports of April, 1861, he found the total number to be 79,547, including all persons engaged in the six divisions of mining pursuits.

Mr. M'LELLAN.—There are 40,000 Chinese.

Mr. O'SHANASSY said he had included them. ("No, no.") Well, whatever the number might be, it did not much matter. The hon. member argued that the proceeds had fallen, but he (Mr. O'Shanassy) would combat that statement by reminding the hon. member that mining had undergone considerable changes within the last few years—that now, instead of men working in small parties as formerly, they were employed by companies at a rate of 8s. 6d. a-day, with every necessary of life cheaper. The main question, however, was, whether an individual should be allowed to appropriate the public property without paying for it. (Mr. Ramsay.—"The miners' rights.") Miners' rights were never contemplated to give the gold, but merely to enable a man to mark out his claim; to give him the advantage of a vote for the local courts, and the use of wood and water; also to give him the exclusive possession of a piece of land on which to seek for gold. When he found the gold he was to pay 2s. 6d. per ounce. Therefore he paid two charges for two distinct privileges. It was said that the duty was a tax upon industry; but what tax was there that was not a tax upon industry? For instance, if he built a house in a remote part of a municipality, he had to pay rates for it—that was a tax upon industry. It was impossible, therefore, to call the duty a class tax. It appeared to him that if hon. members were really anxious to see the duty reduced, they would support the Government proposition of 1s. 6d. per ounce, for there was more chance of its becoming law when supported by the whole weight of the House than a proposition which might only have a bare majority. He was aware that when an hon. member representing the gold-fields pledged himself to the abolition of the export duty he had not the fact before him that there were the entire interests of the country to manage; but as hon. members had had an opportunity of becoming acquainted with the financial condition of the country—which could not be said to be flourishing—he hoped they would pause before agreeing to the amendment of the member for Ararat.

Mr. VERDON considered it waste of time to go through the arguments affecting the principle of the tax. The discussion should be limited to a consideration of the proper time and way of effecting the reduction and abolition of the tax. He had already maintained on the floor of the House that it was neither just nor Parliamentary to a tempt to disturb the financial projects of the Government after they had been assented to as a whole; but while he held this doctrine, he thought it quite fair and just to add to the bill such a clause as would carry out the principle which a large number of hon. members had consistently and uniformly expressed. That principle was, that the gold export duty was unjust, and ought to be abolished as soon as the exigencies of the state would allow. A resolution to that effect was passed in the last Parliament. It was then clearly understood that the tax should be abolished as soon as possible. Now, the member for Ararat had accepted the scale of reduction which the Government suggested. The Government proposed the reduction of sixpence in each six months of the ensuing year. The member for Ararat proposed that this arrangement should be continued until the whole tax was abolished. (Hear, hear.) The Chief Secretary had talked of the consistency and inconsistency of hon. members on the Opposition side. Would it not be fair to retort to the effect that, seeing the members of the Government had declared themselves more than once in favour of the tax as it was, it would have been more consistent if they had kept to their colours, and continued to deny that the tax was unjust? The Chief Secretary had urged that it would be inexpedient for members representing the gold-fields to reject the Government proposition at this time. Why? Because the Upper House was not likely to accept any amendment to the bill. It was strange that the strongest Government which the colony had seen should have such apprehensions about the most important financial measure which they had submitted.

Mr. O'SHANASSY observed that the two propositions were perfectly distinct: while one went in for the abolition, the other maintained the principle of the tax; and all that he had said was that the Upper House were more likely to agree to a measure passed unanimously by this House

than to one which was carried by only a bare majority.

Mr. VERDON believed the Upper House were just as likely to resist a reduction as they were to resist the abandonment of the duty altogether; and if this House were to be restrained in such acts of legislation as were deemed necessary by the people, why should hon. members sit there at all? The same argument had been used with reference to the land question; but he maintained that there were limits to this question of expediency. It had been urged that this duty was a royalty. But there was no royalty for coal or other natural products. There was a licence for working answering somewhat to the miner's right, but there was nothing to set against the gold export duty. It was the province of the state to promote in every way the development of the resources of the country. Gold was of no value in the bowels of the earth—it was only made valuable by the labour and capital of those who searched for it; and if to the extent of half-a-crown per ounce they crippled and hampered the development of their auriferous resources, they did, to that extent, an unwise thing. Industry should be taxed equally, and if the miner paid his share, with the rest of the community, of ordinary taxation, why should he be subjected in addition to a special tax? He knew it used to be argued that there were special expenses attaching to the goldfields which rendered a special tax just and necessary. But that state of things did not exist now. There was nothing so lawless among the mining community as to require on the gold-fields extra police, or anything beyond the ordinary machinery of government. (Hear, hear.) He supported the amendment because he believed it just and moderate, and that it would not interfere with the financial propositions of the Government for this year.

Dr. EVANS would not have risen to address the House, but for the observations referring to him which had been made by the member for Ararat. He admitted that, when sitting on the Opposition benches, he attempted, in conjunction with a friend and former colleague (Mr. Harker), to obtain the total abolition of the gold export duty, and that he had said, over and over again, that he would avail himself of any opportunity of securing that object. But of course such pledges could not be carried out except under financial circumstances which rendered it possible, without disarranging the resources of the country, or violating the public credit. On the occasion referred to, the financial circumstances and the public credit of the country were very different to what they had become under the Administration of his hon. friends opposite. (Loud cries of "Oh," from the Opposition.) He could sympathize heartily and sincerely with those groans of contrition and despair (laughter); but the fact remained, that he (Dr. Evans) and his colleagues had but recently retired from office, with the supreme satisfaction of having left in the Treasury a sum, not less than £440,000, to the credit of the country.

Mr. VERDON said it was quite impossible for the Government to which the hon. member belonged to have known what was the balance, seeing that they left office early in the year.

Dr. EVANS replied it was at the end of October that they retired from office; and on making up the public accounts to the 31st December, it appeared that, after providing for all the expenses and liabilities of 1859, there was the balance which he had stated. But when the member for Williamstown retired from office, after his first juvenile experiment in the manipulation of the finances, instead of a balance of £440,000 to the credit of the country, there was a sum of £240,000 on the wrong side of the ledger. (Laughter.) Now, he presumed the hon. member, after his diligent attendance at the classes of the University, was sufficiently master of arithmetic to know that £440,000 added to £240,000 would make something like £680,000.

Mr. VERDON observed that the Postmaster-General appeared to forget the existence of the Government previous to the Heales Government. And he would here urge upon the hon. member, who was not usually discourteous, that it was scarcely correct to be personal. His (Mr. Verdon's) private affairs were not the concerns of the House, and ought not to be brought forward in a slighting or offensive manner. (Hear, hear.)

Dr. EVANS regretted to find that the member for Williamstown, notwithstanding his experience in office, still retained that delicate sensibility, which he (Dr. Evans) would be the last man in the world intentionally to wound; and, therefore, if any observations directed to the hon. member's arithmetical attainments had proved offensive, he begged most sincerely and humbly to apologise. But the member for Williamstown had stated that he (Dr. Evans) had failed to remind the House that in the period named—between the close of the financial year of 1859, and the close of the period when the hon. member retired from office—there intervened another Administration. Now, he thought it most fortunate for the Administration to which the member for Williamstown belonged that there did intervene this convenient cushion to break the fall of the financial interests of the country. Had it not been for the intervention of the Nicholson Administration, the destruction of the country's finances, and the failure of the public credit, would have been infinitely greater than it had been. The point from which this digression began was simply this,—that when Mr. Harker and himself voted for the abolition of the gold duty, the Government could afford to make large reductions in the revenue, without any violation of the credit of the country. How different were the circumstances now! He would not imitate hon. members who dragged into every discussion the question of the land; but, if he were inclined to do so, he would say that at the period to which he referred the Legislature had not broken into that great source of revenue, which at that time appeared inexhaustible, and from which they were deriving £700,000 or £800,000 per annum without difficulty or inconvenience to the people; they had not, in deference to what was called popular opinion out of doors, sat down to imitate the person in the fable who killed the goose which laid the golden eggs. ("Oh, oh.") This was the simple effect of the arrangements which they had been making for the destruction of that magnificent revenue by means of which a great

part of the colony had been covered with the improvements, and, he would add, with the wonders of civilisation. ("No, no.") He said this because he had had conversations with intelligent Americans, coming from various parts of their own country, and more particularly with Americans from California—the circumstances of which country were nearly analogous to those of Victoria—and they had all expressed their astonishment and admiration at seeing the vast superiority of this country as regarded its roads, bridges, and other public works, which were the results and tests of the civilisation of the colony. ("Hear, hear;" and "No, no.") He contended that—with a falling revenue, with the destruction of a most fruitful source of income, and with the prospect of a still further decrease in the revenue—it would be most unwise, most imprudent, and most profligate, for the Legislature to strike off the income derived from the export duty on gold at one blow. ("Five blows," from hon. members on the Opposition benches.) He was stating what he stated even more explicitly and emphatically to the people of Maryborough. The newspapers probably did not contain a tenth part of what he said. Within ten days he attended twenty-two public meetings, at each of which he spoke for an hour and a half or two hours. Before going to the poll at the last election, he stated distinctly that the proposal of the Government was to take off sixpence from the gold duty on the 1st of July next, and sixpence off on the 1st of January following. At the same time, he stated that it had been suggested by the miners that it would be more to their advantage if the miner's right were reduced to a nominal sum. At meetings held at Chinaman's Flat, Golden Point, and other places, the most influential miners told him they would prefer having a reduction of the miner's right to a nominal price, provided a mint were established in Victoria, rather than have a reduction in the export duty. He was ready to vote for a reduction of the gold duty to the same extent as was proposed by the Government to which the hon. gentleman opposite (Mr. Verdon) belonged. The proposal to effect a total abolition of the duty by periodical reductions, was a new light which had fallen upon the hon. member. (Mr. Verdon.—"No.") Then, why was not the proposal made by the Heales Administration? Nothing could be more absurd or illusory than the attempt to secure the total abolition of the duty at the present time. If the Treasurer were not a man of high character and principle, but capable of political chicanery, the most ingenious thing he could do would be to secure a majority that evening in favour of the total abolition of the duty; for the hon. member opposite (Mr. Verdon) knew perfectly well that the inevitable result would be that the Upper House would secure the Treasurer against any reduction at all, by rejecting the abolition; and the duty would continue as at present for a long time to come. (Hear, hear.) He would not detain the House long, because, as several hon. members had only recently entered Parliament, he was extremely desirous of setting an example of abstinence from that eternal logomachy, or eternal chattering and rhodomontade, with which the time of the public and the patience, as well as the physical and mental health, of hon. members were worn out and consumed. (Hear, hear.) Let them not view the question as wrangling politicians, but as men of common sense, and as men who had to answer for their conduct before large bodies of people, as intelligent and sagacious as themselves. He was convinced that if he voted for the second reading of the bill, he should be endeavouring to secure a reduction of one shilling per ounce in the export duty on gold by the end of the year; but if the amendment were carried, the present duty would be permanently fixed.

Mr. WEEKES said all the arguments of the last speaker merely went to show that, even if the amendment were carried, the Upper House would maintain the odious tax. That was an additional reason why hon. members should support the amendment, so that the country might see who were the parties who wished to maintain the tax. The hon. member for Kilmore had signed the report of a commission—drawn up by Mr. Westgarth, some years ago—which stated that the tax was imposed as a matter of expediency, and could not be maintained as a permanency.

Mr. O'SHANASSY said he was carrying out his own views by proposing to reduce the duty to 1s. 6d.

Mr. WEEKES thought the hon. member ought to have done that three or four years ago. When the evidence was taken before the commission, it was attempted to be shown that there should be a permanent tax of some description upon the gold-fields, and a registration-fee was proposed by several parties who gave evidence. The hon. member for Kilmore proposed a tax of £1 a-year, in return for which a document called a miner's right should be given; but it was submitted that when the licence-fee was taken off something else should be substituted. The commission acquiesced in the imposition of an export duty of 2s. 6d. per oz, but on the understanding that it would not be a permanency, but be gradually reduced until it entirely ceased. As to the miner's right, he believed that the miners did not object to it. It was a useful document, and gave the miners a certain *status*; but £1 a-year was quite sufficient to pay for it. The hon. member for Kilmore talked about gold as if he supposed it could be dug up like potatoes; but, in fact, three-quarters or seven-eighths of the value of the gold procured was expended in procuring it. The rest of the community, therefore, benefited more by the labours of the miners than the miners did themselves; and an export duty of 2s. 6d. per ounce was a tax of twelve and a half per cent upon the miners' industry. He should vote for the amendment, because he believed the tax was an unjust one, and that the House ought to take the chance of whether the other branch of the Legislature would reject the amendment.

Mr. HAINES said that all the arguments which had been used against the tax applied equally against the whole of the territorial revenue, and if the House adopted them, they might as well strike off £1,125,000 from the revenue. The miners originally paid for a licence for the privilege of digging gold, but it was found difficult to collect the money, and the export duty was adopted. It was not until recent years that they had complained that the

tax was an unjust one. The Crown law-officers of the day said it was necessary to have some annual payment for the occupation of Crown lands for mining purposes, or otherwise the Government would lose their right to the lands altogether, and consequently the miner's right was established. The miner's right was not intended to be a substitute for the licence-fee, but the export duty was. He trusted the House would see that, by abolishing the export duty, they would be tending to the destruction of the territorial revenue altogether. If they gave way on this point, they could not prevent any person from going on to the lands, and they would be called upon to pay compensation to those who had purchased land.

Mr. SULLIVAN thought it somewhat singular that one remark should be so constantly repeated in that debate. It was held over hon. members *in terrorem* that the Upper House would not agree to a reduction of the duty; but if that kind of argument was to be used, he saw no use in legislating at all. (Hear, hear.) A thing of that kind he was quite sure would not be tolerated at home. The House of Commons were so jealous of their privileges that no Minister would dare to get up in his place and speak in such a manner. (Hear, hear.) In dealing with measures they ought to deal with the merits of them, without reference to the other House. The hon. member Dr. Evans had not entered into the question at all. He contented himself with making an attack on the previous Government; and quite unnecessarily, as no attack had been made by the members of it on the present Government. But where no attack had been made, it was out of place to make an attack on a Government which had been out of office for some months. What was it they asked the House to do? They had merely brought forward an amendment to a proposition, and they appeared to be censured chiefly for its moderation. He really thought the Government were entitled to give the members who supported the amendment more credit for having the interest of the colony at heart. The hon. member said something about secret meetings at which the terms of the amendment were arranged; but there was no foundation in fact for any such charge, and there was no intention in bringing it forward of offering factious opposition to the Government. The question, he was well aware, had been discussed over and over again in the House, and it would be very difficult to throw any new light upon it; and certainly he had not the presumption to suppose that he could do so. But he would like to show, in answer to the Chief Secretary, that the tax was a serious obstacle in the way of the success of large companies. Where large companies were formed they often expended large amounts of money and got little gold, and yet the little they got was taxed. The consequence was that these companies were obliged to stop working, while a different result would follow a change of system. Instead, therefore, of levying this tax of 2s. 6d. an ounce, he took it that the capital invested ought to be regarded as invested in one of those native industries which the member for Villiers and Heytesbury had formerly said might be subsidized. He could assure the hon. member Mr. Haines that he was wrong in supposing that the agitation on this subject was new; and he could say the contrary from his personal experience of the gold-fields. And when it was said that the miners assented to the levying of the tax, they had only done so as choosing the least of two evils. Taking the earnings of the miners at the low figure of £1 per week, even a sixpence levied upon it was a serious amount, and there were thousands on the gold-fields who did not earn more. A man's labour was his capital, and if a tax were levied at all, it should only be in the shape of an income tax upon what he actually realised. Take the case of a packman, and surely they would tax what he earned for himself, and not his gross receipts. Some gentlemen said the land was of more value after a miner had been upon it than before, and certainly land which was not worth sixpence an acre for agricultural purposes, had been sold for as much as £1,800 an acre. The miner had also been the means of forming such towns as Castlemaine, &c. Thus he enhanced the value of property wherever he went, and therefore it might be said that he had paid over and over again for the privileges which had been extended to him. He therefore hoped this House would maintain the principle that the gold duty should be abolished as speedily as possible. The manner in which he dealt with a matter was upon its merits. He opposed that which he conceived to be bad, and supported that which he thought good, no matter from what quarter it came, and that was the way in which he dealt with this question. Let them adopt the amendment, and if the Upper House should not agree to the abolition of a tax which the Government admitted to be odious, on them would rest the odium of refusal. (Hear, hear.)

Mr. W. C. SMITH was opposed to the Gold Export Duty, which he thought oppressive, and he would suggest, as a better scheme, that an income-tax should be levied upon the income of every class, and by that plan a tax would be levied upon profit, and not upon labour, while it would fall equally upon every class in the community.

Mr. SERVICE thought it was altogether unnecessary to discuss the principle at issue between the two contending parties with regard to the abolition of the gold duty, as the same arguments had been so often adduced. He did not intend to say one word on the general question, except to refer to the extraordinary statement made by the Postmaster General,—that it was unwise and profligate to reduce an unjust tax in the face of a falling revenue. He looked upon it that it was profligacy to continue an unjust tax. If it were found, by taking off that tax, that the customs and other revenues would not suffice, and it was necessary to raise £200,000 more, a new tax could be imposed which would press equally upon all, and not upon one class. As regarded the amendment, he would say that none could have been introduced in a less factious manner, as there was no attempt to alter the phraseology of the Government bill, but merely to add to it. When first he heard it read he made up his mind to vote for it, but the remarks which had fallen from the Chief Secretary, to the effect that the Council could only adopt or reject the bill—that they could not alter it—

made him alter his intention. If it were thrown out, another bill of the same character could not be introduced during the present session, and that would be against the interest of the miners.

Mr. GRAY pointed out that it was not necessary that two bills should be introduced in the same form to accomplish the same object. He strongly deprecated the system pursued of legislating to meet the views of the Upper House.

Mr. WOOD said that although he did not intend to vote for the amendment, he hoped it would be carried, as then all parties would be pleased. In the first place, through its being thrown out by the Upper House the Government would save £100,000, whilst hon. members representing the gold-fields would have the satisfaction of knowing that they had acted up to the pledges they had given to their constituents, and those who objected to the Upper House would have another grievance. Among the arguments raised against the tax, it was said that the miners could not afford to pay it; but not only could they afford to pay it, but also a heavy royalty, to persons owning private property. No doubt there were some who found it press heavily upon them, but they were men who did not carry out mining on a proper system.

Mr. RAMSAY contended that, so far as the matter of rent was concerned, the miner's right was more than equivalent for the advantages gained as compared with the squatter. The squatter's rent was 2d. per acre, while the miner had to pay £1 for only one-eighth of an acre. Again, the scene of mining operations was usually unproductive before the visit of the miner. But when that occurred a township sprang up, and the value of land ranged from £30 to £300 an acre. It had been stated by the Chief Secretary that the wages of the miner amounted to 7s. 6d. per day. But this applied only to the men who were employed by the companies. The average wages of those who were engaged in alluvial mining and working old ground did not amount to more than 12s. a week, and the average wages of miners generally could not be estimated at upwards of 22s. per week. But take from the account those who had the large finds, and the wages would be found to average not more than 8s. or 10s. per week; and yet the man who obtained that small amount had to pay his share of the export duty, although, by the purchase of his miners' right, he contributed more than the proper rent of the land which he occupied. The hon. member concluded by asserting that the abolition of the duty would be the means of starting many new companies, of reviving several companies that were now languishing, and of infusing new life into the gold-mining interest generally.

Mr. HEALES insisted that the gold export duty was a tax and not a rent, and brought forward figures in support of his assertion. It had been computed by the Mining Department that from the gold discovery in 1851 to the end of the year 1860, 640 square miles, or 409,640 acres, were partially opened by the diggers, who paid for the privilege of using these lands, by miner's rights, business licences, and export duty, no less a sum than £3,972,220. That was about £10 per acre.

Mr. K. E. BRODRIBB.—Will the hon. gentleman state how much they got out of that?

Mr. HEALES said he was treating this matter solely as a question of rent, and he wished to compare the amount paid per acre by the diggers with the amount paid per acre by the squatters. He did not think it pertinent to the question to say how much profit the diggers got, or how much profit the squatters obtained. Now it should be remembered that the land used by the diggers was about the worst in the colony. It was neither good agricultural nor good pastoral land. Well, assuming that the squatters occupied 45,000,000 acres, at £10 per acre they ought to have paid to the state during the ten years ending 1860, £450,000,000; but the squatters had not paid one tithe of that. Again, the amount paid by the miners during 1861, in licences, gold export duty, miners' rights, &c., was £389,150, or 19s. per acre for every man, woman, and child on the gold-fields. These figures showed that the duty could never have been calculated upon as a rent. Mr. Heales went on to observe that, supposing the amendment to be carried, and the bill, as amended, went up the Council and was rejected, they would then be in a position to send up the bill as proposed by the Government. But if they adopted an opposite course they would not give the Legislative Council the opportunity of doing that which the supporters of the amendment believed to be right.

Mr. FRAZER expressed the hope that hon. members would now come to a division, as further discussion would not affect the result.

Mr. DENOVAN spoke briefly in support of the amendment.

Mr. M'CANN opposed the amendment.

Mr. BERRY supported the amendment.

Mr. LEVI intended to vote for the Ministry, believing they had made such a concession as was not expected by hon. members opposite when the Government came into office. If the measure were carried, it would probably pass the Upper House; but he believed that if the amendment were carried, it would be rejected by the Council. If the amendment were lost, hon. members who supported it would have an opportunity of again pressing their views in January next, when the budget was discussed.

Mr. M'LELLAN hoped the House would support the amendment, independent of any consideration as to what might be its fate in the Legislative Council.

Mr. K. E. BRODRIBB was sorry that the Ministers had consented to any reduction in the gold export duty in the present state of the finances of the country. An hon. member, who had filled the responsible post of Mining Minister (Mr. Humffray), and who ought to be the best authority on the subject, was quite at variance with other gentlemen who represented the gold fields. On a former occasion, Mr. Humffray, to whom he referred, denied that the tax was either unjust or oppressive, and, if abolished, it would not increase the yield of gold. The miners (added Mr. Humffray) did not wish for the abolition of the duty, but it was the large companies who did.

Mr. HOOD claimed the vote of Mr. Heales in favour of the second reading, on the ground of

an opinion which he had expressed on the subject in March, 1861.

Mr. B. G. DAVIES taunted the hon. member for Maryborough with inconsistencies on the question of the gold export duty.

Mr. FRAZER, as the committee did not take his suggestion, would now say, as the Chief Secretary was in his place, that, if they were to legislate with a view to the feelings of the Upper House, they had better send the business up there first, and take the second stage in this House; and with the present question, they had better first send up to see what the Upper House would pass.

Mr. O'SHANASSY said that since he had addressed the House he had met with several hon. members, who had said if he had then read the clause in the Constitution Act, they would have voted for the Government, but they were now pledged by their speeches to vote for the amendment. As he had not read the clause then, he would read it now, and hon. members would see that the clause—the 56th—would not permit the Upper House to do other than accept or reject the bill. [The hon. member then read the clause.]

Mr. W. GRAY disputed the doctrine laid down by the Chief Secretary, and proceeded at some length to argue that the constitutional relations of the two Houses were more elastic than would appear from the argument of the hon. member for Kilmore. The relations between the two houses were precisely the same as between the two Houses of Parliament in England, and on a recent occasion—on the resolution of the Commons to abolish the paper duty—the Lords did interfere and their interference was admitted to be legitimate because it carried out the growing feelings of the House of Commons itself.

Mr. O'SHANASSY said that in the following session the paper duties were mixed up with other matters of taxation, and the upper House was compelled to accept the bill as it stood.

Mr. W. GRAY (throwing down the Constitution Act on the seat behind him) said it was useless to address himself further to the argument. He remembered the time when the Chief Secretary was a brawling demagogue though he was now the advocate of the squatters and the protector of the Upper House. He believed the Chief Secretary was incapable of appreciating the argument he had been addressing to the Committee, though he was happy to say there were other minds in the House which could.

Mr. O'SHANASSY rose to order. He thought the hon. member for Rodney had no right to say with respect to him that he was incapable of appreciating any remarks he might make. This was the second occasion within the last few minutes that the hon. member had made use of insulting language to him. On the first occasion he was unchecked by the Chairman, and, therefore, when the hon. member repeated his insults, he thought it due to himself that he should challenge them. The language of the hon. member was of a kind that, had he used it elsewhere, he should have felt called upon to apply the toe of his boot to him. (Cries of "Hear, hear," and "Oh. oh.")

Mr. GRAY: This is only another specimen of Donnybrook blackguardism. (Cries of "Oh, oh;" "Order, order.")

Mr. LALOR.—I cannot allow the hon. member for Rodney to make use of such remarks. Will the hon. the Chief Secretary please to be seated. I did not understand the hon. member for Rodney to speak of the chief Secretary as a howling demagogue, otherwise I should have felt it to be my duty to call the hon. member to order.

Mr. O'SHANASSY.—Let him deny it.

Mr. LALOR.—I trust the hon. member for Rodney will see the propriety of apologizing to the hon member for Kilmore, if he has used any offensive expression towards him. I must confess I did not understand the hon member for Rodney to have addressed a personal remark to the hon. member for Kilmore, or I certainly should have called him to order.

Mr. O'SHANASSY.—The hon. member does not deny that he used it.

Mr. GRAY rose to speak, but was met with cries of "chair" and "order."

Mr. L. L. SMITH called the attention of the Chairman to the language used by the Chief Secretary towards the hon. member for Rodney, when he threatened to apply the toe of his boot to him. (Cries of "Chair," "Order.")

Mr. GRAY said the hon. member for Kilmore never allowed an opportunity to escape of sneering at him, because he had been a political friend of that member's colleague (Mr. Duffy), and of applying to him, without provocation, the rude language which, with charateristic fluency, was so ready to his tongue. (Cries of "Order, order," "Chair, chair.")

Mr. LALOR.—I must insist upon the hon. member for Rodney sitting down. I will not allow him to proceed. I must insist upon the hon. member discontinuing the use of such language and be more prudent in the choice of his words.

Mr. O'SHANASSY appealed to the chair and to the House, whether he had, in the course of any remarks he had made, used language to provoke the hon. member for Rodney, or any hon. member to justify the use of such objectionable phrases.

Mr. O'CONNOR observed that the hon. member for Rodney had, on a very recent occasion, risen in his place to throw oil upon the troubled waters when the House was nearly overwhelmed in a sea of strife, and he appealed to the proverbial good sense and judgment of the hon. member to make the *amende* if he had given offence, rather than that the unseemly dispute should be continued.

Mr. FRAZER said there were some men who aspired to be peacemakers, but whose intervention seemed to have the effect of throwing fuel upon the fire instead of quenching the flame. He thought the hon. member (Mr. O'Connor) might be much better occupied than in meddling with matters that did not concern him.

Mr. GRAY said he would drop all further allusion to a matter of so much unpleasantness ("apologize"), and went on to point out that under the Constitution Act it was within the province of the House, in the event of a money bill being rejected by the Legislative Council, to re-introduce it in the same session by putting it in another Bill embodying a lesser monetary consideration.

Mr. HEALES said that during the absence of

the Chief Secretary he had endeavoured to meet an argument advanced by him. He (Mr. Heales) had stated that, supposing the Upper House rejected the amendment, there was nothing in the Constitution Act to prevent the Government sending up a second bill asking for a smaller reduction.

Mr. O'SHANASSY replied that the rule in both Houses was, that, after such a bill had been rejected, it could not be reintroduced in the same session, in the manner suggested.

After some remarks from Mr. O'CONNOR,

The question, that the words proposed to be added be so added, was put, and the committee divided with the following result:—

Ayes	21
Noes	24
Majority against the amendment.	3

The clause, as originally proposed, was then carried.

Mr. HAINES stated that the clause relating to New Zealand gold would be made the subject of another bill.

The preamble was passed, and the Chairman reported the bill to the House.

The bill was then read a third time and passed.

The following is the division-list:—

AYES.

Mr. Berry	Mr. Gray	Dr. Owens
— Cathie	— Heales	Mr. Ramsay
— Davies, B. G.	— Houston	— Smith, L. L.
— Derovan	— Lambert	— Smith, W. C.
— Edwards	— M'Cann	— Sullivan
— Frazer	— M'Lellan	— Weeks
— Gillies	— O'Connor	— Wright.

NOES.

Mr. Anderson	Mr. Haines	Mr. M'Donald
— Bennett	— Hood	— Nicholson
— Brodribb, K E	— Ireland	— Orkney
— Brodribb, W A	— Johnston	— O'Grady
— Davies, J.	— Kirk	— O'Shanassy
— Dufty	— Levey	— Service
Dr. Evans	— Levi	— Smith, A. J.
Mr. Francis	— M'Mahon	— Wood.

CUSTOMS LAWS AMENDMENT BILL.

The report of the committee on this bill was adopted, and the bill was read a third time and passed.

LICENSED VICTUALLERS ACT.

Mr. EDWARDS moved—

"That leave be given to refer the Licensed Victuallers Act Amendment Bill to a select committee of eighteen members. That such committee consist of Messrs. Mollison, Nixon, W. C. Smith, W. A. Brodribb, Levey, Orkney, Humffray, Heales, Loader, Don, Snodgrass, Wood, Anderson, J. T. Smith, Richardson, Sullivan, Weekes, and the mover; three to form a quorum."

The hon. member stated that his object in asking for such a large committee was, that all bills relating to the sale of wines, spirits, &c., might be referred to one committee.

Mr. SULLIVAN seconded the motion.

Mr. M'CANN, and other members, objected to the number being increased from twelve to eighteen.

The motion was put and carried.

DISCOVERERS OF GOLD-FIELDS.

Mr. O'CONNOR moved—

"That the memorial of Patrick Regan and John Dunlop be referred to the committee now considering the claims of discoverers of gold-fields."

The motion was carried.

The House adjourned at twenty-seven minutes past one o'clock until four o'clock on Tuesday.

PAIRS.—Mr. Hedley and Mr. Humffray, Dr. Mackay and Mr. Verdon, Mr. Tucker and Mr. Nixon, Mr. Jones and Mr. Sinclair, Mr. Reid and Mr. Woods, Mr. Wilson and Mr. Kyte, Mr. Mollison and Mr. Foott, Mr. Riddell and Mr. Richardson, Mr. Cohen and Mr. Don.

FIFTY-SEVENTH DAY.—TUESDAY, FEBRUARY 25, 1862.

LEGISLATIVE COUNCIL.

The ACTING-PRESIDENT took the chair at five minutes past four o'clock, and read the usual prayer.

THE LAND BILL MAPS.

Mr. MICHELL announced that he had received from the Lands-office a sufficient number of the maps, showing the agricultural areas proposed to be reserved under the Land Bill, to supply every hon. member with a copy. (The maps were placed on the table.)

PETITION.

Mr. STRACHAN presented a petition from the members of the Farmers' Association, and other inhabitants of Bellerine, urging that a fair and equitable representation was not secured by manhood suffrage, and praying the attention of the House to that portion of the electoral law.

The petition was referred to the Printing Committee.

PAPERS.

Mr. MITCHELL laid on the table copies of the instructions issued by the Exploration Committee to Captain Norman, of the Victoria, and to the leaders of the exploration parties from the north coast.

NOTICE OF MOTION.

Mr. A'BECKETT gave notice that, at the next sitting, he should move for leave to bring in a bill for regulating schools of anatomy.

PRINTING COMMITTEE.

On the motion of Mr. ROLFE, the report of this committee was adopted.

CHINESE IMMIGRANTS ACTS AMENDMENT BILL.

Mr. MITCHELL moved the second reading of this bill. The object of the measure, he ob-

served, was to repeal so much of the act of Parliament No. 80 as imposed upon the Chinese the tax known by the name of the residence-fee. This tax had been found to act most oppressively with regard to the Chinese portion of the community, and it did not yield any hing like the amount of revenue anticipated. For instance, the Chinese population numbered 26,043, so that, if every Chinaman paid £4 per annum, the tax would realize £104,172; but the amount actually collected was no more than £20,383, and the collection of this sum involved considerable expense; and by paying this tax, the Chinese were relieved from the payment to which other miners were subjected under the miner's right. Under these circumstances, the Government thought it advisable to do away with this tax, and to place a duty on rice, which was the principal food consumed by the Chinese, and to require them also to take out the miner's right of £1 per year. The rice duty was estimated to produce £16,000, and it was assumed that, of this sum, £10,000 would be obtained from the Chinese. Then, supposing that only half of the Chinese population would take out miners' rights, £13,000 would be produced from that source, thus making £23,000 as the revenue from the Chinese, instead of £20,000 as at present, and avoiding the large expense attendant upon the collection of the residence-fee. This arrangement, he believed, would be far more satisfactory to the Chinese themselves. He might add that the bill did not repeal that portion of the act No. 80 which imposed a duty of £10 on every Chinaman who came into the colony by sea, and of £4 on every Chinaman who came here overland.

The motion was agreed to without comment.

The House then resolved into committee, and the several clauses of the bill were agreed to without discussion.

The measure was reported to the House, the report was adopted, and the bill was then read a third time and passed.

THE REFRESHMENT-ROOMS.

Mr. HIGHETT moved that a message be sent to the Legislative Assembly, intimating that the report of the joint committee on the refreshment-rooms had been adopted.

The motion was agreed to without opposition.

Mr. HIGHETT then proposed the appointment of Mr. Hull as a member of the committee, in the room of Mr. Fraser.

The motion was unanimously agreed to.

The House adjourned at half-past four o'clock till Tuesday next.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

PLEURO-PNEUMONIA.

Mr. SULLIVAN asked the Chief Secretary if the Government had received information that pleuro-pneumonia had broken out in the parish of Axedale; and, if so, whether they had taken any steps to prevent the spread of the disease?

Mr. O'SHANASSY had received no communication whatever on the subject. £2,500 was voted by the House last session to carry out the act for the prevention of pleuro-pneumonia; but the money was all spent before he came into office. It had, however, been ineffectually spent, because it had not accomplished the object intended. When he came into office, he appointed one of the commissioners to inquire into the truth of a report that pleuro-pneumonia existed on the New South Wales side of the Murray. That commissioner went there, and remained three months, after which he sent in a report. He (the Chief Secretary) had carefully read that report, as well as the reports of the other commissioners upon information supplied them from various parts of the colony; and he did not think there was any fear of the disease spreading in this colony, or that it was necessary to take any decided action to prevent it. Any sum of money the House voted as compensation to those parties whose cattle were destroyed the Government could, of course, easily spend; but whether it would effect the desired result or not was a different matter. His own impression was that it would be better to wait a little longer, before deciding whether to take any steps in the matter. He had had no report from any large cattle owner as to the existence of pleuro-pneumonia. The only complaints he had had were in reference to a few working-bullocks and farming-bullocks, and in these cases he had directed the police to give every assistance for the destruction of the bullocks.

Mr. SULLIVAN wished to know if the duties of the commissioners had lapsed?

Mr. O'SHANASSY.—Yes; from want of funds.

Mr. LALOR (at a later period of the evening) asked if the Chief Secretary was aware whether the commissioners recommended that cattle affected with pleuro-pneumonia should be destroyed, as a means of preventing the spread of the disease; and, if so, would it not be well to boil down the cattle, and form a fund out of the proceeds for compensating the owners of the cattle?

Mr. O'SHANASSY said the commissioners had reported very strongly on the desirability of infected cattle being destroyed, and the Government would adopt that plan if they continued to put the act in operation. As to boiling down, he was afraid that would not be very profitable, as most of the diseased cattle were lean ones.

Mr. LALOR suggested that the Chief Secretary should consult the commissioners on this point.

Mr. O'SHANASSY thought if the cattle were brought to Melbourne to be boiled down it would tend to spread the infection.

Mr. LALOR said the boiling might be in other places.

THE CANNONADING OFF CAPE SCHANCK.

Mr. O'SHANASSY directed attention to the telegram received on the previous night (and which appeared in *The Argus* of to-day), in reference to the firing of cannon off Cape Schanck, on Saturday night. He stated that he received the telegram at a late hour last night, and directed the messenger to take it to General Pratt's, and then—if the general assented—to request its in-

sertion in *The Argus*. He had this day received another telegram (which he read to the House), to the effect that the reports of cannon which were heard were caused by the ship Star King firing for a pilot, and the Corsair answering the call. There had, therefore, been no disaster at sea, as, in the first instance, there was some cause to apprehend.

NOTICES OF MOTIONS.

Mr. HAINES gave notice that, on the following day, he would move for leave to bring in a bill to exempt from Customs duty all goods imported into Victoria from other countries for exportation.

Mr. WOOD gave notice that, on Tuesday next, he would move for leave to bring in a bill to amend the law relating to auriferous land, and for other purposes.

Mr. M'LELLAN gave notice that, on the following day, he would move—"That previous to the framing of a new gold-fields bill, it is desirable that gentlemen resident on the gold-fields, having mining knowledge and experience, should be consulted. This House is therefore of opinion that a Royal commission, consisting of wardens, members of mining boards, and mining surveyors, from the five mining districts, should be appointed, to report upon the basis of a bill for the better management of the gold-fields."

Mr. W. A. BRODRIBB gave notice that, on Thursday, he would move that the House resolve itself into a committee to consider the propriety of presenting an address to His Excellency the Governor, praying that a sum of £2,000 be placed upon the additional Estimates for 1862, for the purpose of erecting a jetty at the end of Bay-street, Brighton.

Mr. J. T. SMITH gave notice that, on Tuesday next, he would move for a return of the passenger traffic on the railway stations, showing the number of passenger trains working past each station for the last three months of 1861.

Mr. ANDERSON gave notice that, on Friday next, he would ask leave to bring in a Distillation Bill.

NOTICES OF QUESTIONS.

Mr. RAMSAY gave notice that, on the following day, he would ask the Postmaster-General when the mining statistics would be published; and, if they were in the hands of the printer, when they had been sent there?

Mr. DENOVAN gave notice that, on Thursday, he would ask the Chief Secretary to lay on the table a return of the number of offices held by Dr. Roche, the registrar for the Sandhurst Borough.

Mr. J. T. SMITH gave notice that, on Tuesday next, he would ask the Commissioner of Public Works to cause inquiry to be made as to the practicability and advantage of uniting the Williamstown and main line of railway stations at the junction of the lines at Footscray; also if it were the intention of the Government to establish a side line for goods traffic at Footscray?

Mr. VERDON gave notice that, on the following day, he would ask the Commissioner of Trade and Customs if persons who had been dispensed with in his department had been asked to accept a compensation at the rate of three months' salary, irrespective of the provisions of the Civil Service Bill now before the House?

PETITIONS.

Mr. GRANT presented a petition from Mrs. Elizabeth Alice Murray, widow of a late gold-fields warden; and moved that the same be referred to the select committee appointed to consider the cases of Mrs. Bell, Mrs. Morphy, and others.

The motion was agreed to.

Mr. RAMSAY presented a petition from 130 Germans resident at Maldon, in favour of the bill to amend the law in relation to aliens, but praying that the period of residence required to entitle an alien to naturalization should be reduced from five years to three. He moved that the petition be read, and laid upon the table.

The motion was agreed to.

RETURNS, &c.

Mr. DUFFY presented a return in relation to farmers' commonage at Barrabool; and a return of the quantity of stock depastured on the 10,000,000 acres of land appropriated by the Land Bill to agricultural purposes.

Mr. M'LELLAN presented the 15th report of the Printing Committee.

MELBOURNE AND SUBURBAN RAILWAY BILL.

Mr. LOADER presented the report of the select committee on the Melbourne and Suburban Railway Sale Bill; and gave notice that, on Friday next, he would move that the House take the report into consideration.

PENSIONS BILL.

On the motion of Mr. WOOD, the House agreed to reduce the number of members necessary to form a quorum in the select committee on this bill from five to three.

THE ESTIMATES FOR EDUCATION.

Mr. HAINES gave notice that, on Friday, when the House went into Committee of Supply, he would submit the Estimates of Education, which were of pressing importance at the present time.

GOVERNMENT BOATS' CREWS.

Mr. NIXON asked the hon. the Commissioner of Trade and Customs if he had any objection to lay upon the table of the House a report of the number of men and boats employed in the Government service in Hobson's Bay; defining the nature of the duties performed by the different boats' crews, also the number of hours the police boats' crews were on duty day and night, with the amount of daily pay it was proposed to give to each boat's crew? He had been informed that the crew of the police boat performed twelve hours' duty per day, while that of the Custom House boat only worked eight hours; and that it was proposed to give both crews the same pay.

Mr. ANDERSON had no objection to cause the return asked for to be prepared.

BUSINESS LICENCE FEES.

Mr. W. C. SMITH asked the hon. the Commissioner of Crown Lands and Survey if the Government intend to enforce the present business licence fees from persons resident on Crown lands who reside in any municipality. The hon.

member said that these licence fees were a great hardship in many cases, as some persons had to pay as much as £5 or £6, or even £10, for the privilege of carrying on their business, in addition to municipal rates. He had no objection to the payment of a fee in proportion to the value of the site.

Mr. DUFFY said the Government were bound to carry out the law as it stood, but if the hon. member would bring any case of individual grievance under his notice, he should be glad to give it his consideration.

ST. PATRICK'S COLLEGE.

Mr. DON asked—Who were the trustees of St. Patrick's College, and under what conditions had the land and money for that institution been voted?

Mr. DUFFY said the trustees appointed were the bishop (Dr. Gould), Dr. Fitzpatrick, Mr. O'Shanassy, and Mr. O'Farrell. The money was granted on the vote of the former Legislative Council for the establishment of grammar-schools, the only condition being that the buildings should be appropriated to the general purposes of a grammar-school. As to the condition on which the land was granted, he found, somewhat to his surprise, that St. Patrick's College stood exactly in the same position as the Scotch College—the Crown grant had been prepared, but never issued. The only conditions, however, which it contained were, that the land and the buildings erected upon it should be devoted to the purposes of a Roman Catholic grammar school, in accordance with such regulations as might hereafter, from time to time, be made by the Governor-in-Council. As that condition had never been submitted to the trustees, however, and, consequently, as they had not accepted it, they were not bound by it.

THE LAND BILL—NOTICES OF AMENDMENT.

Mr. GRAY gave notice of his intention to move the amendment of the Land Bill by the introduction of two of the clauses from the present act. The first provided that no purchaser of land should, within twelve months after his purchase, sell or mortgage the land without a written licence from the Board of Land and Works; and the second provided that when the quantity of land leased to any person, together with the lot or lots which he purchased, should amount to more than 640 acres, such lease should be null and void.

CAPE OTWAY LIGHTHOUSE.

Mr. VERDON asked the Commissioner of Trade and Customs if he was aware that the men employed at Cape Otway Lighthouse had been reduced almost to a state of starvation in consequence of the want of provisions?

Mr. ANDERSON said there had been a difficulty in getting provisions conveyed to Cape Otway Lighthouse by sea, but some time ago he had given instructions that they should be conveyed by land, which would prevent the state of affairs to which the hon. member had alluded. He had also given instructions that there should never be less than three months' supplies on hand. (Hear, hear.)

CROWN LAND SALES BILL.

The House then went into committee, for the further consideration of this bill.

On the 18th clause, providing for the mode of payment for agricultural lands,

Mr. L. L. SMITH moved, as an amendment, that the words "to purchase in like manner the fee of one moiety thereof, and," be left out; and his object for so doing was that the principle of the occupation licences might be carried out, in so far that a man who took up an allotment under the system of deferred payments should have to pay only at the rate of 2s. 6d. for the first year, instead of 10s., as was proposed in the bill, and that under the reduced proportion of the payments the settler should be equally entitled to the fee-simple of one-half of the land at the expiration of the time proposed in the bill. His object, it would be seen, was simply to leave the settler in possession of money to carry on his farming operations, instead of requiring him to pay down one-half of the purchase-money at once. Every one who had voted for the occupation licences should vote for his amendment.

The CHAIRMAN wished to point out that during the discussion on the 10th clause, he had allowed considerable latitude in amendments, because it was a most important clause; but he hoped that, for the future, hon. members would restrict their amendments immediately to the matter under discussion.

Mr. DUFFY submitted that the amendment proposed was substantially the same as that previously proposed by the member for Rodney, to reduce the proportion to 5s. per acre. That amendment having been discussed and rejected, the present amendment was not in order.

Mr. L. L. SMITH maintained that the two amendments were altogether different; the one having proposed that the payment should be 5s. an acre, with the fee-simple at the end of two years, while the other submitted that the payment should be 2s. 6d. an acre, with the fee-simple at the end of four years.

Mr. GRAY was also of opinion that the two propositions were altogether different, and he would support the amendment.

Mr. SERVICE was opposed to the amendment; and thought that its proposition, after that of the member for Rodney had been defeated, was, in a measure, making a farce of legislation.

Mr. BERRY did not expect that the amendment would be carried, but still he would support it, as, if carried, it would carry out a principle which would work both satisfactorily and beneficially to the actual settler.

Mr. DUFFY again submitted that the two amendments were so essentially the same that the present one could not be pressed upon the attention of the House. The one proposition was that 5s. an acre should be paid for any land taken up under the system of deferred payments, while the other was that 2s. 6d. should be paid in the same way. As the first proposition had been already negatived, he respectfully submitted that the second was not in order.

Mr. SERVICE was not of that opinion. There was so much difference between them that, in his opinion, the amendment of the hon. member (Mr. Smith) could fairly be put to the House. At the same time he would vote against it.

The CHAIRMAN understood that the amendment applied to all the agricultural land, and not to

any number of acres, and in his opinion it was in order to submit the amendment.

Mr. DENOVAN regarded the amendment as involving a very important principle, and if it were carried it would be of service to a great proportion of intending settlers on the lands, because it would leave them money to begin operations with, instead of absorbing their capital at once. He would vote for the amendment.

Mr. HEALES would support the amendment, notwithstanding that of the member for Rodney had been rejected, because he believed that it would confer a great advantage upon those who would take up the agricultural lands. He did not expect to see it carried, nor did he want to prolong discussion upon a question which had been already discussed, but he would support the amendment for the reason he had given.

Mr. W. A. BRODRIBB believed that the amendment if adopted would create injustice, as regarded those who had already purchased land under less favourable circumstances, and therefore he would support the Government in opposing it.

Mr. J. DAVIES thought that the object of the Land Bill was to settle the people on the land on the best possible terms, and if such was the case, there should be no objection to the amendment, for which he would give his vote.

The question "that the words proposed to be omitted stand part of the clause" was then put, when the committee divided with the following result:—

Ayes	26
Noes	22
Majority against the amendment ...	4

The following is the division-list:—

AYES.

Mr. Anderson	Mr. Hedley	Mr. M'Donald
— Bennett	— Hood	— O'Grady
— Brodribb, K E	— Ireland	— O'shanassy
— Brodribb, WA	— Johnston	— Service
— Coven	— Jones	— Smith, J. T.
— Duffy	— Levey	— Tucker
Dr. Evans	Dr. Mackay	— Wilson
Mr. Francis	Mr. M'Mahon	— Wood.
— Haines	— M'Cann	

NOES.

Mr. Berry	Mr. Gray	Mr. Sinclair
— Davies, J.	— Heales	— Smith, L. L.
— Denovan	— M'Lellan	— Smith W. C.
— Don	— Nixon	— Sullivan
— Edwards	— O'Connor	— Verdon
— Frazer	— Owens	— Weekes
— Gullies	— Ramsay	— Wright.
— Grant		

The clause was then agreed to.

Clause 19 was then read, as follows:—

"Every such lease shall be for a term of eight years, at a rent, payable yearly in advance, of two shillings and sixpence for each acre or fractional part of an acre so demised, and shall contain the usual conditions and covenants for the payment of rent, and also a covenant from Her Majesty to the lessee, his executors, administrators, and assigns, that upon the payment of the last sum due on account of the rent so reserved, or at any time during the term upon payment of the difference between the amount of rent actually paid and the entire sum of one pound for each acre, Her Majesty will without further consideration release to him or them the fee-simple of the lands so demised."

Mr. SERVICE moved that the words "be implied to" be inserted before the word "contain."

After some remarks from Mr. Ireland and Mr. Duffy, the alteration was agreed to.

Mr. GRAY proposed after the word "rent" the insertion of the words "covenants that for the space of three years after the granting of such lease the lessee or his assigns shall reside upon such lands as are leased, or upon the purchased land on such allotment." His object was to place such conditions upon selectors of land as would prove that they really took up the land for settlement.

Mr. DUFFY suggested to the hon. member that the 30th clause contained certain conditions. If when the committee considered that clause the obligations were not thought sufficient, hon. members could then propose amendments.

Mr. IRELAND thought the hon. member for Rodney should reserve his amendments for the 30th clause. As a matter of courtesy to those who had framed the bill he should do so.

Mr. GRAY pointed out that if he did so, the penalty would be the forfeiture of the lease.

Mr. IRELAND said if the hon. member would not accept the suggestion of the President of Lands and Survey from a feeling of courtesy, in would be necessary to discuss the amendment. In his opinion, all attempts to enforce improvement of lands would be futile, as also conditions of residence. Did the hon. member mean that on certain days, or weeks, or months, a man should be compelled to live in one place more than another? He would really suggest to the hon. member to try and make the bill as good as it could be made, and to put on one side all desire of making futile attempts to enforce restrictive clauses. It appeared that there were certain obligations in the 30th clause; but for his part he did not agree with them for, although certain restrictions might be desirable, he did not see how they could be enforced.

Mr. J. T. SMITH opposed the amendment of the hon. member for Rodney, as it would tend to make the bill abortive. He was opposed to all restrictions, as the more there were the less willing people would be to settle on the lands.

Mr. GRAY explained that all he proposed was that for three years the lessee, or some person employed by him, should work the land leased. He did not agree with hon. members who said that all restrictions should be abolished, as if that was the case every person who could draw money from the banks would take up the land that was called the golden land, or, in other words, that was as superior to other lands as gold was to the baser metals, and thus the object of an equitable land bill would be frustrated. The hon. member concluded by saying that he hoped it would be borne in mind that the amendment would not require the purchaser himself to be the resident, because his place might be filled by a steward or agent.

Mr. DUFFY objected to the amendment on general grounds, and also because it would not even carry out the views which the hon. member for Rodney urged upon the committee. That hon. member had said that he would not require the residence of the purchaser himself; but if he

sought to protect the poor man against the capitalist, and imposed a condition which the poor man would have to fulfil personally, while the rich man could employ a servant, his plan would be far less effective than the Government scheme. That required that the purchaser should erect a habitable dwelling, or cultivate his land, or fence it, and his doing any one of these things would give a security that the land was occupied for practical purposes. It was impossible to make residence a condition. Who was to do it? Whether a man occupied or not, was not capable of proof at all. If it were capable, and if by a system of the closest *espionage* it could be decided whether a man fulfilled this condition or not, it must be defined what residence was. Was residence casual or continual occupation? Under all circumstances, he thought it would be seen that the bill contained all the conditions which could be imposed. He deliberately repeated that Government proposed to take from the purchaser all the security which could be taken, and he trusted the amendment would fall to the ground.

Mr. NIXON hoped the hon. member for Rodney would not press his amendment to a division, or else he (Mr. Nixon) would be under the painful necessity of voting against it; a step which he should regret the more in consequence of his avowed hostility to every provision in the bill. ("Hear, hear," and laughter.) He agreed with the hon. Attorney-General, that it was folly to place impediments in the way of capital.

Mr. HEALES complained that hon. members lost sight of the fact that the Government proposed as their primary object to settle the people on the lands, and to give facilities for working them, so that almost every argument brought forward against the amendment did not apply. To accomplish this one object the bill made certain liberal concessions—such as deferred payments—and, moreover, proclaimed that while dealing specially with the class he had alluded to, they would deal with the best lands at the commencement. From that they very properly went on to ask for security that the object with which the purchaser was supposed to start—*i.e.*, settling—would be carried out. They required fencing, and so forth, and the hon. member for Rodney only differed with this idea in so far as to think that actual residence was a better guarantee than any the bill proposed. What was there so very unreasonable in such an idea? Why, he believed that in the case of very choice land, speculative purchasers would find it very much to their advantage to buy and fence. Recent legislation on this point, too, favoured the hon. member, for, in the last *Quarterly Review*, he found that the Canadian Government offered large blocks of land for actual settlement at 2s. per acre, a primary condition of which sale was residence. The Sydney Land Bill also required residence, and these cases showed that no guarantee was thought to be so good.

Mr. IRELAND did not wish the hon. member for Rodney to sit down without a reply. He had said what residence would do, but not what residence was. The hon. member desired to make a condition of what no one could do. Who would define residence? Would any one show him a bill, either in Sydney or Canada, or anywhere else, in which residence was defined? Was it to be left altogether to haphazard? The hon. member for the East Bourke Boroughs, in his eagerness, had actually defeated his own proposition; for what was more easy than for the man of large means to employ agents to reside on different blocks all over the country? In reality, the amendment played into the hands of the capitalist, and he (Mr. Ireland) had no intention of doing so, or, on the other hand, of pandering to the cry of "Down with capital," and "Up with the poor man." The hon. member for Rodney was pretty much in the position of the man who won the elephant in a raffle. He had got his 10,000,000 acres, and did not know what to do with them. Accordingly he now set to work to theorize, for the purpose of preventing the people from getting on them. He had far better abandon his pet idea, and help to make the bill a reasonable and intelligent one. For himself he (Mr. Ireland) did not believe in such conditions at all, but, of course, he was a consenting party to the compromise contained in the bill.

Mr. O'CONNOR believed the amendment would have a very prejudicial effect on the goldfields. Many miners had claims to work out, and had also the intention of taking up land. Their present intention also was to get the land, and then save up money to enable them to go on it; but if residence from the first were required, they would be baulked. The amendment was an entirely impracticable one, and showed the fallacy of persons getting theories into their heads first, and sticking to them through thick and thin, long after they had been proved impossible.

Mr. O'SHANASSY, in looking over the reports on the Canadian land system, had been struck with this fact. In that country there were timber lands of extreme value. The men who felled the timber and rafted it away were accustomed to make money, and then clear off to another part of the country, and this offer of the Canadian Government was aimed at this practice. Now, in this colony there were no lands of the kind, except those on which the miners were engaged.

Mr. GRAY asked if the hon. member for South Grenville would allow quartz reefs to be taken up without conditions? (Several hon. members.—"Certainly.") He thought his amendment contained conditions eminently favourable to the miner, as it said to him, "If you really want land, here it is; or else keep your hands off."

Mr. O'CONNOR did not wish to keep miners on quartz reefs unless they intended to work them.

Mr. RAMSAY considered that the state should have a guarantee of the return, by the settler in cultivation, of the amount left in his hands by deferred payments. Whether the amendment would attain that object he knew not. He objected to all restrictions, unless they would insure the cultivation of the soil.

Mr. GRAY denied that he had any desire to fetter capital. On the contrary, after the actual settler had his choice, to the extent of 320 acres, he should have no objection to the capitalist coming in and taking his share of the land.

The committee divided on Mr. Gray's amendment, when there appeared—

Ayes	10
Noes	25
Majority against the amendment...	15

The following is the division list :—

AYES.

Mr. Berry	Mr. Humffray	Mr. Ramsay
— Denovan	— M'Lellan	— Service
— Edwards	Dr. Owens	— Wright.
— Gray		

NOES.

Mr. Anderson	Mr. Johnston	Mr. O'Connor
— Bennett	— Kirk	— O'Grady
— Brodribb, W A	— Levey	— O'shanassy
— Cummins	Dr. Mackay	— Smith, A. J.
— Davies, J.	Mr. M'Donald	— Smith, J. T.
— Duffy	— Nicholson	— Smith, W. C.
— Foott	— Nixon	— Tucker
— Haines	— Orkney	— Wood.
— Hedley		

The clause was then agreed to.

Clause 20, directing that forfeited leaseholds may be sold by public auction, was passed without remark.

On clause 21, which declared that "no person shall be entitled, either in his own name or in the name of any other person, to select more than 640 acres of land in any area, and no infant or married woman, or person not domiciled in Victoria at the time of application, shall be entitled to select either directly or by trustees any such land,"

Mr. GRAY expressed his desire to assimilate this clause to the provision in the existing law. He considered that no person should be entitled, within a year, in his own name or the name of any other person, to select more than 320 acres, unless the land which he desired above that quantity was included in an area which had been proclaimed more than a year. They were dealing with special lands in a very special manner. They were not getting for them the price which many parties were prepared to pay for them. In place of a money advantage, the state was willing to take the advantage of settlement; and he desired that no person should have this preferential privilege over more than 640 acres. With that view he should move for the omission of the words "in any area." In the absence of that precaution, a man might be able to select several blocks of 640 acres each.

Mr. HEALES said the hon. member's policy had been to give facilities to the *bonâ fide* settler, and prevent speculation in land. The amendment proposed would, however, have quite the reverse effect; and he suggested that the hon. member should confine the selector to one area. That would probably accomplish the object which the hon. member had in view.

Mr. GRAY wished to avoid extremes either on one side or the other. He did not think it right to restrict persons entirely to one selection, and was in favour of allowing a man, after having a farm for a year, or two years, to sell it, if he thought fit, and choose another.

Mr. DUFFY understood the hon. member to desire to retain the provision on this matter which existed in the present Land Act; but the Government wished to alter that provision, because they believed it favoured the speculator. The power which it was proposed by the 22nd clause to give the Governor in Council, to offer by auction certain portions of the land in the agricultural areas which had not been taken up, would be much less injurious than the power which at present existed, and which the hon. member for Rodney desired to reserve. If the hon. member's suggestion were adopted, the result would be this—an area would be proclaimed, and certain portions would be taken up by settlers, but after a year, or such other time as the House fixed, any person might select any quantity whatever. (Mr. Gray.—"Hear, hear.") The Government, however, did not wish that. They desired that, after land had been open a certain time, the Government should either still leave it open for selection, or apportion it out to auction, in order to enable those persons who were already settled on the land to extend their operations. This was the best agricultural land, and the Government decidedly objected to the squatter being allowed to walk in and take as much of it at £1 an acre as he desired. The proposed limitation of the extent of farms he considered to be unwise. Men who had devoted their energies to farming, and made it a profitable occupation, ought not to be limited to 320 acres. He believed that many persons who wished to take land for the purpose of settlement thought that quantity too small. (Hear, hear.)

Mr. GRAY asked the President of Lands and Survey to state the probable extent of the areas.

Mr. DUFFY said the arrangement would be one of careful deliberation, and as soon as he had prepared his scheme he would lay it on the table of the House.

Mr. SERVICE hoped the hon. member for Rodney would not press that part of his amendment which proposed to reduce the 640 acres, for it had already been virtually disposed of in the discussion upon the 11th clause. With respect to the other matters which had been referred to, he agreed, to a considerable extent, with what had fallen from the President of Lands and Survey; but he thought the Government, in limiting the quantity of land for selection, were drawing the strings rather too tight. They proposed that no man should have selection at any time over more than 640 acres.

Mr. DUFFY.—Within the same area.

Mr. SERVICE objected to that; and intended to move the insertion, after the word "select," of the words "in any one year," so as to provide that no man should select more than 640 acres within any one year. He intended to propose a very material amendment on clause 22, to prevent the Government altogether from attempting to sell the lands by auction, at all events at so short a period as twelve months after proclamation, because he believed it would tend to encourage speculation. He concluded by moving his first amendment—the insertion of the words "in any one year" after "select."

Mr. GRAY withdrew his amendment in favour of the one moved by the hon. member for Ripon and Hampden.

Mr. BERRY opposed the amendment, and would vote for the clause as it stood, if the words "in any area," were struck out. For the interests of the *bonâ fide* settler the clause would then be

as effective as it could be made. It would give every person the opportunity of selecting a farm at once, which was all which ought to be given. If he chose to dispose of his birthright at the end of twelve months or so, that was no reason why the House should step in and allow him to do the very thing which they were preventing him doing at present. If there was any limited period after which the farmer should be entitled to extend his purchases, it should not be less than seven years, which would be tantamount to leaving the clause as it stood, for if it were found to work injuriously, there would be ample opportunity to amend it by future legislation in the meanwhile.

Mr. WEEKES was surprised at the speech of the last hon. member, and could see no reason why farming should be restricted any more than any other occupation.

Mr. DUFFY said the Government would not object to the insertion of the words "in any one year."

Mr. HEALES contended that the amendment proposed by the hon. member for Ripon and Hampden would prevent men of limited means from settling on the land, and open the door to the speculator.

Mr. SERVICE said that one fact which weighed greatly with him was, that he had been in communication with many intelligent farmers, who said to him, "Why do you under your land law prevent people desirous of settling on the land from extending their possessions." If the Land Bill did not do so, they would be able to give occupation to twenty men for one they were now able to employ, and thus they would directly benefit the country as well as themselves. The proposition supported by hon. members on the other side would tend to preserve the evil. Hon. members need not be afraid of the ten millions being taken up too rapidly, because the provisions of the bill would be sufficient to prevent speculation merely, and under any circumstances the inconvenience would be trifling in comparison to the limiting for all time of the power of extending a possession beyond the 640 acres.

Mr. FOOTT was opposed to the proposition of the Government, because he believed that it would be merely opening the door to over speculation.

Mr. J. T. SMITH was not afraid of over-speculation in the matter, because a pertinent question with him was, who were the speculators going to supply? He was also of opinion that no good could be done by the settler until both farming and grazing were combined, and therefore he saw no necessity for the amendment.

Mr. NIXON would vote for the amendment of the hon. member for Ripon and Hampden, and was opposed to the proposition which had been submitted by the member for Rodney, because he did not concur in the propriety of prohibiting the *bonâ fide* capitalist from employing his capital.

Mr. RAMSAY would vote for the amendment of the member for Ripon and Hampden, in any case; but he would rather that he substituted the words two or three years for one year, because he believed that no *bonâ fide* settler could have done much more than begin the cultivation of his 640 acres in the first year.

Mr. GRAY would ask the Commissioner of Lands and Survey whether, if the amendment were carried, the Government would also adopt the other amendment, of which notice had been given?

Mr. DUFFY had not had time to confer with his colleagues on the subject, and was, therefore, not in a position to reply to the question. He would point out that it was undesirable that amendments should be suggested with reference to clauses not under discussion. The Government were perfectly satisfied with the bill as it stood; and it was for hon. members to propose amendments in a regular manner upon the clauses as they came under consideration.

Mr. BERRY stated that he should vote for the clause as it stood, as there was no security that the amendments proposed would be carried out in the succeeding clauses. He should vote for that portion of the clause which limited the area to 640 acres, as, otherwise, a great opportunity would be given to land sharks and speculators.

Mr. WEEKES could not understand the remarks of the hon. member for Collingwood, as at present more land had been taken up than was necessary for the growth of cereals to supply the markets. For his part he was most anxious to put a stop to undue speculation in land, but he could not understand that when there were 4,000,000 acres open for selection to the settler it would answer the purposes of a speculator to lay out his money in the purchase of land; in fact, there was not the money in the colony to buy up 4,000,000 acres. Under the old Nicholson Land Bill, he believed that persons could buy up land for speculative purposes; but where such a large quantity was put in the market, such could not be the case.

The question was being put, when

The amendment, that the words "any one year," be inserted, was then put, and the committee divided with the following result:—

Ayes	40
Noes	11
Majority for the amendment ...	29

AYES.

Mr. Anderson	Mr. Hood	Mr. Orkney
— Aspinall	— Humffray	— O'Connor
— Bennett	— Ireland	— O'Grady
— Berry	— Johnston	— O'Shanassy
— Brodribb, K E	— Jones	— Service
— Brodribb, W A	— Kirk	— Smith, A. J.
— Cathie	— Lambert	— Smith, J. T.
— Cohen	— Levey	— Smith, W. C.
— Cummins	— Levi	— Tucker
— Davies, J.	Dr. Mackay	— Weekes
— Duffy	Mr. M'Mahon	— Wood
— Francis	— M'Donald	— Wright.
— Haines	— Nicholson	
— Heales	— Nixon	

NOES.

Mr Denovan	Mr. Hesles	Mr. Ramsay
— Edwards	— Kyte	— Sinclair
— Foott	— M'Lellan	— Sullivan.
— Gray	Dr. Owens	

Mr. SERVICE proposed the omission of the words, "in any one area."

Mr. DUFFY said if he thought the words proposed to be omitted would be of use to speculators, he would not oppose their omission. It was the practice of speculators to get "a block" of land, and therefore the clause would not be in their favour. Again, there was such a large area

of land open, that speculators would not have an opportunity of offering it for sale on terms so favourable as the state could offer it.

Mr. KYTE thought the amendment one of the most important that could be introduced, especially as the capitalist had so many facilities for knowing the peculiar value of the lands in certain localities.

Mr. FOOTT was about to speak to the question, when—

Mr. DUFFY begged the hon. member to allow him to interrupt one moment. The hon. member was about to make the self-same speech he had made so many times already, and to save the House, he, on behalf of himself and colleagues, would accept the amendment. (Cheers, and laughter.)

The amendment was then agreed to, and the clause, as amended, put and carried.

The next clause (the 22nd) was then read as follows :—

"After *twelve* months from the date of any such proclamation as aforesaid, if any lands in any area, so proclaimed, remain unselected, the Governor in Council may direct that such lands, or any portion of them, shall be sold in fee by simple public auction, as hereinafter provided."

Mr. SERVICE wished to propose an amendment. His first desire had been to strike out the whole of the clause. ("Hear, hear," and a laugh.) That was, if he could get it done. (Hear, hear.) The whole principle of the clause was in direct contravention of the words of the hon. President of the Board of Land and Works, who, when asked what was the use of using the words "ten millions of acres" at all, replied that it was to show the people at home that the best lands of the country were reserved for selection for *bonâ fide* agriculturists. That hon. member had pointed out that the word "twelve" was in italics, but he (Mr. Service) would have liked to see the word "months" in italics as well, for it was not usual to describe a period of time as "fifteen months," or "twenty months," in a bill.

Mr. O'SHANASSY.—Why not ?

Mr. SERVICE continued to say that according to the clause, if only 1,000 acres out of 4,000,000 were taken up, the whole of the remainder must be— —

(Several hon. members.—"May be.")

Mr. SERVICE would say, "may" be put up to auction. The result would be, to do away with what the Government told the House was the best of their attractions to the people at home. Now, he did not wish to see the land sold at auction, only because it had remained unselected for twelve months—(Mr. O'Shanassy—"Hear, hear") —and would, therefore, propose an amendment which he hoped the Government would accept. His proposal was, that the quantity of land sold, and not time, should be the consideration; and his amendment would be, to strike out all the words before "if any," and substitute for them "when three-fourths of the." After the words "area so proclaimed," he would insert the words "have been selected." If the Government would accept this amendment, he would go on; otherwise he would go in for striking out the clause altogether.

Mr. W. A. BRODRIBB opposed the amendment. His own desire was to introduce an amendment like the following, viz., to insert after the words "may direct that such" the words "unselected lands shall be open to selection at a reduced price of 15s. per acre by proclamation, upon the same terms as the lots already selected, in conformity to clauses from 12 to 20 of this bill, thus reducing the minimum price per acre from year to year down to 5s. per acre, until the whole of the lands within the areas aforesaid be taken up. The unselected lots so proclaimed shall be increased to eighty acres up to 1,280 acres, but no further."

Mr. HUMFFRAY said it appeared to him that if the clause remained, it would neutralise the 10th clause (hear, hear), and reproduce all the evils attending auction sales, which the hon. Attorney-General had so graphically described.

Mr. GRAY would draw the attention of the hon. member for Ripon to the fact, that special land put up to auction and not bought by any of the persons by whom it was put up, could not under the Nicholson Land Bill be purchased at the upset price. Such, however, could be done under the old act. He hoped this would be kept in view when future clauses were considered.

Mr. O'SHANASSY thought the clause, even as it stood, was an improvement on the existing law, and conferred a greater advantage on the smaller settler. As to the words, "twelve months," they had not been put in italics for nothing, nor had he the smallest objection—keeping in view the encouragement to be offered to the people of Europe—so to extend the time that those at home would have full notice. The word "twelve" might be altered to "twenty-four" or "thirty-six," without trouble, and his own opinion was that three years would be a fair time. After that time had elapsed, the provision for selling would come into force, but that was not declaratory, but entirely discretionary, and the Government of the day might sell or not, as it thought fit. He supposed that, under the present constitution of the House, no Government could go on selling large blocks of land for speculative purposes, and retain its position. But why should not the discretionary power be given ? It might be that, after all the first-class lands had been taken up, it would be found exceedingly desirable that a farmer should be able to enlarge his property for grazing or other purposes. If, however, this power were taken away altogether, the House would be venturing on an unknown sea. There was no knowing what the effect would be. To say that not one acre should be sold before three-fourths were selected, was an unnecessary tying down the hands of the Government. Why not reserve the whole area at once ? It would be more consistent. The issue between time and selling no land at all might be fairly enough drawn. Let hon. members realise the idea for a moment. Let them remember that there was no land outside the agricultural areas which was fit for agricultural purposes, and that unless grazing lands were to be put up at £1 per acre, which was 2s. per acre rent, the Government actually deprived itself of the power of selling one acre of land at all. Was this really desirable ? The question was not as between class and class, but one for the state to decide itself. What was the value of a discretionary

power in this matter? It was not possible that it could be abused, and that when a few men had selected a portion of an area the Government would at once send the rest to an auction room that speculators might come and buy it. Well he could not conceive such a thing possible. In the first place the member for Ripon had said that if the Government were not limited in that way, immediately twelve months had passed the whole of these 10,000,000 acres might be offered by auction to speculators, and therefore, the settler would be shut out. Why if they were to throw open the 10,000,000 acres in one day, there would be no inducement for the speculator to buy. The demand would fall infinitely short of the supply. If the land could be obtained by selection for 15s. 9d., the speculator would not go to auction and pay £1. (A voice—"Then why sell?") He did not propose to sell. He merely proposed to vest a discretionary power in the state, and so avoid the necessity of a land bill at a time when interests, newly created, might be averse to any change in the law for their own sakes. Again, he could conceive a state of things where settlers, being tied down by the restriction of 640 acres in any one area, would compete at auction for inferior land which might be included in that area. (A voice.—"Would you sell it for less than £1?") No; but if a man selected good land at 15s. 9d., and wished to extend his operations, he would gladly buy land of inferior quality at £1 per acre, in order to help on his farming pursuits (Hear, hear.) The discretionary power of sale which the bill vested in the Government applied to the whole 10,000,000 of acres. The object of the state should be to give every facility for the first two or three years to induce people here and elsewhere to come and settle in this colony; and he thought it would be more rational to extend the time mentioned in the clause from one to two or three years, than shut out the power of sale altogether. He should vote against the amendment.

Mr. HEALES observed that the Government had all along given the country to understand that 10,000,000 acres should be thrown open for sale, by selection, under certain conditions. Now, on the occasion of the second reading, he pointed out this clause as being objectionable, and showed that under it, in about three years and a-half, nearly two-thirds of the 10,000,000 acres might pass under the auctioneer's hammer, and that thus the object of the 10th clause would be evaded. He thought the only course open to the committee was to disagree with this clause altogether. He did not see that the member for Ripon was justified in proposing his amendment. That hon. gentleman placed himself in an absurd position on a former occasion, by disagreeing to the principles of the bill and yet voting for the second reading; and now the hon. member, while disagreeing with this clause, would not insist upon keeping the Government to their promise. If they could not have 10,000,000 acres, the hon. member would be content with 7,500,000 acres. He (Mr. Heales) could not understand an hon. member who, knowing the right, refused to attempt to accomplish it.

Mr. SERVICE thought it did not become the last speaker to twit an hon. member with knowing the right and not seeking to accomplish it. The member for East [redacted]ke Boroughs himself was an illustration of [redacted]act that a man took the best he could get. [redacted] (Mr. Service) intended to vote against the clause altogether, but before doing that, he felt perfectly justified in attempting to amend it so that it might better accord with his views. It should be remembered that many hon. members might go with the amendment, and yet be opposed to the striking out of the clause altogether. The Chief Secretary had laid great stress on the propriety of leaving a discretion in the state. But who was the state? Last year, the state, so far as dealing with the lands of the colony was concerned, was the member for West Geelong (Mr. Brooke). This year, the state was the member for Villiers and Heytesbury.

Mr. DUFFY.—And his colleagues.

Mr. SERVICE.—The hon. member would not allow the member for West Geelong to say that. (Laughter.) The state, however, should be understood to consist of the two Houses of Parliament; and if they wished at any time to alter the law, they could do it by bill. He thought the Chief Secretary had shown no reason for leaving a discretion in the hands of the Government.

Mr. DUFFY considered it time that the committee should understand—what he verily believed, from the second reading, and the subsequent proceedings, they had never fairly understood—the object which the Government had in view in putting this clause into the bill. The object was to mitigate the existing law, which gave too large a power to the speculator. The member for Ripon, when he submitted his Land Bill to the House, proposed—and the proposition was finally carried—that whatever land was not taken up in the first year might be taken up after the first year, to any extent, by the speculator. Now, the clause before the committee would put a check on the law as the member for Ripon proposed it, though the hon. member was entitled, with new light, to alter his opinion. ("No;" from Mr. Service.) Well, the hon. member was not so entitled? Be it so. (Laughter.) The idea which the Government had was to leave a power in the state, if any necessity arose, to offer land by auction—there being no compulsion to offer it unless they saw reason so to do. Now, what necessity could arise? Why, as population grew up in a district, there might arise the necessity for a town. Well, was land upon which a town was to be built to be taken up at 15s. 9d. per acre? The Government held that it would be an unreasonable arrangement. Another reason for which this power was taken was to enable settlers to extend their holdings in a legitimate way. The amendment which the Chief Secretary had suggested, and which the Government were willing to accept, would place the power in the hands of the Government after three years, if the necessity arose, to sell land by auction. Now, under the bill, there must be always a minimum of 2,000,000 acres open for selection; and whatever might be left after the expiration of three years, would certainly not be the prime of the first 4,000,000. If any part of that were sold, the necessity would immediately arise for making better land available for the people. He contended, therefore, that with the

proposed alteration to three years, instead of twelve months, no danger or risk could be shown.

Mr. RAMSAY thought the amendment of the Chief Secretary had a great deal of force. Still it was deficient. Before the general public in the old country might be fully aware of the opportunity for obtaining land here, the three years might be nearly run out.

Mr. O'SHANASSY said it would be impossible to have a land law without discretionary power as to the issue of proclamations. A series of proclamations would permeate the 10,000,000 acre system, so that there would be no difficulty in diffusing at home the knowledge that good land could be obtained here at 10s. per acre.

Mr. RAMSAY objected to the amendment. If 10,000,000 acres was the limit to the valuable agricultural land of the colony—which he was not inclined to admit—it would not be dealing fair with the future prospects of the country to part with any of that quantity, except for the purpose contemplated by the bill. He was for rejecting the clause altogether.

After some observations from Mr. GRAY, Mr. WEEKES, Mr. O'CONNOR, Mr. J. T. SMITH, and Mr. BERRY,

Mr. SERVICE said the proposal to amend the clause by the substitution of three years for twelve months, did not meet his objections at all. If, as he believed would be the case, only one million out of the four million acres proposed to be thrown open at once, were taken up within the time mentioned, the remainder must be sold by auction.

Mr. O'SHANASSY.—May.

Mr. SERVICE considered that "must" and "may" should be regarded as equivalent terms in this case. The proposal to insert three years instead of one was, in his opinion, a delusion and a snare. It was no reply to his argument to say that the 4,000,000 acres might contain some of the worst land, and as soon as they sold that there would be more good land ready for selection. That was simply eating their pudding a little faster, because the quantity of agricultural land they had was limited to 10,000,000 acres. The intention of the Government was understood to be to reserve the 10,000,000 acres for agricultural purposes, for the present population of the colony and for those who arrived here in future years; and this intention ought to be fairly carried out. He agreed with the member for East Bourke Boroughs that the House ought to expunge this clause altogether, and prevent any of the 10,000,000 acres being sold except under the system proposed by the tenth and following clauses.

Mr. O'SHANASSY would not have troubled the committee again if he had not seen that the hon. member for Ripon and Hampden was not master of the subject. If it were true that within the next year not more than 1,000,000 out of the 4,000,000 acres would be taken up, the remaining 3,000,000 acres could not be sold within the next ten years (supposing there was no emigration), because there would not be money power available in the country to buy them.

Mr. SERVICE.—Experience has shown the contrary.

Mr. O'SHANASSY said that at present the market was glutted, snd there was no demand for land. According to the best calculation there was not a money power in the country beyond £300,000 or £400,000 a-year available for investment in land; and, moreover, the Government had not power to sell land without submitting their proposals to the House from year to year. The hon. member wished to prevent the Government from having a discretionary power altogether, and making everything mandatory; but that was impossible, for no land bill had been, or could be, carried without giving an amount of discretionary power to the Government of the day. It had been suggested by a wag that the whole land question might be settled by one clause, to give the 35,000,000 acres outside the agricultural area to the agriculturists, and the 10,000,000 acres to the squatters. Would that be acceptable to hon. members? (Laughter.)

Mr. JOHN DAVIES said only two arguments had been given why any portion of the 10,000,000 acres should be taken away from free selection—namely, that it was necessary to provide some means for farmers to increase their selections, and that it was necessary to reserve some lands for towns. The first of these objects was provided for by the 20th clause; and as to the second argument, he thought that if it were necessary to reserve lands for towns, the lands most suitable for that purpose would probably be selected within the first year. If not, he would suggest that the Commissioner of Lands and Survey should withdraw the clause, and provide for the reservation of the most suitable lands for towns previous to the proclamation. Neither of the two reasons which had been urged appeared to him to be sufficient to justify the maintenance of the clause. It was also objectionable and dangerous to give power to the Government of the day to sell any portion of the agricultural lands by public auction, because the power might be used to supply a deficit in the revenue.

Mr. K. E. BRODRIBB said the day would probably arrive when, instead of legislating against the capitalists, the House would be very desirous to invite them to invest their money in the land. The proposal to place a discretionary power in the Government of the day, to submit a portion of the agricultural lands to auction, was therefore a wise one. If the income which they at present derived from land failed them what would be their resource?

Mr. RAMSAY.—Tax the sold land.

Mr. K. E. BRODRIBB was opposed to additional taxation, because it would impair the commerce of the colony, and destroy the character of Melbourne as the great commercial emporium of Australia. If for no other than purposes of revenue, he should support the clause.

Mr. FOOTT would take away from the Government the power of selling any portion of these agricultural areas, and he would do so because such a power in the hands of the Government would be likely to lead to considerable abuse, and to interfere materially with the settlement of the *bonâ fide* agriculturist on the lands. Therefore he would oppose the clause altogether.

Mr. DUFFY would state that the Government intended to make an alteration in the clause, substituting the words "three years" for the words "twelve month;" and in order to enable

them to do so, he hoped the hon. member for Ripon would consent to withdraw his amendment, because if the amendment were carried the Government would not have the power of making the alteration.

Mr. SERVICE could hardly consent to do so, since he intended to propose leaving out the word "after" as well as "twelve months." He would rather take the division on the word "after."

Mr. DUFFY, on behalf of the Government, would oppose leaving out the word "after," becuase they meant to retain it, and add the words "three years."

The question that the word "after" stand part of the clause was then put, when the committee divided, with the following result :—

Ayes	25
Noes	21
Majority against the amendment...	4

The following is the division-list :—

AYES.

Mr. Anderson	Mr. Hedley	Mr. M'Donald
— Bennett	— Hood	— Nicholson
— Brodribb, K E	— Ireland	— O'Grady
— Brodribb, W A	— Johnston	— O'Shanassy
— Cummins	— Kirk	— Riddell
— Duffy	— Levey	— Smith, A. J.
— Francis	Dr. Mackay	— Smith, J. T.
— Haines	Mr. M'Mahon	— Tucker
		— Wood

NOES.

Mr. Berry	Mr. Heales	Mr. Ramsay
— Cathie	— Humffray	— Service
— Davies, J.	— M'Lellan	— Sinclair
— Denovan	— Nixon	— Smith, W. C.
— Edwards	— Orkney	— Sullivan
— Foott	— O'Connor	— Weekes.
— Gray	— Owens	— Wright.

Mr. DUFFY moved that the word "twelve months" be omitted, with the view of inserting "three years."

Mr. HUMFFRAY moved that the period be fixed at five years.

The question that the words "twelve months" be retained, was put and lost without a division, as was also the amendment that the period be fixed at five years.

The question that the words "three years" be inserted was then put and agreed to without a division.

Mr. WEEKES then proposed that the clause should be left out altogether.

The question was put, that the words proposed to be omitted stand part of the clause, and the committee divided with the following result :—

Ayes	26
Noes	15
Majority against the amendment.	11

Mr. DENOVAN moved that the Chairman report progress.

Mr. DUFFY suggested that as there was not likely to be any opposition to the next few clauses, the committee should proceed with them. When they came to any clause which was opposed, he would consent to the Chairman reporting progress.

The motion was then withdrawn.

On the next clause, which was to the effect that a person should have remedy for injury caused by undue selection,

Mr. O'CONNOR thought that "two months should be inserted.

After some discussion,

The amendment was put and agreed to, and the clause as amended was passed.

Clause 24, empowering the sheriff to summon a special jury of four, was agreed to.

Clause 25, which referred to the administration of oaths and the assessment of costs, was agreed to.

On clause 26, which related to questions being tried by sheriff's courts, being moved,

Mr. GRAY moved that the Chairman report progress, as some alteration would be necessary.

After some remarks from Mr. DUFFY in favour of the clause as it stood, and from Mr. BERRY against it, on the ground that the House could not consider a new motion after eleven o'clock, according to the spirit of the motion agreed to a few nights previously, the motion for reporting progress was put, and the committee divided as follows :—

Ayes	8
Noes	19
Majority against the motion ...	11

The division list was as follows :—

AYES.

Mr. Berry	Mr. Foott	Mr. Weekes
— Denovan	— Gray	— Wright.
— Evans	— Ramsay	

NOES.

Mr. Bennett	Mr. Hood	Mr. O'Grady
— Cathie	— Ireland	— O'Shanassy
— Cummins	— Levey	— Riddell
— Davies, J.	— M'Mahon	— Smith, W. C.
— Duffy	— M'Donald	— Tucker
— Haines	— Orkney	— Wood.
— Hedley		

Clause 26, setting forth the questions to be tried by a sheriff's court, was then read.

Mr. DUFFY said he intended to propose that after the words, "in the same area," he would propose as an amendment the addition of the words "within one year," in order to make the clause correspond with the only alteration yet made in the bill.

Mr. GRAY proposed a postponement of the clause.

Mr. DUFFY would be willing to do so if clauses 27, 29, and 31, which were merely formal, were taken.

Mr. GRAY believed that, if clause 31 were left over, hon. members on his side of the House would agree to go on.

Mr. DUFFY agreed not to bring that clause on that night.

Clause 26 was then postponed.

Clause 27, setting forth the consequences of sheriffs' decisions, was agreed to.

Clause 28 was postponed.

Clause 29, providing for the re-adjustment of boundaries under occupation licences, was agreed to.

Mr. DUFFY said that when the committee sat again, he proposed to take clause 26 first; He would also take the immigration clause, so as to finish the division. He moved that the Chairman report progress.

The motion was agreed to, and progress was reported. The report was agreed to.

SUPPLY.

The resolutions already passed in Committee of Supply were reported and agreed to.

MANAGEMENT OF THE POLICE FORCE.

On the motion of Mr. LEVEY (in the absence of Mr. Frazer), Dr. Owens and Mr. Edwards were added to the select committee appointed to inquire into the management of the police force.

The remainder of the business on the paper having been postponed, the House adjourned at ten minutes after twelve o'clock, till four p.m. this day (Wednesday).

PAIRS.—On the Land Bill—Mr. Loader for, Mr. Grant against; Dr. Evans for, Mr. Frazer against; Mr. Snodgrass for, Mr. Gillies against; Mr. Jones for, Mr. Kyte against; Mr. Cohen for, Mr. Don against; Mr. Levi for, Mr. Lambert against. After half-past eleven p.m.—Mr. Francis for, Mr. Sullivan against; Mr. W. A. Brodribb for, Mr. Heales against; Mr. K. E. Brodribb for, Mr. Humffray against. On the 22nd clause of the Land Bill—Mr. Riddell for, Mr. Service against.

FIFTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 26, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

THE MORNINGTON ELECTION.

The SPEAKER announced the return of the writ of election for Mornington district, with the name of Mr. James M'Culloch endorsed thereon.

PAPERS.

Mr. O'SHANASSY laid on the table returns relating to the Police Reward Fund.

Mr. HAINES produced returns of the liabilities and assets of the several banks in Victoria.

NOTICES OF MOTION.

Mr. DON gave notice that, on Thursday, the 6th March, he should move that the Crown grant for the site of St. Patrick's College ought not to be issued until the trustees had discharged the pecuniary liabilities of that institution.

Mr. CUMMINS gave notice that, in committee on the Land Bill, he should move a clause giving power to the present holders of purchased land to acquire a similar quantity of land by the payment, at 2s. 6d. per acre per annum for eight years, so long as the quantity selected did not exceed 640 acres.

Mr. BENNETT intimated that he should move the addition of the following clause to the Land Bill:—

"Notwithstanding anything to the contrary herein contained, any selector may, in like manner, under the provisions of this act, select for each of his or her legitimate children, in trust until they are of age."

Mr. IRELAND gave notice that, on Friday, he should move for leave to bring in a bill to establish a register of titles to lands heretofore alienated by the Crown, and to simplify, validate, and render more easily transferable the same; and that such bill be referred to a select committee, with instructions to report thereon within one month, such committee to consist of Mr. Service, Mr. Wood, Mr. O'Shanassy, Mr. M'Culloch, Mr. Mollison, Mr. Sullivan, Mr. Heales, and the mover.

Mr. HOOD gave notice of his intention to propose a clause in the Medical Practitioners Bill, to the effect, that the measure should not interfere with persons who could prove to the satisfaction of the Medical Board that they had passed through a regular course of medical or surgical instruction, and had practised regularly for fifteen years in Victoria, although they might not have received a diploma or licence to practise; and that the act should not infringe on the rights and privileges hitherto enjoyed by chemists and druggists.

MINING STATISTICS.

In reply to Mr. RAMSAY,

Dr. EVANS said the manuscript of the mining statistics was delivered to the Government printer on the 17th January, with the particular request that, before copies were struck off, a proof might be furnished to the Mining Department, but although nearly six weeks had elapsed, no proof had yet been received.

PETITIONS.

Petitions were presented by Mr. WOODS, from inhabitants of Stowell, in the Crowlands district, relating to the removal of the receiver and paymaster stationed at that place; by Mr. LEVEY, from the Municipal Council of Prahran, praying for extended powers for the establishment of markets; and by Mr. HOOD, from the Pharmaceutical Society of Victoria, praying for the insertion in the Medical Bill of a clause preserving the rights of the chemists and druggists of the colony.

DISMISSAL OF CIVIL SERVANTS.

Mr. VERDON asked whether the Commissioner of Trade and Customs was aware that the department was requiring persons who had been reduced, to accept three months' salary, irrespective of the provisions of the Civil Service Bill?

Mr. ANDERSON inquired whether the question applied to men who were employed by the day?

Mr. VERDON replied in the negative. The persons he referred to were employed by the month. Some of them were persons in the posi-

tion of lockers, who had been in the Government service from seven to nine years. He did not conceive a locker or a coxswain was a person on daily pay.

Mr. ANDERSON observed that no locker had been dismissed without receiving compensation on the principles contained in the Civil Service Bill. The vote recently taken by the Treasurer for the compensation of officers was calculated precisely as if the Civil Service Bill had become law. With regard to certain persons on daily pay, who had been reduced, in accordance with the recommendations of the Civil Service Commission, of which the member for Williamstown was a member—men who were liable to dismissal without any cause being assigned—they would receive three months' pay. A similar rule was observed by the late Administration last year. The only principle in the Civil Service Bill which applied to these men was that of superannuation. In the event of the Civil Service Bill providing further compensation, the taking of the amount now given by the Government would not preclude officials from receiving the additional sum to which they might be entitled by that measure.

Mr. VERDON said he understood the Chief Secretary, on a former occasion, to say that no difference whatever would be made with regard to the dismissal of officers between the different classes in the service. He could not admit that a man who had been nine years continuously in the Government service, and against whom no complaint whatever had been made, should be looked upon as a person employed by the day, and be dismissed summarily. If the Civil Service Bill did not provide for such cases, he should move amendments accordingly in committee.

Mr. O'SHANASSY remarked that what he stated, when the Treasurer took the vote of £14,000 for compensation to officers, was that the Government proposed, in their Civil Service Bill, to follow the English practice. In so doing, they could not classify men who received daily wages, and who would be provided for by a superannuation allowance.

Mr. VERDON said that all he asked for was, that no artificial distinction should be drawn between persons who were, to all intents and purposes, permanent officers in the Government service; in point of fact, that no man who had been nine years in the service should be treated as if he had been there only nine weeks.

The subject then dropped.

NOTICES OF QUESTION.

Mr. A. J. SMITH gave notice that, next day, he should ask the Treasurer when the salaries of the officers and men employed on the geological survey for January would be paid.

Mr. LEVEY intimated that, next day, he would ask whether it was the intention of the Attorney-General to introduce, this session, a bill granting extended powers to municipalities for the establishment of markets.

Mr. RAMSAY notified that, on Friday, he should ask the Treasurer whether he was aware of any just reason for the delay that had taken place in the printing of the mining statistics.

Mr. WILSON gave notice that, on Tuesday, he should call for a return showing the revenue derived from the electoral district of the Wimmera for the last six years, and the amount expended on public works in that district during the same period.

THE GEELONG AND STEIGLITZ ROAD.

Mr. LALOR (in the absence of Mr. M'Cann) asked if the district engineer's attention had been called to the necessity existing for clearing timber from certain portions of the road between Geelong and Steiglitz?

Dr. EVANS was understood to reply in the affirmative.

LAND TITLES AND LAND TRANSFER.

Mr. IRELAND moved for leave to bring in a bill to establish a register of titles to lands which shall hereafter be alienated by the Crown, and to facilitate the transfer of the same. In doing so, he observed that the great difficulty which had ever been experienced with regard to a measure of this description was the complication which existed with regard to titles already in existence, and seeing that the major portion of the territory was unalienated—only something like 4,500,000 acres having been parted with by the state—he thought it better to divide the subject into two portions—namely, registration with regard to future grants, and registration with regard to grants already in existence. The bill which he now sought to introduce related to the first part of the subject. One great advantage in proceeding in this way was that they would be able to take advantage of that which all the various commissions which had sat on the subject for the last twenty years in England had strongly insisted upon—namely, the state survey. By adopting this course they were clear of all difficulties; at all events they could approach the subject with as little difficulty as its nature would permit. Confining themselves to titles which had no existence at present, they had no existing interests to deal with. They stood, as it were, behind the issue of the Crown grant, and, while so doing, they were legislating with regard to the major portion of the territory. Now, as he had intimated, the English commissioners who sat in 1857 on this subject, recommended survey as the basis of a system of registration. Fortunately a new country could avail itself of that recommendation; and accordingly he proposed by his bill, with regard to future sales of Crown lands, that before the Crown grant issued to the grantee, it should be the duty of the Registrar General to open an account with reference to the lot in question. The account would relate to section so and so, allotment so and so, and open with "the Queen to A B." A map showing the land in question would be attached to the entry, so as to get rid of any difficulty with regard to boundaries; and it was proposed to require that in all future dealings with the land so referred to, or any portion of it, a map should be deposited, so that the draughtsman, by a mere inspection, would be able to ascertain to a hair's-breadth the boundaries as they ought to exist. This would render the registry a mechanical process. He desired that it should be mechanical as far as possible. He objected to giving a registrar *quasi* judicial functions. Nothing, he thought, could be worse than to place in the hands of a Ministerial officer the power of determining titles, and making the state responsible for any mistakes he might commit.

He believed that, although cases of fraud might occur, they would be exceptional, and no measure had yet been proposed under which fraud might not occur. Even in the transfer of stock in England there were occasional cases of fraud; but he believed that, by means of this bill, they would obtain a plain and intelligible register of transfer, and he made allusion to this point as the fundamental principle of the bill. But there were other principles also recommended by the commission of 1857, which it would be incumbent upon them to adopt, and to which he would refer. Under the law as it existed, they merely obtained an index to the transfer, without finding the title properly described; and it was now proposed to confine the evidence of title to the register, by which course they would get rid of complicated searches, besides reducing to a mere nominal sum the cost of transfer. The title, and not merely the index to it, would be found upon the register; and thus, as far as, humanly speaking, it was possible, they would have obtained a plain and intelligible evidence of transfer. It was not proposed to interfere with the law of collateral assurances, or to go into questions of secondary evidence, nor to interfere with collateral conveyances; but merely with the transfer of title, as he had pointed out, which alone was the true object of a bill of that nature; and in that respect the bill would be complete in its operation. A third principle recommended by the commissioners, and which was also adopted in the bill, was, that all trust or equitable estates should be prohibited from appearing on the register, and that the trust should become an office, as matter of personal responsibility, as was the case with bank stock, the funds, railway stock, &c., and that trusts should be no longer fastened on the land. Now, it might be said that that would place persons having a provisional interest in the land at the mercy of the trustees; but the subject had come fully under the consideration of the commissioners in 1857, and they recommended that where there were two or three trustees, and one of them was removed, from whatever cause, and the other sought to exercise the *jus accrescendi*, there was nothing easier than to enact that nothing should be done until a successor had been appointed to take the place of the removed trustee. They suggested, in short, that whenever trustees' names were placed upon the register, and one of them had been removed, say by death, no action could be taken prejudicial to the person holding such interest until a new trustee had been appointed; so that there would in all cases be the protection of more than one trustee. In cases of frauds, in connexion with trust funds in the stocks, it almost invariably happened that these took place where only one trustee survived, and this possibility, therefore, was provided for. It was also the fact, that the present system of conveyancing was felt to be a mistake, and the practice had arisen of the mortgagee disposing of property without reference to the mortgagor; while the purchasers were separated from the latter as regarded the title to the property. It was proposed to remedy this evil in the measure he was asking leave to introduce. Another feature of the bill was, that they proposed to meddle as little as possible with the existing general law of real property. He thought it would be unwise to interfere with that law in a bill of the present kind. They merely proposed a simplification of the transfer of property; and when once property was placed upon the register, it was intended, as far as human means could make it, that it should not be taken out of the name of the original holder without his consent. That was to say, that when A B had registered land, no one could have it transferred without A B going with him to have it done, or without having got a power of attorney, or, in case of death, without compliance with a provision which would be made in the bill, and without proving himself the real representative of the deceased person; or in the case of an insolvency, without the official assignee coming to his support with a warrant from the Supreme Court for the transference of such property. In fact, they simplified the process without involving themselves in collateral issues at all. Under the system, the survey system, which was to be taken as the basis of the system proposed in the bill, combined with the registration, would render it unnecessary to have long abstracts of titles prepared; and instead of its being necessary for a person to come in with a declaration that he believed he was the owner of the property, and giving an *ex parte* statement as to boundaries, the register would be so complete that there could hardly be any doubt regarding boundaries in any case. These would be readily ascertained under the system proposed, without any such interference, or without the intervention of any court of law, except a case might arise as to the legitimacy of an heir. And even in a bill of this kind there should be reserved the right of having recourse to the tribunals of the country, whenever a complication arose which justified such action. With that exception, he saw now difficulty likely to arise, and he could see no reason why abstracts of titles should be at all necessary. They also proposed, he might state, to give the right of placing upon the register estates less than the fee, or say for life. He had now given a short outline of the principles upon which it was proposed to frame the bill; but there was another very important branch of the subject, to which he had referred, namely, that of dealing with existing titles; and the best way of meeting the difficulty would be, to give the most complete and perfect register possible; and then, with regard to the future, they would be able, by the light of the experience gained, to assimilate the system of register of the more difficult to that of the more simple titles. That was not the time to go fully into that part of the subject; but when he made the motion, of which he had given notice, he would do so. In the meantime, however, he would allude to one or two points. There would be a kind of quasi-judicial process with regard to all titles; and he would suggest that they should be dealt with in this way. He would have appointed some competent person, who should take an abstract of a title, not into the law courts, but into chambers, and examine it, and if it was found to be good, it would at once pass, but if it was found to be of a nature to require legislation, then it would be remitted by the examiner to the courts. Well, that was the same sort of course which was adopted in the South Australian Bill. Under it, simple titles,

when examined in that way, were at once put upon the register; but, in difficult cases, an appeal could be made to the courts. He would say that, without a proposal such as that, it was impossible to do justice to persons in whose cases there might be disputed titles. Where the case was a simple one, there was no necessity for getting a decision of the Supreme Court, but when there was a difficulty, there ought to be the power of appealing. In his opinion, they had better proceed with the bill as regarded the future in the House, and there was no necessity for referring it to a committee. With reference to the other bill, although he was aware that bills were sometimes referred to committees for the purpose of being shelved, such could not be the case with it, since he had given notice that the committee, to which he proposed to move that it be referred on the second reading, should be required to give in their report in one month. That was a short period; but it was a question in which politics were not involved, and of such a nature that even lay members might soon master it, so that there was no reason why the committee should not be able to deal with it in the time stated. The hon. member for Ripon had also given notice of a bill, which he believed to be a copy of the South Australian bill. He did not wish to refer further to that bill in the meantime, because he believed that the two bills would not interfere with each other, and besides, by considering the two bills they might be able to extract the best out of both, and so more fairly deal with the subject, especially as the Upper Branch of the Legislature had already been engaged in taking evidence upon the subject; and amongst the evidence obtained had been that of the present Chief Justice, Sir William Stawell, whose opinion would, he had no doubt, be valued by everyone. The opinions so received were in accordance with the provisions of the bill; and, such being the case, he did not think it unfair that the bill should be referred to a committee for one month, and he gave the member for Ripon notice that he would also move that his bill should be referred to the same committee. As regarded the bill he was now asking leave to introduce, he did not think it should be referred to a committee, but he would assent also to that course if the House decided upon it; but he hoped they would not allow a bill to be brought in and passed in the manner proposed by the member for Ripon on a subject so all-important. It was a monstrous thing that they should have a very important law with reference to the ownership of land forced upon them in that way. There were evils to complain of no doubt, but he wanted, in getting rid of them, to see that they got no worse; and he would put it to the House to consider the magnitude of the transactions with regard to land in this colony. Just take the case of Melbourne alone, and he would ask them if they were to take a servile copy of a bill which had been passed in another colony? Were they not rather to exercise their own judgement, and legislate on the strength of their own experience? What a position the country would be in if they were called upon to give large compensation hereafter in cases arising under such a system as might be thus introduced. If they started with a tribunal, the advisers of which were one or two solicitors—he did not speak of solicitors disrespectfully, but it was to be remembered that there was a class above them in this colony, the barristers, to whom they came for advice, a class which they had not in the neighbouring colony, and the hon. member had gone so far as to place the solicitors above that other class—they might start with a principle which might involve a confusion and corruption of titles, and the necessity of rendering compensation in those cases which would be almost certain to arise. What he said was, diminish the risks of these mistakes as much as possible, by starting with a right principle; and if such was not done, they would put themselves in a position which might involve the loss of some millions of money. He trusted he had endeavoured to discuss the subject in the spirit in which it should be approached, and he merely asked the House to say that they would not shrink from expressing their opinions on the subject, and that they would not servilely accept the scheme which had been passed in a neighbouring colony. He wanted to have the best legislation possible in the matter. He desired that the question should be fully, fairly, and temperately discussed, and that every scheme should be considered, in order that they might get the best they possibly could. He would content himself for the present with the sketch he had given, and would merely repeat that the bill dealt with the future alienation of Crown lands. With the lands already alienated he would deal in the manner of which he had already given notice; and he hoped that the whole subject would not be treated as if they were afraid to deal with it. As he read it, the bill was of a nature which laymen, if they brought their minds to bear upon it, could soon master; and having shadowed out the principles of both bills, he would now content himself with moving for leave to bring in the first of them.

Mr. WOOD seconded the motion.

Mr. K. E. BRODRIBB asked what the expense of the registration would be?

Mr. IRELAND might say that the expense would be exactly whatever fee the House might fix. The House could put any fee they pleased upon the transfer, and there could be no other expense, except in a case which went before the courts; and in providing that they gave all that was given in the South Australian Bill. He was obliged to the hon. member for the opportunity of answering the question.

Mr. SERVICE did not rise to oppose the introduction of the bill, because it was desirable the House should see what it was, if it was only to ascertain how far the opinions of the hon. member (Mr. Ireland) were in accordance with those which he had previously expressed on the same subject. At the same time he would state that he was resolved upon asking leave to introduce the bill—Torrens's Bill—and afterwards he should endeavour to pass it through the House as rapidly as possible. The hon. member had stated that the English commissioners recommended survey as the basis of registration. They did not do so.

Mr. IRELAND did not desire the hon. member to quote incorrectly, and would ask him what he was about to quote from

Mr. SERVICE was about to quote from the

report of the commission of 1857. [The hon. member here read a lengthy extract, showing that the commissioners had not recommended survey as the basis of registration in England, on account of the difficulty of re-mapping England.]

Mr. WOOD trusted the House would understand the explanation made by his hon. colleague. The intention of the Government in introducing two bills was, that one should deal with land not alienated, and the other with lands that were alienated. Every day the bill was postponed would increase the difficulties attached to the conveyance of lands hereafter to be alienated. The subject of granting titles to lands that were alienated had already been much discussed, both at home and here. Certain gentlemen had got hold of the arguments and opinions laid down by authorities at home, and might endeavour to foist them on the House as being their own, but their arguments had nothing to do with the bill now proposed to be introduced. If the bill were not passed, the difficulty of dealing with the titles of lands would be increased every year. On a previous occasion, when the hon. member for Ripon brought forward his motion, he (Mr. Wood) said he should oppose any bill by which laymen were appointed to a judicial position, and he should continue to do so, as that system had not worked well in South Australia. It was better for the House to deal with the two matters separately, because it was easy to decide as to how future grants should be dealt with. When the report of the committee as regarded lands already disposed of was brought up that question could be dealt with. The hon. member then referred to the quotation made by the member for Ripon. The great difficulty in dealing with the subject in England arose from the fact that they had not a clean sheet to start with, but here it was easy to deal with lands which were hereafter to be alienated; and the question arose, whether it would not be better to pass a bill at once to deal with lands hereafter to be sold, and reserve for mature consideration a bill to deal with lands already alienated. There were, no doubt, one or two difficulties in dealing with lands to be alienated in future, but there were more when dealing with those already alienated, as a person might, by risking a forgery, pretend that his name was on the register, and by doing that, obtain an indefeasible title. That, however, would be a question of fact, not of law; and all that would be required would be the exercise of care and precaution, to investigate the pretensions of the person who claimed the land. In reply to the arguments raised by the hon. member for Ripon, he would state that, by paragraph 41, the commissioners in England were in favour of a system of survey (Mr. Service.—"No."), and had mentioned that such a system would work well. If the hon. member had taken into consideration the difference between England and this colony, he would not have made the observations he did make; for when England was overrun by the Normans, and the lands taken away from the Saxons, there were no maps—at least, if there were they must have been rude ones, and no trigonometrical survey had been dreamed of. Since then plans were made to suit estates; but here the whole country was mapped out. In England, maps followed the conveyance of estates; here they preceded them. In England, one had to go sometimes a long distance back to ascertain a title; but such was not the case here, and therefore there ought to be a cheap mode of conveyancing. Already there had been three bills on the subject. The present was the fourth. The first came down from the Upper House, and was so absurd that no member of the House could be got to move the second reading. The second and third were each called "perfection," but had not been found so. And now another Torrens' Bill was called "perfection." He did not make those remarks with the view of dissuading the House from wishing to attain perfection, but merely to prevent hon. members from assuming that a thing was perfection because persons interested in such a measure asserted that it was perfection. He trusted the bill proposed by the member for Ripon would be referred to a select committee, so that hon. members should not adopt any measure blindfolded.

Mr. KYTE did not rise to oppose the introduction of the bill, but to draw attention to the suspicious nature of it, especially as it was not brought forward till the hon. member for Ripon had taken the trouble to introduce another measure on the subject. Scarcely any person had suffered so much from the hands of the lawyers as himself, for eighteen months since he had had to pay as much as fifty-six guineas for a search for title; and he hoped the Government would not assist the hon. Attorney-General to shelve the bill of the hon. member for Ripon, which promised to be a most useful measure. At present it appeared that no sooner did the lawyers see their large profits in danger than they rushed forward to the rescue. He should like to see a bill on this subject brought to maturity, but he did not think the hon. Attorney-General meant to get his bill passed.

Mr. IRELAND said the hon. member had no right to impute motives.

Mr. KYTE would withdraw any imputation of the kind. No doubt the measure introduced by the hon. member for Ripon had been put to a severe test; and why, he asked, should it be rejected when there was no proof that the bill before the House was a better one? He would most unquestionably oppose the hon. Attorney-General's bill, in favour of that of the hon. member for Ripon.

Mr. IRELAND rose to make a personal explanation. Had the hon. member for East Melbourne been in Parliament last session he would have been aware that he (Mr. Ireland) had introduced a bill on this subject, and carried it through a second reading. (Hear, hear.) As regarded the action of the present Government, they had been but a short time in office, and had had the Land Bill, Estimates, and Civil Service Bill to prepare, and he was sure the hon. member would not press his observations when he (Mr. Ireland) assured him personally that he had only been waiting an opportunity, or he would have brought forward this bill before. It would be recollected that when the hon. Minister of Justice was before his constituents at Warrnambool he had put it prominently forward that the Government would introduce a measure of this kind. As to the severe test to which the bill of the hon. member for Ripon had

been put, he would remark that it had only been assented to on the 3rd December, 1861.

Mr. MOLLISON congratulated the Government on their discovery of a new mode of getting rid of an obnoxious bill—viz., introducing a better one of their own. No doubt this new bill would be entirely effectual as regarded land yet to be alienated; and as to the land which had been already alienated, he hoped the day would soon come for a consideration of that subject. He trusted the bill would be introduced, so that hon. members might be able to compare the two measures, when, he thought, the present measure would be unanimously preferred.

Leave was then given to introduce the bill, which was brought up, read a first time, ordered to be printed, and read a second time on Wednesday next.

NEW ZEALAND GOLD.—EXEMPTION BILL.

Mr. HAINES moved for leave to introduce a bill to exempt from Customs duty all gold imported into Victoria from other countries for exportation. He explained that such a measure had been found necessary, so that gold which had paid duty in another colony and sent to Victoria for exportation should not be taxed twice over. The bill he sought to bring in had been in great measure taken from one prepared by the late Commissioner of Customs, but it was now thought requisite—although at first it was not deemed to be so—to introduce a clause indemnifying those officers who had permitted gold to be exported without paying duty.

Mr. ANDERSON seconded the motion.

Leave was given to introduce the bill, which was brought in, read a first time, and ordered to be printed and read a second time on Friday next.

CROWN LAND SALES BILL.

The House then went into committee, for the further consideration of this bill.

Mr. DUFFY said he had intended, as he had stated the night before, to ask the House to consider the 26th and 28th clauses of the bill, which he had then at the request of hon. members postponed. He now found that according to the rules of practice by which the House was guided, that it was impossible to bring forward postponed clauses till all the others had been disposed off. Under these circumstances, he would not consent to the postponement of any other clauses, and hon. members must, therefore, be prepared with their amendments. He proposed the adoption of clause 30, as follows:—

"Every selector of an allotment, as aforesaid, within one year after he becomes a selector shall cultivate at least one acre out of every ten acres thereof, or shall erect thereon a habitable dwelling, or shall enclose such allotment with a substantial fence."

Mr. GRAY proposed an amendment, adding to the clause the following words,—"of such a character as to accord with general regulations to be framed by the Board of Land and Works." It had been asked, with some triumph, the night before, in what "residence" consisted; and it might now well be asked what a "dwelling" was? Diogenes lived in a tub, and a selector might think it sufficient to dwell in a good large cask. At all events, it was well that some discretionary power more flexible than an act of Parliament should exist, and the Board of Land and Works would be the most practicable authority in the matter.

Mr. M'LELLAN thought the amendment a wrong one, as it would prevent many men accustomed to agriculture from living in a manner which would suit their means, and not require the expenditure of a large sum of money. A Board of Land and Works might not consider a log or bark hut a "habitable dwelling," and this would prevent a certain class of agriculturists from taking advantage of the law; for at the present moment he knew a man, holding a farm of 640 acres, who lived in a place only big enough to hold a stretcher. The condition requiring a selector to fence in his land would also be a great hardship; for some land being bounded by a creek, need not be fenced all round. He hoped the hon. member for Rodney would withdraw his amendment.

Mr. O'CONNOR intended to vote against the clause altogether, for he thought it wrong to compel a man to be cultivating, when, perhaps, he might be better occupied in gold mining. The amendment only complicated the matter, and it would be very hard on the selector to be compelled by the Board of Land and Works to put up a split fence when a mere log one would do as well. The condition of cultivating one acre in ten would also work badly; for, supposing a man took up 160 acres in Warrenheip Forest, clearing one acre in ten would cost something like £320, or double the value of the whole allotment. It was against all the principles of political economy to compel a man to expend his capital in a certain way.

Mr. DUFFY, in expressing his willingness to accept the amendment of the hon. member for Rodney, would point out that the objections made to it did not apply. One of the objects of the bill was to get security that the agricultural lands selected would be taken up for cultivation, and not for speculation, and this was why the clause was inserted. Besides, it must be remembered that if a man cultivated one acre in ten he need not have a better "habitable dwelling" than he chose, and might lie at night with no better covering than the sky, if he chose.

Mr. WOODS asked what machinery would be used to carry this clause into effect?

Mr. DUFFY said that if he were asked to ascertain, he would direct a mounted policeman to ride over a district, and ascertain whether the habitable dwellings or fences were in existence. He did not see any difficulty in the matter.

Mr. BERRY contended that the amendment of the hon. member for Rodney would be throwing difficulties in the way of the *bonâ fide* settler. He should, therefore, vote for the clause as it stood. During the first year a settler might not cultivate his land at all, but prepare it for cultivation. If he did that, he did as much as the House could expect him to do.

Mr. CUMMINS said that preparing land for cultivation would probably cost from £3 to £6 an acre, and he thought that any settler who expended either labour or money on the land to that value ought to receive the same consideration as the man who built a house on the land, or erected a fence round it. He would propose an alteration in the clause, to the effect, that

every man, within one year after becoming a settler, should be required to expend labour or money on the land to the value of 5s. per acre.

Mr. DUFFY said that the amendment proposed by the hon. member for Rodney would enable the Board of Lands and Survey to determine what improvements should be required to be made on the land; and surely clearing land would be considered equivalent to cultivation.

The CHAIRMAN said Mr. Cummins could not move his amendment.

Mr. J. DAVIES asked if the term "cultivation" would bear such a wide interpretation?

Mr. DUFFY replied that the Board of Lands and Survey would have power to issue regulations specifying what conditions were to be complied with, and it would be perfectly competent for them to determine that, for the purposes of this act, "clearing" should mean "cultivation."

Mr. TUCKER moved that the clause be struck out altogether.

Mr. DON supported the clause, but considered that clearing land was as much cultivation as ploughing or sowing.

Mr. BENNETT opposed any unnecessary restrictions.

On the suggestion of Mr. DUFFY, the word "cultivation" was inserted before the word "dwelling," in the amendment proposed by Mr. Gray.

Mr. RAMSAY thought the suggestion of the Commissioner of Lands and Survey would meet all objections.

Mr. J. T. SMITH argued that every restriction imposed would tend to prevent persons from settling on the land.

Mr. ORKNEY would move that the Crown grant should be withheld till the conditions contained in the clause were complied with by the settler.

Mr. O'SHANASSY hoped the hon. member would not press his amendment, as it would be injurious to settlers of small capital, by preventing them from borrowing money.

Mr. CUMMINS said the additions suggested by Mr. Duffy would meet his object, and he, therefore, withdrew his amendment.

After observations from Mr. FOOTT and Mr. GRAY,

Mr. W. C. SMITH called attention to the fact that the cultivation of one acre for vine-growing would be more expensive than the cultivation of ten acres for other purposes. Again, the term "habitable dwelling" would be open to various interpretations. These were reasons why the Board of Land and Works should have power to make regulations on the subject. Again, he held that if a settler cleared one acre, that should be looked upon as cultivation. Would it be so looked upon?

Mr. DUFFY.—Certainly.

Mr. W. C. SMITH said he should support the amendment.

Mr. WOODS was sorry to see this clause in the bill at all. It was an attempt at over-legislation, and all these restrictions he believed would be inoperative. The result of such a clause would be, that policemen would be trotting all over the country, and sending in reports to the Board of Land and Works as to what in their opinion was or was not cultivation, a habitable dwelling, or a fence. This would not be at all satisfactory, but, unless they had a very expensive machinery, the Government would not be able to carry out the clause at all. The best way to meet the object in view would be to give the district councils, which it was proposed to establish, the power of placing on a small land tax. The amendment of the member for Rodney would be only heaping restriction upon restriction.

Mr. O'SHANASSY believed that the District Councils Bill would be a more effectual check than anything else to speculation in the lands thrown open for settlement; but if the Government had not proposed such a clause as this, they would in all probability have laid themselves open to the charge of desiring to encourage the speculator. (Laughter and "Hear, hear.")

Mr. COHEN opposed the amendment. The clause, as it stood, was a very good one. He considered that the man who went upon the soil should be allowed full discretion as to his habitable dwelling or fence. A man might choose to live in a tent, and to construct only a log fence, but if these were sufficient for him in the cultivation of his land, what necessity was there for any further restriction?

After some remarks from Dr. MACKAY, the committee divided on Mr. Gray's amendment, when there appeared:—

Ayes	19
Noes	27
Majority against the amendment	8

The following is the division list:—

AYES.

Mr. Anderson	Mr. Frazer	Mr. Orkney
— Aspinall	— Gillies	— O'Grady
— Cathie	— Gray	— Ramsay
— Cummins	— Heales	— Smith, W. C.
— Davies, J.	— Houston	— Wright.
— Don	— Nicholson	
— Luffy	— Nixon	

NOES.

Mr. Bennett	Mr. Hedley	Mr. O'Shanassy
— Berry	— Ireland	— Richardson
— Brodribb, K E	— Johnston	— Riddell
— Brodribb, W A	— Levey	— Sinclair
— Cohen	— Mackay	— Smith, J. T.
— Donovan	— M'Mahon	— Snodgrass
— Edwards	— M'Donald	— Wilson
— Foott	— M'Lellan	— Weekes
— Francis	— O'Connor	— Wood

Mr. ORKNEY moved, as an amendment, the addition of the words, "until these conditions were complied with, the Crown grants should not be issued;" and he did so because he believed the addition would be the only preventative of over-speculation.

Mr. W. C. SMITH thought the land would be taken up for improvement, and not for the mere purpose of borrowing money upon it; and if the addition were made, it would act most injuriously to the person who took up land for improvement. He would rather expunge the clause altogether than accept the amendment.

Mr. FRAZER thought that, if there was any sincerity in proposing the clause at all, there should be no objection to the amendment; and if he voted for the one being retained, he would vote for the addition of the other.

Mr. O'CONNOR supported the clause, and believed that, if the amendment were adopted, it

would interfere with the operation of the farmer who took up land.

Mr. CUMMINS opposed the amendment, because, if it were carried, no one except those who could pay for all the land they took up, and for fencing it in, would have the opportunity of going upon the land. It would, therefore, interfere with the real object of the bill.

The question, that the words proposed to be added stand part of the bill, was put, and negatived.

Mr. WOODS moved the addition at the end of the clause of the words, "That this clause shall be enforced until the colony be divided into district councils, and no longer."

Mr. BENNETT was at a loss to know what the use of the District Councils Bill would be in parts of the country where there were large squatting runs. There was every desire to have the bill as perfect as possible, but such an amendment could do no good.

Mr. GRAY was of opinion that the hon. member might as well leave out his amendment, after the action which had already been taken in reference to other parts of the bill. District councils were of no value where the squatter and his sheep held the land, as it were, like a wilderness. Under the bill, the speculator would have the pick of the agricultural areas, and such amendments would not interfere with his getting it. If the hon. member had introduced an amendment that there should be a 10s. penalty, and that it should go to the nearest district council, such an amendment would have been valuable; but at present the amendment would be of no use. He lamented that his friends had not supported him on previous clauses of the bill as he thought they should have done.

Mr. O'GRADY pointed out that already provision was made for the taxation of the lands under the Road Board system.

Mr. WOODS defended his conduct, as being that which he believed to be correct. He had opposed the restrictive clauses in the Nicholson Land Bill, as he believed then, as now, that no Government could enforce any restrictions. A land tax was the only tax which could be levied, and his object in moving the amendment was, that such a tax should be made, instead of restrictions which never would be enforced. The whole colony was mapped out for road boards. ("No, no.") Well, if not, it was in the power of persons to have road boards established. Squatters and others would find that if they did not tax themselves they would not have roads and bridges, and therefore it would be to their interest to have a land tax.

Mr. WEEKES thought the only way by which large speculators could be put out of the market would be by offering a large quantity of land at one time for sale. It was said by the hon. member for Rodney, that if 500,000 acres of land were put into the market they would be at once bought by speculators, who would sell them at a profit to persons who wanted land. But he (Mr. Weekes) thought if persons wanted land they would not wait to buy it second hand. He also thought there was not the money available in the colony to enable speculators to buy up 500,000 acres in twelve months.

Mr. M'LELLAN defended the conduct of the hon. member for Rodney, who did not wish to coerce hon. members to support him, but merely referred to their conduct in voting contrary to the opinions expressed by them on the hustings.

Mr. JOHNSTON said the hon. member for Rodney complained that members near him did not support him; but it must be apparent to the hon. member that he put forward amendments occasionally which his own friends could not support. The hon. member would not give any gentleman credit for voting honestly, and yet he asked the House to believe him when he said that everybody should be allowed to buy land without any practical restriction, and then complained that hon. members would not support him, "although they knew in their souls they should do so."

After some remarks in explanation from Mr. GRAY,

Mr. JOHNSTON proceeded.—The hon. member was now taking the course he took with regard to the Nicholson Land Bill; but he thought if the hon. member contented himself with retaining his own opinions, instead of accusing other members of dishonesty, the House would get on better with the bill.

Mr. BERRY had no doubt that the remarks of the member for Rodney had given an opening to certain gentlemen to interpret them differently from what he intended. The hon. member addressed his own friends only, as was apparent from his remarks. As regarded the gentleman who had just sat down, he would like to know how often he had altered his opinion on the land question, at different meetings he had attended? ("Order, order.") If the hon. member had not gone out of his way to attack the member for Rodney, he would not have made these remarks; but when the hon. member rose it was invariably to make a personal attack upon some gentleman.

Mr. JOHNSTON rose to order. He had not made any personal attack.

The CHAIRMAN expressed a hope that hon. members would confine themselves to the question as much as possible.

Mr. BERRY thought, if he was out of order, the whole speech of the member for St. Kilda was out of order. As regarded the remarks of the member for Rodney, he thought it would be useless to make it compulsory upon a speculator to expend £25 upon building a house, whilst at the same time such a restriction would press heavily upon the real settler.

The amendment of the member for Crowlands was put and negatived.

The clause was then agreed to without a division.

Clause 31, setting forth that lessees under the Nicholson Land Act might surrender and receive leases under this bill, was then read.

In answer to Mr. Gray,

Mr. DUFFY said, the simple intention of this clause was to enable lessees under the Nicholson Land Act to come under the operation of this bill, in order that their purchase-money might be paid out of their rent.

The clause was then agreed to.

Mr. DUFFY said that the next two clauses, clauses 32 and 33, which related to the appropriation of moneys from the land fund for the purposes of assisted immigration, must be postponed, no message from His Excellency the

Governor, recommending such appropriation, having yet been sent to the House.

The clauses in question were accordingly postponed.

Clause 34 was then read, as follows:—"All lands not delineated in the map hereinbefore mentioned and reserved for proclamation in agricultural areas shall be sold, subject to such covenants, conditions, exceptions, and reservations as the Governor in Council may direct in fee-simple, by public auction, at an upset price of £1 for each acre, or at such higher upset price, as the Governor in Council may direct, and no such lands shall be sold otherwise, or, except as hereinafter provided, for any less sum."

Mr. GRAY trusted that a fault of which he had complained before would not be continued in this bill. Under the present law land put up to auction and not purchased could not be taken up afterwards at the upset price, but must be sold by auction. Hitherto this regulation had not given much opportunity for individual hardship, owing to the large extent of land offered for sale, and the comparative smallness of special lands submitted to sale by auction; but he trusted provision would be made enabling persons to select land that might hereafter be put up to auction and remain unpurchased.

Mr. DUFFY understood the hon. member to desire to restore the condition which existed under the act of 1842, whereby lands put up at auction and unsold might be selected at the upset price. The necessity for this could not certainly be so great when 10,000,000 acres were to be offered for selection, and the desire expressed by the hon. member by no means corresponded with the fears expressed a short time since that so soon as lands were put up to auction they would be immediately purchased. However, the alteration would require a new clause, and he would make a note of the matter, and if good grounds for doing so appeared, would bring down a new clause.

Mr. SNODGRASS asked if provision would be made for reserving land for railway lines and on the banks of rivers?

Mr. DUFFY referred the hon. member to the larger map which would be issued from the Land Office. If he desired to carry the matter farther he had better frame a new clause, and take the sense of the House upon it.

Mr. RICHARDSON regretted that the House had no guarantee, such as had been suggested by the hon. member for Richmond, that the funds arising from land sales would be judiciously expended; and, under these circumstances, he wished the House to be cautious before allowing the alienation of very large quantities of land. He also thought that the power given in this clause to the Governor in Council should be kept in the hands of Parliament. For the present, he would confine himself to bringing forward at the right time an amendment omitting the words "any less sum" from the end of the clause.

Mr. RAMSAY pointed out that no power was reserved to enable the Government so to deal with gold-fields lands discovered within the agricultural areas, that miners would be able to carry on operations below the lands and even houses of other people, provided no surface damages accrued.

Mr. DUFFY said it was not convenient that such questions should be raised now, when they could not be dealt with. The question might have been raised when the 10,000,000, acres were first devoted to form the agricultural areas, but nothing was said then. The whole matter must be provided for by a gold-fields act, or at least in a different part of the bill. In reference to the amendment suggested by the hon. member for East Geelong, he would remark that it was not intended to sell land at any less sum than £1, and he was also willing that the words "not less than the upset price" should be introduced. At all events, he would accept the amendment, and moved that the words "or," and "any less sum," should be omitted.

The omissions were agreed to.

Mr. SNODGRASS moved the addition to the clause of the following proviso:—"Provided that no lands of any kind whatsoever shall be included within such agricultural areas in or within two miles from any proclaimed township, railway line, navigable river or lake, or one mile from any land alienated before the commencement of the act."

After considerable discussion, the amendment was negatived, and the clause agreed to.

On clause 35, "Quarterly auction, and notice thereof,"

Mr. RICHARDSON suggested that the notices of auction sales should be advertised in the local papers as well as in the *Government Gazette*.

Mr. DUFFY thought it undesirable to make provision by law for that purpose.

Mr. HEALES did not see how any advantages would arise from periodical sales by auction, but disadvantages might arise, because the Government might be compelled to bring land into the market at a time when there were few purchasers, and when, if left to their own discretion, they would not offer it for sale.

Mr. DUFFY reminded the hon. member, in the first place, that this clause was the 48th section of the Nicholson Lands Sales Act; and, in the next place, that the law would be complied with if one acre were sold each quarter of a year. No possible injury could therefore arise.

The clause was agreed to.

On clause 36, "Conditions of sale at auction of special lands,"

Mr. GRAY suggested that the principle of allowing the purchaser of lands sold by auction to pay a deposit of 25 per cent., should also be applied to the sales of the land composing the 10,000,000 acres reserved for agricultural purposes.

Mr. DUFFY said this proposition, even if the House were disposed to adopt it, would operate against the interests of the intending settler, by multiplying the number of applications for the same allotment. The Government provided that if an intending settler did not get the land he wanted, his money should be returned immediately; and this would be far better than allowing deposits of twenty-five per cent. to be made.

The clause was adopted.

To clause 37, "Upset price of lands unsold at auction to be reduced," Mr. DUFFY added the words, "provided that such upset price shall be not less than £1 per acre.

Mr. FOOTT wished to prevent special lands being sold at less than their special value,

and, therefore, moved that no special lands should be sold for less than £1 10s. per acre.

Mr. DUFFY said the lands had always been liable to be set up at the upset price of £1 per acre, but no evil had ever arisen, because they were sold by auction. Some of the special lands were valued at £1,000 an acre, some at £500, and some at £100; but what would be the practical use of providing that they should not be sold at less than 10s. above £1 an acre? There must be a discretion left to the Government in selling the lands. The proposal of the hon. member was the most comical one he had ever heard.

Mr. Foott's amendment was negatived, and the clause, with the addition proposed by Mr. Duffy, was adopted.

On clause 38, "Closing and alienation of unnecessary roads,"

Mr. TUCKER suggested that there should be some provision to narrow the width of three-chain roads in townships.

Mr. DUFFY said there could be no such power under the Land Bill. The clause in question was, with a trifling alteration, the same as the 56th section of the existing law.

The clause was agreed to.

Clause 39, "Detached slips of land may be sold at a valuation,"

Mr. DUFFY stated, was also taken from the existing law, with the exception that a provision had been inserted to the effect that the power should not be exercised on any extent of land beyond five acres.

The clause was agreed to, without discussion; as were also clause 40, "Declaration to be made by appraiser," and clause 41, "Governor may sell, or withhold from sale, lands previously reserved or offered."

The committee then proceeded to consider the third part of the measure, which relates to a leases and licences for other than agricultural or pastoral purposes."

On clause 42, giving the Governor power to grant leases of land not exceeding thirty acres in extent for a term not exceeding thirty years, for making vine, olive, or mulberry yards, or for the establishment of any useful plant or enterprise, or process not generally known, provided that not more than 100 such leases be issued in any one year,

Mr HEALES expressed the opinion that this clause conferred on the Government powers similar to those which had been exercised under the 68th clause of the Nicholson Land Act. He considered the mulberry yard and vineyard not sufficiently novel enterprises to justify the passing of the clause because, as he had stated on the occasion of the second reading, no person desirous of land for those purposes would dream of asking for it on better terms than paying 10s. down, and paying the remaining 10s. in ten years afterwards, and particularly as the best kind of land would be required. ("No," from Mr. Duffy.) He was confident that, under the agricultural clauses, there were advantages which were not contained in this clause. He begged to suggest, as considerable progress had been made with the measure, and as this was an important clause, that the Government would agree to the Chairman's reporting progress.

Mr. DUFFY said he believed no substantial objection to the clause would be found to exist. The member for East Bourke Boroughs urged that, as all the best agricultural land in the colony was included in the 10,000,000 acres, there was no necessity for a provision of this nature. But for the purposes of a vineyard, for example, the best agricultural land was not wanted. Climate and position had a great deal more to do with the quality of wine than a black or a chocolate coloured soil. Some of the wines that commanded the highest prices, and were the most valued throughout Europe, could be grown only on a particular farm. The soil and climate there so harmonized as to produce this singularly happy result. Under the clause before the committee experimental vinegrowers would probably be able to find on the banks of the Murray or Goulburn land of that nature, which was not included in the agricultural areas. The sole object of the clause was to open that field to industrial enterprise, and he was surprised that the member for East Bourke Boroughs, of all members, should seek to fetter its operation. All the Government asked was, that when they found a man who could produce evidence that he had mastered some of these enterprises, they should be able to encourage him to make the attempt to introduce them to this country, by letting him have thirty acres of land at 1s., or at 6d., per acre for thirty years. This was a power of which many industrious men were preparing to avail themselves. He had already received many letters asking when he expected that the power would come into operation.

Mr. GRAY considered that the clause would be more useful if the extent of land were not restricted to thirty acres, and if the number of leases to be issued by the Government in any one year were not confined to 100.

Mr. IRELAND observed that if the member for East Bourke Boroughs and the member for Rodney would agree on an amendment that would carry out their contradictory views, the Government would no doubt be most happy to entertain it. (Laughter.)

Mr, FOOTT contended that no practical vinegrower would derive any advantage whatever from the clause.

Mr. M'CANN held a different opinion. He knew several practical vignerons on the Barrabool Hills—one of them the oldest vigneron in the district—who were waiting for the passing of this clause to take up land under it. He was in favour of a larger number of acres being granted for the purpose; and he thought if a man cultivated land for thirty years he should have the right of pre-emption.

Mr. DUFFY said he would not assent to an increase in the quantity of land, because a vigneron could obtain as much land as he pleased, up to 640 acres, in the agricultural areas. But he thought the suggestion as to pre-emption a good one, and he would take a note of it, with a view to introducing it in a provision on a future occasion.

Mr. HOOD was anxious that a lessee should have the power of converting his leasehold into a freehold as soon as he had complied with the conditions of his lease—namely, as soon as one-third, or one-half, as the case might be, was under cultivation. One facility would thus be afforded for settling people upon the land.

Mr. SNODGRASS objected to the clause, be-

cause its provision amounted, in principle, to selection before survey, and he could not see how the hon. member (Mr. Duffy) had ever included such a principle in the bill.

Mr. WOODS would simply ask the Commissioner of Crown Lands in what position the miner would be in reference to these particular lands, if gold were discovered on the ground taken up?

Mr. DUFFY.—He would be in just the same position as in a case where any occupation licence had been issued. He denied that it was the occupation licence system under another name, because the person taking up these thirty acres had to satisfy the Government that he was qualified to carry on the industry he proposed to originate, and his qualification, as set forth in his application, would be laid before Parliament.

Mr. GRAY.—Would the hon. member consent to enlarge the area?

Mr. DUFFY could not do so, because larger areas could be obtained under easy provisions upon the ten million acres to be set aside for agricultural purposes.

After some observations from Mr. DENOVAN, Mr. O'CONNOR, and Mr. W. C. SMITH, the latter of whom considered the area too small for an industrial purpose,

The question, that the clause stand part of the bill, was put, and carried without a division.

On clause 43, referring to mining leases,

Mr. W. C. SMITH suggested that, for the words "*Government Gazette*," the words "nearest local paper" should be inserted.

Mr. DUFFY had stated, in relation to a similar proposition on another clause, that the usage was to advertise them in the local paper, and he thought it would be better to leave the matter, as heretofore, to the discretion of the Government.

Mr. HOUSTON suggested that after the word "gold," the words "and silver" should be added.

The amendment was accepted by the Government, and the clause as amended agreed to.

On clause 44, referring to leases for "other purposes,"

Mr. W. C. SMITH proposed that the word "three," in the first part of the clause, should be omitted, and the word "five" substituted.

The question, that the word "three" stand part of the clause, was put and agreed to.

Mr. HOOD proposed that the word "seven" [years] should be omitted, as fixing too limited a period for the issue of such leases.

Mr. DUFFY objected to the proposal, and pointed out that there was not the slightest necessity for the suggestion.

The question, that the word "seven" stand part of the clause, was put and agreed to.

Mr. ORKNEY proposed as an addition to the various purposes for which leases were to be granted, the words, "graving docks for repairing ships."

Mr. DUFFY thought the objection of the hon. member would be met by adding the words "or for repairing." (Hear, hear.)

Mr. HOOD proposed the addition of the words "or for any other purpose that the Board of Land and Works may deem of public advantage." (Laughter.)

Mr. DUFFY.—The hon. member, I take it, is not serious.

The clause as amended by Mr. Duffy was agreed to.

The House then resumed. The Chairman reported progress, and obtained leave to sit again on Tuesday next.

CLAIMS FOR COMPENSATION.

Mr. O'SHANASSY, in the absence of Mr. Grant, moved that the petition of Mrs. Elizabeth Alice Murray, be referred to the committee now sitting to inquire into the claims of Mr. Bell, Mrs. Morphy, and others.

The motion was agreed to.

SCAB ACT AMENDMENT BILL.

On the motion of Mr. MOLLISON, the report of the committee on this bill was adopted, and the bill was read a third time and passed.

The House then adjourned at a quarter to twelve o'clock, until four o'clock on the following day.

PAIRS.—On the Land Bill—Mr. Mollison for, Dr. Macadam against; Mr. Reid for, Dr. Owens against; Mr. Hood for, Mr. J. Davies against. After ten o'clock—Dr. Hedley for, Mr. M'Lellan against; Mr. Kirk for, Mr. Berry against.

FIFTY-NINTH DAY—THURSDAY, FEBRUARY 27, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at twenty-nine minutes past four o'clock.

DEATH OF HIS ROYAL HIGHNESS PRINCE ALBERT.

Mr. O'SHANASSY said it was his painful duty to announce that intelligence had been received of the death of the Prince Consort. He had thought it his duty to inform hon. members immediately of the melancholy news; and to mark the sense in which the House received it, he would move that the House, at its rising, adjourn until Tuesday next. Other steps, he would add, had been taken by the Government since the intelligence had been received to mark their sense of the loss which had been sustained; and when the official intelligence of the event was obtained, it would be his duty to submit to the House an address of sympathy and condolence to Her Majesty on the loss she had sustained.

The question that the House, at its rising, adjourn until Tuesday was then put and agreed to unanimously, as was also the question that "the House do now adjourn."

The House then adjourned until Tuesday next.

SIXTIETH DAY—TUESDAY, MARCH 4, 1862.

LEGISLATIVE COUNCIL.

The ACTING-PRESIDENT took the chair at four minutes past four o'clock, and read the usual prayer.

PARLIAMENTARY TITLES.

Mr. FAWKNER called attention to a matter which he thought concerned the House. On visiting the library recently, he found that the gentlemen forming the Library Committee had thought proper to appeal to the Government as to whether the titles of the members of the Legislature should not be changed. It appeared that, on the motion of Mr. Mollison, it was determined to ask the Government whether the initials indicating a member of the Legislature Council should not be changed from "M.L.C." to "M.P.," and the Government had thought proper to order that in future the title should be "M.P." All this had been done without the assent of the House, and he for one would not submit to it. He did not see that the committee had anything to do with the titles of members of that House.

Mr. POWER thought the Government were not to be censured because the Library Committee had determined upon addressing members of both Houses of the Legislature as M.P.'s. He had made inquiry into the subject that day, and he had found that this matter arose in the Library Committee on the motion of Mr. Mollison, seconded by Dr. Hope, a member of the Legislative Council. The members of the Legislative Council would still retain the prefix of "Hon." to their names.

Mr. HULL considered it a matter of no importance whether a member of that House was addressed as an "M.L.C." or an "M.P." At the same time he could not overlook the insidious movements which had been directed from time to time against that body. First, there was the cry for doing away with the House, and this had been followed by appeals for reducing the qualification and the term of sitting. But as it was found impossible to alter the constitution, a French revolutionary movement to alter the title of the House was commenced. He must enter his protest against an alteration made by gentlemen who had no more authority to make it than they had to alter the title of Her Majesty.

Mr. A'BECKETT looked upon the matter as scarcely worth consideration. Whatever arbitrary distinction might be adopted, members of the Legislative Council would no doubt be distinguished by the "M.L.C." following their names, and members of the Legislative Assembly by "M.L.A.," merely for the sake of public convenience, which, after all, was the only test by which this thing could be regulated.

Mr. FAWKNER said he did not grumble so much about the thing itself, as at any committee taking upon themselves to decide such a matter without referring it to the House at all.

The ACTING-PRESIDENT asked whether Mr. Fawkner wished to take any action in the matter?

Mr. FAWKNER intimated that he should not allow the matter to drop. Indeed, he should have spoken about it at the last sitting but for the state of his health.

PAPERS.

Mr. MITCHELL laid on the table returns of certain pastoral runs provided pursuant to the motion of Mr. Rolfe; a copy of the report of the Commission of Inquiry as to the Burke and Wills Exploring Expedition; and a copy of the instructions despatched by the Exploration Committee to Mr. Walker, the leader of one of the Queensland searching expeditions.

LEAVE OF ABSENCE.

Mr. POWER moved, without notice, that leave of absence be granted to Mr. J. B. Bennett, a member of the House, for twelve months, from the 24th inst. Having opposed the motion recently brought forward for leave of absence to Mr. Fraser, he felt bound to explain why he submitted the present proposition. In a general way, he was opposed to hon. members leaving the country and not resigning their seats, but this was an exceptional case. Mr. Bennett was imperatively ordered by his medical adviser to leave the country for the sake of his health, and seeing what a useful member Mr. Bennett had proved, he trusted this indulgence would be granted without opposition.

Mr. S. G. HENTY seconded the motion.

Mr. A'BECKETT intended to vote for the motion, but he begged distinctly to state that he should oppose leave of absence being granted to any other hon. member. ("Oh," from Mr. Fawkner.) If many more members absented themselves, the Legislative Council would lose its weight in the country. It was a very small House as compared with the other branch of the Legislature, while its duties were of great importance to the colony. Therefore, he thought there ought to be a rule—which nothing should induce the House to break—to the effect that not more than four members should have leave of absence at the same time.

Mr. FAWKNER opposed the motion, for the sake of consistency. The House would shortly have to consider a most important measure—the Land Bill, and the brains of every hon. member would be wanted to assist in making that bill what it ought to be. Mr. Bennett took a prominent part in amending the Nicholson Land Bill, and they would want that hon. member to take an equally prominent part with regard to the bill of the present Government. He objected to an hon. member's going home with his qualification, as it were, in his pocket. There were three away already, one of them having been absent nearly a year.

After observations from Dr. HOPE and Mr. COLE in support of the motion, the House divided, when there appeared—

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The following is the division list :—

CONTENTS.

Mr. A'Beckett.	Mr. S. G. Henty.	Mr Robertson.
— Cole.	Dr. Hope.	— Sutherland.
— Degraves.	Mr. Hull.	— Thomson.
— Fellows.	— Power.	— Vaughan.

NON-CONTENTS.

Mr. Coppin.	Mr. Fawkner.	Mr Rolfe.

SCHOOLS OF ANATOMY.

Mr. A'BECKETT moved for leave to bring in a bill to regulate Schools of Anatomy. It was well known, he observed, by those who took an interest in the progress of the colony, that the University of Melbourne had made arrangements for conferring medical degrees, and establishing a medical school, so that young men might be brought up to the medical profession and be enabled to practise without having to go to England. In order that they might do this, it was necessary that they should have opportunities of studying anatomy equal to those afforded in the mother country. Therefore he introduced this bill, which was a transcript of the English bill, with the necessary alterations to adapt it to the circumstances of this colony.

Mr. HULL seconded the motion, which was agreed to without comment.

The bill was then brought in, and read a first time, and ordered to be printed, the second reading being appointed for Tuesday, the 18th inst.

PETITION.

Mr. COPPIN presented a petition from nearly 4,000 residents of Geelong and the neighbourhood in favour of the Real Property Bill introduced by Mr. Service to the other branch of the Legislature. The petition, the hon. member said, was forty yards long.

NOTICES OF MOTION.

Mr. HULL gave notice that at the next sitting he should move for the production of a copy of the address of Commodore Seymour to His Excellency the Governor, dated the 31st of January, with respect to the exposed and defenceless condition of the shipping in Hobson's Bay.

Mr. FELLOWS intimated that at the next sitting he should move for a return of the revenue from all sources for the first two months of 1862.

DIVORCE ACT AMENDMENTBILL.

Mr. FAWKNER moved the adoption of the report on this bill. He understood that some opposition was offered to this motion a fortnight ago (when he was absent), on the ground that the law which the measure sought to create was not the law of England. But it was the law of Scotland, and he did not see why Scotland should enjoy a benefit which was not extended to this colony. A great deal had been said about the mischief it would do. Nothing, however, was said of the hardship that it would relieve people from. It was well known that a great number of unfortunate women were deserted by their husbands, who had no intention of coming back to them; and it was to counteract the mischief of these women being thrown on the world, with no means of existence unless they resorted to immoral courses, that this measure was brought forward. During the last discussion Mr. Fellows mentioned one isolated case in Tasmania as against the measure; but, while there was one case adverse, there were 3,000 cases in favour of the bill.

Mr. FELLOWS moved, as an amendment, that the adoption of the report be made an order for that day six months. Mr. Fawkner had stated that there were a vast number of afflicted women who had been deserted by their husbands, and the hon. member thought this bill would remedy that affliction in that it would provide all these deserted women with so many men. But to suppose that marriages which took place under the bill would prevent questions arising as to the legitimacy of children and the ownership of property was a fallacy. It was all very well to say that it was the law of Scotland, and that therefore it should be the law here. That would be a good argument if the whole of the British dominions adopted the same law, but Scotland was an isolated exception to the rule. He asserted, without fear of contradiction, that if persons married out of the colony before the passing of the act, and obtained a divorce under the act and married again, the courts of this colony, if appealed to, would decide that the second marriages were good for nothing. He had had brought under his notice, by a correspondent, with whom he was not acquainted, and who mentioned, to guarantee the correctness of his facts, the names of pretty nearly half the members of the House, a case which took place not long since in Tasmania. A person whose wife had been faithless to him proceeded to Scotland and there obtained a divorce. He returned to Tasmania and married again. On the occasion of the second marriage his mother settled on him a large property. The limitations in that settlement were to the effect that the property was to go to the mother till the marriage took place, and after the marriage it was to go to the children in the manner specified in the settlement. Now after that settlement was made and the marriage performed, the mother became insolvent, and her assignees claimed the whole of the property which she had settled, as belonging to her, saying that the marriage on account of which the settlement was made had never taken place. It had not taken place, because it could not legally take place. The question came before the Supreme Court of Tasmania, and the judges decided that the marriage was good for nothing, and that the property must remain with the assignees. There was an appeal to the Judicial Committee of the Privy Council in England, but the determination was upheld. He submitted these facts, and the case which he mentioned a fortnight ago, of a man who, after being divorced in Scotland, married again in England, and was convicted of bigamy, to the consideration of hon. members. Let hon. members make the case their own. Would any hon. member allow his daughter to be placed in the position of the wife of a second marriage? Would he not at once say "no" to such an arrangement? And if so, how could hon. members hold out the fallacious hope that by a bill like this other families would do what they would not allow any member of their own family to be concerned in? (Hear, hear.) Hon. members were well aware that the clause forming this bill was the clause the presence of

which in the original Divorce Bill led to the rejection of that measure by the Imperial Government, who considered that it was not desirable that there should be in any one colony an essential variation from the British law as it existed in the rest of the empire. And the clause having been once rejected, it would be unwise to ask the sanction of the home Government to it now. They should take care that their legislation should stand the test of scrutiny. (Hear, hear.) He might add that, so far from the bill, being calculated to remove the evils already existing, it was likely to perpetuate them. It contained a provision making it necessary that a person seeking divorce should be resident in the colony for three years prior to making the application. This amounted to saying—"Come here, my boys, for three years, leave your wives anywhere out of the country, and then you can apply for a divorce." The clause did not require the residence of the parties with their wives. Mr. Fellows urged, in conclusion, that the passing of the bill would only lead to a very lax state of morality in the colony.

Mr. FAWKNER observed that Mr. Fellows's argument was calculated to mislead the House.

Mr. COLE supported the motion.

Mr. A'BECKETT supported the amendment. He considered that by sending again and again to England for Her Majesty's assent a bill which they knew was opposed to the principles of English law, they would be showing great perversity and insensibility to what was due to the legislation of the mother country. He objected to the bill on grounds far higher than those of mere decorum and good taste. The measure, if passed, would be an inducement to persons to forget the obligations which they took upon themselves at the time of their marriage. It would produce hereafter evils far greater than if the subject were not legislated upon at all.

After remarks from Mr. ROLFE and Mr. HULL in support of the amendment, the question was put, and the amendment carried without a division.

BILLS FROM THE LEGISLATIVE ASSEMBLY.

The following bills were brought up from the Legislative Assembly:—The Customs Laws Amendment Bill, Chinese Immigrants' Act Amendment Bill, Scab Act Amendment Bill, Gold Export Duty Act Amendment Bill.

The whole of them were read a first time, and ordered to be printed, the second reading of the first three being appointed for Tuesday next, and of the last for Tuesday week.

The House adjourned at eighteen minutes past five o'clock until Tuesday.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half past four o'clock.

PETITIONS.

Mr. W. C. SMITH presented a petition from certain parties in Ballarat against a clause attached to the vote for denominational purposes.

Mr. RICHARDSON presented a petition from his constituents, in favour of the Real Property Bill introduced by the hon. member for Ripon and Hampden.

Mr. LAMBERT presented a petition from inhabitants of Richmond against the third reading of the Land Bill.

Mr. CUMMINS presented a petition from residents in the neighbourhood of the Little River, in reference to proclamations as to farmers' commons.

Mr. ORKNEY presented a petition from the Catholics of St. Francis', Melbourne, respecting the education question.

Mr. LOADER presented a petition from the mayor and councillors of Melbourne, suggesting the desirability of erecting a bridge over the Yarra, at Spencer-street.

Mr. O'GRADY presented a petition from the Catholics of Hawthorn, praying that clauses 2 and 3, in connexion with the denominational vote, should be removed.

Mr. CUMMINS presented a petition from farmers and landowners on the Little River, praying that the Land Bill might be assimilated to the act of New South Wales.

Mr. SINCLAIR presented petitions from the Catholics of Carlton against the administration of the educational vote.

These petitions were ordered to be laid upon the table.

Mr. LEVI desired to present a petition, and explained its object, when

The SPEAKER stated that, as the petition prayed for a money grant, it was not in order to present it.

REPORT.

Mr. M'LELLAN brought up the sixteenth report of the Printing Committee, which he laid upon the table.

PAPERS.

Mr. O'SHANASSY handed in certain returns, the title of which could not be ascertained in the gallery.

NEW MEMBER.

Mr. M'CULLOCH, the newly-elected member for Mornington, was introduced by Mr. Haines and Mr. Nicholson, and took the oaths and his seat for that district. The hon. member subsequently took his place on the bench immediately behind the Ministry.

NORTH GRENVILLE.

The SPEAKER intimated that he had received the resignation of Mr. Gillespie, lately member for North Grenville, and had issued a writ for a new election.

NOTICES OF QUESTIONS.

Mr. K. E. BRODRIBB gave notice that, to-morrow, he would ask the President of the Board of Lands and Survey, whether he had any objection to lay on the table a return showing the number of commons proclaimed under the Nicholson Land Bill, specifying the area of each common, and distinguishing the class; also, the amount received by the Government from commoners since the proclamation of such commons, and the expense, if any, of collection?

Mr. NIXON gave notice that, on the following evening, he would ask the Chief Secretary what steps had been taken by the Government with reference to the address of sympathy and condolence to Her Majesty?

Mr. HEDLEY gave notice that, to-morrow, he

would ask the Commissioner of Lands and Survey whether he had any objection to lay on the table a return showing the number of farmers' commons proclaimed under the existing Land Sales Act, the area of each common, the amount of fees paid for right of grazing on each to 31st January, 1862; the names of the pastoral tenants who had been wholly, and those who had been partially, dispossessed of their runs by such proclamation; the amount of licence-fee or assessment returned to such pastoral tenants on account of such reduction of their runs; and whether any attempt had been made to ascertain that the conditions required by the law before proclamation of commons had been complied with?

Mr. DENOVAN gave notice that, to-morrow, he would ask the Commissioner of Public Works if he would inform the House whether the Government intended to carry out the Coliban water scheme this session; and, if so, if he would state the probable cost of conveying the water as far as Bendigo?

Mr. L. L. SMITH gave notice that, to-morrow, he would ask the Commissioner of Public Works whether it was a fact that a collision had taken place between a passenger train and a ballast train near Riddell's Creek; and, if so, what was the amount of damage done, whether any investigation into the cause of the accident had taken place, and what was the result of the investigation, and who was to defray the expenses of the accident, if any?

Mr. COHEN gave notice that, on Thursday, he would ask the Commissioner of Public Works, with reference to the Yan Yean tramway, whether the lease tendered for some three years since by Mr. Handasyde had been issued, and the conditions on his part complied with; whether default had been made by the tenderer; whether the attention of the Government had been drawn to the fact that the wooden rails and sleepers were rotting, and many of them being torn up and taken from the line; and whether it was the intention of Government to make that line of tramway available, by lease, or sale, or otherwise, as a source of revenue?

Mr. ORKNEY gave notice that, to-morrow, he would ask the Postmaster-General if the public would in future have the benefit of the telegram announcing the arrival and departure of ships as they occurred during office hours, instead of only four times a day, at intervals of four hours, as at present?

Mr. VERDON gave notice that, on Thursday, he would ask the Chief Secretary whether, in the reduction effected prior to the passage of the Civil Service Bill, it was the intention of the Government to allow officers selected by the heads of departments for dismissal an opportunity of appealing to a board, to which they might show cause against the decisions of the heads of their departments?

Mr. DENOVAN gave notice that, on Thursday, he would ask the Chief Secretary by what authority the registrar for the Sandhurst Boroughs had refused to issue registration forms to those who had applied for them at his office during office hours?

Mr. VERDON gave notice that, on Thursday, he would ask the Commissioner of Public Works whether, in consideration of the great quantity of water, he would permit the inhabitants of Williamstown to purchase water from the Government at the price at which it is supplied to ships at the Government Railway Pier?

Mr. NIXON gave notice that, to-morrow, he would ask the Treasurer when the ammunition for practice with the guns stationed at Queenscliff would be forwarded?

BURKE AND WILLS.

Mr. L. L. SMITH gave notice that he would, on Thursday, ask the Chief Secretary whether he had received intimation that a sum of money had been subscribed by the public towards erecting a monument to Burke and Wills, and the others who lost their lives in the late Exploring Expedition, in accordance with the conditions placed on the Estimates by the Government for the purpose of erecting a monument to those unfortunate men?

Mr. O'SHANASSY might answer the hon. member at once. He had received no such communication; but he was aware that before the Estimates were prepared some action in the matter had been taken in several places, with a view to local monuments, and that was the only notice he had received.

NOTICES OF MOTIONS.

Mr. SERVICE gave notice that, to-morrow, he would move that a return be laid on the table showing the date, extent, and terms of a contract entered into by the Survey Department with Mr. H. S. Lindsay, for the survey of Block H, county of Hampden, and the date and reason of the termination of such contract, and the amount of money paid on account of the same, with the date of the last payment.

Mr. NIXON gave notice that, on Thursday, he would move that the petition of William Miller, presented to the House on the 12th inst., be printed.

VENTILATION OF THE HOUSE.

Mr. M'LELLAN gave notice that, to-morrow, he would draw the attention of the Commissioner of Public Works to the present very defective and inefficient mode of ventilating the Assembly chamber.

WILLIAMSTOWN AND MAIN LINE RAILWAYS.

Mr. J. T. SMITH asked the hon. the Commissioner of Public Works, if he would cause inquiry to be made as to the practicability and advantage of uniting the Williamstown and main line of railway stations, at the junction of the lines at Footscray; also, if it was the intention of the Government to establish a side line for goods traffic at Footscray?

Mr. JOHNSTON was not in a position to afford the information wanted, and would ask the hon. member to postpone his question until that day week.

REGISTRAR FOR SANDHURST BOROUGHS.

Mr. DENOVAN would ask the Chief Secretary if he would lay on the table of the House a return of the number of offices held by Dr. Roche, the registrar for the Sandhurst boroughs?

Mr. O'SHANASSY had no objection to do so.

EXTENDED POWERS TO MUNICIPALITIES.

Mr. LEVEY desired to ask the hon. the Attorney-General whether it is his intention to introduce this session a bill granting extended powers

to municipalities for the establishment of markets?

Mr. IRELAND said it was the intention of the Government to introduce a bill with regard to municipalities, and in that bill the subject would be provided for.

THE GEOLOGICAL SURVEY.

Mr. HEDLEY, in the absence of Mr. A. J. Smith, begged to ask the Treasurer when the officers and men employed on the Geological Survey would receive their salaries earned during the month of January last?

Mr. HAINES replied that orders for payment had been issued on the 6th of February.

ROADS AND BRIDGES.

Mr. O'CONNOR would ask the Postmaster-General whether the Government would say how it was proposed to spend the money voted for roads and bridges. When he had previously asked a similar question, he had received rather an evasive answer.

Dr. EVANS trusted the House would support him if he refused to answer the question until the phrase "evasive answer" was withdrawn. ("Hear, hear;" and a laugh.)

Mr. O'CONNOR would withdraw the expression, and trusted that the explanation would be clearer than it had been when he formerly asked the question.

Dr. EVANS begged to say that the subject was under consideration, and he hoped by the end of the present week to be able to lay on the table the whole information which could be afforded on the subject.

THE DEFENCES OF THE COLONY.

Mr. LOADER rose to put to the Treasurer a question similar to that which he had given notice for on the 29th of January, in reference to the defences of the colony. The House would see that his question had not as yet been fully answered, and in bringing forward the matter now, he hoped the Treasurer would make a progressive statement as to what had been done in the matter.

Mr. HAINES would, on the following day, lay upon the table a full reply to the question put to him, but with regard to the present state of the defences, he would give such information at once as he possessed. Since there had been rumours of war with America, it had been thought right to summon Captain Scratchley to an interview with the Executive, and he had informed them that everything was being done which could be done, and with reference to the guns, he might say that the ship bringing out the races upon which they were to be mounted had arrived, and within six weeks from the present time he hoped that all the sixty-eight and thirty-two pounders in the colony would be mounted and ready for use. The Government had thought it right to suggest to Captain Scratchley, in an interview with him and the gentleman at the head of the Public Works Department, that perhaps greater despatch could be made if an additional sum of money were voted for the purpose; but Captain Scratchley did not think it was necessary to take such a step, since all the despatch necessary would be secured by the sum already set aside. He might also say that he had received a communication from the Defence Commission suggesting the erection of a tidal fort half way between Sandridge and Williamstown; but the erection of such a fort would be attended with large expenditure, while it was questionable whether it would be of so much advantage as might be supposed; and looking at the state of the revenue, he had very considerable doubt whether it would be advisable to adopt such a course.

Mr. LEVEY desired to ask the Treasurer, without notice, whether any provision was being made in the defence scheme for the defence of the western ports and Geelong. ("Hear, hear," and a laugh.)

Mr. HAINES said the Government had been assured by competent authorities that these places were not at all likely to be attacked.

Mr. LEVEY did not see how any competent authority was in a position to say what places would or would not be attacked.

THE YARRA BEND.

Mr. HEALES desired to move for permission, without notice, to lay upon the table a progress report of the select committee appointed to inquire into the management of the Yarra Bend.

The motion was put and carried, and the report laid upon the table.

THE LICENSED VICTUALLERS BILL.

Mr. EDWARDS said the committee appointed to inquire into this subject desired to take certain evidence, and therefore he would move that power be granted to the committee to call for persons and papers.

The motion was assented to.

MELBOURNE AND SUBURBAN RAILWAY BILL.

Mr. LOADER brought up the report of the select committee upon the Melbourne and Suburban Railway Bill. He stated that the committee, in examining into the circumstances of the Melbourne and Suburban Railway Company, had found that it was impossible to free the company from liability and keep open the line without the intervention of that House. There were several conflicting interests—the shareholders, the creditors, the bondholders, and the judgement creditors—all of which had been taken into consideration, and were provided for by the bill, which had been introduced with the sanction of the various parties concerned. The bill proposed to wind up all the affairs of the company, to keep open the line, and to prevent the property being sacrificed. It might be asked, why was it necessary for the company to come to Parliament at all? The affairs of the company had got into such a position that their earnings were not sufficient to meet their expenses, and, therefore, it was absolutely necessary that some remedy should be applied. If they went into the Insolvent Court, the only assets available for the creditors would be the rails and the rolling stock; for the running powers and the other rights belonging to the company could not be sold or transferred by the insolvency commissioner, or by any other authority. The company were consequently in this position—that unless they could compromise with their creditors, and obtain power from that House to sell their undertaking, the judgement creditors would sell their plant,

and the railway would be destroyed. This was not at all desirable; but, on the contrary, he thought the railway should be preserved, and the utmost possible relief furnished to the creditors and bondholders. The shareholders, as far as he could see, must lose the whole of their capital; but he was bound to say that there had been gross mismanagement in the affairs of the company from its very foundation. The company had never had a paid-up capital exceeding £115,000; nevertheless they had traded to the extent of about £400,000. They had done this by paying contractors in shares, and treating those payments as so much capital raised; and upon this fictitious capital they had borrowed money from the bondholders. These proceedings were all exposed in the evidence taken before the committee. All this mismanagement and these losses, however, ought to be regarded as the almost inevitable consequences of the slight acquaintance which the colony had with railway matters. As a young community, they had many things to learn, one of which was how to construct railways most economically, and also profitably. In all probability, if the company had the same work to perform again, they would perform it in a very different manner, and more successfully. Having no experience in the first instance, they had much to learn; and in gaining that experience a large number of the shareholders had suffered to a considerable extent. Those shareholders would be glad to be relieved of their responsibility by the undertaking being sold, and the creditors and bondholders being satisfied. Another matter on which he desired to make a remark was, the way in which the credit of this country might be affected by private undertakings. The Melbourne and Suburban Railway Company had £115,000 worth of bonds, upwards of £75,000 of which was held by English capitalists; and if those bonds were not duly redeemed, the general railway securities of the colony would be damaged in the eyes of speculating capitalists at home, and their value depreciated. On a recent occasion the company were not able to pay the interest on the bonds, and a number of private gentlemen subscribed the amount and remitted it to the bondholders in England, in order to keep up the credit of the securities and of the colony generally. For all the reasons to which he had referred, he thought the House should be indulgent towards the Melbourne and Suburban Railway Company, and concede the demand of the promoters of the bill, though he did not wish it to form a precedent for other companies who might mismanage their affairs, to come to the House and ask for relief. He proposed that the report from the Select Committee of the Assembly upon the Melbourne and Suburban Railway Sale Bill, together with the amendments made by the committee in such bill, be now taken into consideration.

Mr. HOOD seconded the motion.

Mr. LOADER again rose, and said that a member of the committee (Mr. K. E. Brodribb) had suggested that there was another point which he ought to bring under the notice of the House. Some 6,000 shares were issued to the directors, on which about £42,000 was alleged to be paid up, leaving a liability of £18,000 on those shares. The shares were only issued to obtain an advance from the bank, and as the advance so obtained had been honestly spent on the work of the company, and as the shares had not been traded with in any other way, a clause was inserted in the bill at the instance of the promoters to release the six directors from their liability with respect to the £18,000. At an ordinary meeting of the company, the shareholders passed a resolution to indemnify the directors from any liability they might so incur. The committee had allowed the clause to remain in the bill. He had now directed the attention of the House to all the leading points of the bill.

Mr. SULLIVAN asked who accepted the responsibility of the £18,000 worth of shares?

Mr. LOADER said the directors were liable to the bank, and the bank concurred in releasing them from liability.

Mr. BROOKE thought the time fixed in the bill, namely, fourteen days, by which the undertaking should be sold, was too short.

Mr. O'SHANASSY understood, from gentlemen who had taken an interest in the concern, that if the time were extended the bill would be of no use. As the creditors and all the parties interested were satisfied, he did not think any good could be done by the House discussing the matter.

Mr. BROOKE did not think the general body of the shareholders had expressed their concurrence with the bill.

Mr. M'MAHON said the bill was promoted by the shareholders as represented by the directors, to whom authority had been given in the usual manner. There might be individual shareholders opposed to it, but if there had been anything like a general opposition on the part of the shareholders, they would have been represented before the committee by counsel. By the arrangement which had been come to, the creditors sacrificed a large sum of money—about £50,000—and it was highly improbable that there was any considerable interest opposed to the sale of the undertaking, as contemplated by the bill. Moreover, the proprietary had been in a position to sell their undertaking for the last twelve months. The bill had already been before the House about five months, and no representation of any weight had been made against it by the shareholders.

Mr. HOOD thought that, as all the parties interested in the railway had agreed to the bill, the House had little further to do with the matter.

The resolution was then adopted, and the amendments were considered and agreed to.

SUPPLY.—THE EDUCATIONAL ESTIMATES.

The House having resolved itself into Committee of Supply,

Mr. HAINES asked the House to grant the sum of £125 000 on the Estimates, for educational purposes. The total amount, he observed, was in excess of that proposed by the hon. member for East Bourke Boroughs on a former occasion. On the question of education, however, the present Government were in a different position to the late Government, chiefly in consequence of the Estimates being brought forward at a different period of the year, and when there was a great pressure of business before the House. Every member of the House was desirous for the amalgamation of the two educational boards, and

if that amalgamation could be brought about no doubt a considerable saving would be effected to the country, and the education imparted would perhaps be materially improved. In every session since 1851, when he became a member of the House, there had been one, and sometimes two or three bills brought forward to amalgamate the two boards, but none of them had been carried. The great difficulty was in regard to the religious question. He did not propose at present to enter into the general subject of education, but simply to submit the distribution of the vote for educational purposes which the Government proposed. Much as the House might desire to see the amalgamation of the two boards, he was afraid that the Land Bill and other important measures under consideration, would prevent that amalgamation being carried during the present session, and it would therefore be necessary to make provision for the continuance of the two boards during the year 1862. In providing for the distribution of the £125,000, the Government had been anxious to avoid the disputes which had taken place in previous years between the advocates of the two systems; and it would be found that the division was nearly in accordance with that which had been approved by the House on the last two or three occasions. Taking as a test the number of children educated, which he thought was the best test which could be applied, he found that, in the division of the money, there was a slight advantage in favour of the National Board; so that the advocates of the national system could not reasonably object to the division. He moved—

"That the sum of £125,000 be granted to Her Majesty, to provide for existing establishments."

From a printed document which had been circulated amongst hon. members, it would be seen that, in the distribution of the money, he had set down separately the salaries of each department. For the National Board he proposed—for salaries and departmental contingencies of theboard, £4,100; salaries to teachers, £30,900; making a total of £35,000. For the Denominational Board he proposed—for salaries and departmental contingencies of the board, £6,844; salaries to teachers, £83,156; making a total of £90,000. The Government proposed that the vote should be for "existing establishments," and they did not make any provision for additional schools, hoping by that means to assist in bringing about next year an amalgamation of the two boards, by which, he was sure, the interests of education would be materially advanced.

Mr. HEALES moved, as an amendment, "that a grant *pro rata* to the sum asked for for six months be allowed to the Government." His sole reason for moving the amendment was to force the House to adopt a measure which would give the country one system of education. The Minister of Finance had correctly stated that several bills to amalgamate the two boards of education had been introduced, but the fate of each measure had invariably been that it had been thrown out. He (Mr. Heales) believed, however, that if the amendment which he had proposed were carried, it would lead to a settlement of the question. Three-fourths of the members of the House had pledged themselves to the adoption of one system of education, but year after year had passed over without any practical result. If the grant were now limited to six months, the Government, or a private member, would be able in the course of two or three months to carry a measure for the amalgamation of the two boards through the House; and he was convinced that it would be easily carried through the upper branch of the Legislature. For years hon. members had been deploring the rivalry existing between the two boards, but the evil had gone on increasing, rather than otherwise. Conditions were submitted to Parliament last session in the Appropriation Act, which had to a considerable extent prevented the multiplication of small schools, and the perpetuation of what, considering the amount of money spent, he regarded as an inefficient system of education. What was the principal cause of the failure of the two systems? In the first place there was a rivalry between the two boards, the effect of which was, that neither of them could be confident of retaining their teachers, or could exercise a proper system of discipline. Many cases had occurred in which a teacher had been dismissed by one board, and had immediately been offered a situation by the other, the result of which was unnecessarily to multiply the number of schools. Another evil of the system—and a very considerable one—was, that two boards were required to spend the paltry sum of £125,000, with two separate establishments, two separate inspections, and everything distinct. Beyond this, there was a great amount of rivalry in one system, even within itself. This was the rivalry of one denomination with others. And how did that end? It ended thus—that there were four schools, and, of course, four masters, to about 100 children; and this because, looking at the question in a religious light, each denomination had taken up its own stand, and insisted upon having a day-school to itself. At the Denominational Board each denomination talked of its rights as a separate religious body; and thus a number of children hardly sufficient in the eyes of the best authorities on the subject to form one school, were divided into four. His interest in the subject might be understood by the fact that a notice of motion stood on the business paper in his name, purporting to ask leave to introduce a bill for the management and establishment of common schools. When he had been in office, it had been his intention, as a member of the Government, to introduce a bill of this kind; and now that he was a private member he thought there was still sufficient cause to induce him to pursue his object. He scarcely felt justified in moving for the reduction of the vote to the sum originally set down by the late Government, because that reduction had been made in the first instance with the prospect of an immediate alteration in the law, whereas now two months of the year were gone, and the £15,000 which he had at first intended to take off the vote would be wholly required. As regarded the conditions of the vote, he should say nothing till the matter came fairly under discussion; but the main object of his amendment was, that hon. members should feel themselves coerced into dealing with the main subject at once. He did not complain that too much money was spent on education, but that the educational power of

the colony was wasted. There were cases of schools the average attendance at which was eleven children, while the best authorities decided that in every school—of course, excepting infants, who had a class of their own—there should be at least five or six classes; but how could this classification be carried out in schools so small? Under the circumstances, he should content himself with moving his amendment, that the amount of the vote be altered to £62,500 for six months, and he trusted it would meet with the approbation of the House.

In answer to Mr. SERVICE,

Mr. HAINES said his colleagues were by no means of opinion that the question could be settled in this way, and therefore it was not the intention of the Government to accept the amendment. He did not see how it was possible for Parliament to give sufficient attention to an Education Bill during the present session. He felt justified in asking the hon. member for East Bourke Boroughs to look at the present state of public business, and then say if it appeared possible to pass within the next few months a measure which had met with no success during the past eleven years? The question was not quite so simple as the late Chief Secretary appeared to think. Of course, a short bill to amalgamate the two boards might be brought down, but it was doubtful if it would meet with the approbation of the House, for other questions would rise up in connexion with it, and the advocates of the secular and other systems would be continually raising objections. Besides, it would be wrong to deal with the matter so hurriedly, and moreover impossible. Before the close of the year, it would be the duty of Government to bring down a measure on this subject, and perhaps private members would do the same, so that by a consideration of the whole of them at one time a satisfactory arrangement might be made before 1863 came on. He would take this opportunity of saying that it was not the desire of the Government to deal with this subject as a party question at all. It was a matter involving questions of conscience, and must be decided altogether apart from political considerations. He quite concurred with the hon. member for East Bourke Boroughs in thinking that a private member was justified in bringing the subject forward, but he could not see how the amendment could serve the general interest.

Mr. KYTE thought that, at all events, it would be very easy to ask for the remaining moiety of the vote, if a bill were not passed at the end of six months. If the subject were put off from year to year, nothing would be done.

Mr. J. T. SMITH was sure that to create doubt about the permanency of their situations was calculated to produce apathy and carelessness among the teachers, and would, moreover, give rise to many claims for compensation. To get good teachers, permanent employment, and some security of tenure must be given. Much had been spoken of the injury done by rivalry in education, but, he would ask, had it not also been greatly instrumental to good? and to that feeling he attributed much of the improvement which had taken place in their public schools. The question could not be settled in a moment. There were a vast variety of opinions, each of which should be respected, and it would not do to thrust a system of secular education down everybody's throat. He therefore, while agreeing with a great deal of the principle of the amendment, especially in that of the amalgamation of the two boards, thought it unwise at the present moment. The hon. mover surely could not anticipate that any bill on the question brought in now would become law before the first six months of the year would be out. To his mind, the Government had gone much too far already, in driving away those highly-educated persons who would be glad to establish private educational institutions of their own. (Hear.) Did not the Government, by its extravagance, enable not only the poor people, but those moving in a better class of life, to say, "Oh, the states provides education for my children?"

Mr. L. L. SMITH strongly advocated the adoption in Victoria of the Prussian system of education. The amendment was a plain straightforward proposition, and he should vote for it, for there was plenty of time to arrange the matter by bill during the next six months.

Mr. SERVICE intended to vote for the amendment of the member (Mr. Heales), although he did not expect it to be carried. But he did so, because he believed that it would at least be another demonstration of the feeling of that House on the subject; and besides the hon. member had stated if it were assented to he would be prepared to bring in a bill for the distribution of the grant if the Government were not. He would repeat what he had frequently stated, that his views on the education question differed from those of many hon. members, and although he would accede to any motion which would unify, if he might use the phrase, the system of education, still he held that it was not the duty of the state to provide for the education of the people otherwise than for that of the very poorer classes, besides rendering assistance to the higher branches of education in the support of universities. But as regarded those who were able to pay for the education of their children, he would ask why should the Government provide for their teacher's bill any more than for their tailor's or baker's bill? (Hear, hear.) He hoped the hon. member (Mr. Heales) would not lose sight of that opinion when he introduced his bill, if he did so. With reference to the vote, he would be prepared, when the question of its distribution came up, to move an amendment, which would materially alter its character.

Mr. LALOR hoped the hon. member would confine himself to the point at issue. There was no question of distribution before the House.

Mr. SERVICE was aware of that, but had only pointed to what his intention was. He would support the amendment.

Mr. O'SHANASSY might state, in regard to this vote, that if demonstrations were of any value they certainly had a great many of them. There was no session in which they had not several of them, and, in fact, this subject had been the sore point with the Parliament for many years. None of the speakers who addressed the House upon the question ever saw any difficulty in dealing with it, and yet they had examples in England and in other countries of the real difficulty of dealing with it. The largest demonstra-

tion which had been made was in 1858, when an act was passed which proposed that a vote of £65,000 should be taken for six months, a principle which was exactly the same as that embraced in the amendment; and what had been the result? Why that three bills were brought in, which were referred to a committtee, and nothing more was heard of them. There was this difference between the two proposals—that six months' notice was proposed to be given in the bill, while the amendment of the hon. member (Mr. Heales) fixed the period at three. He would like to know what they were to gain by this proposal. If the amendment were carried, a bill would have to be brought in, and after passing, it would require to go to the Upper House. Now, it was to be remembered that that House had already carried a bill of some 125 clauses—he was speaking from memory—and he would like to ask the hon. member (Mr. Heales) if he was prepared to accept that bill? (Mr. Heales.—"No.") Well, if that was the case, how was he to get out of the difficulty he would be placed in?

Mr. HEALES was aware that the Upper House would agree to his bill.

Mr. O'SHANASSY was rather surprised to hear such a statement, and he had heard no demonstration from the Upper House of such a kind. But if the Upper House had given the hon. member their confidence, it was a strange aspect of the question, and he might say that the hon. member had more influence with the Upper House out of office than had been the case when he was in it. The practical question was that there were 1,300 teachers engaged in the education of 15,000 children, and were they now to say to them that they were to have no more than three months' salary, and that then they were to depend solely upon the fees which they received from their schools? That, he thought, was coming very near the voluntary principle which was advocated by the member for Ripon and Hampden. If the demonstration was made in fairness and candour, he could believe in it; but such was certainly not the case. He was afraid hon. members did not wish to commit themselves to the voluntary system entirely, and certainly he had heard no demonstration made in favour of it, either on the hustings or elsewhere. What was complained of was wasteful expenditure, and there were arguments about associating the two boards, and having a uniform system. But, except in the case of those who argued plainly in favour of a national system, when the supporters of a uniform system were asked what their real meaning was, no intelligible answer could be got from them. The member for Ripon desired only to supplement the schools for the very poorer classes, and to contribute towards the support of universities. It was impossible to reconcile the various opinions which were expressed upon the educational question, and it was a most difficult subject to deal with, regarding it merely in a secular point of view. If they dealt with it from a religious point of view there were insurmountable difficulties in the way. If they proposed that there should be no religious education, or no more than was provided under the National system, there were hosts of opponents; and if they proposed to inculcate religious principles adverse to the parents', again there were difficulties staring them in the face. He admitted that if the two systems were better administered the education might be improved. The amalgamation of the two boards was a very simple thing, and might be effected by one clause; but would that accomplish all which was required? Would it settle the question of trusts? How did the hon. member (Mr. Heales) propose to deal with property already invested in education, which, at a rough calculation, was worth about £1,000,000? Did he propose to divert the schools from their original trusts? Did he propose to sell the property, and, out of the proceeds, establish a new system; or hand it over to new trustees? How did he propose to deal with schools which had been built partly by state grants and partly by private subscriptions? He was surprised that any hon. member could speak of settling a question of this magnitude in the easy way which had been talked about. The hon. member said, "Give us an educational bill, and let us get rid of this difficulty; and the best way is, only to pay the teachers for three months from this date, and then the question is solved." It was unjust to treat a respectable body of men like school teachers in that way; it was treating them worse than any of the civil servants. The teachers of this colony had now attained a considerable degree of proficiency, and why should they be kept for several months in a state of anxiety and uncertainty as to the future while the House was endeavouring to settle the difficulties of the educational question? As for his own opinion, he believed that education was intimately connected with religion, and he should not like to be coerced into any action contrary to his conscientious convictions, nor would he wish to coerce any other individuals into his views. If the House adopted the amendment, the hon. member who moved it would have to take the entire responsibility of it upon himself; but he (Mr. O'Shanassy) hoped that hon. members would not make a question of such great importance a party question.

Mr. SERVICE suggested that Mr. Heales should withdraw his amendment in favour of the insertion of the words "subject to the following conditions and regulations" after the word "establishments" in the motion before the House.

Mr. HEALES adopted the suggestion of the hon. member.

Mr. SERVICE then moved the insertion of the words "subject to the following conditions and regulations" after the word "establishments."

The CHAIRMAN said that the "conditions and regulations" must be named.

Mr. SERVICE thought it was competent for the House to lay down the conditions after the £125,000 had been voted.

The CHAIRMAN said that could not be done. If any conditions were to be attached, now was the time to name them.

Mr. HAINES intended that the distribution, as proposed on the printed paper which had been circulated in the House, should be taken in connexion with his resolution.

The CHAIRMAN said the hon. member had only proposed that £125,000 should be granted for educational purposes. It was competent, however, for him to propose the conditions under which that sum should be voted, and an amendment to those conditions might be proposed.

Mr. HEALES said that, in 1859, £125,000 was voted for educational purposes, and certain conditions were attached which gave rise to various disputes, which had not yet all been settled, in consequence of the interpretation put upon the conditions. Whatever might be the lump sum now voted, unless the amount for each denomination were fixed the result would be equally unsatisfactory. There had only been one attempt to follow a fixed principle in the distribution of the educational vote, and that was the census principle; but it was by no means satisfactory. The principle adopted ought to have regard to the number of existing schools belonging to the various denominations, as well as to the census results, and the sum proposed to be granted to each denomination should be stated.

Mr. HAINES intended to meet some of the objections by an amendment, which should add to the Government proposition the words "subject to the following distribution and conditions," after which should follow the conditions already laid before the House. With regard to what had been said respecting the supposed necessity for subdividing the salaries of the teachers, he would point out that the Government expressly proposed to provide for "existing establishments." It was not desirable to create new interests, which would only complicate the difficulties already existing in the way of amalgamation, by causing vested interests to arise and increase. To his mind it appeared that the objections against voting the amount in gross were entirely removed.

Mr. SERVICE was quite surprised to find it part of the Government proposition to grant no money for new schools, especially when he found it set down among the rules for the distribution of the vote, that no new schools would receive assistance except under certain conditions. He thought it was not fair that, because the House had already decided that it was by no means desirable that the Denominational system should extend, that the National system should also suffer. He would take the opportunity of saying that when the third "condition" came under discussion, he would be prepared to move an amendment, which would, at all events, place the National schools on an equal footing with those under the Denominational Board. The House had made a strong demonstration upon this subject last year, and he proposed that it should be equally explicit this year.

Mr. SNODGRASS believed that if the hon. member for the East Bourke Boroughs was at all sincere in his desire for reform, he would at least have informed the House of something of the nature of his proposed measure, instead of endeavouring to cripple the House in dealing with the subject. He moved that the Chairman report progress.

The CHAIRMAN said that in the year 1860 £125,000 was put down on the Estimates for education, and voted, after which a message was sent to the House by His Excellency, recommending that the amount be appropriated in accordance with an accompanying schedule. He (the Chairman) therefore thought that the regular way would be to vote the amount now, and allow the conditions to be brought down in a message from His Excellency.

Mr. HAINES hoped that the House would pause before delaying, on account of technical objections. The Government were actually not in a position to pay the salaries of the schoolmasters, and for their sakes he trusted hon. members would not stand in the way of progress, and that the hon. member for Dalhousie would withdraw his motion for reporting progress. With regard to what had fallen from the hon. member for Ripon as to the intention of Government not to provide for new schools, he would point out that a practical acquaintance with the subject would make the hon. member aware that schools were continually lapsing, owing to the removal of children from one district to another, and that there was no inconsistency in making provision for what was in reality not the creation of a new school but the removal of one already established. Again, as to the National Board, he was not convinced that the whole of the money proposed to be voted would be required to meet the claims of its existing establishments. He was inclined, too, to think that that body was in possession of a balance remaining from the preceding year, and that the £35,500 set down for it would be in excess of its requirements. If that were the case, it would be seen at once that the condition referred to by the hon. member was by no means unnecessary. The hon. member was at all events bound to state on what principle he wished the distribution to be regulated, for the Government had acted on a very clear principle, viz., that of providing for such education as was required for the people. He trusted the principle which the hon. member desired to adopt would be one equally sound.

Mr. SNODGRASS, with the consent of the House, withdrew his amendment.

In answer to Mr. K. E. BRODRIBB,

The CHAIRMAN said the course he had described had been the usual one, but as the plan proposed was brought forward by a Minister of the Crown, he was not prepared to rule it out of order.

Mr. K. E. BRODRIBB thought the House was entitled to know what course the Government proposed to adopt. His own vote would hang very much on his knowledge of what kind of measure the Government proposed to introduce.

Mr. HAINES replied that if the hon. member had been present earlier, he would have heard that the Ministry, believing that the question involved religious and conscientious considerations, were not prepared to make it a Government matter, but intended to leave the subject perfectly open. (Hear, hear.) It would be wrong to seek to coerce the opinions of any one member of the Government, on such a subject, for Administrations should be formed on a very different basis. A member of the Government might bring forward an educational measure, but he was by no means bound to consult his colleagues respecting it. For himself, he quite sympathised with the desire of the hon. member for East Bourke Boroughs to amalgamate the two boards; but he did not at present know how much farther that hon. member proposed to go. The House had the Land Bill as well as other matters to consider, and he quite objected to any hurried dealing with the subject of education. At the same time, he was quite prepared to go into the matter before the end of the year, and he had already prepared a measure which, though pro-

fessing to be very simple in its character, he did not yet know would be agreeable to the House. For the sake of the schoolmasters and others who might be placed in pecuniary difficulties, he trusted hon. members would not delay the vote.

Mr. K. E. BRODRIBB expressed his satisfaction at the statement of the Treasurer, that this vote would be merely provisional, and that the hon. member would be prepared to co-operate with those hon. members who believed that the amalgamation of the two boards and the establishment of one uniform system was the most economical that could be devised, and one that commended itself to the people of the country. He considered the amendment inopportune.

Mr. HEALES was sorry that the Treasurer had adopted a tone different to that with which he (Mr. Heales) introduced the amendment. He thought the matter might have been discussed without reference to any of the party questions, which could not be touched upon without the display of feeling on both sides.

Mr. HAINES had no intention of charging the member for East Bourke Boroughs with bringing forward the amendment in a party spirit. All that he did was to deprecate the treating of the subject in a party fashion.

Mr. HEALES went on to say that he thought it better to grapple with the question now than at a later period of the year. The member for Kilmore had taken occasion to twit him about being the author of an Education Bill. He admitted that he had long been imbued with a desire to have only one system; and, wishing to guard himself against the dangers which had wrecked others, he circulated among gentlemen who had taken a prominent part in the educational question the draft of a bill, and asked for their views. He had done this more than once, and the result of long communication with these gentlemen was the adoption by the late Government of a bill which had received the sanction of all the religious bodies in the colony save one. Under these circumstances, he anticipated a more favourable passage of his measure than any similar bill that had been introduced to Parliament had experienced. His measure claimed the advantage of simplicity. Its clauses numbered less than fifty, instead of 180.

Mr. W. C. SMITH considered that the discussion had shown that there was a large majority of the House in favour of combining the two boards, and therefore he could not see what object would be served by the adoption of the amendment.

Mr. JOHNSTON objected to the amendment, but on grounds different to those which had been urged by the Chief Secretary. He believed that the effect of carrying the amendment would be to stop all education in the colony at the end of four months, because, although the member for East Bourke Boroughs proposed to take a six months' vote, it should be remembered that two months of that time were already gone. True, the hon. member said he was going to bring in a bill, but how did he know that the measure would pass? Did he believe it possible, as a private member, having possession of the House only on private members' nights, to carry such a bill in time to catch the vote which he now proposed? Although a Land Bill, a Civil Service Bill, a Distillation Bill, a District Councils Bill, and other important measures were before the House, the member for East Bourke Boroughs thought he should be in a position to carry, in four months, a bill that he did not dare to introduce when sitting on the Government benches. (Hear, hear.) A great deal had been said about the impossibility of carrying out one general system of education in the country. Now, in the Model National School of Melbourne, there was the proper number of Roman Catholic children according to the population generally, that there ought to be. This he thought was a strong fact in favour of the National system. If they could have a really good system, and if they could establish efficient schools over the whole colony, there would be no difficulty with the Catholic children at all events. A great deal had been said about the waste of money on this system. Now, he had been for some time a member of the National Board, and he had long been convinced of the waste of money consequent upon the existence of two systems, and he would gladly hail any plan for their amalgamation. He did not know whether it would not be better to have the denominational system than the two systems, though he should be sorry to see that. As to the best means to prevent this being a party question, all that he had to say was, that if they adopted the secular system of education the question would be no longer a party question. Having corrected some figures mentioned by the Treasurer in connexion with the expenses of the National Board, Mr. Johnston concluded by stating that the whole sum required by the National Board for the current year would be upwards of £41,000. The sum of £35,000 would not be adequate for carrying on the absolutely necessary expenses, and if only that amount were voted, the National Board would be compelled either to close a number of the schools, or reduce the salaries of the teachers throughout the colony.

Mr. BERRY supported the amendment, on the ground that it was necessary to have the subject before the House again in a short time to secure its being dealt with in a practical manner. Whatever bill might ultimately be passed with regard to education, he believed the measure would be nothing like a satisfactory solution of the question. He believed there would be no satisfactory solution without falling back on the voluntary system altogether. This grant was, in his opinion, neither more nor less than state aid to religion by a side-wind; and he believed that they would only have education in a right sense when the vote was done away with altogether. If in a new country like this aid were required at all, it should be placed in the control of local bodies, and the education so afforded to those who chose to avail themselves of it should be absolutely free. He would, as he had said, support the amendment, believing that they would never have a satisfactory system till they fell back on the voluntary system.

Dr. MACADAM said that, as he had last year been principally the means of obtaining a vote of £5,000 for the training schools, he did not think it right to give a silent vote on this question. The course which he had then adopted he was sorry to say had not proved a successful one; and he was, therefore, the more sorry that he had been the means of leading the House to adopt it. He would support the Government on this occasion,

because he felt that, if the money was to be voted at all, it should be voted for the whole year. There was nothing more likely to affect education for the worse than that the teachers should have continually before their minds the fear of being dealt with as the amendment proposed. At the same time, he trusted to see a bill brought in which would settle the difficulty effectually; and he thought that of his hon. friend (Mr. Heales) would do so. There appeared to exist in the minds of hon. members a sense of great difficulty in dealing with the question of a single system of education, but he saw no such difficulty; and in visiting Tasmania recently, he found that no difficulty existed there. They had there public schools, which were neither national nor denominational, under the control of a Board of Education; and there was no reason why such could not be the case here. Any other course than that proposed by the Government for the present would be most disastrous in its results; but at the same time it was, in his opinion, a monstrous thing that £125,000 should be voted for education here, when it was remembered that those who benefited by it were better able to pay for the education of their children than were the great mass of people in the old country. What would be thought of the Minister at home who ventured to propose that six or seven millions sterling should be set aside for education? And yet such a proposition would be just as reasonable as that £125,000 should be so set aside in this colony. The Treasurer had said that it was not the duty of the Government to bring in a bill on the subject, but in his opinion it was the duty of any Government to do so, especially as the saving of a considerable expenditure was involved by the amalgamation of the two boards and the different staffs.

Mr. SERVICE said that, while confession was good for the soul, it might not be so for political reputation; but the hon. member (Dr. Macadam) had done more than confess his sins—he had forsaken them. ("Hear, hear;" and a laugh.) However, he trusted the hon. member would never again be in a position to mislead the House, as he had done with reference to the vote of £5,000. He also regretted that he was not to have the hon. member's vote in favour of the amendment; and it did not appear to him to be a very consistent course which the hon. member was at present pursuing.

A long and desultory discussion again ensued as to whether Mr. Service's amendment could be proposed after the House fixed the gross amount of the vote for educational purposes.

The CHAIRMAN ruled that, if once the sum were agreed to, no conditions as to how it would be appropriated could be proposed.

Several hon. members dissented from this view, and Mr. SERVICE and Mr. DONOVAN moved that the committee report progress.

Sir F. MURPHY (who had just entered the House) said that when the Governor sent down a message to propose a vote, the House had no power to alter the designation of the vote. They must either accept it or reject it altogether. The Estimate which had been proposed was a sum of £125,000 for existing establishments; and, with a view of facilitating the discussion, a paper had been circulated by the Treasurer, showing how he proposed to distribute the money. There were two modes in which the proposition might be amended. The House might either attach conditions before the sum was voted, or first fix the sum, and then attach conditions.

Mr. HEALES thought the opinion of Sir F. Murphy cleared away all difficulties.

The CHAIRMAN apprehended that, after it was decided that either £125,000 or £62,500 should be granted for educational purposes, it would be impossible for the House to attach any conditions to the vote. The conditions, in his opinion, must be attached before the vote was passed; but if Sir F. Murphy ruled otherwise, he should, of course, be happy to give way.

Sir F. MURPHY said the standing rule of the House only applied to items on the Estimates. The distribution proposed by the Treasurer, as submitted in the printed document, was, however, a resolution; and it was in order, because it was relevant to the subject before the House. Any resolution might be moved in Committee of Supply.

The CHAIRMAN asked, if the House fixed the amount of the vote, what would be their authority to attach conditions?

Sir F. MURPHY.—The resolutions which the Minister of Finance has proposed.

Mr. SERVICE again moved that the committee report progress.

Mr. LEVI supported the motion for reporting progress, believing that if the vote were carried in its present form the National Board would be entirely unable to comply with the urgent demands of many districts for new schools. Hon. members ought to have time to consider the matter further.

Progress was then reported, and the Chairman obtained leave to sit again on the following day.

PASSENGER TRAFFIC.

Mr. J. T. SMITH moved for a return of the passenger traffic on the railway stations, showing the number of fares issued, daily receipts, and number of passenger trains working past each station for the last three months of 1861.

Mr. JOHNSTON said the Government had no objection to the motion.

The esolution was then agreed to.

MRS. ROBERT BROWN.

Mr. NIXON moved for a select committee to inquire into and report to this House on the case of Mrs. Brown, widow of the late Robert Brown, who lost his life on the 9th of November, 1860, in attempting to reach the Swanspit Lightship during a gale of wind.

Mr. O'SHANASSY suggested that as a committee was sitting on the subject of widows' claims, this question should be also referred to that body.

Mr. NIXON was willing to agree to this course if his own name were placed on the committee.

Mr. O'SHANASSY remarked that the committee in question had been chosen by the House.

Mr. NIXON asked if the Government would consent to his name being placed on the Widows' Committee?

Mr. O'SHANASSY read over the names of the committee, and said it appeared to have been

most impartially appointed. That that committee should be improperly biassed would be his only objection to the course the hon. member desired to take.

Mr. NIXON would, to save his motion, move that the matter be referred to the committee sitting to consider widows' claims.

The motion was so amended and agreed to.

PARLIAMENTARY PAPERS.

Mr. W. A. BRODRIBB moved that copies of all Parliamentary papers be sent, from time to time, to all mechanics' institutes in the colony.

Mr. EDWARDS suggested that the motion should be held over till the report of the Library Committee, which contained a somewhat similar suggestion, should be brought up.

Mr. W. A. BRODRIBB consented to the postponement, which was agreed to by the House.

The business remaining on the paper having been postponed, the House adjourned at ten minutes to ten o'clock till four p.m. on following day.

SIXTY-FIRST DAY—WEDNESDAY, MARCH 5, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty-two minutes past four o'clock.

THE ANGLO-AMERICAN QUESTION.

Mr. O'SHANASSY stated that he had received a telegram from the health officer at Queenscliff (Dr. Robertson), dated forty minutes past twelve p.m., to the effect that the Albrecht Oswald, forty six days from San Francisco, had arrived at the Heads, and the captain informed him that Messrs. Mason and Slidell, the Southern Commissioners seized on board the British mail steamer Trent had been given up, and the whole question settled. Dr. Robertson, however, on examining the newspapers, saw nothing to confirm this statement, and on looking at the most recent dates he saw that on the 9th of January the rate of exchange upon New York had gone up to 114½, or five and a-half per cent. above par. The newspapers which had arrived by the Albrecht Oswald would probably be circulated in the course of the evening, and hon. members would have the opportunity of forming their own opinion on the subject. This was all the information which at present he had to give, and he had thought members would desire to have it at once.

COMMONAGE RETURNS, &c.

Mr. K. E. BRODRIBB asked the Commissioner of Crown Lands and Survey whether he had any objection to lay upon the table of the House a return showing the number of commons proclaimed under the Nicholson Land Act, specifying the area of each common, and distinguishing the class; the amount received by the Government from commoners since the proclamation of such commons; the names of pastoral tenants who have been wholly, and of those partially dispossessed of their runs by such proclamation; the amount of licence-fee or assessment returned to such pastoral tenants on account of such reduction of their runs; whether any attempt has been made to ascertain that the conditions required by the law before proclamation of commons have been complied with? The hon. member said his object was to put the House in possession of all the information on the subject of commons before the clauses in the present Land Bill referring to commons were discussed.

Mr. DUFFY said he would furnish the return asked for without delay.

THE COLIBAN WATER SCHEME.

Mr. DENOVAN asked the Commissioner of Public Works if he would inform the House whether the Government intended to carry out the Coliban water scheme this session; and if so, if he would state the probable cost of conveying the water as far as Bendigo.

Mr. JOHNSTON replied that the Government had not yet come to any determination as to carrying out the Coliban water scheme; and, with regard to the second question, he was not in possession of any definite estimate as to the cost of conveying the water as far as Bendigo, but probably it would be about £500,000.

Mr. TUCKER gave notice that, next day, he would ask the Commissioner of Public Works if he would state whence he derived the information that the Coliban scheme for supplying the Castlemaine and Sandhurst districts with water would cost £500,000; also, if he had any objection to produce all plans that had been sent to the Government on the subject; and, also, if the Government were prepared to offer a bonus for the best plan?

NOTICES OF MOTIONS.

Mr. LEVEY gave notice that, on Friday next, he would move for leave to bring in a bill for the more effectual establishment and regulation of markets in municipal districts.

Mr. LOADER gave notice that, on Friday, he would move that the Melbourne and Suburban Railway Bill be read a third time.

NOTICES OF QUESTIONS.

Mr. REID gave notice that, on Tuesday next, he would draw the attention of the Government to the state of the law regarding pleuro-pneumonia in New South Wales, as affecting the interests of this colony; and ask if they would take such action as would induce the Government of New South Wales to allow that free system of intercourse so necessary to the welfare of both colonies?

Mr. HEDLEY gave notice that, on the following evening, he would ask the Commissioner of Crown Lands and Survey to lay upon the table a report of the proceedings of the Survey department for the past year, in a similar form to that adopted by the Surveyor-General in Canada?

PETITIONS.

Mr. SERVICE presented a petition from electors of Villiers and Heytesbury in favour of the amalgamation of the two educational boards. He held two other petitions in his hand, but as they prayed for grants of money, they could not be received.

Mr. FOOTT presented a petition from Mrs. Grace Anna James, setting forth certain claims in consequence of the death of her husband, formerly manager of the electric telegraph, caused by confinement in attendance on his duties, and praying that the petition be referred to the committee on claims for compensation.

Mr. FRANCIS presented a petition from Mr. J. D. Pinnock, setting forth his claim upon the country, and praying that it should be referred to the same committee.

The two petitions last presented were received, and the hon. members who presented them gave notice that they would move that they be referred to the committee in question.

THE GUNS AT QUEENSCLIFF.

Mr. NIXON asked the Treasurer when the ammunition for the practice of the guns now stationed at Queenscliff would be forwarded? Six weeks ago the hon. Treasurer stated that the ammunition would be forwarded as soon as the guns were proved by the Royal Artillery; but although the guns had been proved, and found to be satisfactory, three weeks ago, no ammunition had yet been sent. It was absurd that two guns should be kept for eighteen months without a shot being fired out of them.

Mr. HAINES said he was not in a position to answer the question, but he would draw the attion of the storekeeper to the matter, and give the hon. member a reply before the end of the week.

THE VENTILATION OF THE HOUSE.

Mr. M'LELLAN drew the attention of the Commissioner of Public Works to the present very defective and inefficient mode of ventilating the Assembly chamber. He did so because it would be impossible for hon. members to continue to sit in the House, without injury to their health, unless something were done to remedy the defects. (Hear, hear.) Since he became a member of the Assembly, several hundreds of pounds, if not thousands, had been spent in attempting to ventilate the chamber, but each attempt had been more futile than the other. If the committee whose duty it was to attend to the ventilation, were not able to suggest a remedy, perhaps it would be well to consult some competent engineer. There were the wrecks of five or six different systems of ventilation already in the House. There was a large funnel on the top of the roof, but it was utterly impossible for hon. members to get a single mouthful of fresh air to breathe; and all the appliances for letting the bad air escape were hermetically sealed. If an hon. member threw a stone through one of the windows, perhaps that would cause one means of letting the foul air escape. (Laughter.) If no more effectual remedy could be applied, he should almost be inclined to try the experiment himself. (Renewed laughter.) Even if two squares of glass were removed from each side of the ceiling, that would afford a partial means of escape for the heated air. When the gasaliers were lighted, the copper screens above them heated the chamber to an extent which hon. members had little idea of. He hoped that the Commissioner of Public Works would try and take some steps to remedy the defects in the ventilation which had so long existed.

Mr. JOHNSTON said many complaints had recently been made of the defective ventilation of the House, and it was his intention to call the Parliamentary Buildings Committee together as soon as possible, and bring the inspector-general before them, with a view of having something done to remedy the evil. There was a tube, with a gas furnace on the roof, for drawing off the foul air, and no doubt the foul air was drawn off rapidly; but the difficulty was to introduce fresh air into the Chamber. If two or three windows were broken, as Mr. M'Lellan had suggested, that would not enable hon. members to breathe more fresh air. There was an impression that the closeness was increased by the heat from the gaseliers; and perhaps hon. members would try the experiment of not lighting them some night, and light only the lamps round the chamber?

Mr. SERVICE.—Why not put them all out?

Mr. JOHNSTON thought the House had better try that experiment when the hon. member for Ripon and Hampden was moving some of his amendments. (Laughter.) During the last few nights a thermometer had been placed upon the table of the House, and he would present a record of the temperature for the perusal of hon. members. It would be found that the temperature of the chamber on the previous evening was two degrees lower than the temperature outside, it being 77deg. in the chamber and outside 79deg.

Mr. HEALES said the thermometer stood close to the ice-bowl. (Laughter.) He found it much cooler outside the chamber.

Mr. JOHNSTON did not mean to say that hon. members did not suffer from the defective ventilation of the House; and he would call on the Parliamentary Buildings Committee to consider what steps could be taken to remedy the evil.

THE RAILWAY COLLISION NEAR RIDDELL'S CREEK.

Mr. L. L. SMITH asked the Commissioner of Public Works whether it was a fact that a collision had taken place between a passenger train and a ballast train near Riddell's Creek; if so, what was the amount of damage done? Had any investigation into the cause of the accident taken place; what was the result of that investigation; and who was to defray the expenses of said accident, if any?

Mr. JOHNSTON, in reply, said there was a collision, and the Government engine was severely damaged, and several ballast-waggons were smashed. There had been an investigation into the circumstances, and it was proved that the accident was caused by the ballast train being on the line when it ought not to have been there, and contrary to the printed instructions. The driver of the ballast train, who had a copy of the instructions, had been dismissed. Messrs. Cornish and Bruce would pay all expenses arising out of the accident.

THE REGISTRAR FOR SANDHURST BOROUGHS.

Mr. DENOVAN asked the Chief Secretary if he had received any official information of the resignation of the registrar for Sandhurst Boroughs; if so, whether it was the intention of the Government to appoint a successor without delay?

Mr. O'SHANASSY said he had received no information of the resignation of the registrar for Sandhurst Boroughs. In reply to a question which had been asked by Mr. Denovan on a previous day, he would state that the offices held by Dr. Roche were the office of coroner, returning officer for the Sandhurst mining district, public vaccinator, and registrar of marriages.

THE BURKE AND WILLS TESTIMONIAL.

Mr. L. L. SMITH asked the hon. the Chief Secretary whether he had received any intimation that a sum of money had been subscribed by the public towards erecting a monument to Messrs. Burke, Wills, and others who lost their lives in the late Exploring Expedition, in accordance with the conditions placed on the Estimates by the Government for erecting a monument to those unfortunate men?

Mr. O'SHANASSY said he had received no information of the public having subscribed any sum of money for the proposed testimonial; but it was scarcely to be expected that they would do so until Parliament decided upon the sum which it would give, and the conditions upon which it would give it. When that was done, and a committee organised, the public would, no doubt, be ready to show their sympathy with the project.

RAILWAY COMMUNICATION AT WILLIAMSTOWN.

Mr. J. T. SMITH asked the Commissioner of Public Works if he would cause inquiry to be made as to the practicability and advantage of uniting the Williamstown and main line of railway stations at the junction of the lines at Footscray?

Mr. JOHNSTON had no objection to cause inquiry into the matter.

SUPPLY.—THE EDUCATION ESTIMATES.

Mr. HAINES said that, with the permission of the House, he would postpone the further consideration of the Estimates until Friday, to allow the Land Bill to be proceeded with to-night. He moved that the first and second orders of the day be postponed accordingly.

The motion was agreed to.

THE CROWN LANDS SALES BILL.—RESUMPTION OF DEBATE.

The House then went into committee to further consider the Crown Land Sales Bill.

Clauses 45 (granting of leases) and 46 (as to applications for the same land under the 43rd section) were agreed to without comment.

Clause 47 was then read as follows:—

"The Governor in Council, or any person duly authorized by him in that behalf, may, from time to time, grant to any applicant a licence to enter upon any Crown lands not under lease for any of the following purposes (that is to say):—1. To search for any metal or mineral except gold. 2. To cut and construct upon and through the land described in such licence, or to deepen, widen, clean, repair, or otherwise improve, any race, drain, dam, or reservoir. 3. To cut, dig, and take away any live or dead timber, bark, gravel, stone, limestone, salt, guano, shell, seaweed, sand, loam, brick, or other earth. 4. To occupy the site of fishermen's residences and drying grounds. 5. To occupy the sites of fellmongering establishments, slaughter-houses, brick or lime kilns. 6. To erect pumps. 7. To collect ballast. 8. Or for any of the purposes for which leases may be granted under the section of this Act."

Mr. BROOKE remarked that this was an alteration from the Nicholson Bill, which gave this power to issue licences to the Board of Land and Works, and not to the Governor in Council.

Mr. DUFFY said the alteration was made under the impression that the Board of Land and Works had in times past rather misused the powers intrusted to them. (Hear, hear.)

Mr. BROOKE would point out that in any case the opinion of the head of the Land Department, *i.e.*, the President of the Board of Land and Works, would guide the Governor in Council.

Mr. ORKNEY proposed the postponement of the clause till after the pastoral clauses had been disposed of, and it was settled whether the squatters were to have leases or licences. He foresaw that the words, "not under lease for any of the following purposes," would lead to much difficulty, as they would bear two constructions.

Mr. DUFFY could not read the clause so as to be able to share the hon. member's fears.

Mr. SERVICE read the clause precisely as the hon. member for West Melbourne read it.

Mr. DON supported the motion for postponement, and objected to the whole clause as the most mischievous one in the bill. Under its provisions, no one could take away any timber, gravel, sand, or loam, without a licence.

Mr. DUFFY.—That is the existing law.

Mr. DON urged that it was a most mischievous law, and should be repealed. (A laugh.) Though there was enough gravel in the hill on the other side of the river to last 10,000 years, no poor man from Collingwood could take a cartload away without being pounced upon by a fellow authorized by the Board of Land and Works to oppress him. Was the country reduced to such straits as this? No one now could move in this vast colony without coming in contact with the law, and finding a policeman at his elbow. Was the Government going to rivet the chains on the legs of these poor men, and poor fishermen too, who were taxed for their miserable tents on the sea-shore. He was sure the gentlemen who wandered about the colony as Crown lands' rangers——

Mr. DUFFY.—There is only one in existence.

Mr. DON would have him sent after the others. The whole revenue would not suffice to pay half the expense attendant upon keeping the law in force.

Mr. DUFFY thought it would meet all objections if he consented to the omission of the words "not under lease." (Hear, hear.)

Mr. GRANT objected to the omission of these words.

Mr. ORKNEY, with the leave of the House withdrew his amendment.

Mr. GRANT thought there was no need to trouble the Governor in Council with matters relating to a parish pump or one or two loads of sand. Such a course was absurd and derogatory to the dignity of so high a body. All these matters might be placed in the hands of the Board of Land and Works, or a Crown lands agent.

Mr. O'SHANASSY thought there was good reason for placing this power in the hands of the Governor in Council; for, in that case, all the Ministers of the Crown would have a knowledge of what was done in this matter, and bear a certain amount of responsibility.

Mr. BROOKE could only see that the same argument would be equally good in many other cases to which it was not proposed that it should apply. Besides, the practice in all such details of administration was, that the Minister of Lands was held responsible.

Mr. HEALES saw a difficulty in the fact, that the decision of the Board of Land and Works could be appealed against, while it would not be so easy to obtain a remedy for the action of the Governor in Council. The real effect of the clause would be to delegate power to a subordinate beyond the control of the Board of Land and Works.

Mr. WOOD reminded the hon. member that the Board of Land and Works was a corporation, and therefore, in law, a person, and the clause would enable the Governor in Council to authorize the Board to act.

Mr. HEALES thought this made the case worse, for the Governor in Council could delegate its power to issue licences to the Board of Land and Words, who might, in their turn, delegate their power to a Crown lands' ranger.

Mr. O'SHANASSY.—No. There is no second delegation permitted by the clause.

Mr. HEALES still thought that to trouble the Governor in Council with the issue of licences which might cost only 5s., was too much.

Mr. O'SHANASSY observed that, if the term were changed, the Board of Land and Works would not have power to delegate any of the functions mentioned in the clause.

Mr. HEALES remarked that if the power were vested in the Board of Land and Works, in the event of any one feeling aggrieved by any circumstance in connexion with the issue of these licences appeal could be made to the Governor in Council. But the matters themselves were too small for the consideration of the Governor in Council,—indeed they were matters upon which the Governor in Council could not be properly informed.

Mr. M'LELLAN thought that, if the object of the Government in inserting the words "Governor in Council" were to take security against obtaining licences to enter upon lands occupied by pastoral tenants, they would fully succeed.

Mr. BENNETT supported the clause as it stood.

Mr. SERVICE called attention to the fact that, by the clause as it stood, the Governor in Council would have power to delegate to persons throughout the colony the power of issuing these licences.

Mr. BROOKE observed that the act constituting the Board of Land and Works gave power to that board to deal with all questions relating to the public lands; but this clause would take from the Board of Land and Works every discretion with regard to the issue of these licences. Now, a question might arise as to whether timber licences should be issued, and of course the Board of Land and Works were better informed than the Governor in Council as to the propriety of such a proceeding. No case had arisen within his knowledge to call for the transference to another department of the powers hitherto vested in the Board of Land and Works. Then why this change?

Mr. SERVICE remarked that the last speaker's objections came too late now. He should have objected to the 44th clause.

Mr. SULLIVAN did not concur with the objections raised to the clause by the member for East Bourke Boroughs. At the same time, he did not understand the statement of the President of the Board of Land and Works, to the effect that the sole reason for removing the power of issuing these licences from the Board of Land and Works was that under a previous Administration the power had been misused. He thought it due to the committee that the hon. member should explain what ground he had for this statement.

Mr. COHEN compared the opposition offered to the clause to "a storm in a tea-cup."

The amendment was then put and negatived.

Mr. FRAZER asked how it was that the area for which a licence would be granted was not specified?

Mr. DUFFY said it would be impossible to fix the area on which a person would be licensed to take away any live or dead timber, or to collect ballast. The other purposes mentioned in the clause might be answered by half an acre.

Mr. HOUSTON suggested that an exception should be made as to searching for silver as well as gold.

Mr. DUFFY doubted whether the proceeding would be judicious. The miner's right was required before a person could seach for gold; and if a person desired to search for silver he did not see why he should not have a licence under this clause.

Mr. FRAZER wished the third item extended, by the addition of the words "any tramway or mining claim," and moved an amendment accordingly.

Mr. IRELAND pointed out that the clause referred only to Crown lands. When land was sold it could no longer be called Crown land, and therefore the amendment of the hon. member would not accomplish the object he had in view.

Mr. GRAY was of opinion that, unless these words were inserted in the clause, the Government would have no power to grant licences for the construction of mining tramways.

Mr. DUFFY explained, that if they granted in the manner proposed the power to certain miners to do that which they had been in the habit of doing without special power, they would deprive them of the right to do other things which they now did without authority. The suggestion thrown out would be better considered in a gold-fields act.

Mr. W. C. SMITH thought the matter of considerable importance, and trusted that the Government would reconsider the clause.

Mr. IRELAND stated that the Government would have no objection to confer with the hon. member who proposed the alteration.

Mr. FRAZER, with that understanding, would withdraw the amendment.

Mr. NIXON then moved that the words "or dead," referring to timber, be left out of the clause. He did so because he thought it better that people should be allowed to consume dead timber for household purposes, than that it should be left to be consumed by bush fires, as was the case at present.

The question, that the words proposed to be omitted stand part of the clause, was put, and carried without a division.

Mr. NIXON proposed that the words, "to occupy the site of fishermen's residences and drying-grounds," be struck out of the bill. He did so because fisherman at present paid a licence of £1 a-year, and it was unreasonable that a further charge should be made upon them.

Mr. DUFFY explained that it was not intended fishermen should pay more than the £1. per annum.

Mr. NIXON would withdraw his amendment.

Mr. HOUSTON would move that the words be struck out; and he did so on the ground that, instead of throwing restrictions in the way of a fisherman prosecuting his labours in a new country like this, they should rather, as at home, put every facility in his way.

Mr. DUFFY again explained that the only object the Government had in view was to enable the fisherman to make a home for himself, and in no other country could he do so at less cost to himself.

Mr. HOUSTON said that if such was the case there should be some provision made for the addition of a small garden to the fisherman's dwelling.

Mr. DUFFY stated that the Government had no intention whatever to object to any fisherman making the addition of a small garden to his house.

The amendment was negatived.

On the fifth division of the clause, which provides that licences may be issued "to occupy the sites of fellmongering establishments, slaughter-houses, brick or lime kilns,"

Mr. BROOKE proposed the addition of the words "mills or manufactories."

Mr. DUFFY could not assent to the amendment. Mills or manufactories would not be erected upon land held by annual licences, but upon fee-simple property.

The amendment was negatived.

Mr. DUFFY proposed, as the eighth division, that leases should be granted for any of the purposes for which leases might be granted under the 43rd section of the act.

This was agreed to, and the clause was adopted.

Clause 48, "Conditions of licences," and clause 49, "Water easements reserved on purchased land," were likewise adopted.

On clause 50, "Licences for such easements,"

Mr. BENNETT thought that there was not sufficient respect shown for property.

Mr. DUFFY said the clause was taken from the Nicholson Lands Sale Act. There was a proviso to the effect that if land were sold after a reservoir was made, the right of using the reservoir should be continued.

Mr. NIXON proposed an amendment, which would have the effect of transferring the power of granting the licences to be issued under this clause from the Lands and Survey department to the Governor in Council. The clause embraced a far greater interest than the 47th clause, under which the licences issued would be issued by the Governor; and he (Mr. Nixon) was desirous of seeing a uniform principle adopted.

The amendment was negatived, and the clause adopted.

Clause 51, "Amount of compensation to be determined by valuators;" clause 52, "Proceeding, on neglect to appoint a valuator;" clause 53, "Death of valuator;" and clause 54, "Governor may prohibit selling timber," were severally agreed to without discussion.

The committee next proceeded to consider the fourth part of the bill, which deals with commons.

On clause 55, "Nothing in this act contained shall affect, except as expressly herein provided, any commons proclaimed under the act of the Parliament of Victoria, No. 117, or the rights of any person entitled under the authority of the said act to depasture his horses or cattle upon any such common from and after the passing of this act,"

Mr. RICHARDSON asked whether the clause preserved all the provisions with regard to commons in the existing act? There was a great objection to the 69th clause of that act, which gave power to the Governor in Council to appropriate any Crown lands in any town as commons for the use of the inhabitants of such town and its vicinity. The term "its vicinity" was very vague, and in more than one police-court the magistrates had held different opinions as to its meaning. If the clause did retain all the commonage clauses of the existing act, he would move that all the words after "No. 117" be omitted.

Mr. DUFFY said, all the rights of commonage conferred by the existing act were retained, and simply leaving out the words which the hon. member proposed to omit would not take those rights away. If it were desired to deprive persons living in the vicinity of towns of the benefit of the commons in those towns that point ought to be raised by a specific clause.

Mr. RICHARDSON thought the division which he had proposed would effect the object, and he accordingly moved that all the words after "No. 117" be omitted.

Mr. DUFFY repeated that the omission would not effect the hon. member's object; and even if it would, he thought the House would be very slow in assenting to deprive persons living in the vicinity of towns of commonage rights, and confine the commons to the people actually resident in the towns.

Mr. RICHARDSON observed, that if it were clearly stated that town commons were for the use only of persons resident within towns, the system would work well; but to leave the matter in an indefinite condition would be to continue under the new act, the difficulty that existed at presented.

Mr. DUFFY replied that the difficulty could

met by the member for East Geelong proposing, at the proper time, that the right to town commons should be confined to persons resident within towns.

Mr. NIXON, knowing the litigation which had taken place in consequence of the indefinite manner in which the subject had been left by the Nicholson Act, and the ill-feeling which had been engendered in consequence between persons living inside and persons living outside a town boundary, was surprised that the bill did not contain a clause to meet the difficulty.

Mr. CUMMINS believed that town commons were created for the accommodation of people living round about them, as well as for the towns with which they were connected, and he hoped the committee would not assent to any proposition which would have the effect of altering that state of things.

Mr. W. C. SMITH remarked that if the views of the mover of the amendment were carried out, many persons residing in the neighbourhood of Ballarat would be unable to avail themselves of the town commons there, and would have to go a long distance for commonage. But he begged to call attention to the fact, that subsequent clauses of the bill provided for the management of commons, and of course it would be the duty of the local managers to see that the commons were used only by those persons who were entitled to do so.

Mr. GRAY advocated the granting to the farmer the privilege of depasturing sheep on the commons, and asked the Minister of Lands whether the Government, after due deliberation, had come to the conclusion not to permit the grazing of sheep on farmers' commons, or whether he intended to deal with the subject in a subsequent clause.

Mr. DUFFY said he could not put the word "sheep" into the clause now under consideration, because the object of that clause was to maintain existing rights. If the right of grazing sheep did not at present exist, then it could not be kept alive. And as it was generally admitted that to permit sheep to occupy commons would be to destroy those commons for cattle, the Government did not propose in any part of the bill to make provision for allowing sheep to feed on the commons. On the contrary, they had inserted a provision to prevent the sheep of the pastoral tenants being put on the commons for the future.

Mr. M'LELLAN remarked that nothing tended more to destroy the use of a common for cattle than allowing sheep to graze on it. Indeed, horses and cattle would not stay where sheep had been.

Mr. BROOKE observed that, in the 65th clause, permission was granted to butchers to depasture sheep.

Mr. WOOD said a careful reading would show that that clause was inserted for a special object. Of course, sheep must be driven to the goldfields for the use of the diggers, and then they must be kept two or three days before they could be killed; and the only object of the 65th clause was that, in this short interval, the sheep might be allowed to feed on the grass around. But even with that there was no absolute right conferred on the butchers. They could put their sheep on a common only with the consent of the manager. He believed the 65th clause would be found to work well for the mining population.

After some remarks from Mr. GRAY, the amendment was put and negatived, and the clause was then agreed to.

Clause 56 was then proposed, as follows:—

In the following sections of this act the following expressions shall have the meanings hereinafter assigned to them, that is to say—"The word 'cattle' shall mean and include horses, mares, geldings, colts, fillies, asses, mules, cows, oxen, heifers, steers, calves, and shall apply to any one or more animal, or animals, of the said several kinds. The words 'gold field' shall mean those parts of the Crown lands upon which any persons are actually engaged in mining for gold, and which the Governor in Council shall, by metes and bounds, proclaim to be a gold-field."

Mr. BROOKE suggested that any recognition of the actual working of a gold-field would be sufficient, apart from the proclamation of a goldfield by metes and bounds.

Mr. IRELAND observed that the provision was necessary, in consequence of the difficulty of describing the position of a common, in the absence of anything in the shape of boundary.

Mr. BROOKE remarked that metes and bounds could not be proclaimed until they had been ascertained through the Survey-office, and this might not be until long after a gold-field had been discovered, and population had settled down.

Mr. IRELAND observed that the interpretation of the term "gold-field," according to the Gold-fields Act, was "those parts of the Crown lands on which any persons are, or may be, actually engaged in mining for gold." It would be difficult to measure distances with this vague and unsatisfactory explanation.

Mr. SULLIVAN said, in the event of a rush, all the cattle of the miners might be impounded before a proclamation of metes and bounds could be made; and therefore he considered some more ready mode of defining a gold-field should be adopted. He suggested that on the report of a warden that fifty or one hundred men were actually engaged in mining at a particular place, the miners should be entitled to commonage within a certain distance of the diggings.

Mr. DUFFY thought the hon. member would see that as commons were to be proclaimed by the Governor in Council, there would be no unnecessary delay in so doing. Certainly commons could not be taken possession of until they were proclaimed, and when a common was applied for the natural course would be to declare its boundaries.

Mr. M'LELLAN asked the President of Lands and Survey in what position the miners would be on a first rush to a gold-field if their cattle were liable to be impounded? If such was to be the case, it would prevent a new rush altogether.

Mr. DUFFY said nothing in the bill would prevent any Crown land from being occupied in virtue of a miner's right, and, therefore, the miner would in no way be in a worse position than he was in at present.

Mr. M'LELLAN replied that while the miner could mine in virtue of his miners' right, he could not depasture a single head of cattle, so that the difficulty remained.

Mr. DUFFY would like the hon. member to point out how the operation of the bill would affect or alter the rights which the miner at present possessed, and if he could do so there might be some force in his objec ion. If miners went to a new place and applied for a common, it would be granted to them, and it would be as well if the hon. member would point out anything in the bill which would deprive any miner of any right he at present possessed.

Mr. M'LELLAN thought the squatters had not hitherto been so stringent as regarded the depasturing of cattle as they would be after the passing of the bill, and provision should be made for the protection of the miner in this respect.

Mr. IRELAND said that if the hon. member could suggest a remedy it might be worthy the consideration of the Government, but the only one he could see was to proclaim the whole lands of the colony a common.

Mr. BROOKE suggested that a gold-field should be regarded as such when there were fifty persons at work upon it.

Mr. IRELAND was not inclined to adopt such a boundary, because there might be persons outside of the locality occupied by these fifty persons, who would be equally entitled to the commonage.

Mr. SULLIVAN was inclined to adopt the belief that hereafter the squatter would be more stringent with regard to depasturing on his lands, and, in his opinion, the matter should be arranged in that way, that where a certain number of people assembled in a locality, a certain area of commonage should be proclaimed. It ought to be a self-acting principle, and there should be no necessity for an application to the Governor in Council. While such an application was being made, there might be 10,000 persons with their cattle and sheep waiting for the right to commonage.

Mr. SNODGRASS objected to the argument that the squatters would be stricter hereafter than before, and pointed to the rush to the Jamieson diggings as a case in point, to show that there was no such disposition on the part of the squatters.

Mr. W. A. BRODRIBB pointed out to the House that a case had recently occurred (that of Mr. Hines), where a rush had deprived him of his run, and made it necessary for him to seek the appointment of a committee to inquire into his case. He might add that he was quite aware that cattle and horses would not pasture on the land where sheep were. They would starve if put upon land where sheep had pastured.

Mr. HEALES did not think that the question before them had reference at all to the feeling of the squatters. The object was to define what was to be a gold-field, and the difference between the Government and the representatives of the gold-fields was, that the latter did not think it should be necessary to apply to the Governor in Council to proclaim a common in the case of every new rush. The Government did not object to the position assumed by these members, but merely stated that no remedy had been pointed out, and therefore he presumed there would be no objection to adopt a reasonable suggestion. Under the Haines Land Bill it was proposed to give a right to depasture their cattle on the roadside when passing from place to place, a right for which they paid a certain amount of money, and if challenged by the squatter at all, their reply was that they did so in virtue of a licence. That right should be extended to the miner, and the object sought was so to alter the interpretation clause that the right of grazing should be extended to persons on a new gold-field before commonage was proclaimed by the Governor in Council.

Mr. DUFFY was sorry that the member for East Bourke Boroughs and other hon. members contented themselves with making objections, instead of proposing specific amendments. The Government did not wish to take away any of the privileges of the miners; which privileges, he fully admitted, had helped to make this country the prosperous country it now was. If the hon. member for Mandurang would propose a clause, reserving the rights of the miners to depasture cattle under the circumstances referred to, he believed that his colleagues would offer no opposition to it. It was their duty, as legislators, to take care that the miner should not be impeded in his most reproductive industry.

Mr. SULLIVAN would endeavour to submit a clause which would effect his object if the Government would postpone the consideration of the present clause to enable him to prepare it.

Mr. DUFFY said the passing of the clause now under consideration would not prevent the hon. member from bringing forward a clause to meet his object.

Mr. BROOKE said the right wished for was a new right, and a reservation of existing rights therefore, would not meet the object. The gold-fields members were anxious to endow the miner, for the first time, with the right of pasturing his cattle on Crown lands adjoining any gold-field on which he was working, although no common had been proclaimed in the locality.

Mr. M'LELLAN said, what the miners wanted was a grazing right wherever they were prospecting for gold.

Mr. DUFFY stated that under the Nicholson Lands Sale Act there was power to grant commonage wherever a gold-field existed; but a gold-field sometimes extended over an enormous area. In the present bill there was a power to define where a gold-field began and ended, so that the effect was to give the commonage clauses a more liberal and practically useful application.

Mr. GRAY thought hon. members on his side of the House should be content with the promise given by the Commissioner of Lands and Survey to regard favourably any proposition for giving miners commonage rights.

The clause was then put, and agreed to.

Clause 57 was read as follows:—

"When any Crown land remains unsold in or within five miles of any municipal district, or upon or within five miles of any gold-field, or in or within five miles of any town not contained in any municipal district, or within any agricultural area of which at least one-fourth part has been sold, the Governor in Council may proclaim such land to be a municipal common, or a gold-fields common, or a town common, or a farmers' common respectively, as the case may be."

Mr. DUFFY said the intention of the Government was to provide that when a quarter of any area was either rented or sold, commonage rights should be granted over the remainder of the area. Some doubts, however, had been expressed as to whether the words of the clause carried out the intention of the Government, and to remove those doubts he purposed to insert the word "selected" in place of the word "sold."

Mr. GRAY was anxious to propose an amendment which would confer larger commonage privileges than were granted by the clause as it at present stood, and also to compensate for the omission from the bill of a clause contained in the Nicholson Lands Sales Act, to the effect that on the request of any ten farmers the Government might assign them a common, irrespective of any other provision. The extension of the commonage privileges was necessary to give the farmers of Victoria a fair chance of competing, in agricultural produce, with the farmers of the neighbouring colonies of Sou h Australia and New South Wales, as well as of California. In New South Wales, as appeared from the last "Summary for Europe" in the *Sydney Empire*, a man might select land where he liked, occupy it on paying an instalment of 5s. per acre, and have the privilege of a grazing-right over three times the extent of his purchase. By the provisions of the present bill 4,000,000 acres of agricultural land were to be thrown open for selection during the present year, but as it was probable that all the land selected would be pretty equally divided over the whole extent, the holders would not have commonage-rights until 1,000,000 acres were taken up, which would probably not occur in less than twelve months, and some hon. members supposed not within two years. He considered that the farmer, immediately he entered upon his land, should have free access to the natural grasses of the colony. He begged to move the omission of the words "of which at least one-fourth."

Mr. IRELAND understood the argument of the member for Rodney to be that, as soon as one acre in any agricultural area was sold, the land remaining unsold in that agricultural area should be thrown open for commonage, irrespective of population. Was that the hon. member's argument?

Mr. GRAY.—Yes.

Mr. IRELAND.—Then the whole area might be sacrificed for half-a-dozen people.

Mr. BROOKE asked what was meant by an "agricultural area." He saw no definition of the term in the bill. Supposing large areas were proclaimed, no commonage would be enjoyed, in some parts of the country, for years to come.

Mr. DUFFY observed that in the existing law there was a similar provision to this, but there was no attempt to define what was an agricultural area. Something must be left to the Administration. He had already stated that it was his intention, at a more advanced stage of the bill, to produce a map showing the disposition of the 4,000,000 acres proposed to be first thrown open, and to take counsel with the committee upon the subject, so that there would be ample opportunity for considering whether the proposal of the Government was a wise one. These areas were now being considered. He was not in a position to state what would be the extent of an agricultural area. The matter was one which would depend greatly upon the Minister administering the Land Department.

Mr. BROOKE said the question seemed to arise at this part of the bill. He believed that in no case whatsoever, whether the area was large or small, was the clause similar to this in the Nicholson Act operative. And this being so, what right had they to expect that under any Administration—whether the areas were large or small, whether the land was rich or poor—the clause would be operative in the future? He should like to ascertain from the Government whether in any part of the country any commonage was enjoyed under the clause in the Nicholson Act, which provided that on one-fourth of a given area being purchased the remainder should be thrown open as commonage?

Mr. DUFFY replied that within the last week he had been on commonages which had been proclaimed under the clause in question; and if the House desired the information he should be prepared to lay on the table a return of the various agricultural areas declared under the Nicholson Act, and what had become of them. The member for West Geelong, when in office, adopted the system of declaring very small areas. This was an objectionable plan, because the land being good the whole was swallowed up and no commonage remained. But if the areas were of moderately large size, and of a mixed character with regard to the quality of the land, as they would be—because although the 10,000,000 acres were the best agricultural land, there were various degrees in that best, and he considered that any proclaimed area should consist of some of the best and some of the second best—there would be no difficulty in taking up one-fourth, and so allowing the rest to be proclaimed as commonage. With regard to the proposition of the member for Rodney, he would observe that the land revenue would probably be seriously diminished by the law which they were now passing. They were allowing land to pass away on terms on which it could not be had before. They were about to let a large portion. Probably, by shutting out the speculator, they were shutting out a large source of revenue, however proper a policy it might be. A return which he laid upon the table recently showed that a great deal more than half the cattle and sheep depastured on the Crown lands, and more than half the assessment, arose from these 10,000,000 acres. The amount obtained by the state from this land was £122,000. Now, if they threw open 4,000,000 acres, they might calculate upon losing nearly one-half of that income. Under these circumstances, he thought the committee would do well to pause, and see in what other directions they were giving up sources of income before giving up this. He thought the proposition made by the Government was, on the whole, considering that all the best agricultural land would be kept for the settler, certain to work well. If the agricultural areas were neither too small nor too large, if they were of moderate size, then there would be near the centres of population sufficient settlers to take up one fourth. He was persuaded from everything he could learn—and he had taken every pains to obtain information—that there would be large

settlement under this bill. The measure made larger concessions to the industrious man who wished to settle than did any former measure, or did the existing land system of any other country. Under these circumstances, whatever the object of any one else might be, it must be the object of the Government to keep the measure in such a shape as would secure its passing into law, and not allow changes that would endanger the whole thing. He, therefore, trusted the committee would be of opinion that the clause, with the simple substitution, as he proposed, of "selected" for "sold," should pass as it stood.

Mr. SULLIVAN took exception to the remarks of the Minister of Lands, as to the liberality of the measure, insisting that it was not to be compared with the land systems of America and British Columbia, under which land could be obtained at 5s. per acre, with grazing rights thrown in.

Mr. K. E. BRODRIBB quoted, in reply to the member for Rodney, an article from the *Sydney Morning Herald* against the New South Wales Land Bill. Reference had been made to South Australia, but hon. gentlemen forgot that every acre of land in that colony, before it was sold, was submitted to public competition. Again, in that colony, no commons were proclaimed; while here already there were 2,000,000 acres of commonage to only 450,000 acres of cultivated land. The intention of the bill was to throw open the cream of the territory for settlement, and the proposition of the member for Rodney would only involve a great waste of the public domain. They would be neglecting the true interests of the country if, by the adoption of the amendment, they displaced that which might be a prosperous interest, but which, in consequence of the agitation which had taken place on this subject, and the spirit which had been exhibited throughout the entire discussion on the land question, would be in a short time, he feared, in a position the reverse of prosperous. He should not be surprised if, in the course of six or twelve months, one-half of those who had embarked their capital in squatting speculations, were not ruined in consequence of the uncertainty which prevailed in reference to their tenure. (Cries of "No, no," from the Opposition.) He hoped hon. members were right in their "noes." He merely stated his conviction from inquiries which he had made, and because he was in a position to know what effect the recent discussions on the land question would have on that particular portion of the community. (Hear, hear.) very great doubts existed in his mind whether it was wise or not to interfere with that portion of the existing law, and it was for that reason he had placed on the paper that day the question he had asked the hon. member who had charge of the bill. He had not known that the bill was to be gone on with that evening, and he thought the hon. member would have been able to afford such information as would have proved or refuted the policy of the system proposed. What he specially complained of with regard to the 2,000,000 acres was, that whenever any portion of them had been taken up the rest should be proclaimed as commonage, and that was a more liberal provision than was contained in any other land law.

Mr. HEALES concurred in the remarks of the hon. member that a large proportion of the squatters might possibly find themselves ruined in the course of a short time, but he did not agree with the hon. member as to the cause. The result did not proceed from any want of fixity of tenure, or from any action in or out of that House, but simply from over-speculation for the last two or three years, assisted by the banks, in store cattle, which had in many cases been purchased at the rate of £12 a head, and pastured upon their lands in the hope of realising double prices for them, but which were afterwards obliged to be sold for less than half of what had been paid for them. That was the cause of the ruin of some firms already, and might doubtless effect the ruin of others; but any doubtfulness of tenure had nothing whatever to do with the matter, and it could not be denied that the pastoral tenants of the Crown had enjoyed all they had a right to expect. He agreed with the hon. member in his desire to fix the people in settled homes, but not in the manner in which he proposed to accomplish that object—a system which would result only in ruin to the farmers who took up land under it, and which would compel them to leave the country. If these farmers were to be settled on the land, some right to the natural grasses must be given them, besides facilities of purchasing, otherwise they would be unable to do any good for themselves or the country; and he did not ask that they should have that right free, he merely asked that they should have the right at something like the same price as the squatters had hitherto paid for it; and that was the only manner in which they could hope to increase the population of the colony, which was at present diminishing. With regard to agricultural settlement, the hon. member (Mr. Brodribb) seemed to find in the squatting columns of a New South Wales journal a refutation of the arguments of the member for Rodney.

Mr. BRODRIBB had quoted from the *Sydney Morning Herald*, which had no connexion with squatting.

Mr. HEALES said that newspaper was admittedly favourable to squatting.

Mr. BRODRIBB had meant the editor of that paper.

Mr. HEALES believed that editors wrote according to the views of their paper.

Mr. BRODRIBB was sorry he had given the hon member the opportunity of saying so. The editor of that paper was a gentleman whose character raised him above such an imputation.

Mr. HEALES had not made the observation offensively, but it was the case that a leading political journal had generally a fixed policy, which was always obliged to be maintained, and which was not altered because a change in the editorship might take place. The *Herald* was admittedly favourable to the squatting interest, while the *Empire* was understood to be more in favour of the liberal section of the politicians. What he was about to observe was, that the member for St. Kilda seemed to make a point from the *Sydney Morning Herald* that the inhabitants of large towns had not left them to settle upon the lands under their bill. But he was glad to be in a position to give a satisfactory answer—not satisfactory, however, to himself, who had

made the colony of Victoria his home—to the statement, and to show that they were keeping up the population of their towns, while they were increasing their agricultural population by an influx from this colony. Mr. Heales here read a lengthy extract from the *Empire* in answer to the quotation read by Mr. Brodribb, and in support of the statement that the agricultural lands were being taken up. He then went on to add, that what he wanted to say was, that inasmuch as the sister colony had derived great advantages from the operation of their land law, they had a right, in the interests of this colony, to ask, as the member for Rodney did, that that advantage should be given to which the first settlers in a new country were entitled, the right of grazing over the natural grasses of the colony.

Mr. MOLLISON said the hon. member could only look at questions from his own point of view, and he failed to comprehend the position of the present question. This bill was not intended to settle the whole land question. It was a compromise, in order to get over a great difficulty, and, as such, should not meet with the opposition that was being offered to it. And for the purpose of carrying out that compromise the squatters had been divided into two classes, those within and those without the 10,000,000 acres of agricultural land. But if the amendment of the member for Rodney were carried, it would simply destroy the arrangement which was proposed, and lead to a new order of squatters; and he would ask the House to remember that they were not legislating for a country which was a blank, but for a class which had occupied the land under the sanction of the law. How, he would ask, could the bill maintain its character as a compromise if such an amendment were carried; and besides, if it were carried the bill could not be proceeded with, and therefore he begged to remind hon. members that the real question before them merely was how best and most harmoniously to reconcile conflicting interests.

Mr. O'SHANASSY replied to the argumen's of the hon. member (Mr. Heales), and was sorry he did not make himself acquainted with facts before he arrived at conclusions. It was not the case that the squatters had ruined or were ruining themselves by over speculation, assisted by the banks, as he could easily show. There were not more than 100,000 head of cattle a year passing over the borders of the colony, not more than 50,000 of which were likely to be fat cattle, and, therefore, no more than that number would be store cattle. The price at which these cattle were bought could not have been more than £3 or £4 a-head, so that the whole amount involved would not be more than £150,000 to £200,000. These cattle were generally put on the land to be fattened for a year, and up to the present time, if they were offered for sale, they would not bring less than had been paid for them.

Mr. HEALES.—Would that not be a loss?

Mr. O'SHANASSY.—Not so great a loss as to account for the ruin of the purchaser. He would venture to say that a very different cause had brought about the state of things described. He had no doubt it would be seen that the real cause was that the squatters had been obliged to buy up lands they did not require, with the object of preserving from the invasion of other persons their property, in which large amounts of capital were invested, and to do so they were obliged to swamp their capital and anticipate their revenues from stock for years to come; and that was the real cause of their difficulties. If hon. members cared to look into the cases which came before the Insolvent Court they would see that such was the fact. He objected altogether to the amendment of the member for Rodney, which was both unwise and unnecessary. He was sure the House would not accept the amendment, for if they did they would undo the general principles which were approved by the second reading of the bill.

Mr. GRAY denied that the amendment was of a violent character, and he quoted from the general plan of a Land Bill proposed to be submitted three years ago, as explained to the House by Mr. O'Shanassy, for the purpose of showing that at that time the hon. member held different views with respect to commons than he did now.

Mr. O'SHANASSY said the hon. member, as usual, had found a mare's nest, and it was a Gray mare's nest. (Laughter.)

Mr. IRELAND said the effect of Mr. Gray's amendment would be to throw the whole of the agricultural areas open as soon as they were proclaimed. The present law was better than that proposition, because it provided that ten men must be settled upon the land before commonage was granted, and any one of them who had not cultivated a quarter of his land was not entitled to share the right of commonage. He could hardly imagine the hon. member for Rodney was in earnest in proposing that one individual who settled upon a large tract of land—say 500,000 acres—should deprive the pastoral tenants of the Crown of their vested rights. He gave the hon. member credit for more common sense, and, at all events, he hoped that the House would adopt the proposition of the Government.

Mr. FOOTT said the hon. member for Rodney's proposition was not a mere theoretical idea, but was based on the successful experience of a neighbouring colony. If settlement were really the great object of the bill, the Government ought to consent to the amendment. It did not interfere with the squatter, except upon the proclaimed agricultural areas, but it gave facilities for settlement; and he, therefore, cordially supported the amendment.

Mr. HAINES remarked that, according to the registrar-general's returns, the great bulk of the agriculturists of the colony were settled in the counties of Bourke, Grant, Talbot, and Dalhousie; and very little advantage would be derived by these men from the regulations under which commons were to be granted, because the commons must be a great distance from the farms, and the farmers would have great difficulty in making them available. Having been an agriculturist himself, he was in a position to say that, in most cases, commons were of little use at all. He believed they would be found injurious rather than beneficial to the farmer, and particularly now, when there prevailed a disease which, it appeared, these commons would foster in a most uncommon degree. Commons, he repeated, were not likely to benefit the present race of farmers, though they might benefit a class not yet in existence, and whose existence at a future

period was problematical. He trusted that settlement would follow the adoption of the Land Bill, but he felt no great certainty on the subject. He very much doubted whether agriculture would prove a remunerative pursuit, even with the advantages which this bill offered. He objected to the amendment of the hon. member for Rodney. He thought it was calculated to destroy the squatting interest—an interest which ought to be fostered—and place at a great disadvantage the present race of agriculturists, for the benefit only of a race of farmers of which Judge Skinner might be regarded as the type.

The committee then divided on the question that the words proposed to be left out stand part of the clause, and the numbers were :—

Ayes	26
Noes	14
Majority against the amendment	12

The following is the division-list :—

AYES.

Mr. Bennett	Mr. Ireland	Mr. O'Grady
— Brodribb, K.E	— Johnston	— O'Shanassy
— Cathie	— Kirk	— Reid
— Cohen	— Levey	— Riddell
— Cummins	— Mackay	— Smith, W. C.
— Duffy	— M'Mahon	— Snodgrass
— Haines	— M'Donald	— Tucker
— Hedley	— Nicholson	— Wood.
— Hood	— Orkney	

NOES.

Mr. Berry	Mr. Gray	Mr. Nixon
— Denovan	— Heales	— Richardson
— Edwards	— Houston	— Sullivan
— Foott	Dr. Macadam	— Wright.
— Frazer	Mr. M'Lellan	

Mr. GRAY moved an amendment, to the effect that the word "one-eighth" be substituted for the word "one-fourth."

Mr. BERRY spoke in support of the amendment.

Mr. RICHARDSON asked the Attorney-General whether the penalties mentioned in the 113th clause would hang over the settler? His own impression was that the settler would be liable only to have his cattle impounded.

Mr. IRELAND said this was so.

The question, that the words proposed to be omitted stand part of the clause, was put, when the House divided with the following result—

Ayes	24
Noes	12
Majority against the amendment	12

The following is the division-list :—

AYES

Mr. Bennett	Mr. Hood	Mr. O'Grady
— Brodribb, K.E	— Ireland	— O'shanassy
— Cathie	— Johnston	— Reid
— Cohen	— Levey	— Riddell
— Cummins	— M'Mahon	— Smith, W. C.
— Duffy	— M'Donald	— Snodgrass
— Haines	— Nicholson	— Tucker
— Hedley	— Orkney	— Wood.

NOES.

Mr. Berry	Mr. Frazer	Dr. Macadam
— Denovan	— Gray	Mr M'Lellan
— Edwards	— Heales	— Nixon
— Foott	— Houston	— Richardson.

The question, that the word "sold," proposed to be omitted, stand part of the clause, was put and agreed to without a division.

The question, that clause 67 stand part of the bill, was then put and carried.

On clause 63, relative to persons entitled to commons,

Mr. GRAY pointed out that the clause as it stood would exclude the tenant of a selector from the use of the common.

Mr. IRELAND promised to take a note of the objection.

Mr. CUMMINS pointed out that the clause did not provide for the present owners of land sharing in the right to the commons.

Mr. DUFFY said the Government would add a special clause giving that right.

In answer to Mr. GRAY,

Mr. DUFFY said that he was aware that some of the best land unsold had already been declared commons, and it might become necessary to include them in the agricultural areas, or make other use of them. But the subject would be considered before the localities of the 10,000,000 acres to be set aside were definitely fixed.

The clause was put and carried.

On clause 59, relative to managers of commons,

Mr. DUFFY agreed, at the suggestion of Mr. Richardson, to add the words "or appointed," so as to make the clause read, "or appointed as hereinafter provided," instead of simply as "hereinafter provided."

The clause was then agreed to.

On clause 60, providing for the election of managers of municipal and gold-fields commons,

Mr. RICHARDSON suggested an amendment, with regard to the appointments, which

Mr. DUFFY said he was sorry he could not accept, especially as the hon. member did not propose any alteration which was not intended to improve the bill. But he would point out that the clause as it stood would in reality effect what the hon. member desired.

Mr. RICHARDSON withdrew his amendment.

The clause was then agreed to.

On clause 61, "Appointment of manager in towns and farmers' commons,"

Mr. CUMMINS expected to see some provision whereby road boards should have similar powers to municipal councils and mining boards.

Mr. DUFFY said the intention of the Government was to place the farmers' commons under the district councils, but until the District Councils Bill became law that could not be done. He had no doubt that, if the district road boards nominated suitable persons to manage farmers' commons, the Government would accept such nomination.

Mr. CUMMINS said the explanation given by the Commissioner of Lands and Survey was satisfactory to a certain extent; but he (Mr. Cummins) thought that road boards ought to have the control of farmers' commons until the District Councils Bill passed. If he had a guarantee that the Government would adopt the nominations of the district road boards he would be satisfied.

Mr. DUFFY would certainly support such nominations, and he believed that the other members of the Government would also do so.

Mr. O'GRADY agreed with Mr. Cummins.

Mr. FRAZER, as the representative of seven or eight district road boards, would like to see those boards have some power under the bill; but, for the present, he thought they ought to be content with the promise made by the Commissioner of Lands and Survey.

Mr. CUMMINS accepted the promise of the Commissioner of Lands and Survey, and withdrew his amendment.

The clause was then agreed to.

Clause 62, "Amalgamation of commons," was adopted, with a verbal alteration.

On clause 63, "Management of united Commons,"

Mr. FRAZER pointed out that, in case of a dispute between a municipal council and a mining board, either party might throw obstructions in the way. It would be well, therefore, for the Government to reserve power in such cases to appoint managers.

Mr. DUFFY thought it undesirable to interfere with local authorities.

Mr. FRAZER said the disputes to which he referred would be less likely to occur if the Government reserved the power he suggested.

The clause was agreed to.

Mr. GRAY moved that progress be reported; and a division took place on the motion, with the following result:—

Ayes	7
Noes	18
Majority against reporting progress	11

Clause 64, "Managers to make regulations for commons," was adopted without discussion.

On clause 65, "Special licences to butchers,"

Mr. FRAZER moved an amendment, to the effect that dairymen should be entitled to licences to depasture as well as butchers.

Mr. TUCKER opposed the amendment.

Mr. DUFFY said there was power to enable the managers to grant licences to dairymen, and therefore there was no necessity for any special provision.

Mr. HOOD said it was only necessary for a dairyman to be a householder, or to have a miner's right, to entitle him to depasture.

After remarks from Mr. HOOD,

Mr. M'LELLAN said he considered there ought to be a special clause to meet the case of dairymen. Many of them, at the present time, had as many as a hundred head of cattle. The class were altogether ignored by the bill, although they were of great benefit to the mining population.

Mr. GRAY called attention to the fact that there was no quorum.

The bell was rung, and, at the expiration of the usual interval, the CHAIRMAN counted the members present, and declared there was no quorum.

The following were the members present at the time:—Mr. O'Shanassy, Mr. Haines, Mr. Tucker, Mr. W. C. Smith, Mr. Reid, Mr. Wood, Mr. M'Mahon, Mr. Duffy, Mr. Bennett, Mr. Hood, Mr. M'Donald, Mr. Cummins, Mr. Richardson, Mr. Snodgrass, Mr. Aspinall, Mr. O'Grady, Mr. Orkney, Mr. Levey, Mr. Ireland.

The SPEAKER having taken the chair,

The CHAIRMAN made his report. The SPEAKER counted the House, and declared, amidst laughter, that there was a quorum—the required number being completed by the Chairman of Committees.

The proceedings in committee were accordingly continued.

Mr. FRAZER expressed the hope that his amendment would be assented to by the Government. The supporters of the Ministry were in such force that they could carry anything; and therefore he threw himself upon the mercy of the Government. (Laughter.)

Mr. DUFFY said the objection to the amendment was, that the clause sought to provide only for the depasturing of certain cattle for a day or two, whereas the amendment went for a permanent occupation. He should have no objection to bring in a special clause to meet the case.

Mr. DENOVAN moved that the Chairman report progress.

Mr. DUFFY entreated the committee to dispose of the remaining commonage clauses before adjourning.

Mr. GRAY supported the motion for reporting progress, and trusted the majority would not exercise their power tyrannically.

Mr. HOOD said, as this was a measure of compromise, he trusted the member for Rodney would not impede the passing of a few clauses which were not debateable. If the hon. member persisted, the majority might exercise their power, and not only dispose of the commonage clauses, but go into the pastoral section of the bill, and deal with the 69th clause. (Laughter.)

The committee divided on the question of reporting progress, when there appeared:—

Ayes	4
Noes	18
Majority for the Government ...	14

Mr. FRAZER withdrew his amendment.

After some further discussion, another attempt was made—this time at the instance of Mr. DENOVAN—to secure a "count-out," with precisely the same result as before.

Mr. CUMMINS moved that the word "sheep" be expunged, as he objected to their being depastured on farmers' commons.

Mr. DUFFY explained that the depasturing would only be for a day or two—between the time of selling and the time of killing. However, to meet the objection of the hon. member, he would insert before the word "commons" the words "any town or gold field."

Mr. CUMMINS then withdrew his amendment.

Mr. DENOVAN (who had absented himself from the House during the count-out interval) moved that the Chairman report progress. He thought the Government were not behaving generously to his side of the House; and he was prepared to pursue this course till six in the morning, if necessary.

The question was then put, when the House divided, with the following result:—

Noes	18
Ayes	4
Majority against the motion ...	14

Mr. M'LELLAN moved that the word "swine" be struck out.

The question was put, and negatived.

Mr. DENOVAN moved that the Chairman report progress.

The question was put, when the House divided, with the following result:—

Ayes	3
Noes	17
Majority	14

Mr. DENOVAN again called the attention of the Chairman to to the state of the House. Only nineteen members were present, whose names were as follow:—Mr. Wood, Mr. Ireland, Mr. Duffy, Mr. Bennett, Mr. Hood, Mr. Richardson, Mr. O'Shanassy, Mr. Cummins, Mr. O'Grady, Mr. Snodgrass, Mr. W. C. Smith, Mr. Levey, Mr. Aspinall, Mr. Haines, Mr. M'Mahon, Mr. Orkney, Mr. Mackay, Mr. M'Donald, and Mr. Reid.

The SPEAKER counted the House, and declared that a quorum was present.

[Mr. Lalor made up the number.]

Clause 65 was then agreed to.

In clause 66, "Governor may increase or diminish,"

Mr. DUFFY moved that after the word "sale," the word "leases" should be inserted.

Mr. DENOVAN again moved that the Chairman report progress.

Another division took place, with the following result:—

Ayes	3
Noes	17
Majority against the adjournment	14

Mr. DUFFY'S amendment on the 66th clause was agreed to.

On the motion of Mr. HOOD, the words "extension of any" were omitted from the clause.

Mr. LEVEY said that four head of cattle was too small a quantity to allow persons to depasture.

Mr. DUFFY explained that the clause did not limit the quantity of cattle which each person could depasture on the commons to four, but simply provided that each common should only be sufficiently large for each person entitled to commonage thereon to depasture not more than four head of cattle. It was found that, at present, the number of cattle depastured on the commons was only equal to about three for each head of the population. A million and a half of acres had already been granted for commonage, and the population of the gold-fields and agricultural districts was about 100,000. That number, multiplied by four, made 400,000; and the number of cattle which the commonage would depasture was equal to about five or six for each person. If this were the case when the commonage was only one million and a-half acres in extent, surely there would be abundance of commonage when the quantity was increased to three million acres.

In reply to Mr. M'LELLAN,

Mr. DUFFY said that the bill proposed to extend the rights of commonage to all persons residing in the districts where the commons existed, and not to limit it, as was the case under the present act, to persons who had cultivated a certain quantity of land.

Mr. REID knew a case in which 5,000 acres of commonage were occupied by four people.

Mr. M'LELLAN opposed the clause, and believed that if passed in its present shape it would give great dissatisfaction.

Mr. BENNETT considered that the clause would prevent any person from depasturing more than four head of cattle.

Mr. DUFFY repeated that the clause would not have this effect.

Mr. W. C. SMITH asked if there had been any complaints of the smallness of the existing commons?

Mr. DUFFY had heard two complaints, one of which was from Melton. He was there, however, the other day, and he found that the proportion of population to commonage was like Sir John Falstaff's pennyworth of bread to his incredible quantity of sack, (laughter;) for there were only twenty houses in Melton, and the whole of the district in every direction had been proclaimed a common. In this case, therefore, the quantity of commonage was quite inordinate. He did not recollect where the second complaint was from.

After a discussion as to the number of cattle each person would be entitled to depasture,

Mr. DENOVAN moved that the chairman report progress.

In the course of an irregular discussion which followed,

Mr. DUFFY said if any important principle were at issue, he would have refrained from pressing these clauses, although there might have been only one member on the other side.

Mr. O'SHANASSY observed that, judging by the complexion which the discussion now assumed, the opposition to the Land Bill was reduced to two or three gentlemen.

Mr. W. C. SMITH suggested, as a measure of compromise, that the committee should proceed no further than the next clause. There would then remain only one clause of this division of the bill to be disposed of.

Mr. DUFFY assented.

Mr. DENOVAN then withdrew his motion for reporting progress.

The clause was then agreed to.

The 67th clause, allowing travellers to depasture horses, cattle, and sheep, for any period not exceeding twenty-four hours, upon any unsold Crown lands within a quarter of a mile of a thoroughfare, whether such land was or was not comprised in a common, was passed with slight discussion.

Progress was then reported, leave being obtained to sit again on Wednesday next.

THE RAILWAY STATION AT MALMSBURY.

Mr. SNODGRASS, in the absence of Mr. Frazer, moved that a select committee be appointed to inquire into and report upon the best site for the railway station at Malmesbury, such committee to consist of Mr. Loader, Mr A. J. Smith, Mr. Tucker, Mr. Denovan, Mr. Johnston, Mr. Snodgrass, Mr. Humffray, and the mover;

three to form a quorum, with power to send for persons, plans, and papers.

The motion was agreed to without opposition.

Mr. TUCKER moved that the same committee be instructed to inquire into the circumstances connected with the Mollison-street Bridge, Kyneton.

This was also agreed to.

ADJOURNMENT.

Mr. O'SHANASSY moved that the House at its rising do adjourn until the following day (Friday).

The motion was agreed to without opposition.

The remaining business was postponed, and the House adjourned at twenty-five minutes past two o'clock until Friday.

SIXTY-SECOND DAY—FRIDAY, MARCH 7, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

PETITIONS.

Mr. RAMSAY presented a petition from certain residents at Tarrengower, in favour of Mr. Levey's Aliens Bill.

Mr. M'CANN presented a petition from 176 residents of Steiglitz, in favour of the Real Property Bill.

The Speaker observed that the petition was addressed to the Legislative Council, and was, therefore, out of order.

NOTICES OF QUESTIONS.

Mr. HUMFFRAY gave notice that, on Tuesday next, he would ask the hon. Minister of Justice whether the Government intended to supply to each member of the House a copy of the volume recently published containing all the present acts, by-laws, and Orders in Council relating to the gold-fields?

Mr. FRANCIS gave notice that, on Tuesday next, he would ask the hon. the Chief Secretary whether the Government intended to take the necessary steps for the commencement of the continuative line of railway from Sandhurst to the River Murray?

Mr. HUMFFRAY gave notice that, on Tuesday next, he would ask the hon. the Chief Secretary if the Government considered that Mr. T. Skilling, as director of the Experimental Farm, was on the Civil Service staff up to 10th February last; whether Mr. Skilling was released from the duties of his office by the Board of Agriculture, on the ground that he refused to accept £300 as his future salary; and if so, why he was subsequently dismissed from the same situation by the Governor in Council? Also, whether Mr. Skilling's conduct before his dismissal had been inquired into, and any report made thereon?

Mr. FRAZER gave notice that, on Tuesday next, he would ask the hon. Chief Secretary to lay on the table of the House a copy of Mr. Gordon's claim, relative to the transfer of certificates for public works on the Portland tramway.

Dr. MACKAY gave notice that, on Tuesday next, he would ask the Commissioner of Crown Lands and Survey to send a competent engineer to report on the practicability and probable expense of opening communication between the Gipps Land lakes and the sea.

Mr. LOADER gave notice that, on Tuesday next, he would ask the Chief Commissioner of Public Works what would be the expense of completing the Swanston-street Police Court?

Mr. GRAY gave notice that, on Tuesday, he should ask the Minister of Finance, whether, in the apportionment of the annual grant of £50,000 for public worship, the various branches of Methodists were distinctly recognized; and if so, whether, upon any one of them failing to claim the amount apportioned to it, such money reverted to the consolidated revenue?

PRIVATE MEMBER'S NIGHTS.

Mr. HEDLEY gave notice, that on Tuesday next he would move that so much of the sessional order as related to setting apart Thursday night in each week to private member's business, be rescinded.

WIMMERA RETURNS.

Mr. WILSON asked the hon. the Commissioner of Crown Lands and Survey if he would lay upon the table of the House returns showing the amount of revenue derived from the electoral district of the Wimmera for the six years ending 31st December, 1861; also the amount expended in public works in the same district during the same period?

Mr. DUFFY would produce the returns as soon as they could be prepared.

(Later in the evening, the papers in question were laid on the table.)

THE YAN YEAN TRAMWAY.

Mr. COHEN asked the hon. the Commissioner of Public Works whether the lease, by Mr. Handasyde, of the Yan Yean Tramway, tendered for some three years since, had been issued, and the several conditions on his part complied with; whether default had been made by the said tenderer; whether the attention of the Government had been drawn to the fact that the wooden rails and sleepers are rotting, and many of them being torn up and taken from the line; and, lastly, whether it was the intention of the Government to make this line of tramway available by lease, sale, or otherwise, as a source of revenue?

Mr. JOHNSTON replied that the lease had been issued to Mr. Handyside, who had since failed to comply with its conditions, and become insolvent. Proceedings against his sureties had been already commenced. The Government were not aware of the state of the line, but as soon as it came into their hands they would ascertain if it could be made a source of revenue.

CIVIL SERVANTS.

Mr. VERDON asked the hon. the Chief Secretary if, in the reductions effected prior to

the passage of a Civil Service Bill, Government would allow officers selected by the heads of departments for dismissal an opportunity of appealing to a board, to which they might show cause against the decisions of the heads of their departments?

Mr. O'SHANASSY replied that Government did not intend to adopt this course generally; but whenever Government officers had grounds for complaint, they could state their case to the Minister of their department, that it might be considered. Such had been done in the case of the lockers at the Custom-house, and a board had been appointed to investigate their cases. In general, the Government did not see any necessity for adopting the course alluded to by the hon. member. (Mr. Verdon.—"Hear, hear.")

ELECTORAL REGISTRATION.

Mr. DENOVAN asked the hon. the Chief Secretary by what authority the registrar for the Sandhurst boroughs refused to issue registration forms to those who applied for them at his office during office hours?

Mr. O'SHANASSY had inquired into the matter, and received for a reply a statement that the only person so refused was the hon. member himself, who had made two applications, one by letter for 500 copies, and one by his agent for 1,000. Dr. Roche refused both applications on his own authority, seeing that they were not made for a legitimate purpose.

Mr. DENOVAN would read a letter which he had received from another gentleman—

Mr. O'SHANASSY did not think it at all proper to read letters against a gentleman who, having had no notice whatever, could not reply to them.

The SPEAKER ruled that the hon. member for Sandhurst was quite out of order.

Mr. DENOVAN desired only to disprove the assertions which had been made, and would, therefore, read the letter in question.

Mr. O'SHANASSY again rose, when

The SPEAKER again reminded the hon. member for Sandhurst that he was out of order.

Mr. HEALES pointed out that there were only three days more during which notice could be given to the registrar, and that, therefore, unless something were done at once, a large number of persons would be unable to get their names on the roll.

Mr. O'SHANASSY said he had been at the trouble of taking the opinion of the Crown law-officers on the subject, and he thought it would be better to discuss the whole question when the Electoral Act Suspension Bill was brought forward, which the Government proposed to do immediately. He would suggest to the hon. member for Sandhurst the propriety of not making statements against a gentleman without giving him a fair opportunity of answering them. (Hear, hear.)

Mr. DENOVAN, to clear himself, would state that he had received a telegram only a few minutes ago stating that the office of the electoral registrar at Sandhurst was still shut, and that the inhabitants were afraid that they would have no opportunity of registering their names. He only desired to know what provision would be made for this.

Mr. O'SHANASSY, to show that there was nothing to be afraid of, would read the following opinion by the Minister of Justice:—

"I think there will be no work for a revision court, unless the bill now before Parliament should become law before such court is held. The 13th section of the act, No. 81, provides that 'any person whose name shall have been omitted from such list' 'shall, on or before the 10th day of March in each year, sign and give a notice to the registrar.' The words 'such list' refer to the list mentioned in the 12th section. That list is to be made out from the forms received from the collectors. As no collectors have been appointed this year, no 'such list' can be made out, and consequently no person can have had his name omitted from it, and therefore no person is in a position to sign and give a notice to the registrar. There will be no lists which can be transmitted by the registrars (see 16th section), and there will be no lists to be revised under the provisions of the 18th section.—J. DENNISTOUN WOOD (for the Attorney-General). March 6, 1862."

It would appear, therefore, that until the House had passed the Electoral Act Suspension Bill, no hing could be done.

Mr. DENOVAN.—Then no elector can register himself?

Mr. O'SHANASSY had just read the opinion of the Crown law officer, and could say no more.

WILLIAMSTOWN WATER SUPPLY.

Mr. VERDON asked the hon. the Commissioner of Public Works if, in consideration of the great scarcity of water, he would permit the inhabitants of Williamstown to purchase water from the Government at the price at which it was supplied to the ships discharging at the Government Railway Pier.

Mr. JOHNSTON said he had been informed by the railway department that, in consequence of the limited number of tanks, it would be impossible to supply the inhabitants with water by them, in the same way as ships were supplied. He expected that in five or six months the Government would be enabled to take the Yan Yean to Williamstown.

SHIPPING TELEGRAMS.

Mr. ORKNEY asked the hon. the Postmaster-General if the public would in future have the benefit of the telegram announcing the arrival and departure of ships as they occur during office hours, instead of only four times a day, at intervals of four hours, as at present?

Dr. EVANS replied that there were very cogent reasons why this should not be done. He wished the hon. member would put his question in the form of a resolution, so that the opinion of the House might be taken on the matter.

Mr. ORKNEY rose to express his disappointment at this reply, a feeling which would be shared by the commercial community. The hon. Postmaster-General had only three weeks since expressed to himself (Mr. Orkney) in the Library —— (cries of "Order.")

The SPEAKER ruled that the hon. member was entirely out of order in making remarks after a question had been replied to.

SURVEY REPORTS.

Mr. HEDLEY asked the hon. the Commissioner of Crown Lands and Survey, whether he would lay upon the table of the House a report of the proceedings of the Survey Department for the past year, in a similar form to that adopted by the Surveyor-General in Canada. He had been informed that in Canada the proceedings of the survey office during the past year were published at the commencement of every new one. This information he thought must be of great value, as it must include information on almost every point on which settlers desired it, viz., as to the character of the soil, the propinquity of markets, character of the roads, and the progress of the population in each district. If the plan were adopted in this colony, it would be of great use to new arrivals.

Mr. DUFFY said the plan was not only adopted in Canada, but also in the United States, Nova Scotia, and several of the older states of Europe—Belgium, for instance. In that country every department of the public service made an annual report, which was collected into one volume. Without in the least wishing to deprive the hon. member for North Gipps Land of the credit due to the originality of the proposal, he might say that he had for some time had it in contemplation to adopt the same plan. For this purpose he had got copies of the reports published in two or three of the British colonies in another hemisphere. He believed, however, that it would be best to make one report up to the time of the passing of the present Land Bill, and start clear afterwards.

FISHERIES.

Mr. L. L. SMITH brought up the report of the Select Committee upon Fisheries, and gave notice that he would move its adoption on Thursday next.

VOTES FOR ROADS AND BRIDGES.

In answer to Mr. MOLLISON,

Mr. O'SHANASSY said the scheme of distribution of the votes for roads and bridges would be submitted in a few days.

THE REAL PROPERTY BILL.

Mr. SERVICE would, before the orders of the day were called on, make a statement. Hon. members were aware that the order of the day for the second reading of the bill for the alteration of the law respecting the transfer of real property stood as the twentieth notice of motion on the business paper for last Thursday week. With reference to that motion, hon. members who had notices of motion on the paper before it had the kindness, when requested, to say that they would not stand in the way of an early discussion of the bill in question; but, on account of a certain melancholy occasion, no business at all was done on that day. He (Mr. Service) had repeated his requests to hon. members with notices of motion standing before his own on the business paper for last Thursday at a very early period of the present week, and again obtained the consent of nearly all to the arrangement that the Real Property Bill should take precedence on that day. Hon. members were, however, now aware that the House, having sat till a late hour on Thursday morning, adjourned till that day (Friday), no hon. member present objecting or pointing out the question which it was intended should be considered on that same Thursday evening. On account of the importance of the measure, and the desirability of its early considera ion, he had at once waited on the Government, to ask them to give him an early Government night on which the Real Property Bill could be brought on. The greater number of the members of the Government consented to the request, but very naturally referred him for a final answer to the law-officers of the Crown, who were, perhaps, the gentlemen most interested in the measure. Since then he had received a note from the hon. Minister of Justice, signifying his acquiescence in the arrangement, but expressing sorrow that he could not name a day on which the bill could be called on. Eventually, however, after a consultation with other hon. members of the Government, he (Mr. Service) was told he might make up his mind to have Tuesday night next, after nine o'clock. When he had pressed that he might bring his motion on at half-past seven o'clock, all the members of the Government, with the exception of one, whom there had been no opportunity of consulting, again consented. In any case, he would be right in letting hon. members know that the Real Property Bill would come on for consideration on Tuesday night next.

Mr. IRELAND observed that he was the other individual who remained to be consulted (a laugh); and, perhaps, he might be allowed to say that he desired the carrying of the motion, which had the effect of throwing over the private business of the present week, because the House sat to an advanced hour on Thursday morning, and as he was engaged the whole of the day in his professional avocations, it would have been impossible for him to have laid his views before the House with respect to the bill of the member for Ripon on Thursday night. However, he assented to the suggestion which was made to him, that the bill should be taken at nine o'clock on Tuesday next; and, after the statement of the member for Ripon, he had no objection to its coming on at half-past seven on that evening.

After an observation from Mr. SERVICE, the subject dropped.

PAPERS.

Mr. DUFFY laid upon the table certain Orders in Council relative to commonages.

COMMONS.

Mr. K. E. BRODRIBB asked, without notice, whether the Minister of Lands would include in the return which he had moved for, in reference to commons, the number of persons who had entitled themselves to rights of commonage on each common?

Mr. DUFFY said he had no objection to add this information, so far as it was within the knowledge of the Survey Department.

REGISTRATION FORMS.

Mr. M'LELLAN gave notice that, on Tuesday, he should ask the Chief Secretary the reason why registration forms had not been sent to the registrar at Ararat, with instructions to him to supply them to all persons who might require them?

Mr. O'SHANASSY said he would answer the question at once. The registrar, if he required

forms, could have them on sending to the Government printing-office.

GOLD-MINING LEASES.

Mr. IRELAND (in the absence of Mr. Wood) moved for leave to bring in a bill to amend the law relating to leases of auriferous land, and for other purposes. The hon. member observed that he should refrain from detailing the features of the measure. This would be done by his hon. and learned colleague the Minister of Justice, on the occasion of the second reading.

Mr. O'SHANASSY seconded the motion, which was agreed to without opposition.

The bill was then brought in and read a first time, the second reading being appointed for Wednesday next.

DISTILLATION BILL.

Mr. O'SHANASSY moved that the motion standing in the name of the Commissioner of Customs, for leave to bring in a bill to provide for distillation within the colony, be discharged from the paper. He did this, because it would be necessary first to proceed by resolution in committee.

The motion was agreed to.

THE REGISTRATION OF EXISTING TITLES TO LAND.

Mr. IRELAND moved for leave to bring in a bill to establish a register of titles to lands heretofore alienated by the Crown, and to simplify, validate, and render more easily transferable the same. This bill, the hon. and learned member observed, consisted of nineteen clauses; and as the provisions would be better understood when he made his speech on the second reading of the bill for the registration of titles to lands that may hereafter be alienated, which would be taken later in the evening, he would do no more now than formally propose the motion.

Dr. EVANS seconded the motion.

Mr. L. L. SMITH thought the Government were conducting their business in an extraordinary manner, and insisted that it would be only courteous to the House for the Attorney-General now to explain the features of the measure.

The motion was agreed to without further comment, and the bill was brought in and read a first time, the second reading being appointed for Wednesday next.

MELBOURNE AND SUBURBAN RAILWAY SALE BILL.

Mr. LOADER moved the third reading of this bill.

Mr. HOOD seconded the motion, which was agreed to without opposition.

The bill was then read a third time and passed, and the fact was ordered to be communicated by message to the Legislative Council.

SUPPLY.

On the order of the day for the House resolving itself into Committee of Supply,

Mr. O'SHANASSY stated that the Minister of Finance was not able to be in his place, owing to sudden illness; and therefore asked that the further consideration of the Estimates should stand over until Tuesday.

The order of the day was postponed accordingly.

ELECTORAL ACT SUSPENSION BILL.

Mr. O'SHANASSY moved the second reading of this bill, observing that the principle of the measure had already been affirmed by the House, in the shape of a resolution passed early in the session, to the effect that no collection of the electoral-roll should take place during the present year.

Mr. LALOR did not intend to oppose the motion; but was not at all satisfied that the roll which was in force on the 31st December, 1861, should continue in force for the whole of 1862. The roll was very defective. Several of the electors had left the districts or divisions for which they were enrolled, and, in the event of any election, serious difficulties would arise from the present roll continuing in operation. Perhaps the Government intended shortly to introduce another and more general measure on the subject. If he thought that the Government intended to keep the existing roll in force for any length of time, he should feel inclined to oppose the bill.

Mr. O'SHANASSY observed that the bill could be in force only for the next three quarters.

Mr. LALOR remarked that his remedy would be a very simple one. He was for allowing the people to register themselves. Let it be understood that a man's name would be on the roll only by his own attention to the matter. If a man was fit to have a vote, he ought to take care of his rights as a voter. The notion of paying men to collect the names of electors was preposterous.

Mr. M'LELLAN believed that the bill would have the effect of disfranchising about 50,000 of the adult population of the colony. He knew that 15,000 electors had removed from one district since the collection of the existing roll, and all these people would, in consequence, be disfranchised if the present bill passed.

Mr. W. C. SMITH inquired whether the bill made provision for electors whose names had been placed in a wrong division? This mistake had occurred with regard to upwards of 1,200 persons in the electoral district of Ballarat West.

Mr. O'SHANASSY observed that all the bill proposed was, not to allow the collection of the roll for this year; but it was the intention of the Government to bring in a general measure, with a view to remove difficulties such as that pointed out by the member for Ballarat West, and to carry out the principle of self-registration which had already been approved of by the House.

Mr. SULLIVAN thought a measure of the kind indicated might be introduce at once. The effect of the present bill would be to disfranchise a large portion of the population, especially the miners. (A voice.—"How?") Because the existing roll was defective. Parties had their names in wrong divisions, and yet they were not allowed to vote in those divisions, because they were non-resident. The shifting character of the gold-fields population, owing to frequent "rushes," was well known; and this bill would, in consequence, affect the mining class more than any other.

Mr. O'SHANASSY remarked that an elector who removed from one district to another could send in his claim at the quarterly registration;

but if this bill did not pass, even that opportunity would not be afforded him.

Mr. SULLIVAN did not object to the bill; but he believed that, in the event of a general election, it would be found, unless some other provision were made, that a very large portion of the mining population would be totally disfranchised.

Mr. WEEKES remarked that, if he could see in the bill anything indicating that persons could be registered each quarter, he should not object to the measure; but he did not find any such provision.

Mr. O'SHANASSY said it was to be found in the existing law.

Mr. MOLLISON observed that the object of the bill was to save the Treasury the cost of collecting the annual roll; and, seeing that the roll for 1861 contained nearly 180,000 names, and that the total population of the colony—men, women, and children—was no more than 500,000, there could not be very many adult males off the roll. Again, a general election having taken place last year, the probabilities were that there would not be a general election during the present year. Why, then, should the state, at a time when the Treasury was exhausted, be called upon to expend the large sum which would be required to collect a new roll, particularly when a person had the opportunity of enrolling himself at one of the quarterly registrations if he so pleased?

Mr. DENOVAN said the reply which the Chief Secretary had given to the member for Mandurang (Mr. Sullivan) had removed his doubts with regard to the bill, and he should support the measure. However, he should like to know whether the existing act was a dead letter till this bill passed; or whether parties could send in their names and be placed on the roll for the ensuing quarter?

Mr. IRELAND said they could.

Mr. B. G. DAVIES opposed the bill. In the district which he represented there were some eight or nine distinct gold-fields, and he was certain that if the bill passed it would disfranchise about half the electors. (A voice.—"How?") The "how" must be patent to the dullest intellect. (Laughter.) He looked upon the bill with great suspicion. It was brought forward by a Ministry who had denounced universal suffrage. (Laughter.) This was only the thin end of the wedge that would disfranchise a great number of the working-classes of the colony. (Renewed laughter.)

Mr. M'CANN believed that the country was indebted to members of the present Ministry for manhood suffrage, and he had yet to learn that the Ministry were opposed to it. The statements which had been made by the representatives of several mining districts only showed that the present system of getting persons on the electoral-roll ought to be abolished. It was not to be expected that something like £20,000 per annum should be spent in following the miners from place to place, in order that their names might be kept upon the roll. When they changed their residence they ought to send in their names to the registrar, and get themselves placed on the roll. He supported the present measure, because he believed that, instead of disfranchising the people, it would keep them on the roll. (An hon. member.—"How?") It continued the present system of quarterly registrations, and persons might apply to the electoral registrar of the district in which they resided for a proper form of application, and get their names placed on the roll at any quarterly revision. Unless the bill were passed they would not have that opportunity. He was glad to hear the Chief Secretary state that it was the intention of the Government to introduce a general measure during the present session, in relation to the mode of collecting the electoral-lists.

Mr. HOOD said that the bill, instead of disfranchising the constituents of the hon. member for Avoca, would give them an opportunity of retaining their names on the roll; for unless it were carried the present system of quarterly registrations would become a dead letter.

Mr. GILLIES would not oppose the bill; but wished the Chief Secretary, or the Attorney-General, would state distinctly whether the measure would continue the present system of quarterly registrations or not? He did not see any clause in it to that effect.

Mr. IRELAND said the bill only touched the first collection of the electoral-roll in the month of March, and did not interfere with the quarterly registrations, but left them entirely as they were at present.

Mr. GILLIES.—Then why are the quarterly registrations suspended?

Mr. IRELAND.—Because there are no collectors appointed to collect the lists, in consequence of the House having refused to grant the money for the purpose.

After some remarks from Mr. GRAY, the second reading was agreed to, and the bill committed.

The House having gone into committee, clause 1, "Collections of names for lists of electors in 1862 not to be made," was read and agreed to.

On clause 2 being read, "Rolls in force on 31st December, 1861, to be dealt with as lists under 22nd Vict., No. 81,"

Mr. SULLIVAN asked the Chief Secretary to introduce some provision to correct the irregularity which sometimes occurred of electors having their names inserted on the wrong electoral-lists.

Mr. O'SHANASSY said the 5th clause gave power to any elector to object to any person whose name was improperly put on the electoral-list. The provision was a considerable improvement in the existing law, which required that notice of objection must be served upon the person objected to. This was found to be in many cases impossible, for suppose John Smith, of such a township, were placed on the list and objected to, there was probably no means of finding out the person and serving him with notice of objection. The present bill would enable the person making an objection to publish that objection in the local newspapers, and such publication would be *primâ facie* evidence against the person objected to. He thought this was a sufficient remedy.

Mr. SULLIVAN did not refer to the case of a person being improperly placed on the roll, but to that of a person who was by mistake placed upon the roll for the wrong district. For instance, if a certain number of persons residing in the district of Mandurang were placed on the roll for Sandhurst district, they would find, on going to

the poll, that they could not vote in either one district or the other. He wished evils of this kind to be remedied.

Mr. O'SHANASSY said the electors ought to send in their names to the proper district.

Mr. SULLIVAN wished to see some provision introduced in the bill to prevent persons being placed on the wrong list.

Mr. O'SHANASSY did not see how the difficulty could be avoided, unless the electors applied to the revision-court in the proper district themselves.

Mr. SULLIVAN said that blunders were sometimes made as to which district a person lived in.

Mr. O'SHANASSY took it for granted that the electors knew which district they resided in; and he did not see why any mistake should arise, except, perhaps, in isolated cases, where a man resided on the verge of two districts.

Mr. W. C. SMITH supposed that if an elector had his name on a wrong list he could make application to have it placed on the right list?

Mr. O'SHANASSY.—Certainly.

Clause 2 was then agreed to.

On clause 3, "Provision for printing, &c., of lists not to apply to lists to be made out under this act,"

Mr. GRAY said the bill required the electoral-roll should be dealt with as provided in the existing act. The existing act, however, provided that the roll should be revised on certain days between the 1st and the 25th of March; but as the greater portion of that time would have gone by before the bill passed, he wished to know if a clause would be introduced to alter the days?

Mr. IRELAND said that it was unnecessary to do so, because the present act gave the Governor in Council the power to alter the days.

The clause was then agreed to, as was also clause 4, "Registrar to produce rolls."

On clause 5, "Notice of objections may be published in newspapers,"

Mr. WEEKES mentioned a case in which some persons residing in El Dorado, in the Ovens district, were disfranchised because they were placed on the register for the Murray district instead of on that for the Ovens district.

Mr. O'SHANASSY asked if they were placed on the list for the Murray district by the collectors, or upon their own application?

Mr. WRIGHT said no collector went near the place.

Mr. GRAY hoped the committee would be cautious in placing such a clause in the bill, because, in his opinion, it would make universal suffrage a sham.

Mr. RAMSAY thought that any one who knew the habits of the gold miners would object to the clause. They were not in the habit of reading the local papers, their custom being to buy one of the weekly Melbourne papers, and hence numbers of them might be disfranchised through never seeing such a notice published.

Mr. M'LELLAN wished to point out that, even if it were advisable to publish the names, that should be done only in the newspaper in the district where the names were objected to; otherwise, how could a person know that his name was objected to, unless he turned to, perhaps, every newspaper in the colony And another objection was, that any officious person, or the paid servant of any association, might publish whole strings of names which might be disfranchised; and even where no cause was shown, the magistrates would in most cases be disposed to disfranchise, merely because the names were published. If they wanted to disfranchise the people let them do it openly, and not in such a manner as that clause would do.

Mr. LEVEY thought that the addition of the words, "one of the Melbourne weekly newspapers," would obviate the difficulty, and he would move their insertion.

Mr. M'LELLAN would move that all the words "after" in the sixth line be struck out, as the only way of dealing with the matter.

Mr. O'SHANASSY thought that hon. members who argued against the clause were not aware of its object, or rather, they might be aware of the evil and did not wish to remedy it. It had been said with regard to the present roll, that the collectors merely went out and sat down upon logs, and copied from the old roll, and returned that as the new roll. Now, was this to be permitted to go on; and because the Government sought to do away with that abuse, was their action to be objected to? He had yet to learn that a man was not as good a reformer who tried to check an evil as the man who tried to preserve one. And, besides, about ten thousand people had left the country since the last roll was collected; and were their names, in the case of another election, to be allowed to remain on the list; and how were they to learn what had become of these persons, unless by inserting their names in the papers? The expense of the thing would be a great bar to factious insertions of names; and if a man could prove that another had no right to be upon the roll why should he not be allowed to do so, while, if he failed, he had to submit to a fine? The object of the clause was simply to obtain a more accurate electoral-roll than they could otherwise have, and there was no desire whatever to strike off the name of any man who was entitled to be upon the roll. He did not believe in the argument that the miners did not read the papers, and was of opinion that they did so to just as great an extent as other classes. The bill was in favour of the *bonâ fide* elector, and certainly not against him.

Mr. GRAY said the great argument on his side of the House was, that under the clause some 35,000 persons might be disfranchised, because they might not see the paper in which their names appeared. They did not care for the local papers; the Melbourne weekly papers circulated in all districts, and the advertisement might appear in an obscure corner of one of them. He trusted the Government would reconsider the clause, and introduce some such safeguard as would get rid of the difficulty.

Mr. WOOD said the object of the clause was simply to dispense with serving personal notice; and if members would refer to the 17th section of the Act 81, they would find that, with this exception, notice was to be given in the regular way, so that the mere publishing of a name could not possibly lead to its being merely *ipso facto* struck off. The act simply provided that objections should be dealt with in this way, that where a case was made out against the person objected to his name would be struck off the list; but if the

objector failed to make out a case, then he would be fined £5. At the same time, the persons objected to would have to appear personally or by representative, just as in ordinary cases, or by default their names would be struck off. The substitution of the word "generally" for "ordinarily" would meet an objection raised to the clause; and if it were provided that the clerks of petty sessions should affix a list of the names of those objected to, in their respective districts, to the church doors, then the whole difficulty would be got rid of.

Mr. GRAY thought it was objectionable, also, that the 17th section should provide that the registrar might publish the name of any person whose title he had reason to suspect.

Mr. FRAZER admitted the objection that dummies had been, and might be, put on the roll, but the remedy for such an evil must not be worse than the disease. If this point were conceded, there might be organized bodies or associations who could easily put thousands of names on the roll, and by skilfully arranging their objections, be very successful on all the gold-fields in getting thousands of *bonâ fide* names struck off. The bill simply proposed that the objections should be published, it did not say how long; and, moreover, the published notice might be put along with the advertisements in a newspaper, and very few, except those in trade, ever read the advertisements at all. He should like to see the clause postponed; but, if Government carried it, he should like to see a certain time fixed for the insertion of the advertisement of the objection (Mr. O'Shanassy —"Hear, hear"), so that it might get as much publicity among the electors as possible. (Mr. O'Shanassy.—"Hear, hear.") In many cases the electors objected to would live so far from the revision-court that they would be unable to appear and answer the objections made against them.

Mr. CUMMINS was glad to see Government taking a step in the right direction, by the introduction of a system of self-registration. No money had been expended for so bad a purpose as for the collection of electoral-rolls. In his own district he believed collectors had been known to get under the verandahs of public-houses, and just procure such information as the people who passed chose to give them. (Hear, hear.) Electoral-rolls collected like that could surely be of little service to the country. The consequence was that the names of many men who had been buried for months were made use of at the last general election. He thought that placards ought to be put in the most public places, setting forth the objections which were made to any names. There were many portions of his district where newspapers rarely came, and unless his suggestion, or one like it, were adopted, he should vote against the clause altogether.

Mr. GILLIES thought the hon. member for South Grant should not be so ready to accuse men of perjury, for collectors guilty of practices like that described by him must commit perjury, for they were all sworn to perform their labours properly. It was a great objection to the bill that it proposed to do away with even the common notices required in ordinary cases, so that a man might lose his vote without knowing anything about it; while in cases where only a few shillings were owing not a penny could be recovered till the proper notices had been served. Very few persons ever read the advertisements of a newspaper at all, so that persons would never know that their votes were objected to; and, moreover, it was well known that it would be very easy to get votes struck off, unless some one were in court to defend the interests of the man objected to, for the Government officer would naturally say that, if a man did not take care of his own interests, he did not deserve a vote.

Mr. O'SHANASSY asked how notices could be served on fictitious names? (A laugh.) He asked the hon. member to deal with the question frankly.

Mr. GILLIES could see that the difficulty could be got over at a small expense, by the Government employing a collector, whose duty it would be to go round and report as to the persons whose names were objected to.

Mr. O'SHANASSY pointed out that the bill proposed to do away with collectors altogether.

Mr. GILLIES.—Only for a few months.

Mr. O'SHANASSY said it was plain that a majority of the House was in favour of doing away with the collection of votes. But even supposing that collectors were appointed, the particular plan of the hon. member would be most objectionable. If the Government of the day were only supported by a minority of the country, this plan would afford them an opportunity of establishing an agency worse than any other ever known; for was it not plain that, by appointing collectors favourable to their own interests, they could gain a great advantage? This remedy would be very much worse than the disease.

Mr. GILLIES thought that public opinion and the peculiarity of the appointment would be such strong checks upon these collectors that no one could object to them.

Mr. O'SHANASSY did not wish to attribute political dishonesty to any class of persons, but men were sometimes carried away by their strong party feelings; and he had been informed by an hon. member of that House that in the Ararat district one of the collectors had made up his list by sitting on a log, copying the roll of the past year. By this it would appear that swearing in the collectors would not save the country from malpractices.

Mr. FRAZER asked if the Government would at any rate consent to a recommittal of the clause, so that the matter might be turned over in hon. members' minds? He confessed that the only remedy for the evil which so many hon. members had pointed out was, that the objector to a name should accompany his objection by a money deposit, so that in case a person was put to trouble and expense in defending his claim to a vote he could, if successful, be reimbursed. Such a plan would make people cautious in making objections.

Mr. WOOD proposed to insert the following words, to come at the end of the clause:—

"Provided that the person so objecting and publishing such notice as aforesaid in such newspaper as aforesaid shall send a copy of such notice to the clerk of petty sessions, referred to in the 15th section of the said first-mentioned act; and it shall be the duty of such clerk to cause copies of every such notice to be posted in

some conspicuous place on the building in which the revision-court shall be held, and also on the doors of every post office, and of the office of every road board or municipal council in the electoral district, at least three days before the day on which the revision-court shall be held."

Mr. RAMSAY asked that the period mentioned in the latter part of the amendment should be extended.

Mr. O'SHANASSY.—Make it ten days.

Mr. WEEKES saw that the likelihood of a man's seeing his name in a newspaper, or on a placard, was not the only objection. Supposing that the name of John Smith, of Yackandandah, was objected to, and there were ten John Smiths in the division, would not they all have to appear at the revision-court? He felt that he must oppose the clause, as its tendency would be to disfranchise a large number of the gold-fields electors.

Mr. WOOD suggested that if the proviso were added, the bill, as amended, could be printed, and then if any hon. member had any objection, it could be raised and considered. By having the notice stuck inside the court, and on the doors of every post-office in the district, there was no doubt that if the person concerned did not see it, some friend would, and communicate the fact in he proper quarter.

After remarks from Mr. M'LELLAN and Mr. W. C. SMITH,

Mr. HOUSTON said he held the same objection to the clause as did other gold-fields members. In a settled district, where there was a fixed population, the clause would suit very well, but in such a district as that which he represented, where, in consequence of the large "rushes" which took place from time to time, people were constantly migrating, it would work most unsatisfactorily.

Mr. BERRY insisted that such a clause ought not to be introduced into a temporary measure of this character. The ostensible object of the bill was to carry out the proposition which had been agreed to by the House, that the electoral rolls should not be collected this year. But this clause would have the effect of disfranchising a large number of electors in the country. He maintained that anything like a tampering with the suffrage was a matter too important to be tacked on to a bill of this kind. To all intents and purposes the bill would be as complete without the clause as with it, if the arguments of the Government were *bonâ fide*. The purport of the clause was not to enable legitimate objections to be made to persons who had changed their place of residence, or had left the country, but to favour wholesale objections, got up by the Victorian Association and other bodies who had a direct interest in curtailing the suffrages of the people, and striking off a large number of the electors, whose only right to the franchise was by manhood suffrage. It would be a burning shame if such a clause were passed, when there was the slightest chance of a general election taking place before the end of the year 1862. If the bill only suspended the collection of the electoral roll during the present year, it might be allowed to pass, but this clause went further, and might have the effect of disfranchising a large number of electors. He therefore protested against the clause.

Mr. SERVICE said that if the last speaker had had one month's experience on the Elections and Qualifications Committee, he would know that it was almost impossible to detect personation after it had taken place, unless it had been committed in the clumsiest manner. It was very important to place the right persons on the electoral roll, and strike off wrong ones; but there were other reasons why the bill should be passed besides this. The country was put to a large expense in consequence of fictitious names being on the roll. A year or two ago, one name appeared three or four times on the roll, the consequence of which was not only that three or four ballot-papers were required, but the returning-officer had to sign the papers, and it might happen that the number of polling-booths was increased, because the law required that for 600 voters there must be a separate polling-place. There were other inconveniences and expenses caused, but such considerations ought not to have any weight if they prevented persons from being improperly struck off the list, and did not cause any other disadvantages. The proposal of the Minister of Justice, to have the lists of objections hung up at the post-offices, the chambers of the municipal councils, the offices of the district road boards, and the offices of the mining boards, would give every person objected to sufficient notice, and would prevent electors being improperly struck off the list. He thought, however, that the Minister of Justice should extend the time for giving the notices of objections to eleven days. No danger could then possibly accrue. Had objections hitherto been so numerous as to lead hon. members to suppose that there would be a great many during the present year? Such was not the case; but, on the contrary, the present law had so surrounded persons with penalties who entered objections without due cause, that they were afraid to make objections if there was the smallest doubt that they would be sustained.

Mr. O'SHANASSY said that at present objections were the exception.

Mr. SERVICE believed this was the case. He denied that there was any movement in connection with this clause on the part of the Victorian Association, and said that if any attempt were shown on the part of the association to avail themselves of the powers contained in it to disfranchise the people, the people would soon hold meetings in every locality, and express their opinions on such a proceeding in an unmistakable manner.

Mr. WOOD consented to alter the time for publishing the notices of objection to eleven days.

Mr. HEALES suggested that the Government should allow the clause to be recommitted, with a view of enabling hon. members to consider whether they could not invent some better means for accomplishing the object contemplated by the clause, namely, to prevent fictitious and improper voters being placed on the list.

Mr. O'SHANASSY said the Minister of Justice had already promised that, if any better remedy could be suggested, it should be adopted, even after the clause was passed.

Mr. W. C. SMITH mentioned that during the time he was a returning officer, a case had transpired that the persons representing names

which hadappeared in four or five, and, in one instance, in six different lists, could not be found at all.

Mr. SINCLAIR stated that, at the last election in North Melbourne, out of the names of nearly 400 people on the list, only fifteen could be found by a house-to-house canvass, extending over a month.

Mr. SERVICE proposed a further verbal amendment, when

Mr. WOOD said he would undertake to prepare a new clause.

The question, that the words, proposed to be omitted, stand part of the clause, was put and agreed to.

The question, that the words, in "one of the Melbourne weekly newspapers," proposed to be added, stand part of the clause, was put, when the House divided with the following result:—

Ayes	...	...	...	..	... 25
Noes	...	...	...	...	... 12
Majority for the motion.					... 13

The following is the division list:—

AYES.

Mr. Bennett	Mr. Johnston	Mr O'Grady
— Brodribb, WA	— Kyte	— O'Shanassy
— Cummins	— Levey	— Owens
— Duffy	— Levi	— Ramsay
— Foott	Dr. Mackay	— Reid
— Francis	Mr. M'Donald	— Service
— Gray	— Nicholson	— Smith, W. C.
— Heales	— Orkney	— Wood.
— Ireland		

NOES.

— Berry	Mr. Gillies	Mr. M'Cann
— Davies, J.	— Houston	— M'Lellan
— Donovan	— Lambert	— Weekes
— Edwards	— Macadam	— Wright

The amendment proposed by Mr. WOOD was then accepted, and the clause as amended agreed to.

The new clause 5, requiring registrars to make out catalogues of names inserted or expunged from electoral rolls; and the new clause 6, setting forth that the Governor in Council might direct the registrar to arrange names in alphabetical series and prefix a number, were read and agreed to without discussion.

In answer to Mr. GRAY,—

Mr. WOOD said he intended to introduce a new clause, and before he did so he would carefully go through the old act, and see if any more clauses would be required.

The two schedules to the bill containing forms A and B for adding or striking off names on the roll, and also the form of objection, were then read and agreed to.

The preamble having been adopted, the Chairman reported progress, and obtained leave to sit again on that day week.

LAND TITLES REGISTRATION BILL.

On the order of the day for the second reading of Mr. Ireland's Real Property Bill,

Mr. SERVICE suggested to the hon. Attorney-General that time should be allowed for hon. members to read and understand the bill, by postponing its second reading for some time longer.

Mr. IRELAND objected to this. The hon. member himself had a bill on the subject, which had been printed a long time since, but he did not find that any hon. member understood it as yet. (A laugh.)

After a pause,

Mr. IRELAND rose, and moved the second reading of his bill to establish a register of titles in land which shall hereafter be alienated by the Crown, and to facilitate the transfer of the same. He did not think it possible to overrate the importance of this measure. It dealt, as he stated on a former occasion, with the major portion of the territory—the major portion of the territory being as yet unalienated—and, as they would have the advantage of dealing with alienations already made in a separate measure, the carrying out of the principle which the bill embodied would not be disturbed by existing interests or estates. The difficulties existing in the way of applying the principles recommended by the Lands Titles Commissioners in England, in 1857, were all removed by starting with a clean sheet, and he had, therefore, thought it advisable, in conjunction with his colleagues, to divide this legislation into two chapters. It might be asked, "Why not consolidate legislation in one measure?" His answer was, that, if that course were adopted, more than the half would be applicable to titles to land which had already been alienated; and he believed that, while they were discussing provisions applicable to existing grants and inapplicable to future ones, alienations would be going on, and the result would be a very complex system. For that reason, he took first the far more important branch of the subject, which, at the same time, was the easier to deal with, and hoped to obtain the rapid determination of the House upon it, because it was impossible not to see that, with every day lost, additional grants were becoming subject to a system which everybody condemned. Having made this allusion to the importance of the measure, and stated that it was confined exclusively to future alienations by the Crown, he would now call attention to its leading provisions, and contrast them with provisions suggested in other places, and embodied in other measures. The register which he proposed to establish was a register based on state survey. This was a desideratum which had been always looked forward to by those at home who had had to report on this subject. Here they could have the full benefit of the suggestions made by the commissioners on the point. They had here more advantages than under the ordnance survey in Ireland, which seemed the great desideratum with the English commissioners. But the member for Ripon, when speaking a few nights ago—and this showed how dangerous it was for a person to meddle with a subject which he did not understand—read several paragraphs from the report of the commissioners issued in 1857, with a view to show that they condemned survey as a basis of registration.

Mr. SERVICE observed, that he never said anything of the kind. The Attorney-General, in his speech, having distinctly asserted that the English commissioners had recommended that the public surveys should precede registration, he

(Mr. Service) stated that the English commissioners made no such recommendation.

Mr. IRELAND trusted that the member for Ripon would not interrupt him unnecessarily. What he stated was, that the English commissioners recommended survey, if it were possible to have it; that they condemned making the maps available at home a basis of registration; but that they regretted not having in operation a system of state survey like that in use in this colony, and that, if this could be accomplished, it ought to be made the basis of registration. And he asserted now that the member for Ripon read several passages having reference to a totally different subject to that which he spoke about—the recommendation read by the Minister of Justice with regard to the abstract advisability of having state survey as a basis of registration. The Government had adopted that course in the bill. They proposed that when a Crown grant issued, before it was given to the grantee, it should be handed over to the registrar, who, in a simple book of entry, would enter a transcript of the Crown grant, and annex thereto the map—a plain, clear, and intelligible map—as it issued from the Survey department. Now, there was in this country that which South Australia had not. The report of 1861 showed that the survey there was wholly inefficient. It was not reliable for any purpose. And was it because in that country recourse was had to a different system of registration than public survey, that this colony was to throw aside its valuable survey, which would enable the Government to carry out, as the basis of registration, the recommendation of the authorities in England? Well, the process prescribed by the bill was a register of titles. Instead of having documents external to it, the title would be found in a public office. The allotment or section of land being placed on a folio of the register, with the map prepared by the Survey Department annexed, it would be the duty of the registrar to enter on that folio the history of the transactions connected with the land in question. In the case of the original Crown grant, the entry would then be "Allotment A, section B, parish C, the Queen to Jones." If it became necessary to deal further with the land—say to transfer any portion—the grantee would bring a memorandum (in the form given in the schedule to the bill), with a map attached, showing what portion of the original grant he desired to convey away, and a new account would then be opened for the portion alienated, and would run thus: subdivision of allotment A, &c., &c., the Queen to Jones, and Jones to Brown. By that means, and by proper attention in the office, it would be perfectly practicable to ascertain, to a hair's-breadth, the boundaries in all cases. However an allotment or section of land might be cut up, the boundaries could be safely traced in this way. And by this mechanical process, as contra-distinguished from the quasi-judicial process adopted elsewhere, they would have practically an indefeasible title. He did not mean to say that parties dealing with the land would not look after their own boundaries. No doubt parties seeking to be registered would have a map carefully describing the land they intended to deal with; still there would be in the department an efficient check by which Crown grants would be rendered practically secure. The register, in fact, would be simply a public record based on the original survey, and the proceedings of the department would be guided always by the map annexed to the original Crown grant. All future transactions would be based upon it. By this arrangement, the necessity of having abstracts of titles, declarations, or any of the cumbrous and expensive appliances suggested in another scheme, would be entirely obviated. Then, as to leases, the memorandum for a lease consisted of six lines, to be signed by the lessor; but in the case of any special or extraordinary covenants, such were to be deposited with the registrar-general. In the same way—by simple entry—charges might be created over freehold and leasehold property, and charges might be transferred. There was no indemnity or assurance fund created under the bill, nor did the measure attempt to interfere largely with the law of real property. He thought it would be obvious to the most uneducated mind or at all events to any hon. member enjoying a seat in that House (laughter from the Opposition), that the principles upon which they started were correct,—that the basis was state survey;—that the register containing the entry of the original Crown grant would continue to be the register with regard to all future transactions;—that the bill gave facilities for creating lesser estates and for creating charges, and that it provided for transfers. He would add, what he had not mentioned before, that in cases where death occurred the executor, on production of the probate, would be placed on the register; or if a man died intestate, it would be in the power of the Supreme Court to appoint a real representative, who would administer the estate until the heir-at-law could be ascertained. Again, in the case of an insolvency, an assignee was bound to produce the order of sequestration. The bill was simple throughout in its operation. It provided, as far as possible, that the right owner should be always on the register. The grantee was registered by act of the registrar-general, and he could not be put off except by his own consent, or the production of some competent authority. In short, the two grand objects—the securing of the boundaries and the clear ascertaining of the proprietorship—were obtained without going away from the register. Having made these observations in reference to the bill, he would advert to what might be called its rival—the bill brought forward by the hon. member for Ripon and Hampden. That bill, no doubt, to a great extent, owed its popularity to the enormous charges which had to be paid whenever it was necessary to have recourse to conveyancing for the purpose of transferring land. (Hear, hear.) He was well aware of that circumstance; but, to show he was not actuated by any personal or selfish motive, he could truly say that during the ten years he had been in the colony, he did not believe he had made a single guinea in connexion with conveyancing. It was not, therefore, from any selfish motives that he opposed the bill, nor had he the slightest wish to obstruct the hon. member in any way. He was frank to admit that the scheme adopted by himself and his colleague (Mr. Wood) was not original, but it was derived from the best

authorities. It was not Ireland's bill, or Wood's bill, or anybody else's bill; but it was a bill based on the best authorities which they could find; and, in preparing it, they had investigated the systems in operation in South Australia, New Zealand, and elsewhere. In proceeding to make a few observations upon the bill introduced by Mr. Service——

The SPEAKER reminded the hon. member that he was not in order in discussing another measure not now before the House.

Mr. IRELAND thought he would be in order in discussing any propositions akin to those of his own bill, and he wished to at once admit that he alluded to the provisions of the measure introduced by the hon. member for Ripon and Hampden. By that bill, in order to have land on the register—he was speaking now with regard to land hereafter to be alienated by the Crown—it was necessary to have a solicitor to prepare an abstract of title and a statutory declaration. The bill, in fact, contained a number of provisions which would be equally applicable to future Crown grants as to existing ones. No doubt there was a provision that the registrar-general might register any future grant, as was proposed in his (Mr. Ireland's) bill; but what he contended was, that all provisions which were applicable to existing interests became applicable to future dealings with future Crown grants. It was simple enough for a register to be made by the registrar-general in the first instance, but after the land had been dealt with five or six times, various complications would arise from the machinery which must be called into operation. A person becoming possessed of land, instead of being able to have a simple entry made by the registrar-general, and that being sufficient evidence of title, would ultimately be obliged to have recourse to a solicitor, to have an abstract made of all the certificates and other instruments on the register, showing whether the land be occupied or unoccupied, the nature of such occupancy, if any, and the names and addresses of the occupants and proprietors of all contiguous lands. In point of fact, the owner of land, in order to make a marketable title, will be bound to produce all instruments upon the register affecting the lands, such as original certificates, derivative certificates to title (either to the whole or a part of the particular land), memoranda of incumbrances and mortgages, and all transfers and other dealings with the same, whether cancelled or uncancelled. The defeasibility of the title proposed to be given, and to which he would hereafter refer, render these precautions necessary in dealings with land to be hereafter alienated by the Crown.

Mr. SERVICE—No.

Mr. IRELAND remarked that the hon. member said "No"; but he would read the clause to prove that what he stated was true. [The hon. member here read the 14th clause of the bill introduced by Mr. Service.]

Mr. SERVICE said that clause did not refer to future alienations.

Mr. IRELAND replied that the clause did apply to future alienations. The clause, in fact the bill, omits to make any provision for registering titles in case of future alienations by the Crown-grantee, but if such dealings are to take place, some such procedure must be adopted. He would next call attention to some of the provisions relating to the notices which were required to be given before a title could be granted, and it would seem that they afforded some reason for the extraordinary popularity which the measure had obtained in South Australia—at all events, amongst the newspapers. After all the forms to which he had referred had been complied with, it was competent for the owner to direct that his property should be registered; but if there were any existing covenants, and anybody was out of the colony who had had previous dealings with respect to the land, it would be necessary that notice should be given in the *London Gazette*, and other newspapers published there, and twelve months might elapse before the present proprietor could get himself registered. All these notices were totally unnecessary by the system which he (Mr. Ireland) proposed. Of what use, too, was the body which he might call the primary tribunal for the registration of titles provided under Mr. Service's bill? There were to be two commissioners appointed, who were originally, under the South Australian system, to be laymen, but it appeared to be clearly contemplated by this bill that they should be barristers or solicitors.

Mr. SERVICE said his bill was a transcript of the present South Australian act.

Mr. IRELAND.—The act of 1860 positively prescribed that the commissioners should not be professional men, but in the act of 1861, nothing of the kind was mentioned. The lay element would, therefore, appear not to have worked well. As the honourable member had spoken of transcripts, he (Mr. Ireland) would just give one specimen of the servile imitations which the hon. member had made of the South Australian act, without regard to the circumstances of this colony. The fourth clause of his bill provided that the department of the registrar-general should carry into execution the provisions of the act, and "persons holding office as registrar-general, lands titles commissioner, solicitor, deputy registrar-general, and also all other officers and clerks of the said department, "shall perform all the duties of their respective offices." Would the hon. member inform the House who were the lands titles commissioner, the solicitor, and deputy registrar-general? The clause recognized the rights of persons who did not exist, and was an illustration of the servile way in which the South Australian Act had been copied. Under the bill which he (Mr. Ireland) had introduced, there would be simply a registrar-general required, whose duties would be little more than mechanical; but in South Australia, he had been told, a retired banker and a merchant constituted the lay tribunal, assisted by two solicitors and the Registrar-General, the last being a layman. The Duke of Gloucester was represented in the play of Richard III as coming in between two clergymen, but the hon. member, Mr. Service, had elected to come in between two solicitors when he endeavoured to introduce a bill which was to slaughter the legal profession. (Laughter.) What functions were the commissioners to perform? The bill said they were to perform "the functions hereafter described," and as far as he could gather from the

act, those functions were simply these—if the registrar general said a title was good, the commissioners were to say it should be registered; if he said it were not good, they could not register; and that if it were questionable, they were only to determine what length of notice should be given before any certificate were granted. It would be seen that their functions were valueless from beginning to end. Well, what was the necessity for this expensive and useless machinery? He denied that there was any. Two solicitors, three commissioners, a registrar-general, and a deputy registrar-general; and all they could do when a difficulty arose was to hand it over to the newspapers, and then a pauper might come in and upset the whole affair by caveat. *Cui bono?* The provision that notices should be given in connexion with the register was supposed to be the grand saving clause. It was said that by sending them out they gave the whole wide world notice, and if people did not choose to come in and defend their rights they should be deprived of them. But when the bill was referred to they would find that there was no security that these notices should be given, because it was expressly provided that the fact that notice had not been given was not to invalidate the registry. So that there was first the machinery by which notice was to be insured; then, as it was found that a difficulty might arise because notice had not been given, giving notice was dispensed with; and that being so, he (Mr. Ireland) would ask where was the security that wards, or lunatics, or married women, or indeed any rightful owner, might not be deprived of their rights. The Commissioners might, in the case of absent persons, put the notice in the *London Gazette* if they pleased, and who read that? These notices were simply absurdities, because in another clause of the bill it was said that, even if no notice had been given, it would not invalidate the registry of title. Clause 32 provided that no registry of title should be impeached or defeasible on the ground of want of notice, or of insufficient notice of the application to bring the land therein described under the provisions of the act; or on account of any error, omission, or informality in such application, or in the proceedings pursuant thereto by the lands titles commissioners or by the registrar-general. Therefore, the whole ground-word of the primary tribunal was swept away. (Mr. Service.—"No.") Well, if the hon. member would show that such was the case, instead of interrupting him, it would be better. In reviewing the subject he had a more difficult task to perform than the hon. member, in favour of whose measure there had been people going through the town, with tables before them, getting signatures to petitions (laughter); and if the hon. member would let him get on without interruption, he would confer benefit both upon him and the House. The whole of this preliminary tribunal was a sham. It might be said that appeal could be made to the Supreme Court; but his argument was, that the persons interested might not have seen the notices at all. He was not going to trouble the House by reading the whole of the evidence on this point, but he would give an idea of its nature from the evidence of Mr. Charles Fenn, a solicitor residing in Adelaide, who had been examined before the commission, an who said that he was aware of several cases of injustice under the operation of the act, and that the difficulties in the way were enhanced by the act rendering it necessary that applicants should bring with them their own definitions of boundaries, &c. The same gentleman had also mentioned a case which had arisen under a will, and which had given rise to difficulty and confusion; and, again, under the will (to the same gentleman's knowledge) of the late Mr. Matthew Smith, another solicitor he might state, a similar result had followed. Now, he mentioned these cases, and there were many others, of parties going with *ex parte* statements, defining their boundaries with their own maps, although made under the inspection of a recognised surveyor, and getting an instrument which conferred upon them a title; and what he said was, that even where these notices were given, people were sometimes wholly unaware of what was going on, and therefore it was that injustice in this way arose. He saw no reason for adopting this preliminary tribunal, with its cumbrous working and expensive machinery, and therefore he threw it over altogether. Another objection he had to urge was, that powers were given to the registrar-general which the Lord High Chancellor of England could not exercise—he could take a map not based upon the Government survey, but which was privately prepared; he could take the boundary as defined by the applicant, and the whole of this *ex parte* proceeding would go to give a title. With a few extra clerks, and with a few extra books in the registrar-general's office, that department would be quite able to discharge the whole duty, without entailing any extra charge whatever upon those who were seeking to get titles to lands. To put this point beyond doubt, and in order not to rest solely upon his own opinion, he had thought it necessary to confer with the registrar general of this colony, Mr. Archer, who, it would be admitted, was a gentleman of experience and skill. Well, he had asked that gentleman's opinion with regard to this bill—the bill now on the table. On the 3rd of March, a memorandum, by his direction, had been sent to Mr. Archer, accompanying a copy of the bill, requesting him to state whether the working of the bill, if passed into law, would occasion any additional expense, and asking him to favour him (the Attorney-General) with any suggestions which he might be able to offer. He had received a letter in reply from him that day (which was then read by Mr. Ireland), in which it was stated that he (Mr. Archer) had examined the bill, and had no hesitation in saying that, provided the aid of the Surveyor-General was obtained in the preparation of maps for the purpose of answering inquiries in his department, some further clerical assistance obtained, and time given to frame the necessary books, &c., he saw no difficulty, so far as office routine was concerned, in carrying out the intentions of the framer of the bill. That was the expressed opinion of the registrar-general of Victoria, and he wanted to know if they were now to rush into the expensive system which was proposed in the bill of the hon. member, and which had already broken down three times in practice since 1857, while the documents from which he had quoted showed clearly that even

since the last amendment had been made upon it in December, 1861, difficulties had arisen under the operation of the South Australian bill. He thought he had completely disposed of the primary tribunal. (Mr. Service.—"Hear, hear.") He trusted the hon. member would not interrupt him, since he must see that it was not an easy matter for him to deal with a subject so complex. He did not desire to tire the House, but he felt that, standing there and seeing a bill brought in affecting the whole territory, he and his colleague, the hon. Minister of Justice, would be wanting to themselves—to their position as law officers of the Crown—to their colleagues, and to the country, if they did not stand up, and, in the face of any amount of clamour that might be raised, under the mistaken notion that there was to be some immediate and extraordinary amelioration of the law, under the hon. member's proposition, warn the country against allowing itself to be plunged into a system of hopeless litigation. He would now advert to some other peculiarities of the bill proposed by the hon. member for Ripon, and to the forms given in the schedules, called memoranda of encumbrances, out of which arose the certificate of title. In that scheme it was proposed to make the registry an index to collateral documents evidencing the title; whereas in his (Mr. Ireland's) bill, the actual title would be set forth within the four corners of the register itself. According to the hon. member's scheme, the registrar took on himself to deal with every outstanding liability or objection to title which might be declared to him. The registrar might be an unprofessional man—in fact Mr. Torrens was himself an unprofessional man—and then, with these memoranda of titles before him, he would be authorized, aided by two solicitors, upon his own responsibility, to issue a certificate of title. He would put a stamp on original instruments, consider them cancelled, and replace them by an instrument of his own. And the proposed bill would attach to this instrument, incidents that belong to the existing assurances which have grown up during the last eight centuries. Perhaps it would be answered, that though the registrar might cancel the instruments, he could not cancel the estate; and that he kept a double salvo, in the shape of an assurance fund, and exceptions to the indefeasibility of title, by which it was expected to escape from every mistake. This, however, was the very thing which kept the whole affair confused and inoperative. Coming to the 39th clause, what was there to be found After all the litigation in the primary tribunal, the notices had been published, the diagrams lodged, the declarations made, and perhaps the *caveat* lodged or the chancery suit instituted, what was the effect of the certificate of title? He would call the hon. member's attention to this, and then he would, perhaps, understand the folly of this precious production. Here was one proposed equivalent for all the expense and trouble of litigation. This salvo which the clause provided was certainly necessary, but only necessary because the bill was so absurd. Clause 39 enacted in substance that,—Notwithstanding the existence in any other person of any estate or interest, whether derived by grant from the Crown or otherwise, which but for this act might be held paramount or to have priority, the registered proprietor of land, or of any estate or interest in land, under the provisions of this act shall, except in case of fraud, or a prior grant, or certificate of title, or a misdescription of parcels or of boundaries have an indefeasible title. Well, if these did not render the so called indefeasibility of title a sham, he (Mr. Ireland) did not know what could. It amounted simply to this, that the owner of the certificate of title had a good title unless some one else had a better.

Mr. SERVICE.—The clause is the same as the existing law.

Mr. IRELAND would like to see the hon. member pointing out where the existing law was. It would take him a long time to find that out. (A laugh.) This was the indefeasible title given by the bill—A got a title to his land in 1862, and B might get another title to the same land in 1863, and would therefore have an indefeasible title, except as against the right owner. The value of the first exception, "fraud," might be seen in the fact that the evidence of title was such that the title was not worth the paper it was written on provided any other individual could show that the registry was obtained by fraud; and what was fraud, or how would it be proved? He would put a case. Two persons met. One said to the other, "I have some land in the neighbourhood of Colac, and I can get nothing for it at present; would you mind going in and registering it?" The other might reply, "Oh, that would be a case of fraud." The first one would then say, "Let us keep that to ourselves; you put in your claim and when the notice appears in the paper, I won't see it, but come down on the assurance fund some time after and ask for damages." What was the worth of an indefeasible title like this? Another exception was, in case of misdescription. The first question that would arise upon this would be, "Assuming that the deeds disclose a good title?" To what? To what would a certificate of title give a title? To nothing. If a man got a certificate of title in which black acre was described instead of white acre, there was a misdescription, and the title was an indefeasible title to nothing whatever. Then came an exception in the case of misdescription of boundaries, which provided that after a man had been to every expense, and yet taken up a piece of another man's land, the certificate gave no title to it. Again, in the hon. member's bill, viz. in the 115th clause, were enumerated the cases in which no action of ejectment or for the recovery of any land should lie—that meant that no action could lie against any man producing a paper signed by Mr. Archer, the Registrar-General of Victoria. Now, that exception would appear reasonable enough if a previous provision did not render it impossible for a mortgagee to sustain any such action of ejectment. According to the 52nd clause of the Torrens Act, mortgage and encumbrance under that measure had effect as security, but did not operate as a transfer of the land thereby charged. It was evident the member for Ripon did not know his own bill. A mortgagee might think it a privilege to commence an action, but it would be anything but a privilege to be met by a non-suit. An action of ejectment was an action at

common law, and it lay on the plaintiff to recover by virtue of his right of possession. The present Bill however, took away the right of possession, which must be the foundation of the action. He had thus endeavoured to show the value of the certificate under section 39. In case of fraud, prior certificate, misdescription of parcels or boundaries, &c., it was of no use. But there was still another case not among the enumerated exceptions. Indeed, it seemed an after-thought on the part of the gentleman who framed the bill. According to the 125th clause, any certificate of title issued upon the first bringing of land under the provisions of the act would be void if any person was in possession and rightfully entitled adversely to the applicant proprietor. So that a man might obtain a certificate and show an indefeasible title, and yet, twenty years afterwards, it might be proved that he was not in possession when he got the title, and that somebody else was the rightful owner to the land; and it is hardly possible to imagine the inextricable complications which might arise under this provision, with regard to dealing with the land in the interval. What, then, was all this but a Chinese puzzle, which it was sought to foist into the statute-book of this country? It was brought here from an adjoining colony by a gentleman who seemed suffering from a monomania, who thought himself a law reformer, and who found a congenial spirit in an unattached politician, who wished to be always doing something popular; and who, by means of little boys running about the streets asking people to sign petitions in favour of Torrens's bill; men with tables, and big petitions thereon ready placed for signature, and by every other process of touting, had endeavoured to raise a ferment in favour of the bill of his adoption. This was the way an "independent legislator" who did not belong to either side of the House, sought to harass the Ministry, and at the same time to carry a scheme which he himself was unable to master.

The SPEAKER said the hon. member must not be personal.

Mr. IRELAND could scarcely help being personal, but he did not wish to be offensive. He had shown the value of the certificate granted under Torrens's Act, and he would proceed to show the clumsy contrivance which had been adopted to save the unfortunate victims who would be forced to deal with the proposed regulations. There was in the South Australian Act of 1860 a clause which distinctly made liable, as an assurance fund, the whole revenues of that colony. A far thing in the pound was leviable under that act upon all property registered, but by the act of 1861 (copied in this bill), the contribution proposed was halfpenny in the pound. Well, eighty acres of land alienated at £1 per acre would bring 3s. 4d. to the assurance fund; so that for 3s. 4d. the state would undertake to guarantee to an unlimited extent the blunders of a lay tribunal, in all its future dealings with the land. What would anybody say to the introduction of such a system here? Since 1860 the registrar general of South Australia had discovered that the people of that country did not understand being made liable to the assurance fund, and now the halfpenny in the pound was the sole fund from which the victims would be able to obtain relief. The claims at one time were such that £500,000 worth of property was placed in jeopardy, and the only remedy was that Parliament should meet and rectify the errors. But was that the state to place the real property of a country in? (Hear, hear.) And now, what was it that was proposed to be done with the unfortunate victims who would be compelled to take out certificates of indefeasible title? The proposed bill enacted—

"The assurance fund shall not, under any circumstances, be liable for compensation for any loss, damage, or deprivation occasioned by the breach, by a registered proprietor, of any trust, whether express, implied, or constructive, nor in any case in which the same land may have been included in two or more grants from the Crown; nor shall the assurance fund be liable in any case inwhich such loss or deprivation has been occasioned by any land being included in the same certificate of title with other land, through misdescription of boundaries, or parcels of any land, unless in the case last aforesaid it shall be proved that the person liable for compensation and damages is dead, or has absconded, or has been adjudged insolvent, or the sheriff shall certify that such person is unable to pay the full amount awarded in any action for recovery of such compensation and damages."

And again—

"Any person deprived of land, or of any estate or interest in land, in consequence of fraud, or through the bringing of such land under the provisions of this act, or by the registration of any other person as proprietor of such land, estate, or interest, or in consequence of any error, omission, or misdescription in any certificate of title, or in any entry or memorial in the register book, may, in any case in which such land has been included in two or more grants from the Crown, bring and prosecute an action at law for the recovery of damages against such person as the Government may appoint as nominal defendant; and in any other case against the person upon whose application such land was brought under the provisions of this act, or such erroneous registration was made, or who acquired title to the estate or interest in question, through such fraud, error, or misdescription." Provided always, that except in the case of fraud or of error, occasioned by any omission, misrepresentation, or misdescription in the application of such person to bring such land under the provisions of this Act, or to be registered as proprietor of such land, estate or interest, or in any instrument executed by him, such person shall upon a transfer of such land *bonâ fide* for value cease to be liable for the payment of any damages which, but for such transfer, might have been recovered from him under the provisions hereinbefore contained, and such damages with costs of action may in such last-mentioned case be recovered out of the assurance fund by action against the registrar-general as nominal defendant. On what principle of equity and justice were these provisions based? In the case of a man's death, a person might wrongfully be put on the register as next heir to the deceased, and five minutes after

he might sell the property, put the money in his pocket, and let the rightful owner seek his remedy where he might. What was the *rationale* of this provision? It was one of the most extraordinary provisions he had ever heard. A man who got wrongfully on the register as the owner of property would be at liberty five minutes afterwards to deprive the rightful owner of the property by selling it to another man. Such a one could turn round and say, "I have got the full value of the property—£500,000—and I won't give you a rap." The real owner might make a claim upon the insurance fund, but he would obtain no redress, unless the fund were sufficient. It was one of the most unjust and extraordinary provisions contained in the bill. He did not want to weary the House, but he could point out innumerable other objectionable features in the bill. For example an English statute—the 27th of Elizabeth —enacted, that if a man made a voluntary gift of property, and afterwards sold it to another man, the *bonâ fide* purchaser was entitled to the estate as against the man to whom the gift had been made. By a curiously-worded clause in the proposed bill, this enactment of the 27th of Elizabeth would be partially repealed, so that if a man gave his son an estate for love and affection, and that son afterwards made a voluntary gift of it, the person to whom the gift was made could hold it as against a purchaser from the volunteer in preference to a prior purchaser from the father, for the bill distinctly provided that "a person taking a transfer" should be exonerated from inquiring into "the consideration, or the circumstances under which" the son, or any other person, became registered. The result was this, that the person to whom the voluntary gift was made, being relieved from the necessity of inquiring into the circumstances under which the property came to him, took an indefeasible title as against a prior purchaser for a *bonâ fide* consideration. He did not know whether the hon. member was aware of this or not, but it was plain enough from the bill, and no man could dispute it who could read. Another case might arise. Suppose a man died leaving a large property, and another being desirous of receiving a remote benefit from it, forged a will purporting to be the will of the deceased, and leaving it to a third person. That third person might become the registered proprietor of the property, and, if the forgery were discovered, his title could not be disturbed if he was not proved to have been a party to the forgery of the will, and he would deprive the rightful owner of his property, or of any remedy at all, except such as might be provided for him out of the insurance fund, consisting of contributions raised at the rate of halfpenny in the £, calculated on the value of the land. The land-brokers in South Australia had, it seemed, after an experiment, been dispensed with, and Victoria was not to have the benefit of those gentlemen, whose sole qualification appeared to have been a total absence of acquaintance with the duties they had to perform. He would now direct attention to the opinions and illustrations of the working of the system now in force in S. Australia, and which it is sought to introduce here. A paper published in the *Transactions of the National Association for the Promotion of Social Science* in 1860, and written by Alexander Montgomerie Bell, a distinguished Professor of conveyancing in the University of Glasgow, states his opinion upon the South Australian Bill. He there says:—

"It is unquestionably inconvenient that titles for the full prescriptive period of forty years, with corresponding certificates of search, have to be examined on every new transaction, just as if they had never previously been looked into. But, practically, this evil is in course of being greatly lessened by the shortening of writs in point of form, and diminishing their number; and it is not so great as to allow a change of system, or the abolition of the law of prescription, to be thought of. Whether forty year ought to be the period of prescription, is a fair question for discussion. But, when valid writs have been duly registered, the title they constitute ought, for the prescriptive period at least, to be affectable by nothing short of the acts of the parties themselves. The enactment that registration upon the application of the person claiming as owner—even though preceded by public notice, examination of titles by a public officer, and his certificate of their sufficiency- should give an indefeasible title would occasion the greatest alarm; and the plan of purchasing a guarantee from Government by payment of a small per-centage on a transaction, and which has been suggested in the report of the Royal Commissioners on Registration of Title in England, presented in 1857, and afterwards referred to, is objectionable on principle, as affecting third parties, whose rights it necessarily cuts off in consideration of money compensation. It is objectionable also on various other grounds, which need not here be specified."*

The system in operation in South Australia was here clearly and definitely condemned by a high and competent authority, and is referred to in a note to the passage which he (Mr. Ireland) had quoted. The hon. member for Ripon had also been mistaken in his opinion in reference to an insurance fund and the recommendation of the English commissioners. Those commissioners recommended that there should be a fund for the purpose of indemnifying persons improperly placed on the register by judicial decision. There was a great difference between this recommendation and that of indemnifying a person whose certificate of title had merely been signed by a public officer. The English commissioners recommended indemnity after there had been a full judicial inquiry, and all precautions had been taken to prevent the title being wrongly granted; but it was never recommended to be applied under the sys em proposed by the South Australian Act. Professor Montgomerie Bell complained, not of indemnity after a judicial investigation, but in connexion with a certificate given by a public officer, which was the law in South Australia. Would they, a Legislative Assembly, accept the bill which had been brought in by the hon. member unless arguments sufficient to overbear the arguments and authorities cited were

* See the above-mentioned report. The plan here referred to is part of the system of conveyancing by registration of title sanctioned by the South Australian Real Property Act, No. 15, 1857 8.

urged in its favour? Where they to relinquish their own judgment in dealing with a measure of such importance? The authorities which he had quoted were not the only authorities on the subject. He would call attention to a report made by a committee of the Legislative Council, before which the Chief Justice and the principal lawyers in this country were examined. That report was diametrically opposed to the principles of the hon. member's Bill. Again, as proof of the practical working of the proposed scheme in South Aus ralia, an Adelaide paper dated Dec. 14th, 1861, containing a report of a case which came before the Supreme Court, in which it appeared that a person had presented his title deeds to the registrar-general to be stamped as cancelled; but the registrar-general found that he could not give him a certificate of title, nor did he think he had power, under the act, to give back his deeds to the applicant There was a position for a man to be in. He could not get a new title, and he could not get back his old title. Accordingly, he applied to the Supreme Court for a *mandamus* to compel the Registrar General to return the deeds. The date he believed was subsequent to the passing of the amended act. A rule *nisi* was applied for, and the Chief Justice gave it as his opinion that the rule should be made absolute, and a *mandamus* was granted. In the case referred to an application was made for costs; but what was the answer to that application? He would not quote the opinion expressed by Mr. Justice Boothby, as that was unpalatable to some hon. gentlemen, because Mr. Justice Boothby had stood up against the mob and all the clamour raised against him, but he would quote the words of Mr. Justice Gwynne, who said that "he did not wonder that the registrar-general could not unders and the powers given under his own act, as he (his Honour) confessed he could not understand it, and on that ground costs should not be granted." That showed the character of the bill. That opinion was followed up by the statement of the Chief Justice, who was one of the gentlemen who signed the report of the commission on the bill. "He confessed that the matter was not a plain one, and that there should be no costs." A mild figure of speech no doubt was here intended. Another case, showing the working of the Torrens' measure, is reported in the *South Australian Register* of Jan 18th of the present year. In the previous civil sittings an action for trespass had been brought by Barnard *v.* Hart. The plaintiff had produced deeds which clearly established his title, while the defendant, in support of his claim, handed in a certificate of title to the same land. The jury found for the defendant, and a rule *nisi* was now obtained calling for a new trial, on the ground of misdirection. In the course of the discussion, on cause being shown, Mr. Justice Gwynne, before whom the case had been tried, is reported to have stated, "I told the jury that if the certificate of title had not been produced by the defendant, the plaintiff had proved his *right* to the land. Yet that was the bill an hon member would now force upon the people of this country, and in favour of which little boys stood at the Post-office asking people to sign petitions. People actually were asked to support a bill which the judges of South Australia confessed they could not understand, and which even the promoter of the bill proved himself incompetent to understand. He thought the hon. member who had taken charge of such a bill should take the whole responsibility of it upon himself, instead of sit ing behind the Government, and bringing it forward surreptitiously, and as a private member, in order to harass the Government, of which he professed himself to be a supporter. The Government had been at some pains to dissect the measure of the hon. member, and had compared it carefully with their own measure, and he believed he had shown that the Government had devised a method for properly dealing with the registration of lands—a method by which the registrar-general would be able to perform all the functions with a small increase to the staff of clerks. He had shown that the Government proposed to have a register of titles instead of an index to deeds; he had also gone on to show that, after all the expense and delay the proposed certificate would not give an indefeasible title; he had shown that if any fraud, misdescription, or other fatality such as he had described were to occur, the certificate of title or other instrument would be simply waste paper; he had also endeavoured to show that the assurance fund would be wholly inadequate for the purpose for which it was intended. He would now ask the House whether they were prepared to sanction a bill of that description? The proposed bill of the hon. member referred not only to the past, but to the future. That he objected to, as it would be unnecessary as regarded the requirements of the future, and altogether inadequate for the past. On the other hand, the machinery in the measure of the Government without being cumbrous or expensive, was quite sufficient for the future. In Ireland, where under the Encumbered Estates Bill £28,000,000 of property had been dealt with, the commissioners gave the title from their chambers. They examined the deeds, and if there was any difficulty, they met and discussed the matter, and got rid of the difficulties. By that means Parliamentary titles were frequently given, without going through the forms of legal correspondence, and there was only one case in which there was any error. He would like to know whether such would be the case under the bill of the hon. member? He had been at great pains to lay down the principles of the Government measure fairly before the House, and in a manner to make them understood. He did not claim the measure as his own—there was no originality about it—he only claimed the credit of having consulted the very best authorities on the subject. Having done that, he had done his duty, and he trusted the arguments he had put forward would be placed on record. If the bill of the hon. member passed, it would not affect him so much as some hon. members, who held large landed possessions, but in the event of its passing, he wished to have his protest on record in order to prove that no responsibility attached to him. Having made that protest he had done his duty as Attorney-General. He would remind hon. members who had unthinkingly pledged themselves at the hustings to what was called Torrens Bill that it was not the same bill that was now introduced, and he apprehended that any one who pledged himself to

that measure did not pledge himself to every line of it, but merely as regarded the abstract principle of a measure to accomplish by the best means the easy transfer of titles to land. Surely no hon. member would say that he was bound blindly to adopt a system which would give rise to litigation as soon as it became law. With regard to the South Australian Commissioners, before whom a great deal of evidence had been taken, they had pointed out in what position that country was placed under the law existing there. They showed that the working of the bill was left to the draftsmen and solicitors. The commissioners gave those draftsmen and solicitors all credit for their zeal, but they stated that there were great chances of litigation arising from their manner of dealing with the regulation of estates. They went the length of stating that with all the suggestions they could offer, there was no absolute security that mistakes might not again arise; and every attempt to conclude rights of proprietorship, and define boundaries without the consent of the owners would give rise to litigation. (Mr. Service.—"Is the present system perfect?") Well, he was not comparing the present system with any other, and he condemned it as much as any other person could do; but he would rather "bear the evils he knew than fly to others he knew not of." But he contended that the system now proposed by the Government was the better of the two new proposed systems; and he would ask why they were to take a servile copy of another act which had been passed in another colony, in preference to that which they believed the better? He was oblized to the House for the patience with which they had heard him. He had desired to lay down the principles upon which they should proceed, and he hoped the question would now be fairly discussed. Let them especially avail themselves of the blank sheet which was before them in regard to future alienations of the Crown, and avoid unnecessarily complicating the subject, by mixing up the future and the past. With these observations he would now conclude. He had that evening carried the first reading of a bill relative to lands already alienated by the Crown, and which provided for the granting of existing estates and interests, and the judicial registration of the same with an indefeasible title. These measures would, if assented to by the House, introduce a system for the transfer of land, which was at once cheap, expeditious, and indefeasible.

Mr. SERVICE said that he did not intend to enter at length upon the subject that evening, and he would not do so until the second reading of the bill, which should not take place before that day fortnight, because it was unknown to many that the bill would be introduced that evening, and he had not before him the necessary documents to enable him to enter fully upon the subject. He would be able to do so upon another occasion. He would allude to one or two points upon which the Attorney-General had manifested the most deplorable ignorance. The hon. member had referred to his own bill, which dealt with only one branch of the subject, the lands to be alienated. But if he looked back to the circumstances attending the land that had been alienated he would see that there was no great likelihood of a necessity for much legislature as regarded future alienations for some time to come.

Mr. IRELAND was not dealing with one branch only, but with both branches of the subject, in different bills.

Mr. SERVICE said the hon. member was dealing that night only with one branch, although he had contrived to mix them all up together in a most confused but still ingenious manner. And again, he compared his (Mr. Service's) measure, which was of a most comprehensive character, with his own, which dealt only with one part of the subject. The only way in which they could at present deal with the question would be to suppose that the Attorney-General's bill was essentially the same as that which he had introduced last year; but that was, perhaps, giving him greater credit for consistency than was due to him. He would now call attention to one or two points, because facts were stubborn things, and he would be able to show that the Attorney-General had entirely misunderstood the fourteenth clause of his (Mr. Service's) bill, and therefore that a greater portion of his argument had been founded on false premises. The Attorney-General had read the clause as referring to lands to be alienated in the future, and that parties applying for registration of land would require to produce abstracts of titles, as was the case at present; but if hon. members had a copy of the bill before them, they would see from the thirteenth clause that the fourteenth referred entirely to those who held land prior to the passing of the bill. Clause 13 distinctly pointed out—and he would remark that all lands alienated from the Crown subsequent to this act coming into operation were dealt with in clause 12—that "land alienated from the Crown in fee prior to the day on which this act shall come into operation (whether such land shall constitute the entire or only part of the land included in any grant) may be brought under the provisions of this act in the following way," and so on. By this, it would be seen that all precautions were distinctly continued to lands alienated prior to the bill coming into force; and the conclusion he drew from this was, that the hon. Attorney-General had not read the 13th clause, for clause 14 in no respect referred to land to be alienated from the Crown after this bill came into force. After describing the force and effect of clause 39, the hon. member then went on to say that, so far was he from proposing an abstract of title or any such thing, he looked upon it as a perfect absurdity, for there was no title to make an abstract of. There could not be two certificates, for before the second one could issue the other must be cancelled. This was the great beauty of his bill, and he would again impress on the House that not a single word in the bill, except in the clause he had mentioned, referred to any land hereafter to be alienated, though the greater part of the speech of the hon. Attorney-General was based on that supposition. The hon. Attorney-General endeavoured to show that clause 39 provided for the issue of two certificates for the same land, but the same objection might be made to the existing law. When in office, he knew of a case of two Crown grants issuing for the same piece of land. The same thing occurred once in Ireland, under the system of the Encum-

bered Estates Court, and, therefore it would be seen that mistakes, though rare, must be provided for. The contingency might be remote, but it could not be overlooked.

Mr. ASPINALL rose to order. If the hon. member was moving an adjournment, that was the only subject on which he was entitled to speak, and he was not justified in uttering what hon. members were to have all over again on Tuesday next. In fact, human endurance could only go certain lengths. (Hear, hear.) He did not care which way the motion for adjournment might go, but he wished to hear that discussed, and not a subject about which every one was aware the hon. member knew nothing.

The SPEAKER thought that, as the hon. member for Ripon had not yet made his motion, he might speak to the bill.

Mr. SERVICE only wished to show the egregious mistakes into which the hon. Attorney-General had fallen. There was the assurance fund, which was actually provided for in the hon. member's own bill brought down last year, not for the titles proposed in his (Mr. Service's) bill, but for titles which had actually been judicially investigated. Thus the hon. member actually admitted the whole case against himself. The hon. Attorney-General also accused him (Mr. Service) of introducing two bills, but what did he (Mr. Ireland) do? He brought down one bill last session, and another which was not the same this session, so that the accusation could hardly be made by an hon. gentleman who also had new lights dawning upon himself. Twelve months ago the hon. Attorney-General was writing to Mr. Torrens for a copy of his bill to introduce to this House. Mr. Torrens sent it. That was in 1861; but now the hon. Attorney-General was willing to call that very measure everything but a complete humbug, and actually an attempt to dupe the people of Victoria. After these exhibitions, he (Mr. Service) could have no confidence in the hon. Attorney-General. That hon. gentleman said also that he did not intend nor wish to express any feeling of personal opposition, but believed it would embarrass the Government—in fact, hinting that he (Mr. Service) should assume all the responsibility of ousting the Government. How did this tally with the speech of the hon. Chief Secretary, who actually promised that Government would rather be found in the position of assisting him than opposing him?

Mr. O'SHANASSY wished to be better understood. What he had said was, that the present expense and trouble of transferring property were so great that public feeling would be largely in favour of such an act, and he trusted that Government would be found co operating in the work of reform.

Mr. SERVICE understood that the hon. member at one time actually undertook to introduce this bill into the House.

Mr. O'SHANASSY.—That is not so.

Mr. SERVICE —It was stated publicly.

Mr. O'SHANASSY was not being treated fairly, and he was compelled to make an explanation. When asked in the first place to introduce the measure he had declined to undertake so serious a task without the co-operation of gentlemen learned in the law. Instead of getting that co-operation he had found that the Hon. G. Coppin introduced the bill in another place without any co-operation at all.

Mr. SERVICE said, of course he did not wish to make any statement that was incorrect with respect to this matter. The Attorney-General had alluded to the servility with which he (Mr. Service) had copied the South Australian act; but the hon. and learned gentleman had alluded to only two points, one of which—that of the solicitors—he should be happy to remedy by the addition of the words "or barristers." The trifling blunders which appeared in the bill were attributable only to the haste with which the measure was issued from the press. The Attorney-General had taken up a ground of unswerving hostility to the measure; he would have nothing to do with it, and would throw it out. He (Mr. Service) should be obliged to refuse any assistance on the part of the Attorney-General to amend the bill, from the conviction that that assistance would be rendered with a view not to perfect the measure, but to destroy it.

Mr. IRELAND complained that the member for Ripon, in seeking to ascertain the intentions of the Government with regard to the treatment of this question, had done so only to frustrate those intentions.

Mr. SERVICE accused the Attorney-General, when a member of the Heales Administration, of holding communications with Mr. Torrens on the subject of the bill.

Mr. IRELAND had no recollection of having applied to Mr. Torrens for anything.

Mr. HEALES observed that, if the Attorney-General did not himself communicate with Mr. Torrens, he ordered his clerk to do so.

Mr. IRELAND said he knew nothing about it at all until the member for East Bourke boroughs entered into communications with Mr. Torrens about appointing him registrar-general of this colony.

Mr. HEALES gave the statement that he had entered into such negotiations the most unqualified denial.

Mr. SERVICE observed that, on Tuesday, he should lay before the House all that he knew in connexion with the matter. He now begged to move the adjournment of the debate.

Mr. O'SHANASSY remarked that the member for Ripon had combatted some of the arguments used by the Attorney-General with regard to the Torrens Bill, but he had not addressed himself to the bill on the table, and had given no reason for proposing an adjournment. He considered it scarcely courteous on the part of the member for Ripon, after he had a Government night conceded to him for the discussion of the Torrens Bill, now to move the adjournment of the debate. He believed the feeling of the member for Ripon with regard to the Attorney-General was more personal than political. (Hear.) As a layman, he (Mr. O'Shanassy) did not pretend to be able to deal with the question as well as legal gentlemen; but he believed that the law-officers of the Government were in earnest, and had no desire to thwart the design of having a cheap registration. He hoped, therefore, that the hon. member for Ripon and Hampden would withdraw his motion. He should vote for the second reading of the bill; but if at any future stage he should consider that it would be better

to adopt the Torrens Act, he would agree to accept that measure.

Mr. HEALES thought the Chief Secretary had not shown any reason why the debate had been adjourned. Sufficient time had not been allowed to understand the measure before the House. The subject was one of the most difficult for laymen to consider, and it was unreasonable to expect that they should give their assent to the principle of a measure when it had only been laid before them a few hours, and they had had no opportunity of studying it. All the hon. member for Ripon and Hampden need have proved was, that there had not been sufficient time for the House to thoroughly comprehend the measure before them; but inasmuch as he and the bill which he had introduced had been attacked, he was perfectly justified in defending himself, and also the principles of his bill. He (Mr. Heales) could not vote for the second reading of the bill now before the House without committing himself to its principle; and he had not had sufficient time to enable him to understand it. He therefore supported the motion for adjournment.

Dr. EVANS said that, in treating the two bills before the House, members were influenced by other motives besides discussing the intrinsic merits of the measure. As a member of the legal profession himself, he had had abundant means of observing the effect of the law of real property in England and her colonies, and the mode of conveyance adopted. No member of the community was more deeply convinced than he was of the necessity of affecting, as soon as possible, a radical reform in the law of real property and the method of conveyancing, in order to adapt their legal system to the wants and circumstances of a new country. The system of feudal law, and the intricate and complicated system of conveyancing which was rendered necessary in maintaining it, were too oppressive to be borne by the people, and the time had arrived for a thorough and satisfactory reform. He hoped, however, that the discussion of a question of such admitted difficulty would not descend into a paltry personal altercation, or a mere forensic duel between hon. members. He was in favour of the bill introduced by the Attorney-General, and he believed that its provisions included every good feature to be found in the act in operation in the neighbouring colony. He should vote against the adjournment; and he urged the House to give the Attorney-General's bill a proper consideration.

Dr. MACKAY read an extract from the November part of the *Law Magazine*, in reference to the Attorney-General's bill. "It seems," said that journal, "to embody the principles which have so often been advocated by law reformers in this country; and we shall be anxious to hear whether its results bear out the expectations of its sanguine promoters." He opposed the postponement of the discussion. The question was one which required very great scientific knowledge, and even some members of the legal profession did not understand it. He regretted that such a bill, important as it would be in its working, should be forced through the House; and whilst hoping that it would be read a second time, he trusted that the Government would see the advisability of referring it, together with the bill of the hon. member for Ripon and Hampden, to a select committee, or even to a commission consisting of three solicitors and two mercantile men. On the report of that commission, a bill could be framed and introduced in the next Parliament. He thought the bill before the House was very simple, and would be found of great advantage, but he would ask the House not to rush hurriedly into a measure of such great importance. The hon. member concluded his remarks by referring to the report of the English commissioners of 1857.

Mr. FRANCIS said he felt bound to vote against the second reading of the bill; and he thought the Attorney-General had only referred to it when he wished to attack that brought forward by the hon. member for Ripon. As soon as he saw a disposition on the part of the Government to give lay members an opportunity of considering the two measures, he would advise the member for Ripon to consent to postpone his measure, always retaining the right of not allowing it to be put on one side for that of the Government.

After some observations from Mr. M'CANN,

On the question for the adjournment of the debate being put, there was a difference of opinion as to the date.

Dr. EVANS moved that it be adjourned until that day fortnight.

Mr. WOOD replied to the objections to the adjournment for that period, and went on to say that the Government had introduced the bill in accordance with a promise given that they would do so; and their object in pushing it forward was merely to prevent such a measure being dealt with at the fag end of the session. The member for Ripon, he added, was not entitled to claim credit for the bill he introduced, since it was merely the result of several previous bills proposed on the same subject.

Mr. SERVICE, before bringing in his bill, had inquired of the Attorney-General, in the Chief Secretary's room, whether the Government would bring in a bill on the subject, and his answer was that, looking at the state of public business, it was not very probable that the Government would do so.

Mr. IRELAND replied that what the hon. member said was true; but he had not then informed him (Mr. Ireland) that he himself intended to bring in a bill? ("Hear, hear," and laughter.)

Mr. ORKNEY thought it was not magnanimous on the part of the Government to refuse to assent to the adjournment until that day fortnight.

Mr. BERRY observed that the Minister of Justice was the hon. member of the Government who had spoken of the bill as a Government measure. He believed the Attorney-General did not care if his bill was read that day six months, if he could have the member for Ripon's bill deferred to the same period.

Mr. O'SHANASSY objected to the tone indulged in by the hon. member for Collingwood, and did not think it was likely to improve his position either in the House or the country. He also reflected on what he was inclined

to regard as a breach of private conversation with regard to the introduction of the bill, and justified the reply of the Attorney-General to the member for Ripon. Did that justify a statement that all the Ministers of the Crown concurred in the remark quoted? It did not; and the statement was therefore without foundation. In fact, it was a misstatement, and had no justification or colour. Then came the question of delay. Was there really any delay? How many bills had the Government brought in since January 14? It seemed to him that there had been more legislation since then than during the fourteen months previous. (Hear, hear.) Could hon. members say there had been any delay in the matter? ("No, no.") Then, he would ask, what reason there was for this hasty and hurried mode of proceeding?

Mr. BERRY.—Is this a Government measure?

Mr. O'SHANASSY.—Yes.

Mr. BERRY.—When was it made so?

Mr. O'SHANASSY said it was made so when he first came down to the House as Chief Secretary, and enumerated the measures which would come before the House. ("Hear;" and a laugh.) He contended that, considering what the Government had had to do, and what they had done, no one could doubt their earnestness. He had spoken in a fair spirit. (Mr. Service.—"Hear, hear.") Everybody, Government and all, seemed of one mind in their desire to get a cheap transfer of land, and at the same time a secure one. The question only seemed to be, whether the matter was properly in the hands of the hon. member for Ripon, or of gentlemen themselves learned in the law, and supplied with funds, enabling them to procure the best legal assistance.

Mr. SERVICE did not see how his conduct could be construed into hostility, nor why he should be blamed for bringing in a measure which Government seemed too busy to be able to introduce. He had asked the hon. the Attorney-General for a copy of the bill introduced by him last session, and also a copy of his speech. Those documents had been courteously supplied, and after an ample consideration of them, he had told the hon. Attorney-General that he intended to bring in Torrens' Bill. The Government had, therefore, had fair notice, and he had pursued no underhand course, nor one in any way contrary to his allegiance to the present Government. He observed that rumours had come to his ears that an effort would be made by the Government on Tuesday night (notwithstanding their concession of that night to him) to throw out his bill on some technical or other ground. And if anything happened to the measure then, there would be no chance of bringing it forward until Thursday week. Therefore, he had substantial reason for proposing the adjournment of the present debate for a fortnight.

Mr. O'SHANASSY remarked that, without the consent of the Government, the member for Ripon could not move on Tuesday evening.

Mr. SERVICE understood he had the consent of the Government. He knew that the Government might prevent the Governor's sending down a message recommending a certain appropriation; and if that was what was meant, he must say that it was a contingency which he never contemplated, seeing that the resolution in committee of the House was passed three weeks ago. If that was the position of the Government, they would not succeed.

Mr. ASPINALL considered the conduct of the member for Ripon most instructive and novel. The hon. member talked about "My bill," and yet the bill was *verbatim et literatim* a transcript of Mr. Torrens's. (Laughter.) He hoped that the lesson would be taught the member for Ripon, that a gentleman must not sit behind the Government merely to frustrate their measures. The hon. member, it would appear, from his own account, was the author and inventor of real property law, had been acquainted with feudal tenures from childhood, had been conversant with conveyancing from his infancy, but who was no Prime Minister. (Mr. Service.—"No Crown prosecutor.") He (Mr. Aspinall) had been a Crown prosecutor. ("And will be again," from Mr. Service.) He hoped not for the hon. member's sake. (Laughter.) The real object of the hon. member for Ripon and Hampden was to form a Ministry himself out of the malcontents on the Ministerial side of the House, and such members of the Opposition as he could get to join him. He had supported the Government when he knew what their programme was, but now be attempted to foist on them an addition of his own. The Government were placed in this position—they must either postpone all their legislation to allow the member for Ripon and Hampden to proceed with his measure, or they must take a firm stand against him. He hoped the Government would take a firm stand in the matter, and say that their own measures should have precedence of all others. He trusted the House would not be led into the belief that because the Torrens Act had gained some popularity that therefore it ought to be adopted despite all the arguments that might be used against it.

Mr. FRANCIS was in favour of the Torrens Act, but he was content to accept the proposition of the Government, that that measure should be discussed on Tuesday next.

The question of adjournment for a fortnight was then put, and the House divided with the following result:—

Ayes	18
Noes	17
Majority for the amendment ...	1

The following is the division list:—

AYES.

Mr. Berry	Mr Gillies	Mr. M'Cann
— Cathie	— Gray	— M'Lellan
— Davies, B. G	— Heales	— Orkney
— Davies, J.	— Houston	— Ramsay
— Donovan	— Lambert	— Service
— Foott	— Levi	— Wright.

NOES.

Mr. Aspinall	Mr. Ireland	Mr. O'Grady
— Brodribb, W A	— Johnston	— O'Shanassy
— Cummins	— Levey	— Smith, L L.
— Edwards	— Mackay	— Smith, W. C.
Dr. Evans	— M'Donald	— Wood.
Mr. Francis	— Nicholson	

COMPENSATION.

Mr. FRANCIS moved that the petition of Mr. J. D. Pinnock be referred to the committee now sitting on Claims for Compensation.

The motion was carried.

The remaining business on the paper was postponed, and the House adjourned at ten minutes past two o'clock till Tuesday, at four o'clock.

SIXTY-THIRD DAY.—TUESDAY, MARCH 11, 1862.

LEGISLATIVE COUNCIL.

The ACTING-PRESIDENT took the chair at ten minutes past four o'clock, and read the usual prayer.

NOTICE OF MOTION.

Mr. FAWKNER gave notice that, at the next sitting, he should move that the House give no farther leave of absence to any hon. member.

PAPERS.

Mr. MITCHELL laid on the table certain documents relating to commons, the gold-fields statistics for 1861, Orders in Council fixing additional polling-places for the Ballarat and Maryborough districts, report of the Commissioners of National Education for 1860 and 1861, and an amended form of mining lease.

Mr. POWER brought up a progress report of the Joint Library Committee, which was ordered to be printed, and taken into consideration at the next sitting.

THE DEFENCE OF HOBSON'S BAY.

Mr. HIGHETT (in the absence of Mr. Hull) moved—

"That an address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid on the table a copy (if any) of Commodore Seymour's note to His Excellency, dated 31st January, 1862, respecting the exposed and defenceless condition of the shipping in Hobson's Bay.

Mr. COLE seconded the motion, and suggested the addition of the words—"and any communication from Commodore Seymour, offering the services of the ship's company of the Pelorus, in completing the defences of the place."

Mr. HIGHETT assented to the addition.

Mr. FAWKNER supported the motion. He considered that, so long as ships of war were in Australian waters, the Government were called upon to see that some portion of the force was stationed in the harbour of Melbourne. There ought to be at least one, if not two, war vessels constantly stationed in Hobson's Bay. There was nothing at present to prevent a single gun-boat coming in and destroying all the shipping.

Mr. COLE called attention to the report made by Commodore Seymour some time since, to the effect that, in the event of war breaking out, he should feel it his duty to go outside Port Philip Heads; and in his (Mr. Cole's) opinion, it would be the duty of that officer to be outside the Heads. He was for defending Port Philip Bay effectually, even if the cost did amount to £200,000. The interest on this sum at six per cent. would be only £12,000 a-year, and they spent £20,000 a-year in keeping up the Victoria, which a good gun-boat could send out of the water without any difficulty. He believed the banking companies and others who had a large stake in the colony would be ready to take up Government debentures to the amount required.

Mr. FAWKNER said he should have no objection to Commodore Seymour cruising outside the Heads, if the Pelorus were there; but he found that the commodore was at Sydney, looking after the defence of that place, while the chief port in the Australian colonies was neglected.

Mr. STRACHAN suggested that hon. members should unfold their own peculiar notions as to the mode of defending the harbour.

Mr. COLE said he had only to refer Mr. Strachan to Captain Scratchley's report, which showed that it was necessary to have batteries both at the Heads and in the harbour. He had already explained how the money required for the purpose could be raised.

The motion was then agreed to.

RETURN OF REVENUE.

Mr. FELLOWS moved for the production of a return of the revenue, from all sources, already received on account of the year 1862. His reason for proposing the motion was, that the House would shortly have to consider the bill for reducing the gold export duty; and another measure (the Land Bill) which might have some bearing on the revenue, and it was important that, in the discussions which might take place on those questions, the House should have before it the information which he now sought.

Mr. FAWKNER seconded the motion.

Mr. POWER suggested that the return should likewise show the amount received during the corresponding period of each of the five preceding years.

The suggestion was accepted, and the motion, amended accordingly, was then agreed to.

SCAB ACT AMENDMENT BILL.

Mr. FELLOWS, in moving the second reading of this bill, observed that he was informed that this was the only Australian colony which at present possessed a scabby sheep. The disease had been eradicated from South Australia and from New South Wales; and to secure the same result in this colony, a measure like that now before the House was absolutely necessary. Under the existing system a penalty was merely imposed [illegible] person possessed scabby

sheep, drove them, or allowed them to wander at large. Under the present bill, it was proposed to issue licences to keep scabby sheep, and when a person obtained a licence, if he possessed such sheep, he would be immediately subjected to the surveillance of those who were interested in getting rid of the nuisance. If a person had scabby sheep, and did not take out a licence, he would be subject to a penalty of 3s. per head. The bill also gave power to inspectors, notwithstanding the issue of licences, to kill any sheep affected by the disease which they thought ought to be slaughtered, giving at the same time sufficient bond that the owner would be paid the full value of such sheep as might be destroyed. The bill would come in force on the 1st August, which would be before the next shearing.

Mr. FAWKNER hailed with satisfaction the appearance of the bill. He considered it a scandal to the colony that there should be a scabby sheep here while the disease was curable, and while other colonies were free from it.

Mr. COLE questioned whether the measure did not give to great a power to the inspectors, and intimated that he might have some amendments to offer in committee.

The motion was then agreed to, and the bill was read a second time. The measure was afterwards committed *pro formâ*, the further consideration of the bill in committee being appointed for the 25th instant.

MELBOURNE AND SUBURBAN RAILWAY COMPANY'S SALE BILL.

This bill was brought up from the Legislative Assembly.

Mr. FELLOWS moved that a message be transmitted to the Legislative Assembly requesting the production of all papers and documents relating to the bill.

The motion was agreed to, and the message was accordingly transmitted. In a short time after, the ACTING PRESIDENT announced the receipt of a message from the Legislative Assembly conveying the information required.

Mr. FELLOWS then moved that the bill be read a first time.

Mr. HIGHETT seconded the motion, which was passed without comment.

The bill was then read a first time, the second reading being appointed for the following day.

PASSENGERS ACT AMENDMENT BILL.

Mr. MITCHELL, in moving the second reading of this bill, observed that in the year 1854, the old Legislative Council imposed a tax of 5s. upon every person who came into Victoria, and to this tax every person who visited a neighbouring colony was liable on his return. He was glad to have the opportunity of submitting a bill, which had passed the other House, to get rid of this objectionable tax. It would be all very well to impose a tax of 5s. upon every man who went out of the colony, but he did not understand the wisdom of making people pay a tax to come into the colony. (Hear, hear.)

The motion was agreed to, and the bill was read a second time.

The House then resolved itself into committee, and the solitary clause forming the measure was passed without discussion.

Progress was reported, the report was adopted, and the bill was then read a third time, and passed.

CUSTOMS LAWS AMENDMENT BILL.

Mr. MITCHELL moved the second reading of this bill, observing that it involved an alteration of the present tariff, which had already been submitted by the Government, and agreed to by the other branch of the Legislature. It imposed a duty of 2s. a cwt. on rice, 10s. per cwt. on dried fruits, 6d. per bushel on malt, 2d. per lb. on hops, and 3d. per lb. on sheepwash tobacco; it increased the duties on wine and cigars, and it established a registration fee on all goods imported.

Mr. FAWKNER said he should like the motion to be postponed until the return moved for by Mr. Fellows was before the House. The return might be of such a character as to compel him, as a matter of sheer necessity, to vote for the bill, to the principle of which he was opposed. He was no advocate for additional taxation; he was rather for reducing the state expenditure. He was afraid that the proposed tariff would be a source of great annoyance to the neighbouring colonies.

Mr. COLE complimented the Government on their adoption of the "unit of entry." Every box of fruit brought from the neighbouring colony would have to pay 2d., and thus the gardener at Heidelberg, who had to pay toll to bring his produce to market, would be placed more on a level with the grower of South Australia and Tasmania.

Mr. MITCHELL remarked that this was a bill which the House had power to pass or reject, but no power to amend. He would remind hon. members that already they had acquiesced, to some extent, in the principle of the measure. They had agreed to the bill for abolishing the residence-tax on the Chinese, and at the time of the passing of that measure he explained that the loss accruing in consequence would be made up by a tax on rice. The bill proposed that the duties should be levied as from the 1st of January last. The duties were being collected accordingly by the Customs Department; and, if the bill did not pass speedily, great confusion would be the result.

After observations from Mr. FAWKNER and Mr. STRACHAN, the motion was agreed to, and the bill was read a second time.

The measure was then committed *pro formâ*, leave being given for the further consideration of the bill in committee on Tuesday next.

MR. BENNETT'S LEAVE OF ABSENCE.

Mr. BENNETT expressed his acknowledgements to the House for granting him leave of absence. He did not ask for the leave for the sake of pleasure, but through circumstances over which he had no control, and he hoped to be back again in his place in the course of a few months.

The House adjourned at seven minutes past five o'clock, until the following day.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

ERROR IN A DIVISION LIST.

The SPEAKER stated that an error occurred in one of the division lists on Friday night, Mr. Anderson's name appearing when the hon. member was absent from the House, and did not vote.

PETITIONS.

Petitions were presented in favour of Mr. Service's Real Property Bill, from residents of Winchelsea and the neighbourhood, presented by Mr. Lalor; from residents of Steiglitz, presented by Mr. M'Cann; from about 6,000 of the inhabitants of Melbourne and the neighbourhood, by Mr. Cohen; and from residents of Richmond, by Mr. Lambert.

Mr. HOUSTON presented a petition from the Roman Catholics of Pleasant Creek, against certain clauses in the conditions relating to the grants to the Denominational Educational Board.

The petitions were received, and ordered to lie on the table of the House.

NOTICES OF MOTIONS.

Mr. M'MAHON gave notice that, on the following day (in the absence of the Commissioner of Trade and Customs, who was confined to his house by illness), he would move that on Friday the House resolve itself into committee to consider the propriety of adopting the following resolution: —"That it is expedient to make further provision for the regulation of distillation in the colony of Victoria, and that a bill be brought in for this purpose."

Mr. DON gave notice that, on Thursday, he would move—"That it is the opinion of this House that the Crown grant for the site of St. Patrick's College ought not to issue to the trustees till they discharge the pecuniary liabilities of that institution."

NOTICES OF QUESTIONS.

Mr. DON gave notice that, on the following evening, he would ask the President of Land and Works if the certificate attesting the completion of the bridge over the creek, Red Hill, Mount Blackwood, had been received at the office of the Commissioner of Roads and Bridges; if so, would he state the reason why the money had not been paid?

Mr. HUMFFRAY gave notice that, on Thursday, he would ask the Commissioner of Public Works whether the Government had any objection to place on the table of the House a copy of the instructions given to the Government valuators, as a guide to them in assessing the amount of compensation to be given to owners of buildings on the gold-fields, which might be required to be removed for railway purposes? Whether these valuators, in making up their valuations, were instructed to recognise the privileges of the occupants of Crown lands, under the "miners' rights," as provided for under the Gold-fields Act?

Mr. O'CONNOR gave notice that on Friday he would ask the Postmaster-General if the Government would lay upon the table all the correspondence and documents in relation to a mining lease, the name of which could not be ascertained in the gallery.

Mr. VERDON gave notice that on the following day he would ask the Commissioner of Public Works if, in filling up the appointments created by the opening up of the railways, the Government had found it necessary to pass over officers already in the railway department; and, if so, if the Government had been compelled to take this course because the officers already in the service were undeserving or unfit for promotion?

Mr. M'CANN gave notice that on the following day he would ask the Chief Secretary if he had any objection to lay upon the table a return showing the number of schools in existence under the National and Denominational Boards; the amount of salary paid to the teachers; the average attendance of scholars, and the amount of school fees paid in each school during the year 1861, distinguishing in the return of the denominational schools the denomination to which each school belongs; and showing how the votes for office management and school inspection were expended during the year 1861?

Mr. HUMFFRAY gave notice that, on Thursday, he would ask the President of the Board of Land and Works whether the arbitrators in Mr. Snowball's case had given in any award yet; if not, had they assigned any reason for not having done so?

MESSAGE FROM THE GOVERNOR.

Mr. HAINES presented a message from the Governor, asking the House to make an appropriation for the carrying out of certain provisions of the Land Bill.

THE MELBOURNE AND SUBURBAN RAILWAY BILL.

The SPEAKER stated that a message had been received from the Legislative Council, asking for a copy of the report of the proceedings of the select committee of the Assembly on the Melbourne and Suburban Railway Bill.

On the motion of Mr. M'MAHON, a copy of the report was ordered to be sent to the Council.

RETURNS, &c.

Mr. DUFFY laid on the table of the House the gold-field statistics for 1861.

Mr. JOHNSTON presented a return of the passenger traffic on the Victorian Railways, moved for by Mr. J. T. Smith on the 4th inst.

Mr. HAINES laid on the table a return relative to the number of Her Majesty's troops in Victoria, in answer to a series of questions asked by Mr. Loader on the 29th January. With regard to the hon. member's first question, namely, whether the Government would obtain a copy of the correspondence relating to the suspension of the officer commanding the Victorian detachment of Her Majesty's Royal Artillery, he had to state that the Major-General declined to furnish a copy of the correspondence in question at present, because it had been referred to His Royal Highness the Commander-in-Chief. The return, however, contained answers to Mr. Loader's second, third, and fourth questions.

SANDHURST AND RIVER MURRAY RAILWAY.

Mr. FRANCIS asked the Chief Secretary whether it was the intention of the Government

to take the necessary action for the commencement of the continuative line of railway from Sandhurst to the River Murray? The work was of such importance that there ought to be no delay in proceeding with it.

Mr. O'SHANASSY would inform the hon. member, as he had previously stated in reply to another question, that the Government were anxious to make the continuation of the line referred to as soon as possible. When the railway was first projected, the views of the Government were distinctly set forth on this matter, and an Appropriation Act was passed which pledged it to construct a line to the Murray. It was impossible to over-estimate the importance of such a line, which would afford railway communication to a tract of country probably several thousand miles in extent, and open up great facilities for the extension of trade and commerce. He took great interest in it, and the Minister of Finance was engaged at present in the necessary preliminary financial inquiries.

COMMUNICATION BETWEEN GIPPS LAND LAKES AND THE SEA.

Dr. MACKAY asked the Commissioner of Public Works if the Government would send down a competent engineer to report on the practicability of opening communication between the Gipps Land lakes and the sea, and as to the probable expense of such work?

Mr. DUFFY considered that the only effectual, and certainly the most economical mode of having this survey made, was by the marine surveyors, who had charge of the survey of Hobson's Bay; and he had asked Captain Cox to detach an officer from the staff to make the survey. If Captain Cox did so, the inquiry would be made, and a report laid before the House. If he thought there was sufficient reason to decline detaching an officer for the purpose, he (Mr. Duffy) would take some other means to have the survey made.

MR. SKILLING AND THE EXPERIMENTAL FARM.

Mr. HUMFFRAY asked the Chief Secretary the following questions:—Did the Government consider that Mr. Thomas Skilling, as director of the Experimental Farm, was on the Civil Service staff up to February 10, 1862? Whether Mr. Skilling was relieved from the duties of his office by the Board of Agriculture on the ground that he had refused to accept £300 per annum as his future salary; if so, why had he been subsequently dismissed from the same situation by the Governor in Council? Was any inquiry instituted respecting Mr. Skilling's conduct prior to his dismissal by the Government; if so, by whom, and if any report had been made thereon?

Mr. O'SHANASSY, in reply, stated that Mr. Skilling's first appointment by the Governor in Council dated from the 11th of January, 1858. The Board of Agriculture assumed the control of all matters connected with the Experimental Farm, under a bye-law passed on the 4th of October, 1859, made pursuant to the 8th section of their act, No. 83. Mr. Skilling's resignation was accepted by the Board of Agriculture, subject to the approval of the Governor in Council, because he would not take £300 per annum. In consequence of the conduct pursued by him on being so informed, the board recommended "that his resignation be not accepted, but that he be dismissed from the public service." The simple question was, whether the Board of Agriculture should have no control whatever, or should the Government uphold their acts? The Government were bound to adopt their suggestion, and Mr. Skilling was accordingly dismissed by the Governor in Council.

GOLD-FIELDS ACTS, &C.

Mr. HUMFFRAY asked the Chief Secretary (in the absence of the Minister of Justice) whether the Government intended supplying to each member of the House a copy of the volume containing all the present acts, bye-laws, and Orders in Council relating to the gold-fields, and recently published, by the direction of the late Government?

Mr. O'SHANASSY had had a conversation with the Minister of Justice on the subject, and that gentleman's opinion was, that the volume referred to ought to be given to each member of the House. He (Mr. O'Shanassy) believed that it would be given accordingly.

THE GRANT FOR PUBLIC WORSHIP.

Mr. GRAY asked the Minister of Finance whether, in the apportionment of the annual grant of £50,000 for public worship, the various branches of Methodists were distinctively recognized—as the Wesleyans, the Primitive Methodists, the Bible Christians, the Wesleyan Methodist Association, now the United Methodist Free Churches; and if so, whether, upon any one or more of these distinctive branches failing to claim the amount or amounts so apportioned to them, such moneys reverted to the consolidated revenue, or whether they were claimed by—or any portion of them—and paid for the use of any other of these branches, and which?

Mr. HAINES thought it would be well for the hon. member to make himself acquainted, as he had easily the opportunity of doing, with the regulations under the act relating to public money which had already been laid before Parliament. The first clause provided that the distribution among the several denominations should be in accordance with the last census returns. In cases where a new denomination was formed between one census and another, the amount to be apportioned to it was left to mutual agreement between the minister of the new denomination and that of the denomination of which it had previously formed a part. In the census for 1851, Wesleyan Methodists were the only denomination which appeared in connexion with that body, and no claim had been made by any other branch of the denomination until towards the close of last year, but it was then too late to obtain any portion of the grants made for 1861. If any denomination existing previous to the late census had not been provided for, it might make a claim during the present year for a share of the £50,000; but the census returns for 1861 would not be published until the end of this month. In the meanwhile the old denominations would receive a certain portion of the grant, but only such a portion as would not interfere with the distribution to all the denominations which might become entitled

to share in the grant on the publication of the census.

SWANSTON-STREET POLICE-COURT.

Mr. COHEN (in the absence of Mr. Loader) asked the Commissioner of Public Works what would be the cost of completing the police-court in Swanston-street?

Mr. JOHNSTON stated that the cost would be between £7,000 and £8,000.

THE LIBRARY COMMITTEE'S REPORT.

Mr. EDWARDS presented the first report of the Library Committee, and moved that it be taken into consideration on the following day.

The motion was agreed to.

THE LAND BILL.

Mr. DUFFY, for the convenience of hon. members, stated that it had been found necessary somewhat to alter the course the Government intended to pursue in bringing the Land Bill again under consideration. This night was intended to be devoted to Supply, but in consequence of its having been agreed to set it apart for Mr. Service's Real Property Bill, the Treasurer would require to-morrow night; so that he (Mr. Duffy) would not be able to ask the House to recur to the Land Bill before Tuesday next.

SUPPLY.

The House then went into Committee of Supply.

Mr. HAINES wished to state that the arrangements made as regarded going on with the Estimates had not been carried out on Friday night last on account of his own illness, and as it had been agreed to give up the evening after the refreshment hour to the member for Ripon, for the introduction of the Real Property Bill, he would only be able to go on with supply until the dinner hour. He would commence with the education vote, the consideration of which had been adjourned from a previous evening, and as it had already been fully discussed, he thought they might be able to get through with it before the adjournment.

Mr. LEVEY would ask the Treasurer whether he would object to take the vote of £200 for a Queen's Plate, to be run for on the Melbourne ground, first; because, if the vote were not passed at once, it would be useless, in consequence of the races taking place in a few days.

Mr. HAINES would have no objection to do so, if the House consented. He would move that the sum mentioned be granted for the purpose.

Mr. HEALES opposed the motion, and believed that it would be little short of a mere waste of money. He did so more especially for the reason, that there were many charitable objects towards which the money could be better applied. He trusted the House would not allow the vote to pass.

Mr. HAINES defended the vote, and pointed out that one great object for which it was given, was to assist in improving the breed of horses in the colony.

Mr. W. A. BRODRIBB opposed the vote, and thought the sum ought rather to be appropriated to a more charitable purpose.

Mr. DON considered it the most absurd and useless vote which had ever been laid before the House.

Mr. LEVEY would ask hon. members to remember that the horse-breeding interest in the colony was a very large one, and there could be no reasonable objection, to his thinking, to the vote.

Mr. M'LELLAN believed that if those who were, perhaps, most interested in the matter could afford to subscribe £30,000 or £40,000 for the purpose of corrupting constituencies, they were in no need of £200 for such a purpose. (Laughter.) If similar votes were provided for up-country districts, he would not have had so much objection to the matter.

Mr. EDWARDS asked to which of the two metropolitan clubs the money would be given?

Mr. HAINES replied that it would be given to the Turf Club.

Mr. GILLIES objected to the irregular manner in which the Estimates were being gone through, and hoped the Government, since their attention had been repeatedly called to the subject, would proceed more regularly hereafter.

Mr. HAINES defended the Government from such an imputation, and showed that there had been no irregularity except as regarded the Friday night, when he himself was ill. That particular vote had only been proposed at the special request of an hon. member.

The question was then put, when the House divided, with the following result:—

Noes	...	25
Ayes	...	21
Majority against the motion	...	4

The following is the division-list:—

AYES.

Mr. Aspinall	Mr. Ireland	Mr. M'Donald
— Brodribb, K. E.	— Johnston	— O'Grady
— Cohen	— Lambert	— O'Shanassy
— Duffy	— Levey	— Smith, A. J.
— Edwards	— M'Culloch	— Verdon
— Evans	— Mackay	— Wilson
— Haines	— M'Mahon	— Wood.

NOES.

Mr. Berry	Mr. Gray	Mr. Ramsay
— Brodribb, W. A.	— Heales	— Richardson
— Brooke	— Houston	— Service
— Davies, B. G.	Dr. Macadam	— Sinclair
— Davies, J.	Mr. M'Cann	— Smith, J. T.
— Denovan	— M'Lellan	— Tucker
— Don	— Nixon	— Weekes
— Foott	— O'Connor	— Wrights.
— Gillies		

The CHAIRMAN then read the motion that £125,000 be granted for educational purposes, on the conditions before the committee.

Mr. HEALES would on the present occasion, acting on the suggestion of the Chairman, move in a more orderly manner than he had at first proposed, and instead of asking, as he had done before, that the whole vote should be divided by half, he would move that the first item on the scheme of distribution, viz., £4,100, for "salaries and departmental contingencies of the national board" be reduced to £2,050. It would then be understood that this sum would be devoted only to the expenses of the first six months of the present year, so that the House would know that before the expiration of six months something must be done to bring about a new state of things in respect to this question. If he thought that it would not be practicable to pass

a new bill within the four months that remained of the first half of 1862 he would not have pressed his motion.

Mr. HAINES hoped the hon. member would not press his motion, because it must be seen that to pass a bill on education within the next three months and a-half was perfectly impossible. He had consulted with gentlemen thoroughly well-informed on the subject, and they had told him that it would be almost impossible to arrange matters as the hon. member desired without doing serious damage. In fact, the short time given would not permit the House, which was engaged in discussing a variety of subjects that would not admit of postponement, to properly discuss and agree to a bill on education. He did not see how such a bill could be brought in as a Government measure. It must be left an open question ("Oh, oh"), and all questions affecting conscience must be left so. It was useless to attempt to force the Government to say it was in favour of one system or another. The Government was quite willing that the hon. member for the East Bourke Boroughs should bring in an education bill, and every member of the Government was also in favour of the amalgamation of the two boards, provided the amalgamated body carried on its operations in accordance with the general desires of the community, and not that of any particular denomination. But even if such a bill were passed before the half-year was over, the rearrangements that would become necessary would take up a longer time than the House had allowed.

In answer to Mr. RICHARDSON,

Mr. HEALES said he had made this motion with the distinct understanding that all the other items of the vote would be reduced on a similar scale.

The amendment was then put, and the House divided with the following result:—

Ayes	27
Noes	23
Majority for Mr. Heales's amendment	4

The division-list was as follows:—

AYES.

Mr. Berry	Mr. Heales	Mr. O'Connor
— Brooke	— Hedley	— Owens
— Davies, B. G.	— Houston	— Ramsay
— Davies, J.	— Humffray	— Richardson
— Donovan	— Lambert	— Service
— Foott	— M'Dann	— Sinclair
— Francis	— M'Donald	— Verdon
— Gillies	— M'Lellan	— Weekes
— Gray	— Nixon	— Wright.

NOES.

Mr. Aspinall	Mr. Haines	Mr. O'Grady
— Brodribb, K E	— Johnston	— O'Shanassy
— Brodribb, W A	— Kirk	— Smith, A J.
— Cohen	— Levey	— Smith, J. T.
— Don	Dr. Macadam	— Tucker
— Duffy	— M'Culloch	— Wilson
— Edwards	Dr. Mackay	— Wood.
Dr Evans	— M'Mahon	

Mr. M'LELLAN begged to move that the following words be added to the vote just passed—"And that, in the opinion of this committee, it is expedient that the Government should without delay bring in a bill providing for a uniform system of education." He thought such an addition was necessary, in order to give effect to the wishes of the committee.

Mr. M'CANN trusted the House would not agree to this amendment, which was entirely uncalled for, since the House had sufficiently expressed its opinion in the vote already arrived at. As the matter stood, the Government, or some private member, must introduce a bill of some sort; but the Government could not stir in the matter without being guilty of a discourtesy towards the hon. member for the East Bourke Boroughs, who had already given notice of his intention to bring forward such a measure. The question was one affecting conscience, and could therefore be most fitly dealt with by a private member, to whom Government would no doubt give as many facilities towards the carrying out of this project as possible.

The CHAIRMAN would, before the matter was discussed, say a word or two about the point of order. He did not think a resolution like this had ever been brought before the House before, and as it contained an abstract expression of opinion attached to an item of expenditure, he did not see how it could possibly have any effect. He wished to take the opinion of the House on the point.

Mr. BROOKE did not think that the amendment contained an abstract expression of opinion; but the committee had already expressed itself as to the desirability of a certain thing being done, and the amendment only professed to carry that desire into effect.

Mr. HAINES had already announced the view which the Government had taken with respect to questions of this kind, viz., that this was not a question which could be dealt with by any Government. It was a question of conscience, and could be viewed in any light, and therefore the Government would not bring down a bill on the subject. (Hear, hear.) The hon. members who arrived at the decision just announced were alone responsible for the consequences of what they had done. (Hear, hear.) They had provided for salaries for six months only, and the responsibility of providing for the period after that must rest with them.

The CHAIRMAN wished to confine hon. members to the discussion of the point of order he had raised. The amendment he thought altogether inappropriate to the motion before the House. In *May's Parliamentary Practice*; p. 529, it was ruled—"In Committee of Supply it is irregular to propose any motion or amendment not relating to a grant under consideration, as the committee may grant or refuse a supply, or may reduce the amount proposed, but have no other function." This amendment, therefore, having no relation to supply, was clearly irrelevant, and if passed and inserted, as of course, in the Appropriation Act, hon. members would at once see how irregular it would be.

Mr. SERVICE hoped the hon. member for Ararat would withdraw his amendment, especially after the frank manner in which the Government had treated the proposition, and it was made plain that there was no possibility of obtaining a measure from the Government. The hon. member for East Bourke Boroughs had promised to introduce a bill on the subject, and had also taken the initiative in the present discussion,

and the matter could therefore be left in his hands.

Mr. VERDON said that it seemed to him that the decision at which the House had arrived would be absolutely of no use if an amendment something like that before the House were not carried, or if a distinct understanding that such a bill would be introduced by the Government were not arrived at. What good had hon. members achieved by passing an amendment in favour of consolidation at the end of six months if, when the supplies for those six months were spent, the Government only came down to ask the House for salaries and contingencies for another six months, for that was clearly to be expected if something were not done which would insure the amalgamation of the two boards at the end of the next three and a-half months? The House had either done something to obtain amalgamation, or it had simply wasted its time; but if the former, then it was absolutely essential that a bill should be introduced. It had been objected to the amendment that it was the duty of the hon. member for the East Bourke Boroughs to relieve the Government of responsibility in this matter, but the very hon. member who had used that argument also furnished the best argument against his own position, by asking the Government in effect to give facilities for the introduction and passing of such a measure. If the Government would not bring in such a bill (Mr. O'Shanassy—"Hear, hear"), and if they could not be forced to do so, it would be better to rescind at once the amendment just arrived at (hear, hear), unless hon. members could have some assurance that the measure would have a chance. It was the plain duty of the Government to bring in the bill; but if they would not, it would be far better for hon. members to rescind the amendment, vote supply for twelve months, and make up their minds that no amended system of instruction would be presented to the House while the present Government held office.

Mr. O'SHANASSY had never known that the hon. member for Williamstown had, during his twelve months' official career, displayed any extraordinary amount of zeal in the cause of the amalgamation of the two boards of education; and though the bill which the hon. member's late colleague proposed shortly to introduce was described by its promoter as a very simple one, and one which had the assent of all the religious bodies in the colony, save one, yet no attempt had been made by the late Government during their term of office either to reform or alter the existing law, or to shorten the existence of the two rival systems. The present Government had avowedly claimed the right to differ with each other on the question of education. No disguise had been attempted, and no false impression in this respect had been left on the minds of hon. members. It was well known that any supporter of the Government, any hon. member whose vote had brought them into office, might on this question, without any breach of faith, either support the members of the existing Administration or oppose them. Either the hon. members on the other side of the House knew what they were doing in moving that the item be struck out, or they did not—they knew it was a sham, or that it was not. The hon. member opposite knew very well that as long as he (Mr. O'Shanassy) had a seat in the Cabinet he would continue to hold the views and principles he had always upheld in reference to the present question; nay more, he (Mr. O'Shanassy) would not continue to hold office in any Government that would endeavour to dictate to him and coerce him on questions of conscience—rather than do that, he would willingly make a sacrifice of himself. It was folly to suppose that there could be any Government the members of which all agreed on matters of religious conscience. The matter should have been brought forward by a regular motion, and then, if the members of the Government accepted it, all he could say was, that it would be with the understanding that he was not a member. The question at present stood thus—There were two systems of education, and he believed there should be two still. Although not willing to reveal private conversations, he might say that Bishop Perry, Dr. Gould, and Dr. Cairns were in favour of a union of the two boards. At the same time it appeared to him that to introduce an abstract question like that into a Committee of Supply showed a wish to take advantage of the division just arrived at, rather than to give due notice of an amendment, the real object of which was to exclude the Roman Catholics from any share in the government of the colony. ("No, no.") Well, could it be shown that the Roman Catholics would agree to such a motion? It could not; and either the committee must be consistent or it must not. It it were agreed that salaries for only six months should be voted, and that then the voluntary system should prevail, he would not object. If it were considered a solution of the difficulty that £125,000 should be given up, and parents should support their children's tutors themselves, he would be satisfied; but he doubted very much whether the so-called National system would long exist unless the purse of the Government was opened. He objected to the voluntary principle, because the poorer portion of the community would have to bring up their children in ignorance, and thus crime would be encouraged. If those children were educated in lower or ragged schools, a brand was put upon them. At present they were educated in the common school, and no distinction was made. The Government had asked the committee to vote the salaries for the teachers of the two systems until the House should otherwise determine; but the hon. member for East Bourke Boroughs having, by some fortuitous chance, got a majority in the last division, and having got a number of gentlemen together——

Mr. HEALES.—I did not get them together.

Mr. O'SHANASSY.—Because, by mere accident, the hon. member thought he had a majority, he had introduced a bill into that House. Why, then, did the hon. member not go on with his bill, if he had a majority? The hon. member said he had a bill on the paper; but how was it it had been left there for three months?

Mr. HEALES.—I have had no opportunity of bringing it forward.

Mr. O'SHANASSY.—The hon. member had the opportunity, but he did not like the responsibility. Was the hon. member really afraid of the responsibility? ("No, no.") If not, why did one of his colleagues call his motion a sham? The hon.

member knew that the gentlemen who usually supported him were opposed to the course he took; and why, then, did he ask the member for Ararat to put forward the present amendment?

Mr. HEALES said he had never asked the hon. member to do so.

Mr. O'SHANASSY ventured to say that the resolution just carried would not have more effect upon him than mere waste-paper. He would not be compelled to hold office under any circumstances if it was made compulsory upon him to support a system of education against his conscience.

Mr. HEALES thought the hon. member could have saved himself a great deal of ill-feeling—

Mr. O'SHANASSY.—I have none.

Mr. HEALES.—The hon. member's manner certainly showed that he had some strong feeling on the subject. The hon. member accused him of having some hand in framing the present amendment. He had nothing to do with it. In fact the hon. member had more to do with it, for he made it an occasion for putting forward threats to other members, to make them vote contrary to what they intended, and he could do as he pleased. He (Mr. Heales) had never spoken to the member for Ararat on the subject, nor did he know whether the House would support the amendment, or even that the member for Williamstown would support it. He had on a previous occasion made a statement to the committee which he fully intended to carry out. When he raised the discussion on the previous Wednesday, he stated that it was his object to coerce the Government to bring in a bill before a reasonable time elapsed, and if they did not do so that he would bring forward one. That was the statement he made, and he told hon. members that if they supported the proposition he then made it would be the duty of the Government to introduce a bill. Failing the introduction of such a measure, he said he should be prepared to introduce an amendment that the salaries be voted for only six months, and he was prepared to keep good faith with hon. members. He believed that the member for Kilmore by his conduct had prevented the late Government from carrying on that or any other business. (Mr. O'Shanassy—"No.") He said "Yes," for the hon. member crossed the floor of the House because the then Government refused to increase the vote by £5,000 for the Denominational Board, when, on the motion of the hon. member for Castlemaine, that sum was transferred to the National Board; and afterwards, instead of giving the Government the support he was pledged to give, he did all in his power to oust them from office, and prevent them from carrying on any measure. The reason why the education measure of the late Government was not brought forward was in consequence of the impediments offered by the hon. member to the carrying on of public business. In fact, since he had held a seat in that House the hon. member had been the individual who prevented the settlement of the education question by the various manœuvres to which he had resorted. He made those remarks because the hon. member did him the injustice to say that he was the originator of the amendment. For his part, he trusted the member for Ararat would withdraw the amendment, so as to give the Government an opportunity of bringing forward a measure. As regarded the rev. gentlemen referred to by the hon. member, if they agreed to an amalgamated system of education——

Mr. O'SHANASSY.—I did not say so. I said they would agree to a union of the two boards. They would not give up the property they held in trust.

Mr. HEALES.—At all events, there could be no objection on his part, according to his own showing; and if the Government did not bring forward a measure within a reasonable time—by the 20th of March, which was the first opportunity he would have—he would then ask for leave to bring in a bill. (At this moment two members on the Treasury benches were talking together in a tone that could be heard across the floor. Mr. Heales paused several times. Finding the conversation continued, he appealed to the Chairman, adding that, however contemptible he might appear in the eyes of Government officers, he, as a representative member, should claim to be heard.)

Mr. WOOD.—To whom does the hon. member allude?

Mr. HEALES.—To the hon. member now on his legs.

Mr. WOOD said he was very sorry he was misunderstood by the hon. gentleman. He was merely speaking to his hon. colleague, Dr. Evans.

Mr. HEALES.—Gestures are worse than speaking.

Mr. WOOD denied he was making any gestures. He was merely speaking to an hon. member near him, and had not the least intention of referring to the hon. member, of whom, indeed, he was neither speaking nor thinking. He had not been aware of whom the hon. member was alluding to, and thought it was his colleague, the member for Kilmore.

Mr. HEALES.—It is a proof that use is second nature.

Dr. EVANS rose, amid cries of "Oh, oh," from the Opposition benches. Those cries he considered the lowest order of vulgarity. He did not ask for protection, for when the time arrived he was perfectly able to mark with indelible scorn the impertinent conduct of any member in that House. He rose to assure the committee, that the conversation between himself and his hon. colleague did not refer to the hon. member opposite, but to a question different from that before the House. If what he had done was offensive to the hon. member he owed to him an apology, which he now tendered to him, as one gentleman would to another.

Mr. HEALES said he was grateful to the hon. member for the remarks he had made, and was quite satisfied. He would conclude by saying that it was his intention on the 20th March to introduce a measure, and then to ask the House for a further indulgence to allow him to press it forward, or, in the event of its not pleasing the majority of the House, that it might be at once defeated.

Mr. O'SHANASSY, in explanation, repeated that any remarks he had made in reference to the amalgamation of the boards would not touch the question of property or trust, and so far as that question went the gentlemen he alluded to were not prepared to alter the existing system. That

had nothing to do with the management of schools, the teachers in them, or the education, whether religious or secular. The hon. member accused him of being a hindrance to a uniform system of education, but that was wrong, as he had acted on committees on the subject. The hon. member said that on the occasion of the vote for educational purposes last year he (Mr. O'Shanassy) had asked the Government to put more money down than they were willing to do, and that to keep faith with the House they refused to do so. To that he gave a most unqualified contradiction.

Mr. M'LELLAN rose to order. He understood the Chairman to rule the amendment out of order, therefore no discussion could ensue upon it.

The CHAIRMAN ruled the hon. member's amendment to be out of order, but he thought the member for Kilmore had a right to proceed.

Mr. O'SHANASSY continued, and said he did not ask the Government to increase their Estimates, but to support their own Estimates. That he was right in what he did then was proved by the conduct of the hon. member (Dr. Macadam) a few nights ago.

Mr. HEALES thought the hon. member did not relate the case as it occurred. The Government brought forward a certain sum, and Dr. Macadam moved that £5,000 be taken from the Denominational Board and given to the National Board. The Government objected to the proposition, as they thought their division was a proper one. Because they then refused to bring forward an additional sum of £5,000, the hon. member for Kilmore left them.

Mr. O'SHANASSY said he had not had any communication on the subject of increasing the sum by £5,000.

Mr. HAINES said that, as he understood there was likely to be some discussion on the other items in the scheme of distribution proposed by the Government, and as the Government had agreed to allow Mr. Service to introduce his Real Property Bill this evening, he would move that the Chairman report progress.

Progress was then reported, and the committee obtained leave to sit again on the following evening.

THE REAL PROPERTY BILL.

On the order of the day for the second reading of this bill being called on,

Mr. ASPINALL said that before the hon. member (Mr. Service), who had charge of the bill, addressed himself to the second reading, he wished to raise a point of order. He apprehended that, under the provisions of the Constitution Act, it would be quite useless to discuss the bill. The 57th clause of the Constitution Act — under which act alone Parliament had power to legislate — declared, "It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or bill, for the appropriation of any part of the said consolidated revenue fund, or of any other duty, rate, tax, rent, return, or impost for any purpose which shall not have been first recommended by a message of the Governor to the Legislative Assembly during the session in which such vote, resolution, or bill shall be passed." The hon. member's bill had not been originated with any message from the Governor, and, in the absence of such message, any debate which might take place on the bill would be a mere waste of breath. The bill appropriated salaries for certain officers, and therefore, under the Constitution Act, it could not be considered without a message from the Governor. Even if it were carried through both Houses of Parliament, the Governor could not legally assent to it Nor could the message be introduced at any future stage: it must be received before the origination of the bill. He took this objection thus early, because he did not wish to embarrass the hon. member by allowing him to proceed, and interrupting him during the discussion.

Mr. SERVICE thought it very kind on the part of the hon. member for Geelong East to take this objection. The hon. member never wished to embarrass him (Mr. Aspinall), and had simply treated him this evening with his usual consideration. (A laugh.) He anticipated that the objection would be taken, and he thought he should be prepared to meet it. The hon member objected to the bill on the ground that it was in contravention of the 57th clause of the Constitution Act, because it apportioned a certain portion of the consolidated revenue without a message from the Governor. In the first place, he might say that it was not his fault that a message from the Governor had not come down in due time. He brought in a resolution upon proper notice, and which was duly carried. The first reading of the bill did not take place until several days after the resolutions were adopted and reported to the House, and in the interval there was sufficient time for the message to have been brought down. He believed that it had not been brought down simply because the Governor had overlooked it. He contended, however, that Mr. Aspinall's objection was not a valid one. The sixth clause of the bill, that the commissioners and the other officers connected with the registrar-general's department should "be remunerated by suitable salaries, to be determined by the Governor in Council." He denied that this was any appropriation of the consolidated revenue, for if the bill passed into law, the salaries of the officers would have to be paid by an Appropriation Act passed by that House in the usual way. The bill, therefore, did not appropriate money, but simply contained a provision by means of which an appropriation would be made at a future time in the ordinary constitutional way. He submitted the hon. member's objection could not be sustained; but if it was an insuperable objection, he was quite prepared (as the hon. member did not wish to embarrass him on the procedure of the bill) to strike out the sixth clause of the bill, which would entirely remove any difficulty there might be.

Mr. WOOD would not have spoken on the point, had not the member for Ripon and Hampden made some remark which cast a reflection upon the Government. The hon. member said it was not his fault that a message had not been brought down from the Governor recommending an appropriation of money. If a message had to be brought down, it did not follow that it should be brought at any particular stage of the bill. The Land Bill contained clauses recommending an appropriation of money, yet that bill was

not originated by any message from the Governor, nor was a message from the Governor received until the bill had been read a second time. This showed that the Governor did not consider it necessary that a bill coming within the fifty-seventh clause of the Constitution Act should have a message sent down in the first instance. How did the Government provide against a similar difficulty to that which had now been pointed out by the hon. member for Geelong East? By printing the clauses in the bill which appropriated revenue in italics, so that those clauses were not in the bill at all according to Parliamentary usages. They would have to be considered and proposed in committee as separate clauses, after the bill had passed, and were, to all intents and purposes, as if they were not in the bill, being merely printed there for the information of hon. members. The hon. member for Ripon and Hampden ought to have followed the example set by the Government, and had the appropriation clauses printed in italics. He had thought proper not to follow that course, but he was not, therefore, entitled to blame the Government, who had no reason to believe that he had submitted his bill in the incorrect form in which it had been presented to the House. Mr. Service apparently felt the force of the objection taken by Mr. Aspinall, and he sought to get rid of it by proposing to strike out the sixth clause. But would that get rid of the difficulty? The bill was a bill for appropriating revenue, and the hon. member could not strike out any clause himself—it must be left to the committee, after the third reading, to say whether any clause should be struck out or not. The hon. member had contended that the sixth clause did not appropriate revenue, but it was perfectly clear that it did. The only thing not settled was the amount of the salaries, and that was to be settled, not by the House, but by the Governor in Council. If the House passed the clause, the Governor could determine the salaries, and they could be paid without any special vote of the House. He thought the hon. member for Geelong East was quite right in taking his objection.

Mr. LALOR thought that the objection taken by Mr. Aspinall, under the 57th clause, would apply equally to the 56th clause of the Constitution Act. He thought the objection could not be maintained under the standing orders.

Mr. ASPINALL explained that he took his objection on the sixth clause of the bill, which provided that the registrar-general and other officers appointed under the act should be remunerated by suitable salaries, which were to be determined by the Governor in Council. Whether the Government fixed those salaries at a farthing or £1,000, the House could not interfere. An appropriation was made to the Governor in Council, and the hon. member ought to have had a message from the Governor before he originated the bill. The standing orders were not applicable to the objection at all.

Mr. LALOR confessed that if the 6th clause of the bill appropriated any portion of the revenue without requiring it first to be voted by the Committee of Supply, the objection would be fatal.

Mr. DUFFY thought the 6th clause brought the bill under the operation of the 57th clause of the Constitution Act, but recommended that the House should consider whether the mode of dealing with the difficulty suggested by Mr. Service was not fairly admissible. He should regret if a measure of such importance were withdrawn upon a point of order. There was an intense jealousy between the two Houses of Parliament at home on such points, yet he found that during the last session the House of Lords originated a measure which was in violation of the rights of the Lower House, because it was a money bill, and, after it was read a second time, this objection was taken to it, whereupon the noble lord who had charge of the bill proceeded deliberately to strike out of it every clause that gave it the character of a money bill. In that form it was sent down to the Lower House, all the clauses struck out being printed in different coloured ink, in a schedule which accompanied the bill. The Lower House proceeded with the bill, and introduced the identical clauses which the originator of the measure intended. If the present bill came within the 57th clause of the Constitution Act, perhaps the objection might be met in a similar way. He would be glad if the House could adopt this course, because hon. members and the public out of doors were anxious that the bill should be discussed; and the member for Ripon and Hampden was the more entitled to consideration because he had been anxious to receive a message from the Governor.

The SPEAKER remarked that as the question did not turn upon the standing orders, but upon the construction of an Act of Parliament, it ought to be settled by a vote of the House. He could, of course, give his opinion if it were asked for, but he thought the more proper course would be for the House to decide the matter by resolution.

Mr. IRELAND apprehended that the question was not for the decision of the House, but for that of the Speaker. If it was to be left to the decision of the House, the same ought to be the case with every point of order which was raised. The whole matter was a contract between the Government and the Imperial Parliament, which no decision of that House could set aside, and he would ask whether it was worth while entering upon a discussion upon this bill under such circumstances. In the case which had been referred to by his hon. colleague (Mr. Duffy), where a bill was sent down from the House of Lords to the House of Commons with the money clauses printed in a schedule, these clauses so printed formed no part of the bill. Well, if the hon. member had followed such a course, or printed the 6th clause in italics, the difficulty would have been got rid of; but he had not done so, and the bill having been read a first time, the course suggested by the hon. member of withdrawing a clause from the bill could not be followed. It was essentially a bill appropriating some part of the revenue; it had not been accompanied by a message from the Governor, and therefore it was in entire contradiction to the standing orders, which provided that no appropriation should be made in any such manner.

Mr. O'SHANASSY said the House must be governed by the law as it stood, and not by any other consideration; and, in his opinion, a bad precedent would be established if they pro-

ceeded to the discussion of the bill, notwithstanding the point of order that had been raised. The case alluded to by the Minister of Lands was not altogether analogous, and besides, they had in this colony what they had not at home — a written authority under which to deal with such difficulties, and that authority provided that such a bill could not be introduced in such a manner. He maintained that the 6th clause was clearly in violation of the 57th clause of the Constitution Act, and why should they take up the time of the House with the consideration of a thing which they could not do? The clause contemplated an appropriation of revenue, and the House had no power to assent to it from the manner in which it was introduced. The hon. member could get rid of the difficulty by introducing the measure afresh, and he saw no reason why he should not adopt that course. He thought that the hon. and learned member for Geelong was perfectly justified in raising the point of order.

Mr. EDWARDS thought, from what had fallen from the Attorney-General, that it would not be wise to sit there night after night discussing and passing a bill, when they might find that their labours had been entirely useless. And, besides, the member for Ripon would not be placed in a much worse position than he was now if he consented to withdraw the second reading, and reintroduce the bill.

Mr. SNODGRASS would also recommend the hon. member to follow that course, and would ask him to withdraw for the present, and introduce the bill in a proper manner.

Mr. JOHNSTON would be the last man to throw difficulties in the way of the introduction of the bill, since he had come into the House pledged to that bill, or at least some cheap conveyancing system. But he could not help regretting that the Speaker declined to rule whether the member for Ripon was in order or not, because a most dangerous precedent might be established if such decisions were left to the House. He remembered that, as regarded a motion of the member for Ararat, the Speaker had also declined to rule, and he did not think that such was at all a desirable course to follow, because, in such a case, the rules and standing orders of the House would simply be at the mercy of a majority of the House. He hoped the hon. member would abandon his position for the present, and reintroduce the bill, and as the message was already on the table, there need be no further delay than till Thursday next.

Mr. VERDON said the hon. member who had just sat down, stated that the message was on the table, and if such was the case, and as the House had assembled to consider the bill, there would be no easier course than to withdraw the bill, and then move the suspension of the standing orders, in order that it might be introduced and read a first time, when the member for Ripon could speak in explanation of the provisions of the bill. (Hear, hear.)

Mr. SERVICE, without committing himself to any particular course, would be willing to adopt the suggestion of the member for Williamstown, if the House assented to it. If no objection were taken to the suspension of the standing orders, the message from the Governor could be read, after which they might proceed with the bill.

The SPEAKER pointed out, if such a suggestion were to be followed, that the standing orders could not be suspended without notice, if any hon. member objected. It was contrary to the practice of the House of Commons to ask the Speaker to give decisions upon an act of Parliament in that manner, and in this case he was merely following, as he invariably did, the practice at home. There the law officers of the Crown expounded the law, and the same should be the case here. He would now ask the hon. member for Ripon if he withdrew the notice for the second reading from the paper.

Mr. SERVICE could not consent to do so.

Mr. BERRY saw no reason why an objection should have been raised to the consideration of the bill, and hoped to see the second reading gone on with.

Mr. GRAY believed that if there was a difficulty in the way it might easily be met; and if they now refrained from proceeding with the bill, they would allow their progress to be stopped by an exceedingly doubtful point of law. They could as well follow with this act the course they had followed as with the Land Bill. The House could scarcely assume to itself the waiving of an Act of Parliament, but the House could take its own proceedings on an interpretation made by itself, leaving to some external power to require that the act should have its original force. This had been done with respect to the 57th clause in the case of fees imposed in respect of benefit taken or service rendered, but which were not payable into the Treasury. Now, in the present case, the matter was quite fine enough to warrant such an interpretation as would enable them to proceed with the bill, and if they came to the conclusion in a day or two that they were wrong, they could retrace their steps. The clause in the bill which was held to be beyond the power of the House was one that declared that certain persons should receive suitable salaries, to be determined by the Governor; but the thing which they were forbidden by the Constitution Act to do was to appropriate any portion of the consolidated revenue, or any of the duties, taxes, rates, imposts, &c. He thought it very unfair, whatever might be the authority that had ordered the issue of the writ for the arrest of the House at this moment, that the matter should have been concealed until now.

Dr. MACKAY urged that the objection taken by the member for East Geelong might be looked upon, in some sort, as a demurrer to a declaration or plea; and it was much better that a demurrer should be taken early than that, after an expensive trial, they should be pulled up on a motion for arrest of judgement. Now, the bill might pass through nearly all its stages, and yet before its third reading it might become the duty of the law officers to examine the measure, and see whether it was founded upon the law of the land. He was desirous that the bill should be fairly discussed. He had not anticipated the objection, but as it had been taken, and after the view of the case presented by the Minister of Justice, he would suggest to the member for Ripon the advisability of postponing the measure.

Dr. EVANS urged that the objection taken by

the member for East Geelong was not simply formal and technical—it was real and substantial. The objection was, that in proceeding, under the present circumstances of this bill, they would be acting in violation of the Constitution Act—that act by which the Legislature had been created, from which it derived all its powers of legislation, and by which it was limited and circumscribed in its powers. Not only was this so, but the difficulty suggested on the present occasion arose from the very nature of the principles of monarchical and parliamentary government. The question was, whether upon the Executive should be thrown the responsibility of originating all taxes, and charging them upon the subjects, or whether this enormous power should be left at large, to be exercised on a kind of privateering principle by individual members of the Legislature? If the House were of opinion that the introduction of this measure in the particular form which it now assumed was so vital to the interests of the country as that it should be forced upon the consideration of the Legislature by a private member, he thought it would be more consistent with the principles of constitutional government to take a different kind of action—to bring forward a motion that would have the effect of dispossessing the present Government of its responsibility and power, and of superseding it by another Administration, whose first and fundamental principle of action should be the passing of this so-called Torrens' Bill. (Hear, hear.) In stating this opinion, he was not to be understood as objecting to the principles, or a greater part of the provisions, of the bill of which the member for Ripon had taken charge. He believed, as he had observed recently, that the time had come when the people of the colony would insist upon something like a radical reform in the system of conveyancing as practised in this country. He believed the public were entitled to be relieved from the enormous and oppressive charges which now impeded the passing of landed property in this country. And he should not be satisfied if the session terminated without Parliament placing upon the statute-book an act by which simplicity and economy should be enforced —by which a registration of titles should be established, and by which an indefeasible title should be secured at every transfer of landed property. At the same time, he repeated, that no vote of the House could erase from the Constitution Act the clause which had been referred to, or override the prerogative of the Crown; and, therefore, he must support the objection which had been made by the member for East Geelong.

Mr. WOODS was disappointed at the course which the Government had determined to take in the matter. Although it was well known that the Assembly would discuss the measure on this occasion, it was generally supposed that some objection would be thrown in the way of the proceeding on the House meeting; and it was also supposed that, if this objection were disposed of, there were plenty more in the portfolios with which the Government abounded. He complained of the present proceeding as trifling, not only with the House, but with the best interests of the country. He acquitted eight-tenths of the Government of the transaction, but it appeared to him to be the object of one or two members of the Government to harass those who were in favour of the present measure into accepting the bill of the Attorney-General.

The SPEAKER.—The hon. member must not impute motives.

Mr. IRELAND.—Oh, let him go on, sir. (Laughter.)

Mr. WOODS went on to observe that, if the objection succeeded, the proceeding would be regarded out of doors as one of those disreputable tricks by which the legislation of the country was marked. Its real object was to upset the entire bill.

Mr. M'LELLAN moved that the House do now proceed with the question of the second reading of the bill. He did not believe that in so doing they would be violating any standing order, or appropriating one single sixpence of revenue. He should like hon. members opposite to name the sum which they would appropriate, by debating the second reading.

Mr. HOUSTON seconded the motion.

Mr. BROOKE was afraid that the objection taken by the member for East Geelong to the progress of the bill was fatal. At the same time, he recollected a discussion on the Nicholson Land Bill, in which he took part, when the Minister of Justice did not think fit to urge that their course of proceeding should be by message from His Excellency. Neither did the hon. and learned member advise His Excellency to withhold his assent to that measure because, in the early stages of the bill, the House did not proceed in accordance with the Constitution Act or the standing orders. Therefore the hon. and learned gentleman's law seemed to savour very much of the convenience of the moment: what was law at one time might not be law on another occasion. Now, he (Mr. Brooke) was anxious that the measure should pass; and he had to offer a suggestion to the hon. member in charge of the bill. It seemed to him that there were majorities in that and the other House, and also out of doors, in favour of the passing of the bill. The Government, it appeared, were determined that the bill should not pass. But the Government were controlled by the action of Parliament. And two courses were open to hon. members—either to obtain from the Government their assent to all the proper steps necessary to be taken for the proper initiation of the bill, or to proceed to postpone all the Government business until they did so. The House was strong enough to assert its own privileges; and the House would concede to the member for Ripon a proper opportunity for the introduction of the measure, and not allow the technical difficulty which seemed now to lie in the way to impede its progress. (Hear, hear.) He, therefore, earnestly impressed on the mind of the hon. member for Ripon the expediency of, at least, postponing his bill. He might then consult with the Government as to whether they would assent to its future progress through the House, and, failing to obtain that, he might proceed without that assent.

Mr. SERVICE certainly felt in a dilemma, because a number of hon. members favourable to the bill appeared to have had their minds greatly swayed by the reasoning of the law officers of the Crown. That reasoning had not, however, changed his own opinion one iota, and were a

majority with him he certainly would not withdraw the bill. On last Friday the law officers had consented to give that night for the second reading of the bill; and though those Ministers were entitled to raise any objections at any stage, he would ask the House and the country what sort of law officers were those who did not tell him on Friday night of the objection they were about to raise, which he did not believe they would have raised had the measure been one in which they concurred, and by which a night was lost to Parliament and the country? Nor did he look upon the objection as altogether warranted. As to the ex-Attorney-General, it was very plain where his objection originated. That hon. member had twitted him (Mr. Service) with sitting behind the Ministry and voting against them; but surely the hon. member himself failed in his duty when he sat in opposition and voted with the Government. It was no wonder that the hon. member objected to the bill, or to any private member bringing in such a bill, for no one ever knew that he ever brought in a bill himself, or a motion, except that famous and extraordinary one, which there was not a soul in the House would support. However, after the question had been put in such a shape, he (Mr. Service) proposed to divide on the motion of the hon. member for Ararat, in order to test the opinion of the House; and if that motion were carried, hon. members were by no means bound not to adopt the course originally proposed. The proposal made by the hon. member for Rodney, to that effect, seemed fraught with good sense; for, if the debate went on, hon. members would be in this position—they would have made speeches which they need not make again; and if the bill had to go through all its stages again, such a process would be only a matter of form. Whether the Crown law officers advised His Excellency to refuse his assent to the bill or not, he was determined to go on with it. The country was determined to do the same thing; and if hon. members could not get on with the present Crown law officers it would not be impossible to change them.

Mr. WOOD wished to make this personal explanation. If the hon. member would refer to the letter containing the consent of the Government to the debate coming on that night, he would see, what he must have seen before, that it stated distinctly the intention of the Government to oppose the bill. This it stated so plainly that he (Mr. Wood) was at an entire loss to understand how the hon. member could be taken by surprise now. He knew what the objection was to be.

Mr. VERDON regretted that the hon. member for Ripon intended to press the motion to a division, for several hon. members, himself among the number, who had already expressed themselves that the objection, though technical, was good, would be placed in a very false position in the matter. They were favourable to the bill, and would yet have to oppose its further progress at the present time.

Mr. ASPINALL was surprised to find that so great a law reformer as the hon. member for Ripon did not feel himself bound to take any notice of existing laws. The objection made might be pronounced technical by the hon. member and other high legal authorities, but their position amounted to this—that they were not so powerful as the British Parliament, who had given the very Constitution Act whose provisions set forth the little technicality now complained of. The objection might be a technicality, but, unfortunately for the hon. member, the British Parliament would have its way. The hon. member proposed to alter the whole existing law of the country—to come before the world as though Lord St. Leonards were nothing to him—and commenced by omitting to regard a technicality which a large number of his friends were obliged to admit was an insuperable objection. The hon. member talked of his large majority, and argued that speeches made now need not be made again; but what, after all, was the use of a debate at all? Why could not the bill be carried through the House on the back of a donkey, without any debate, the hon. member keeping his newly-discovered lights all to himself? Was it not a ridiculous thing for the Constitution Act to say that the bill could not be passed without a message, and the hon. member to say that it could? Could any hon. member see more than child's play in such a transaction? The hon. member for Collingwood (Mr. Berry,) was also ready to declare that the objection was unconstitutional; but that hon. member and his friends had better wait till they found themselves strong enough to make their own Constitution Act, and do without laws or Crown law officers at all. To move that the House pass on to the discussion of the bill was to play at carrying a bill which by the Constitution could not become law. Of course the hon. member, if he liked, could go on, and force the measure up to the Governor; but surely it was a waste of time to do so, and then be told that the bill might be useful, but could not become law. Surely it was the Governor's duty, eminently, to inquire into the conditions under which bills were brought up for his assent, and though the hon. member might be popular at street corners, and have made a wonderful impression on the country while talking of Torrens's bill as "my bill," yet of what good was it to find out at the end that without a message there could be no bill, and that he must go back to his street corners for more popularity and a fresh bill? When the hon. member was himself a Minister of the Crown, he might, of course, bring his own message down, but by that time it was to be hoped he would have learned by experience what was the proper time for so doing.

Mr. M'LELLAN begged to withdraw his motion.

The motion was withdrawn accordingly.

Mr. SERVICE would, under the circumstances, withdraw his motion also (hear, hear), from a motive of delicacy towards the hon. members, supporters of the bill, who would feel themselves in a false position if he persisted. In so doing, however, he did not give up his intention of pressing forward the bill, so long as he had a majority with him. He saw a notice on the business paper proposing to rescind a sessional order for appropriating Thursday to private business ——

The SPEAKER said the hon. member was out of order in referring to this subject.

Mr. SERVICE would, however, take the op-

portunity of saying that, if the hon. Attorney-General hoped to prevent the discussion of the question by carrying that motion, he (Mr. Service, should move that His Excellency be asked not to prorogue Parliament till the question had been settled.

Mr. IRELAND replied that if the hon. member thought he (Mr. Ireland) had anything to do with the notice of motion alluded to standing in the name of Dr. Hedley, he would assure him that he knew nothing of it, nor had any connexion with it nor knowledge of it till it was mentioned in the House that night. He pledged himself to this. He wished the hon. member, therefore, would not indulge in this style of remark. He (Mr. Ireland) had had no communication with the hon. member on the subject of giving a Government night, save by letter; and he would call the attention of the House to the fact that on the formation of this Government——

The SPEAKER ruled the hon. member out of order in referring to this subject.

Mr. IRELAND contended that he had as much right to refer to this subject as the hon. member for Ripon had to refer to his (Mr. Ireland's) conduct. (Hear.) The hon. member had talked about the Government throwing impediments in his way, but he (Mr. Ireland) begged to remind the House, that the hon. member who had been so active in getting up the present Government, had heard announced by them the course they intended to take upon this question. He came to him (Mr. Ireland), and put a question for private consideration, with the answer to which he now justified his conduct. Having "rushed" the Government on this question in the first place, and taken his present course in the second place, the hon. member had no right to expect facilities from his (Mr. Ireland's) hands, and he should give him none. After this, he hoped the hon. member would not repeat his remarks, and, after receiving a positive assurance that the Government would raise every opposition, technical or otherwise, charge an hon. member, in his absence, with a breach of faith.

Mr. SERVICE would insist on a withdrawal of that statement. He had not charged a Minister with breach of faith. What he had said was, that it was an improper thing on the part of the Government not to give him a hint of the objection to be raised, so that a night might be saved.

Mr. IRELAND was in such a position that he could not, according to the rules of the House, contradict the hon. member, but, at all events, his knowledge differed from that of the hon. member. (A laugh.) The proper course was, that if hon. members not sitting where they should sit—on the opposite side of the House—took up measures of this description, they ought to bear the whole responsibility of them. They ought to ascertain their position, and that and their power in the House ought to be known in the country.

Mr. M'CANN could not understand that to be a private conversation which took place in the presence of a number of gentlemen, who all heard the question put by the hon. member for Ripon to the hon. the Attorney-General, and the reply.

Mr. HEDLEY assured the hon. member for Ripon that the motion for a repeal of the sessional order respecting private members' nights was not suggested by the hon. Attorney-General nor anybody else. He had not even consulted any hon. member respecting it, and so far from wishing to oppose the hon. member's bill, he was in favour of it.

Mr. DUFFY desired to add one word, as the matter had scarcely been made distinct enough. If the hon. member for Ripon, or any other hon. member, conceived that the motion of which notice had been given by the hon. member for North Gipps Land had been suggested by the Government, or that the hon. member in question had communicated with the Government, he begged to assure him that he was utterly mistaken. The Government would not be a party to the deprivation of private members of their only night in the week. (Hear, hear.)

Mr. SERVICE had never charged the Government with cognizance of that motion. He had not made his remarks in respect to all the members of the Government, and after what had fallen from the hon. member for Gipps Land, he would at once acquit the hon. member of the charge he had made.

Mr. IRELAND.—And me also, if you please.

Mr. EDWARDS had a notice of motion which stood first on the business-paper for that day fortnight, which he would give up to the hon. member for Ripon's bill. Other hon. members would doubtless do the same.

The motion was then discharged from the paper.

Mr. LEVI, with the leave of the House, wished to make a remark.

In answer to Mr. VERDON,

The SPEAKER ruled the hon. member for Maryborough to be out of order.

REGULATION OF MARKETS.

Mr. LEVEY, pursuant to notice, moved for leave to bring in a bill for the more effectual establishment and regulation of markets in municipal districts.

Dr. MACKAY seconded the motion.

Mr. WOOD said he did not mean to oppose the motion, but would remind the hon. member that the provisions contained in his bill were included in the Municipal Bill of the Government, a draft of which he held in his hand; and which in answer to the member for Ballarat, he had stated the Government meant to introduce, but not that session, owing to the pressure of business.

Mr. LEVEY said he put his motion on the paper, understanding that pressure of business would not allow the Government to bring forward their Municipalities Bill that session.

The motion was carried, and the bill was read a first time.

The second reading was appointed for Tuesday next.

The House adjourned at twenty-five minutes to ten o'clock until four o'clock on the following day.

SIXTY-FOURTH DAY—WEDNESDAY, MARCH 12, 1862.

LEGISLATIVE COUNCIL.

The ACTING-PRESIDENT took the chair at a quarter-past four o'clock, and read the usual prayer.

LEAVE OF ABSENCE TO MEMBERS.

Mr. FAWKNER moved—

"That no leave of absence be granted to any member, or members, of the Council during the remaining portion of the present session."

The hon. member observed that he was led to bring forward this resolution by the last application for leave of absence. Already there were three hon. members under leave of absence in Great Britain, and he heard that similar applications would be made on the part of three other hon. members; but if they allowed members—the best members—to absent themselves day after day, they would only bring themselves into discredit, and the House would cease to be a component part of the Legislature, from the fact that it would not have the confidence of the community at large. The House had confided to it the power, not only of controlling the decisions which might be come to in another place, but of restraining the Governor himself, if circumstances rendered the proceeding necessary; but that power, to be properly managed, must be managed by the full Council, and not by a fraction of the body. He would suggest that every hon. member who desired leave of absence, in order to visit Great Britain, should go before his constituents and state his wish, and if they chose to re-elect him under such circumstances, well and good.

Mr. POWER fully concurred with Mr. Fawkner's observations. Indeed, he had all along supported the principle embodied in the resolution. He admitted that he had departed from it in asking leave of absence for Mr. Bennett, but he did not do this until he had first ascertained that Mr. Bennett would not again contest an election; and he thought it better that they should dispense for twelve months with the services of so useful and talented a member than lose him altogether.

Mr. FAWKNER said he had been asked to amend the motion, so that it might apply to leave of absence for any longer period than one month.

Mr. POWER observed, if that were assented to he had another remark to make. An hon. member (Mr. Rolfe), who had just left for South Australia, was desirous that leave of absence should be granted to him, but he (Mr. Power) said it would be unnecessary to make the application. He could not say whether Mr. Rolfe would be back in a month or not.

The ACTING-PRESIDENT called attention to the standing order, which directed that no hon. member should be absent for more than one week without communicating with the President, nor for more than three consecutive weeks without the leave of the House.

Mr. POWER said, under these circumstances, he had to ask that leave of absence be granted to Mr. Rolfe, who had gone on a visit to South Australia.

Mr. STRACHAN opposed Mr. Fawkner's motion. He considered the standing orders sufficient to protect the arrangements of the House without any sort of extra legislation. The motion was no doubt well meant, but he thought it altogether out of place.

Mr. MITCHELL thought the motion altogether unnecessary. He considered that every application for leave of absence should stand by itself, and be dealt with on its own merits.

Mr. FAWKNER was satisfied he had discharged his duty in bringing forward the motion, which would apply only to hon. members who were proceeding to Great Britain or other distant places.

The House divided, when there appeared—

Contents	...	...	...	9
Non-contents	...	...	...	9

The ACTING-PRESIDENT voted with the non-contents, and the motion was therefore lost.

The following is the division list:—

CONTENTS.

Mr. Cole	Mr. Fawkner	Mr. Power
— Coppin	— Highett	— Robertson
— Degraves	— Miller	Dr. Wilkie.

NON-CONTENTS.

Mr. Fellows	Mr. Kennedy	Mr. Sutherlan
— J. Henty	— Mitchell	— Thomson
— S. G. Henty	— Strachan	— Vaughan.

NOTICE OF MOTION.

Mr. FELLOWS gave notice that, at the next sitting, he should move for a call of the House for Wednesday, the 2nd April, to consider certain money bills.

MELBOURNE AND SUBURBAN RAILWAY SALE BILL.

Mr. FELLOWS moved the suspension of so much of the standing orders as would prevent the passing of this bill through more than one stage on the same day. The immediate object of the motion was that the bill might pass through the House on that occasion. The bill, being a private measure, had met with the usual treatment which such bills received in the other branch of the Legislature; and if no opposition were offered to it in the Council, it would pass this House in the same manner as a public bill. He might state, as a reason for pressing forward the measure with unusual speed, that the Melbourne and Suburban Railway Company was in a state of hopeless insolvency. The object of the measure was to relieve the company of their property, and enable them in a certain manner to provide a fund for paying a composition on the numerous debts to which they were liable. The company had expended a large sum of money, consisting, not only of capital, but also of money borrowed on bonds, and amounting to something like £115,000. The sum which would be sufficient, according to arrangement, to pay the sums due to the creditors was £46,000; and on the receipt of this composition the creditors would forego all claims on the com-

pany. It had been arranged, therefore, that the plant and other property of the company should be offered for sale, either by auction or tender, and that the reserve price upon the whole should be £46,000. If the property were bought by any members of the public, it would be bought subject to the bonds which represented the money borrowed by the existing company. If no members of the public came forward and offered a larger sum than £46,000 the concern would be offered to the bondholders themselves, who would take it in lieu of the bond debts, and would have to undertake the payment to the creditors of a sum not less than £46,000. For the security of the creditors, the bill contained a clause providing that the purchasers of the company were to see that the creditors were paid, and requiring them to take receipts in each case. He might add that the arrangement on which the bill was founded would be in force only for another eleven days. The bargain was contingent and conditional on this bill's obtaining the Royal assent within a period which would expire in about the time named; and, therefore, if the bill did not pass very rapidly the whole arrangement would possibly fall through, and the shareholders would have nothing, unless there happened to be a surplus after paying the various creditors 20s. in the pound, which was not at all likely.

Mr. MITCHELL seconded the motion.

After an observation from Mr. FAWKNER, the motion was agreed to.

Mr. FELLOWS then moved that the bill be read a second time.

This was carried without opposition.

The House then resolved itself into committee, when the whole of the clauses (forty-five in number) were agreed to. Progress was reported, the report was adopted, and the bill was then read a third time and passed.

The House adjourned at four minutes to five o'clock until Tuesday next.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty minutes past four o'clock.

PETITIONS.

Mr. VERDON presented a petition from Roman Catholics of Williamstown against the 2nd and 3rd clauses in connexion with the educational vote.

Mr. RAMSAY presented a petition from 300 individuals residing in and about the Welshman's Reef, Tarrengower, against any land bill which did not provide for free selection before survey to the extent of 360 acres for every individual in the colony, and for the subdivision of the squatters' runs. These petitions were ordered to be laid upon the table.

NOTICE OF QUESTION.

Mr. HUMFFRAY gave notice that he would ask the Minister of Justice what progress had been made in codifying the various mining laws, in accordance with a vote previously arrived at by the House.

NOTICES OF MOTIONS.

Mr. SERVICE gave notice that, to-morrow, he would move for leave to bring in a bill to simplify the transfer of land; and that the second reading of the bill be made an order of the day for Thursday, the 27th March, taking precedence of other business on that day.

Mr. DENOVAN gave notice that on Tuesday he wuld move for a select committee to inquire into the practicability of carrying a supply of water from the Coliban into Sandhurst and Castlemaine.

Mr. L. L. SMITH gave notice that, to-morrow, he would move for leave to bring in a bill to amend the Fisheries Act.

Mr. LALOR gave notice that, to-morrow, he would move that the case of the widow of the late Mr. Ryan, of the Survey Department, be referred to the committee appointed to inquire into similar claims for compensation.

PRINTING COMMITTEE.

Mr. M'LELLAN laid upon the table the seventeenth report of this committee.

THE COLIBAN WATER SCHEME.

Mr. TUCKER asked the hon. the Commissioner of Public Works if he had any objection to produce to the House all plans that had been sent to the Government relating to the scheme of supplying the Castlemaine and Sandhurst districts with water from the Coliban; also, if the Government were prepared to offer a suitable bonus for the best plan? He did so because he had been one of the first to originate the scheme; and, he might add, he held in his hand a report favourable to the scheme from Mr. Brady, who was a practical engineer, and who said it would not cost half the sum the Commissioner of Public Works had stated.

Mr. JOHNSTON replied that the Government had not received any plan in connexion with the works.

Mr. TUCKER understood that the plan was sent to the engineer-in-chief.

BRIDGE OVER RED HILL CREEK.

Mr. DON begged to ask the hon. the President of the Board of Land and Works if the certificate attesting the completion of the bridge over the creek at Red Hill, Mount Blackwood, had been received at the office of the Commissioner of Roads and Bridges; and, if so, would he state the reason why the money had not been paid? Since he had put the notice on the paper he had reason to believe that the certificate was rather a progress one than for the completion of the work, and he would ask the question in that sense.

Mr. JOHNSTON said that a progress certificate had been received yesterday for a payment of £41 2s., and it had been forwarded to the Treasury.

APPOINTMENTS IN CONNEXION WITH THE RAILWAYS.

Mr. HOUSTON, in the absence of his hon. friend the member for Williamstown, would ask the hon. the Commissioner of Public Works if, in filling up the appointments created by the opening up of the railways, the Government had found it necessary to pass over officers already in

the Railway Department; and, if so, if the Government had been compelled to take this course because the officers already in the service were undeserving of or unfit for promotion?

Mr. JOHNSTON had to inform the hon. member that in these appointments due attention was being paid to the claims of competent officers already in the employ of the Government. He had communicated with the Commissioner of Railways on the subject, and in no case where an officer entitled to promotion was competent had another person been placed over his head, and the same course would be followed hereafter. And certainly none of these appointments had been, or were being, made from political motives.

THE PENSIONS COMMITTEE.

Mr. MOLLISION moved that the name of Mr. Gatty Jones should be placed upon this committee, in room of Mr. Gillespie, who had resigned his seat in the House.

The motion was acceded to.

A CORRECTION.

Mr. O'SHANASSY desired to make a correction of an error which had been made in the report of his remarks on the education vote on the previous evening. In *The Argus* of this morning he was made to say, in effect, that Dr. Gould, Dr. Perry, and Dr. Cairns were in favour of the amalgamation of the two boards. Now, he had not said that. What he did say was, that Dean Macartney and Dr. Cairns, who might be considered the representatives of the two boards, were in favour of the amalgamation of those boards.

DISTILLATION BILL.

Mr. JOHNSTON said that, in the absence of his hon. colleague Mr. M'Mahon, he would submit the motion standing in that gentleman's name, namely: —

"That this House will, on Friday next, resolve itself into a committee of the whole, to consider the propriety of adopting the following resolutions:—That it is expedient to make further provision for the regulation of distillation in the colony of Victoria. That a bill be brought in for the above purpose."

The motion was acceded to.

REPORT OF REFRESHMENT-ROOMS COMMITTEE.

Mr. FRAZER did not know whether he was now in order in bringing up the report of this committee; but with the leave of the House he would do so, as it was desirable that it should be adopted as early as possible. The report recommended that the tender of James Walsh for the Parliamentary stables for six months be accepted; and that in consequence of the abolition of his office, the case of James Taylor be taken into consideration. It also recommended that the rule with regard to the admission of strangers to the members' refreshment-rooms should be stringently enforced. He would now simply move that the House adopt the report.

Mr. SNODGRASS seconded the motion.

Mr. SERVICE was glad that the report had been brought up; but he thought the only way in which to prevent the presence of strangers in the refreshment and smoking rooms was to detach a constable to attend to that duty. At present strangers were constantly to be seen in both of these rooms.

Mr. SNODGRASS believed that arrangements were contemplated which would successfully exclude strangers.

After a few words from Mr. L. L. SMITH,

Mr. ASPINALL suggested that the best way of meeting the difficulty would be to follow the course adopted in the English Parliament, where there was a special room into which members could introduce strangers. It would be unpleasant if members had not the power of showing civility to their friends or strangers by introducing them to and conversing with them in any room in the building.

Mr. DUFFY said the hon. and learned member was mistaken in supposing that there was a special room set aside for strangers in the House of Commons. That was not so; but there was a room into which strangers could be introduced by members. He would not have had any objection to the introduction of a stranger by a member into the refreshment-rooms, but for a ruling of the Speaker,—in which he must say, he did not agree,—that the refreshment-rooms were not in that part of the building which was protected by Parliamentary privilege. If such was the case, however, it certainly was objectionable that strangers should have access to these rooms.

Dr. EVANS would ask whether there was any question before the House?

The SPEAKER.—The report of the Refreshment-rooms Committee was before the House, and an hon. member had asked leave to bring it up.

Dr. EVANS had considerable objection to one or two of the proposals in the report, and in a fuller House he believed it would meet with more opposition. He did not think the provision regarding the exclusion of strangers was stringent enough; and he himself had suffered considerable annoyance from their presence. He wished especially to see a much more stringent arrangement made, for the reason that the time might come when the House might, in part, be composed of men whom it would be more unwise than at present to trust with the right of introducing strangers. ("Hear, hear;" and "Oh.")

Mr. DON believed that the time spoken of by the hon. member would never come. He did not believe that any persons would be returned as members of that House who would be a disgrace to it, nor, taking away the high learning and Parliamentary experience of the hon. and learned Postmaster-General, was he sure that any members had ever been returned who were not able to stand on an equal footing with that hon. gentleman. At all events, the people would always prevent any less respectable man from being a member of Parliament. He (Mr. Don) most cordially agreed with the views of the hon. and learned member for East Geelong on this subject.

Mr. HEALES objected to proceeding with the consideration of this report, because it was brought forward in an unbusiness-like way. Strong remarks respecting the report had been made by certain hon. members, towards whom it would only be fair that they should have an opportunity of informing themselves thoroughly

on the matter, and also of knowing when the question would be brought forward. He suggested that the business should be called on in the regular way.

Mr. FRAZER, when he moved the adoption of the report, did not expect that it would be anything else than a matter of form, so little had he expected opposition. The propositions contained in the report were very simple. Mr. Taylor had originally had charge of the Parliamentary stables at a salary, and the additional emolument of fees, according to a fixed tariff. This was found to be not enough, and complaint being made to the committee, tenders were called for, and that of Mr. Walsh, who proposed to be repaid by a tariff of fees and the use of the stables, was accepted. Mr. Taylor was thus put out of employment, and he having been a Civil servant his case was recommended to the favourable consideration of the Government. This could be hardly called unfair. The only other proposition which seemed to excite a difference of opinion was the exclusion of strangers from the refreshment room. This, he thought, could be easily managed if all hon. members agreed to it. At the same time, he thought a portion of the newspaper room might be set apart and opened to members and their friends. As the wish of the House appeared to be against a discussion of the matter that afternoon, he would willingly withdraw it, only that his seconder was unwilling to consent to such a course.

Mr. SNODGRASS said he objected to the motion's being withdrawn after it had been before the House so long.

Mr. O'SHANASSY proposed that the debate be adjourned till the following day week, when it should be finally disposed of.

This was agreed to, and the debate was adjourned accordingly.

SUPPLY.—EDUCATIONAL ESTIMATES.

The House then went into Committtee of Supply.

Mr. HAINES proposed first to call the attention of the House to the votes for education. The House had, on the last occasion this subject was before them, carried an amendment by which the first item on the scheme for distribution—viz. £4,100 for salaries and departmental contingencies of the National Board—was reduced by half, and made to apply only to the first half of the present year. He should now move the appropriation of the other amounts as they originally stood, leaving it to hon. members on the other side of the House to move their reduction to a similar scale. If this was done he should not raise a debate on the matter, but tacitly accept the amendment, reserving to himself at the same time the right when the resolutions passed in committee were reported to the House, of asking hon. members to re-consider the matter. He now moved that £30,900 be appropriated as salaries to the teachers in connexion with the National Board.

Mr. HEALES moved, as an amendment, that this sum be reduced to £15,450.

Mr. SERVICE had an additional amendment to propose, which would have an effect to which he had alluded the other night—viz. the addition to the motion of words "setting forth the opinion of the committee that the sum appropriated to the National Board should be increased, while that appropriated to the Denominational Board should be decreased." There was a very simple way of doing this—viz. by increasing the amount proposed in the amendment to £17,200. The total sum he proposed to add to the vote for the National Board for the year was £3,500, which would bring it up to the amount voted last year; but as it had been determined that only half the total amounts should be voted, he had halved his proposed addition, and added it to the half of the total as it stood in the original motion. Other hon. members were in favour of a still further increase, but on the present occasion he proposed to confine himself to an increase which would make the total amount voted equal to that voted last year, because several hon. members had promised him their support if he went no further; at the same time he reserved to himself the right of voting for any higher sum that might be proposed. He found that at the present moment the National Board had somewhere about ninety or ninety-two schools which it was not able to assist, and to aid which would require about £7,000, an amount equal to the education of about 3,000 children. Thus it would be seen that, by agreeing to the increase, the House would not be voting money away blindly, for the National Board would be able to spend it most advantageously. He would point out one other view of the case in support of his amendment. Last year the House had increased the vote to the National Board by decreasing that to the Denominational Board, for the express purpose of testifying that one board should be encouraged and the other discouraged. It would, therefore, be going back from that position if the National Board were this year to receive one penny less than last year, and this was one good reason why he pressed his point on the present occasion.

Mr. HEALES thought it due to the committee that the Government should give its views on the subject. The Government must surely have framed their educational Estimates on some definite principle (Mr. O'Shanassy.—"Hear, hear"), and the committee ought to know what that principle was, so that they might know whether they would be justified in agreeing to the proposition of the hon. member for Ripon. The only argument that hon. member had adduced was one which, unless he (Mr. Heales) were misinformed—and he spoke from memory of information which had come to him during his official career—could be urged with equal propriety and strength by the friends of the Denominational Board. If such were the case, hon. members could hardly be in a position to agree to the increase.

Mr. HAINES opposed the increase. The hon. member for Ripon had in his arguments paid no regard to the number of children educated by the Denominational Board, and had stated facts which he was not in a position to support. Nor did he (Mr. Haines) believe that the National Board would be able to spend the increase as the committee desired it should. (Hear, hear.) That board had not spent the increase voted them last year as had been expected by Parliament, and the hon. member for Castlemaine, who had last year been the instrument of obtaining that increase, had admitted as much. When he (Mr.

Haines) understood this, he felt that that increase had been obtained under false pretences — though he hardly liked to use so harsh a word—and he was convinced the proposed increase, if carried, would be no better spent. When he found £6,000 had been expended upon the establishment of new schools, he asked how many schools such a sum would enable the board to bring into existence? He did not think it fair that the hon. member should ask for an additional sum to be taken away from another board, which had worked well and was unable to meet the applications made to it. It appeared that almost every one agreed as to the desirability of having one board, as nothing could be more indecent—if he might use such a term — than the rivalry which existed between the two boards, and the contradictory statements made by each. He could hardly believe that on all occasions the truth was spoken in the reports of the two boards, as he had read such opposite statements. If it was merely on that account, he would be glad to see an amalgamation of the boards. He would even go so far as to say that the boards should be abolished altogether, and an inspector appointed who should be responsible for a proper system of education being carried out. He thought the hon. member had not shown any cause why his amendment should be agreed to. On the other hand, the other board was much crippled, and would be more so were the hon. member's suggestion adopted.

Mr. DON thought there were no persons who performed more arduous duties than the schoolmasters, and yet all the encouragement given to them was that in fourteen weeks' time it was possible that every schoolmaster in the country would be brought under the control of he knew not who, and under a system of which at present he was ignorant. If it were decided that the two systems should be amalgamated, the teachers would have time to consider what course they would take ; but now in three months' time they might be in the position of seeing that all that was done in committee on the previous evening was so much smoke. He trusted the Treasurer would abide by his Estimates, and that a full year's salary would be voted to the teachers.

Mr. O'SHANASSY said the member for Ripon had arrived at the conclusion that because the National Board stated that there had been applications for ninety schools the House should pursue the same course as last year ; but the ground upon which the increase was made last year was not stated by the hon. member. The grounds put forward by the hon. member for Castlemaine were that the model training school for teachers should be opened, and that increased salaries should be given. What, however, was the mode in which the increase was to be made this year? Not that the training schools should be opened again, and increased salaries given, but that ninety new schools were required in the country. For that they had the mere statement of the member for Ripon, which was not a material ground to put before Parliament. The matter should be investigated more closely. And he would now reply to the remarks of the member for East Bourke Boroughs, and give his reasons for the course he pursued ; for whilst members of a Government might differ in a matter of conscience, every member of that Government should be supplied with the fullest information. The National Board, he found, had sent in a return of salaries. From the 1st of July, 1860, to the 31st of July, 1861, the amount was £12,795 12s. 4d. These were the salaries for teachers at that time. In the following six months the salaries were £11,542 3s. 4d. Then, in consequence of the vote to which he had alluded, the amount from the 1st July to 31st December was £14,700, making a total of £26,242 3s. 4d. The cost of the department was £4,100, and that made the total sum £30,342 3s. 4d. Last year the amount voted was £38,500, and there was a balance of £8,000 over and above the actual amount expended. The Minister of Finance said that some error might arise as the money was pledged, but according to the return of last year the salaries were never in excess of £12,000 for the half year, so that £30,000 would be ample for the year. As regarded the other board, there were a number of schools the teachers of which received no salaries whatever. He thought that information was satisfac ory, and was something more to rely upon than the broad assertion of the member for Ripon. He had full information as regarded the Denominational schools. He found they numbered 868, and that the salaries amounted to £79,169 0s. 2d , exclusive of allowances for night schools, boarders, bonuses to pupil teachers, promotions, candidates in training, &c. There were forty-two schools the teachers of which received no salaries ; and he found that application was constantly made to the hon. member for East Bourke Boroughs for refunding salaries, and that hon. member thought it his duty to recommend a supplementary estimate of £1,100, which was overlooked by the member for Ripon. The Government had afterwards taken the number of children educated by the two boards. Under the National system there were 14,362, in the Denomination schools receiving support there were 35,430, and in the schools unaided 1,984. Again, £1,000 was reported to be spent in repairs, but he found only £500 had been so spent. He was told that the National Board, when they went to the Treasury, thought they had a right to demand instalments for the month, and that was the way to account for that discrepancy. If he administered the votes for the present year he would ask the board to show the manner of the proposed expenditure before they had the money. He would do the same with the Denominational Board. By that means there would be some check on the extravagance of the systems. If there was any information required with regard to the expense of teaching by each board he would supply it. There were 900 teachers under the Denominational system, and 404 under the National system, so that there were 1,304 persons teaching children in this country ; the number of children were 52,000, making forty to each teacher. That, he thought, was not a very bad result to arrive at, at this stage of the colony's history. There was a large teaching power in the country, and the House should, therefore, deal lightly with it. He mentioned that to show that, although Parliament gave £125,000 a-year for education, there were a large number of teachers, and he believed he was only

doing scant justice to them when he said that they would favourably compare with any teachers in the country. He made those remarks to show that the hon. member for Ripon was not justified in the statements he had made.

Mr. HEALES said he was much obliged to the hon. member for the statement he had made. There was one part of it which he heard with much regret, namely, that referring to the £1,000 granted for repairs. His only object in asking for that sum was, that whenever they dealt with the establishments of a National system the Legislature would be free to appropriate the property of the National Board. Having found that board was going to ruin, he thought it was in the interest of the public to keep it in repair. He felt he had reason to complain that money voted for a certain purpose was not appropriated to it. He could not lay his hands on the minutes he then made, but he had a strong recollection that the money was placed under the control of the board, as it was represented to him that it could be spent more cheaply by them than by the Government.

Mr. SERVICE said, with regard to the reasons which the hon. member for Castlemaine adduced for the motion which he submitted last year, he would refer to the speeches as made by that hon. member. In page 624 of *Hansard* for last session, the hon. member was reported to say—

"There was one other reason in favour of his argument—namely, that in every township where there were Denominational schools, there were first the Protestant, then the Catholic, and then other schools springing up; and the only way to put a stop to such a system was that which he proposed."

On looking to the end of the discussion he found the hon. member's argument wound up in a few lines:—"Mr. Heales said the discussion had assumed an aspect very different from that with which it commenced. Hon. members now seemed to imagine that if they succeeded in transferring this £5,000 they would increase the schools of the National Board by that amount. He (Dr. Macadam) wished to explain. His amendment was made with a view of meeting the immediate and pressing difficulties of the National Board, and of preventing the board from being obliged to dispense with several schools the names of which were given in the report. It was also made with a view of preventing a reduction of five per cent. on the salaries of teachers, and for restoring to the teachers the house accommodation of which they had been deprived by a former vote, and to keep up a proper model school in this city." The few reasons he assigned were not all, as other hon. members argued strongly in favour of the transfer—one member saying that if there was to be only one system he would vote for it, and another gentleman saying that he looked on the motion as a warning to the Denominational Board to set its house in order. It was not a question whether the Denominational Board taught a larger number of scholars or otherwise than the National Board, unless it was intended that equal countenance should be given to both. His chief object by his motion was to force the Government to do away with the Denominational system, by every year reducing the vote for it. The denominational schools were not merely schools, but were also used as places of worship. The buildings for the national schools were not, generally speaking, such as they ought to be, as a proof of which he might refer to the dilapidated state of the National school at Emerald Hill. Efforts had been made there to raise local subscriptions to repair the schools, but unless those efforts were supplemented by a grant from the National Board they could not be successful. He was prepared to add words to the amendment, to the effect that a portion, if not the whole, of the additional £2 500 proposed to be given to the National Board, should be set apart for building new schools, or assisting to build them, or repairing old schools.

Mr. NIXON supported Mr. Service's amendment, and concurred with the arguments which the hon. member had urged in favour of it. If there were to be one system of education adopted, it was necessary that the grant to the Denominational Board should be reduced year by year, or the House would never arrive at a final settlement of the question. The Chief Secretary stated last evening that, without assistance from the public purse, the National system would fall to the ground in a month; but he (Mr. Nixon) had quite as good grounds for stating that the Denominational system would fall to the ground in a month unless it were also supported by state aid. If a preference were to be given in favour of one system, it ought to be in favour of the National system, because the supporters of that system were enthusiasts—they believed honestly and sincerely in their system, and were willing to carry it forward, even at a sacrifice to themselves. But were the Denominationalists influenced by the same motives? With regard to the excess of denominational over national schools, he thought it was to be accounted for by the fact that denominational schools were built for churches and chapels, as well as for schools. For the reasons he had stated, as well as for others which he thought it unnecessary to mention, he should vote for the amendment.

Mr. HAINES wished to correct one or two unintentional misrepresentations which had been made by Mr. Service. The hon. member assumed that all persons who were in favour of the denominational education, desired that the two boards should be continued. That, however, was not correct, for he (Mr. Haines) as a denominationalist was not opposed to the establishment of one board. Another erroneous impression which seemed to be entertained was, that the National system of education in this colony was the only possible rational system. (Mr. Service—"No.") The hon. member for Ripon and Hampden might not think so, but from speeches which had been delivered on a former occasion, it would appear that such an impression, did exist, and it ought to be removed. Many people would be in favour of a National system who might be totally opposed to the National system in operation in this colony. That system was first adopted in Ireland, and was originated by the Earl of Derby (then Lord Stanley), but it had ceased altogether to be a National system there; at all events, the schools had become denominational. Supposing, therefore, the House placed the whole of the educa-

tion under the direction of the National Board, he did not think that would affect the Denominational system very much, because in Ireland it had been found that the same system had merged into a Denominational system. The member for Ripon and Hampden was consequently fighting a shadow; and if he succeeded in getting one system, it would not be the present National system. If it were proposed to have a general National system, entirely secular, excluding religious teaching altogether, many persons would be in favour of it. (Hear, hear.) He preferred the schools should be as at present, but when the proper time arrived for the subject to receive that larger consideration which it required, he should be found, although a Denominationalist, in favour of one system in place of two.

Mr. J. T. SMITH characterised the amendment as equivalent to an act of repudiation on the part of the state. The hon. member for Ripon and Hampden, however, was mistaken if he thought the House would force the public to accept a system of education wanting the greatest and grandest ingredient of education—religious instruction. He (Mr. Smith) had, perhaps, had more experience with the educational system in connexion with denominational schools than any of, or even than half of, the members of the House; and he took a special interest in the subject, because he obtained his own education at a denominational school. Mr. Service ought to define what he meant by a National system. If he meant secular instruction, he (Mr. Smith) was opposed to it; but if religious instruction were included, he went along with the hon. member. Those who had conscientious scruples, or rather, he would say, fixed principles—who believed that the Bible was the foundation of our faith—believed that, if they were to train their children as they ought to be trained, they must make religion the ground-work of their education. What evidence had the people generally given as to which system of education they preferred by the money they had themselves contributed? He believed that many men, whose ideas were liberal compared with Mr. Service's, had, while they preferred the National system, also lent the other system a helping hand. The hon. member would never succeed in reducing the Denominational grant to £5,000 a year; and if there were any danger of such a motion being carried, the public would arouse themselves, and bring an amount of influence to bear which would induce hon. members to reject the proposition. Would hon. members say that per force he must send his child to a school which left the religious instruction to be imparted at home? How was he, a man engaged in public duties frequently to a late hour of the night, to impart suitable religious instruction to his child? And it should be remembered, apart from the interference of mere worldly engagements, that it was not every man, however clever he might be, who had the faculty to impart religious instruction profitably to the youthful mind. He submitted that if hon. members resolved that religion should not be part of the everyday instruction in the public school they would violate the feelings of three-fourths of the population of the colony. It might be said that sufficient secular knowledge was not imparted, but this could be remedied, without causing the other and more important branch of education to remain undone. He did not think it necessary that there should be two boards. There, however, appeared to be "the rub." The real question was, who were the persons to form the board of management for one undivided system? He objected to be a party to any act repudiating any obligations entered into by the state with the teachers. He was for voting the full sum for this year, being of opinion that the member for East Bourke Boroughs could then bring forward his motion. By this arrangement timely notice would be given that the two systems were to end. As it was, he (Mr. Smith) objected to have thrust down his throat a system which some called "national," but which he called "exclusively partial."

Mr. RICHARDSON could not vote for the amendment. He thought it would be better to take the division of the previous night as applying to the remainder of the items. If it were found impracticable to bring in a bill of the character shadowed forth by the member for East Bourke Boroughs, he should vote for the salaries for the remaining portion of the year.

Mr. K. E. BRODRIBB objected to anything like tampering with the educational question. He regretted that the committee consented, and that the Government were compelled to accept, the amendment of the member for East Bourke Boroughs—that the educational vote should be taken for six months only. He conceived that that was not the way of disposing of a question which required to be dealt with in a calm, dispassionate, and unprejudiced spirit. He regretted that the member for Ripon, had now proposed—without bringing forward a single tittle of evidence to prove that the one system was more efficient than the other, or that one board performed its duty better than the other—a resolution to take from one board so much money, and hand it over to the other. He concurred, to some extent, with the member for West Bourke—that it approached repudiation. Somebody must suffer. And here he would ask what would be the effect if, night after night, Government were met with an opposition of this kind? The member for Ripon proposed, the previous night, to take away from the Government the dealing with one of the most important and complicated questions that could come before a Legislature, namely, the transfer of real property, although assured that the Government had taken that question into their hands, and that they intended to deal with it; and now the hon. member, in perfect consistency with his previous conduct, proposed to take this educational question out of the hands of the Government. Although a professed supporter of the Government, and sitting behind the Government, the hon. member proposed entirely to reverse that which the Government conceived to be a safe and proper policy at the present time in regard to another most important question. If the hon. member was to have a roving commission of that kind if he was to deal with a large and important question without any responsibility whatever, Parliamentary government would become a farce. He objected altogether to an hon. member, untrammelled with the cares and responsibilities of office, taking such questions out of the hands of the Ministry, and yet putting himself forward as

a supporter of the Ministry. If the member for Ripon or the House disagreed with the Ministry, either in their composition as persons or in the policy which they brought forward, let there be a distinct vote of want of confidence brought forward; but no Government having any self respect, and having a due regard to the responsibilities of their position, would consent, night after night, to abdicate their functions on the motion of gentlemen, who could so act with perfect impunity because the proceeding imposed no responsibilities upon them. He (Mr. Brodribb) hoped the House would vote for the continuance of the existing arrangement for six months.

Mr. SERVICE observed that it always happened that the subject which might be before the House was the most important that could possibly be conceived. (Laughter.) The last speaker had given him a sort of reflected rebuke, because he happened on this, as on some other occasions, to differ, not from the Government, but from some members of the Government. The member for St. Kilda appeared to think that, because he servilely adopted the proposal of the Government, he was entitled to rebuke him (Mr. Service), a professed supporter of the Government, for not accepting their views on all occasions. He thought the rebuke came with a bad grace from the hon. member, especially as it was in reference to a subject which the Chief Secretary himself had declared to be a question of conscience. With respect to the question before the House, he did not think that members who had always voted in a particular manner were to be compelled to change their way of voting simply because they sat upon that side of the House or the other. He would add, that nothing that could be said by any hon. member would change the course which he chose to follow, because he always followed the course which he believed to be right. As regarded the allusion to what he had done on the previous evening, he was not sure that the hon. member (Mr. K. E. Brodribb) was not one of those who were pledged supporters of the measure he sought to introduce.

Mr. M'LELLAN believed that the member for Ripon was acting strictly in accordance with what he believed to be right, and he was sorry to be compelled to differ from him on this occasion. He could not consent to the proposal to take away a portion of the vote from one board and give it to another at that late period of the year. He had voted against the motion of the hon. member (Dr. Macadam) last year, and he would be obliged to vote against the amendment of the member for Ripon.

Mr. SNODGRASS entirely disapproved of the course taken by the member for Ripon, and he thought the hon. member altogether mistook his position in the House. The hon. member ought to sit upon the other side of the House, and he had no doubt the occupants of the other benches would be glad to see him there. (A member—"No." Laughter.) The wisest course the hon. member could now follow would be to withdraw the amendment.

Mr. GRAY thought the hon. member would do well to withdraw the amendment for the present; and he must see that that was the prevailing feeling of the House.

Mr. DENOVAN entirely concurred in the remarks of the member for Rodney; and hoped to see the amendments withdrawn.

Mr. SERVICE, to save time, would have no objection to withdraw his amendment. He had never dreamt that the question was to be considered one of opposition to or support of the Government, until he heard it so considered in the House.

Mr. ASPINALL objected to the withdrawal of the amendment, under the circumstances; and would ask if they were to come there night after night to listen to discussions if the objects of them were simply to be withdrawn after the discussions were over? He contended that the hon. member had no right to keep them there discussing—as he had done on the previous evening — motions, and then withdraw them when he found that he had not support enough to carry them. He, for one, would not consent to this continual system of feeling his position on the part of the hon. member; and although he might not be allowed to make the remark with regard to others, he, at least, would not be made a fool of evening after evening in that way. It was no doubt true that the question was an open one with the Government, so far as regarded a bill; but the hon. member was dealing with the question as placed on the Estimates, and upon that course the Government were agreed, and he would decidedly object to these constant probings at the Government and the House. The hon. member was shown on the previous evening that he had begun a law reform with bad law, and he wanted, seemingly, to make a similar mistake with reference to this question. He hoped the hon. member would be shown from all sides of the House that he could not go on making these experiments upon the House night after night. Was the House, he would ask, never to settle a question until the member for Ripon had ascertained by questions of this kind the actual amount of support he could count upon in the House? And was the whole educational system to be thrown into a state of chaos simply at his dictation?

Mr. HOOD was not a supporter of the member for Ripon, but he would like to see justice done to him, and there was no reason for saying that the hon. member would be the cause of the whole educational system being thrown into a state of chaos. At all events, the amendment of the hon. member for Ripon was a trifling improvement, if it only gave the National School teachers a little more salary during the next six months.

Mr. HEALES—It takes salary from one set and gives it to another.

Mr. JOHNSTON could not agree with the hon. member for East Geelong, in objecting to the withdrawal of the motion of the hon. member for Ripon. The whole affair was unfortunate, but a blow had been inflicted on National education in this country by the hon. member for East Bourke Boroughs which that hon. member would shortly see reason to regret. He (Mr. Johnston) would not, however, have risen to speak at all, except to explain away some of the statements made by the hon. Chief Secretary and the hon. Treasurer, in which those hon. members were quite mistaken. The hon. Chief Secretary had urged that the National Board had

more money than it required; in fact, that it had still a large balance to its credit; but the explanation of this was, that those statements had been based on the two last half yearly reports, whereas the audit commissioners had lately insisted upon the accounts of the board being closed on December 31 instead of January 31; and the result was, that the reports only accounted for eleven months' salaries. Thus the balance was made up partly of these unpaid salaries, and partly of amounts voted for the aid of many country schools, the money being retained pending the raising of an equal sum in the district interested. The money thus idle could not be placed to the credit of the board; and, in reality, the board had no balance in its favour at all. Even if it had, surely the fact would redound to its credit, rather than be something to its disfavour, when the Denominational Board was known to have applied frequently to the House for £10,000 and £5,000 at a time to clear it from debt. These facts would show how unjust had been the charges brought against the board; and he could not help again referring to the ruinous effect the motion of the hon. member for the East Bourke Boroughs would have upon the National Board. The money voted would prevent them paying their salaries even for the six months, for, upon the strength of the £5,000 voted last year, they had opened fifty new schools, which they would now have to close, or else the teachers' salaries must be made lower still. He was not going to argue that the Denominational Board should be robbed for the sake of the National Board, but both the friends and the opponents of the latter system would suffer materially by the motion of the hon. member for East Bourke Boroughs. If the hon. member's bill were not passed in time, the teachers, as a body, would have to look out for other employment; but he doubted if that bill would become law at all, for from what he had heard of it, he believed it would amalgamate the boards, and at the same time perpetuate in reality the Denominational system. The hon. Treasurer had said that the national system had broken down in Ireland. There was a good deal of truth in that statement, but what was the cause of the fact but that the varied interests existing in that country made it impossible to appoint mixed local boards. Such a difficulty never existed in this country, and the hon. member's argument therefore at once fell to the ground. There was not a national school in the colony that did not possess a mixed board.

Mr. DUFFY asked why the difficulty existed in Ireland?

Mr. JOHNSTON replied that in some cases in Ireland only one man could be got to act, and it was of no consequence how many could come forward as patrons if only one would act. He would only say one thing more, which was, that the offer of the hon. member for Ripon to withdraw his motion relieved him (Mr. Johnston) from a great difficulty and disagreeable position, and if the hon. member for East Geelong compelled a division, he hoped the hon. member for Ripon would meet the case by voting with the Government.

Mr. SERVICE thought the hon. member for East Geelong ought to know by this time that he (Mr. Service) divided the House with the support of two members with as much pleasure as though he had twenty supporters. In one sense he should feel relieved if the motion were pressed to a division, for he was always glad when the votes of hon. members on such subjects were duly recorded.

Mr. FRANCIS requested the hon. member for East Geelong to withdraw his objection to the withdrawal. In explanation of his support to the motion of the hon. member for the East Bourke Boroughs on a preceding evening, he would now say that, if that hon. member did not succeed in carrying his education bill through Parliament before six months were out, he would willingly vote for the salaries for the other six months —(hear, hear)— so that none of the teachers need feel the smallest alarm. He felt it to be his duty to vote against the motion of the hon. member for Ripon; but he did not think that hon. gentleman had been fairly treated, either by the hon. Attorney-General or the hon. and learned member for East Geelong, because he felt compelled by his constitutional energies to take a certain bill in hand.

Mr. VERDON, in reply to the insinuations which had been thrown out, to the effect that he had been seeking to make political capital, would reply that he had supported the motion of the hon. member for the East Bourke Boroughs because he regarded it as a fair test of the feeling of the House on national education. He had conceived and avowed that it was a necessary corollary to such a motion that the Government should introduce an Education Bill, and held the same opinion still; but, after what had been stated of the intentions of the Government, and believing that the hon. member for the East Bourke Boroughs would be unable to get his bill passed in time, he (Mr. Verdon) regretted that the motion was passed, and would be willing, if possible, to undo what had been done. He objected to the amendment of the hon. member for Ripon, because he did not think it the right mode of determining between the merits of the rival boards. It was a contemptible and pettifogging way of settling the difficulty.

Mr. IRELAND regarded the amendment of the hon. member for Ripon as totally distinct from the question of which system of education was best. He had, however, risen to make it a personal request to the hon member for East Geelong to withdraw his opposition to the withdrawal of that amendment. He quite concurred in what had fallen from the hon. member for Williamstown, but in reply to the assertion of the hon. member for Richmond, that the hon. member for Ripon had been treated unfairly, he must disclaim any intention of the kind. He had no personal feeling against that hon. member, but hon. members had not come to that House as a parcel of schoolboys, merely to display their constitutional energies, their idiosyncracies, or their peculiar talents. They had come to deliberate and legislate, and nothing could be more destructive of responsible government than for the hon. member for Ripon to be sitting behind the Government, and yet on every occasion to be indulging his energies of character to their injury. He had frequently invited that hon.

member to cross the House—not that he wanted him to do so in the abstract, but he ought to look over his position, and see that if he could not conscientiously support the Government as a Government ought to be supported, he should sit on Opposition benches. No doubt the hon. member had conscientious convictions, but they ought to lead him to sit in his right place if they had any weight at all. In making it a personal request to the hon. member for East Geelong to withdraw his objection, he (Mr. Ireland) hoped that that hon. member's remarks would be regarded seriously, and that hon. members who took up several hours of the time of the House, and then withdrew motions because they were afraid of being in a minority, would be looked at in their true light, namely, as wasters of the public time.

Mr. SERVICE could with consistency admit the argument of the hon. Attorney-General if, at the same time, he would ask the hon. member for East Geelong to change his side of the House also.

Mr. IRELAND was quite willing to make the exchange. (Great laughter.)

Mr. SERVICE was glad to find his remarks coming home to the hon. Attorney-General's mind, though that hon. gentleman doubtless thought the hon. ex-Attorney-General did the Government far more good where he sat than he would if he were to sit on Government benches.

Mr. ASPINALL said it was always with great satisfaction that he listened to the efforts to make jokes of the hon. member for Ripon. Dr. Johnson said, "It was a surgical operation by which a joke was got into a Scotchman;" but it seemed to him that a more extraordinary operation was performed on the hon. member, and that it was under the influence of chloroform that a joke was got out of him. The point of the hon. member's remarks, as far as could be ascertained, was, that he (Mr. Aspinall) a member of the late Government, having agreed with the present Government in the course they were adopting, became a supporter of them in all things. The hon. member looked round, but could not see what support he would receive. It was said that there would be more joy over the one sinner that repented than over ninety-nine very just persons. He was sorry there was not that number in the House, but whether the hon. member had yet made up his mind whether he should be that sinner did not appear. The House were to wait for him till he had made up his mind whether he would at once withdraw his support from the Government. The House was to wait till the hon. member's "kingdom came," and then hon. members on the Opposition benches were to form one of his colonies. For his part, he (Mr. Aspinall) could assure the hon. member that if such a change did happen, there would be nothing unpleasant to him in crossing over; and if the hon. member wished to accomplish that object he could do so easily by first crossing the floor, and he would, with many others, show him that they would not be trifled with. The hon. member had formerly supported a Government holding different views from those of the present Ministers, both on the Education question, Torrens's Bill, and other matters, and yet the hon. member withdrew his support from them to put in gentlemen who were opposed to their views on those questions, and also to the hon. member's own views. Was it with a view to carry Torrens's Act or his Education Bill that the member for Ripon left the late Ministry? He did not know what the hon. gentleman professed, but he could say that the late Government held more liberal views than the present Government on the questions he had mentioned. The hon. member now merely moved amendments which would disorganize the House, and render impossible all legislation; and was he to be twitted by that hon. member, because he on many occasions supported a strong Government which were willing to give concessions, with leaving his late colleagues? He was one of a Ministry prepared to initiate the very measures the hon. member proposed now to initiate. If that gentleman had been so enthusiastic for them, so desirous to have them made law, why did he not go to the late Government and tell them they must proceed with those measures, and he would support them, although they must excuse him from voting against them afterwards on other matters? Had not the hon. member and a few with him left the late Government those measures would have been passed. (Hear, hear.) He (Mr. Aspinall) would say now at once that he was not going to be constantly opposing the Government merely for opposition's sake, or to put in another Government. The hon. member might take whatever course he pleased,—he might joke about him if he thought he could joke, he could denounce him as he pleased,—but he would ask any hon. member whether the measures the hon. member now proposed would not have been passed had it not been for his defection. The hon. member had been experimentalising upon a bill which would change the whole real property law, when he had not even read the Constitution Act under which the act could be made; and to-night he put forward an amendment, and, after finding that the opinions of the House were against him, he said he was prepared to withdraw it. When the hon. member brought forward questions like he had done, of great moment, he should not be allowed to withdraw them, after wasting so much time, but should take the consequences of it.

Mr. BERRY, in a few remarks, opposed the amendment, on the ground that it was now so late in the first six months of the year that an alteration would interfere with arrangements made by the Boards.

The amendment was then put, and the House divided with the following result:—

Ayes	6
Noes	45
Majority against the amendment	39

The following is the division list:—

AYES.

Mr. Davies, B. G.	Mr. Hood	Mr. Nixon
— Gray	— Levi	— Service.

NOES.

Mr. Aspinall	Mr. Gillies	Mr. O'Shanassy
— Bennet;	— Haines	— Ramsay
— Berry	— Heales	— Reid
— Brodribb, K E	— Hedley	— Richardson
— Brodribb, W A	— Houston	— Riddell
— Cathie	— Humffray	— Sinclair
— Cotton	— Ireland	— Smith, A. J.
— Davies, J.	— Jones	— Smith, J. T.
— Denovan	— Kirk	— Smith, L. L.
— Don	— Levey	— Snodgrass
— Duffy	Dr. Macadam	— Tucker
— Edwards	Mr. M'Culloch	— Verdon
Dr. Evans	— M'Lellan	— Weekes
Mr Foott	— Orkney	— Wood
— Frazer	— O'Grady	— Wright.

The grant of £45,000 to the Denominational Board, comprising £3,472 for salaries and departmental contingencies of the board, and £41,578 for the salaries of teachers, was agreed to.

Mr. HAINES proceeded to propose the conditions upon which the sums granted to both boards should be expended. The first condition was as follows:—"That no school, except for the instruction of the deaf and dumb or blind, receive aid if the average attendance of pupils shall be below twenty."

Mr. L. L. SMITH asked why the average attendance of pupils should be fixed at not less than twenty? He thought such a regulation would compel the teachers to deceive the inspectors, and if the average were fixed at fifteen it would be more reasonable, especially in the smaller out-lying districts. He moved that "fifteen" should be substituted for "twenty."

Mr. HAINES thought the diminution of the number would not prevent misrepresentation being made, if the teachers were inclined to make misrepresentation; but the system of inspection must be very defective which permitted any such misrepresentation to be made. The general average attendance at the schools belonging to the two boards was about forty, and he understood that the average attendance at the schools under the Denominational Board was larger. If the average attendance to entitle a school to receive aid were reduced below twenty, an injustice would be done to many of the existing schools.

Mr. GRAY, from letters which he had received from different parts of the country, knew that in many isolated and remote hamlets where there were, perhaps, not more than ten or fifteen families, and most of the children were very young, it was impossible to get an average attendance of twenty at school. He thought there ought to be some special provision to meet such special cases; and pointed out that the teachers of the smaller schools also laboured under the additional disadvantage of receiving a less amount of children's pence than the teachers in the larger schools. He proposed an amendment, to the effect that aid should be granted by the Governor in Council, in such special cases as he referred to, provided that the aid so granted "should not exceed the average amount per pupil, of the aid granted to the other schools."

Mr. O'SHANASSY rose to give certain statistics in connexion with the education question, which he thought would astonish many gentlemen. There was a general belief that when a national school was established in any district it always obtained a greater number of children than the denominational school; but the statistics showed that the contrary was the case. There were 454 schools in the colony under the direction of the Denominational Board, having 35,430 children on the rolls, showing an average of 80 children at each school. The number of national schools was 216, and the number of children attending them was 14,232, or an average of 66 for each school, or 14 less than the average at the national schools. The number of schools under the Denominational system which did not receive state aid, was 42; and taking the number of children attending them at 2,000, this made the total number of denominational schools 496, and reduced the average attendance at each school to 76, which was still 10 more than the average number at the national schools. These facts ought to dispel the notions some people had that the national schools were better attended than the denominational schools. With regard to the special cases referred to by the hon. member for Rodney, he might observe that there were also special cases caused by rushes to different gold-fields. He thought that instead of the House fixing conditions, the Governor in Council should have a discretionary power to deal with both these special cases, and that no mischief could arise therefrom, because Parliament fixed the amount of the educational grants, and it would not be the interest of either board to endeavour to waste the money, but to apply it to the attainment of the highest possible educational power.

Mr. HEALES did not charge the two boards with a waste of money, but with a waste of educational power. The Chief Secretary would agree with him that it was necessary to fix a moderately large average attendance before state aid was granted, in order to make proper use of the educational power—that was to say, so as profitably to employ the teachers, and properly to educate the children. He believed conditions were valuable, inasmuch as they must force the various districts to have tolerably large schools.

Mr. O'SHANASSY.—They don't do it.

Mr. HEALES said the conditions had only been in operation one year, which was too short a time to effect any revolution in the schools. All the conditions were expected to do, was to decrease the number of small schools, and, if possible, to increase the number of children attending the other schools. He believed they had already had that effect in various districts; and it was most important that the conditions should continue in operation during the first six months of the present year, because they would prevent an increase in the number of schools where such increase was unnecessary, and which would remove one of the obstacles which had to be contended against in introducing a bill to establish a national system of education. He contended that below 100 was below the number necessary for the satisfactory conduct of education. The lowest number for proper classification, according to many authorities on the point, was 120 pupils. With a school of 120 pupils, divided into four or five classes, a far better use was made of educational power than could be made under other circumstances. He objected to a reduction of the minimum. If this were attempted, the evil which they all had

to deplore would only be increased. With regard to the amendment of the member for Rodney, he considered that there was reason in it, so far as isolated districts were concerned.

Mr. JOHNSTON hoped hon. members—particularly those who advocated one uniform system—would pause in supporting the amendment. He admitted there was a great deal of force in what the member for Rodney had urged with regard to remote districts where population was sparse; but, inasmuch as the second resolution prohibited the establishment of a school within a less distance than three miles from another school unless forty pupils could be obtained, if any denomination more active than its neighbour got together a school of fifteen, the establishment of anything like a large school in the district would be prevented. The adoption of the amendment would have the effect of multiplying small schools in the several districts.

Mr. GRAY did not think the difficulty would be seriously enhanced by the proposition which he had made. He was aware of the value of the resolutions now before the committee, inasmuch as they tended to concentrate the education in single schools, and would thus make the transition easy to a new and single system. His amendment applied to agricultural districts where there was a concentration say of twenty families, which, considering the scattered way in which the country was settled, was a tolerable concentration. And, seeing that full half the children in the colony were under seven years of age, he thought that, when two miles had to be travelled to get to school, there would be a difficulty in mustering even twenty children.

Mr. RAMSAY mentioned an instance of a schoolmaster in the district which he represented being kept out of his salary for six months, because he was unable to keep up his average of twenty pupils. One difficulty in securing this average attendance in agricultural districts was that, in harvest time, the farmer made all his children useful, and during that season they were not at school. He considered that no limit should be fixed, but that each case should be treated according to its own merits. He was no advocate for small schools, but he would not like to see a district altogether deprived of schools because a sufficient attendance could not be secured.

Dr. EVANS suggested that the object of the member for South Bourke would be more effectually secured by the withdrawal of his amendment in favour of that of the hon. member for Rodney, which was a very desirable one, seeing that it would have the merit, not only of securing the object contemplated, but also of establishing the principle of referring difficult questions connected with the formation of schools throughout the country to the Governor in Council—the paramount authority of the Legislature. He did not altogether go with the arguments adduced in favour of very large schools, because he believed the tendency of opinion in the mother country of late years had been rather against the formation of very large schools, unless there were means of providing, not only competent head masters, but several assistants. He believed they could not effectually cope with a school of more than sixty or eighty pupils. If they went beyond that number, and were not provided with assistance, they would have to resort to the monitorial system, which was now generally condemned as being inefficient. Besides which, in classifying the children in such very large schools they would be obliged to limit the number of classes, and in that way they would force some children into a class beyond their attainments, and keep down others who ought to be under a higher teaching. This would be absolutely necessary, in order that the master might give attention to all his pupils within the time set apart for instruction.

Mr. L. L. SMITH accepted the suggestion of the Postmaster-General, and withdrew his amendment, observing, at the same time, that there might be twenty-five or thirty children on the books of a school, and yet the average attendance might be under twenty. This was the case with a school at Dandenong, the master of which had suffered in consequence.

Mr. HAINES admitted that the member for Rodney had made out a strong case in favour of small schools; and would assent to it, on the distinct understanding that the qualifications of the teachers should be on a par with those of the teachers of other schools.

Mr. RIDDELL advocated a discretionary power with regard to the attendance, on the ground that the avocations of parents and the occurrence of epidemics frequently interfered with the attendance at a school.

The amendment proposed by the member for Rodney was then agreed to.

Mr. DON called attention to the necessity for providing for deaf and dumb children, of whom there were probably some forty or fifty within a distance of four or five miles from the centre of Melbourne. He considered some arrangements should be made for the education of these unfortunates.

Mr O'SHANASSY said he should be happy to address a circular to both boards, calling their attention to the subject. He believed there was a sufficient number of deaf and dumb children in and about Melbourne to form at least one school.

Mr. RAMSAY wanted to have included in that return the number of blind as well, and hoped the Chief Secretary would consent to do so.

On the second clause, providing that no new school within three miles of any school receiving aid from the revenue, shall receive aid from this grant, unless there shall have been in the school last established an average attendance of forty pupils during the six months immediately following the date of its establishment,

Mr. HEALES would call the Treasurer's attention to an alteration in the wording from last year, and with no apparent advantage. Last year the wording was, that no school where there were not sixty children attending should receive such aid, and now the number was reduced to forty. It was not, however, so much to the number that he objected, as to the principle adopted, which would not be an advantageous one, as compared with that departed from. To carry out the object he had in view, he would move that the word "the," in the second line, be struck out, and the letter "a" substituted.

Mr. LEVEY would go still further than the hon. member, and move that the clause be struck

out altogether, because, in his opinion, it would only give rise to future difficulty.

Mr. HAINES thought the objection would have been more cogent with reference to the second condition of the appropriation than at that period, because the alteration was only made from the feeling that if the previous wording had been maintained, the existence of a very small school in any locality might prevent the establishment of another school in the same locality. The object of the alteration was to prevent the possibility of such a state of things arising.

Mr. DUFFY trusted that the committee would see that the amendment of the hon. member (Mr. Heales) was of such a nature as to be entirely untenable, because, if it were agreed to, any school in any district might, in a spirit of rivalry, be able to prevent the establishment of another school in that district. The adoption of such a principle would be likely to lead to great abuse, and he trusted that the House would not assent to its adoption; and he trusted to see the day when every person who was capable of teaching should be entitled to do so, and should receive a certain assistance from the Government.

Dr. EVANS believed that this was one of the cases upon which it was understood that the Government had agreed to differ (laughter); and for himself he altogether disagreed with the Minister of Lands on the subject; and besides his own opinion, he had had representations from his constituents, asking him to endeavour to get the action already taken by the Government rescinded. To adopt these clauses would simply be throwing obstacles in the way of the Governor in Council in dealing with the subject, and, therefore, he would vote for the amendment of the hon. member for Normanby.

Mr. RAMSAY was also opposed to the view of the matter taken by the Minister of Lands, and from his own experience of the system of working proposed, he would not assent to its adoption, but would vote against the proposition of the Government.

Mr. SERVICE was unable to understand the meaning of the amendment of the member for East Bourke Boroughs; but if it had meant that the forty pupils should be found in the old schools and not in the new, he could have understood it, and would have voted for it. He saw that great evils might arise from the setting up of new schools, which, by superior attractions, might soon leave the original school with a few pupils, and so gain Government aid.

Mr. O'SHANASSY was afraid hon. members had not given the subject the attention it deserved; for, by the proposed alteration, it was plain that all that those who desired the establishment of a new school need do was to offer—say free education for three months, and having contrived to get away the children belonging to the existing school, make a claim upon the board. The mischief was, that the unconscientious teachers would reap an advantage which would be lost in a corresponding degree by those more scrupulous.

Mr. RAMSAY suggested that lists should be obtained of all the school-going children within certain districts, which would give the Government data upon which they might decide.

Mr. FRAZER would willingly vote for the striking out of the clause, providing power were given to the Governor in Council to stop the establishment of any new school. A condition making the consent of the Governor in Council necessary to the establishment of a new school might even be added to the clause.

Mr. BERRY thought the clause as it stood was a better test of the need of a new school than the motion of the hon. member for East Bourke Boroughs.

Mr. MOLLISON was in favour of striking out both clauses; and could not see what object the hon. member for East Bourke Boroughs could have in view when by the plan he had proposed the present system would cease to exist in a few months. Why should the question be debated at all? Now was the time when the hon. member should give the House the heads of his bill, and say what was to be done with both teachers and schools. He urged that the clause be struck out.

Mr. HEALES certainly agreed that there did not appear to be now the same necessity for these conditions as existed before; still it would be best to pass them, as contingencies might arise, even such as the case of no bill being passed in time, and the remainder of the money having to be voted. (Hear, hear.)

Mr. JOHNSTON should regret exceedingly if the conditions were struck out. By the old regulations the number of children that were required to be in attendance at the old school before a new one could receive aid was sixty, so that the friends of the old school might, by keeping down its attendance to fifty eight or fifty-nine, prevent the establishment of any new school. A curious case of this kind was in existence at Maryborough. There were several Denominational schools there, and also an efficient National school, with an attendance of fifty-nine or sixty, which had been established for some twelve months, but, although strong application for aid had been made in its behalf, it could not be granted, because of the supporters of the old schools. The new system proposed to put an end to this injustice, by making the establishment of a new school dependent, not upon the attendance at the old school, but the attendance at the new one. This would effectually prevent the supporters of Denominational schools from interfering to keep down national schools. At Chinaman's Flat also the people were prepared to build a new school, but because there were not quite sixty scholars, they could not build it. If members struck out the conditions, those in favour of the National system were throwing difficulties in the way of it. Instead of making the conditions less stringent, he would like to see them made more stringent.

Mr. FRAZER moved that after the word "grant," in the second line, the words "except by the authority of the Governor in Council," be inserted.

Mr. O'SHANASSY remarked that the conditions could not be carried out until the Appropriation Bill was passed.

Mr. HEALES thought there was no doubt that, if passed by the committee, they would be carried out at once, though they were not actually law.

Mr. LEVI was opposed to the resolution being

struck out, as it was apparent that then no aid would be given to any new school that might be established, the whole vote being taken for existing schools. The hon. the Commissioner of Public Works referred to the case at Chinaman's Flat, where £150 had been raised for the erection of a suitable building, and yet no school could be opened. That would be obviated, however, by the reduction of the number from sixty to forty. He had not the least hesitation in saying that the present conditions were a great improvement upon those of last year.

Dr. EVANS thought the resolutions were illusory and unnecessary, as by the proviso proposed, that the authority of the Governor in Council should be obtained—or, in other words, that everything should be under the supervision of that House—the proceedings of the two boards, which had hitherto sat in secret conclave, would be made known.

Mr. GILLIES thought the last novel act was that of the hon. member who had just spoken, and who actually voted against the proposition of his own colleague. He thought it was necessary that the conditions should be retained by the committee, as otherwise there would be no security to the Legislature that their wishes would be carried out.

Mr. JOHNSTON pointed out that the conditions of last year referred to old schools, whereas those now under consideration referred to new schools. As regarded the charge against his colleague, he might state that it was well known that the question was an open one with the members of the Government.

The question that the words proposed to be omitted stand part of the resolution was put, and the committee divided, with the following result:—

Ayes	18
Noes	15
Majority for the motion ...	3

The following is the division list:—

AYES.

Mr. Berry	Mr. Gray	Mr. Loader
— Davies, B. G.	— Haines	Dr. Macadam
— Davies, J.	— Heales	Mr. Ramsay
— Denovan	— Houston	— Richardson
— Frazer	— Johnston	— Service
— Gillies	— Levi	— Wright

NOES.

Mr. Aspinall	Mr Ireland	Mr O'Shanassy
— Duffy	— Levey	— Reid
— Edwards	— Mollison	— Smith, A J.
Dr. Evans	— Orkney	— Tucker
Mr Hood	— O'Grady	— Wood

Mr. FRAZER moved the addition of the words, "except by the authority of the Governor in Council." He believed this would meet a great many hardships which would otherwise exist.

Mr. SERVICE opposed the amendment.

Mr. DUFFY said the House had already determined to give the Governor in Council the power here proposed in regard to existing schools, and he saw no reason why that power should not be extended with respect to schools hereafter called into existence.

Mr. GRAY thought the amendment would encourage the multiplication of schools, which would increase the difficulties in the way of establishing one system of education.

Mr. LOADER urged that the House ought to decide the distance within which new schools should be created, and not give up the privilege to the Governor in Council. He hoped Mr. Frazer would withdraw his amendment.

Mr. DENOVAN moved that the committee report progress.

Mr. JOHNSTON hoped Mr. Denovan would not press his motion; and he opposed Mr. Frazer's amendment. The House might as well transfer all the powers of the Educational Boards to the Governor in Council, if it passed the amendments proposed by Mr. Frazer and Mr. Gray. If those amendments were carried, he should decline to sit on either of the Educational Boards.

Mr. SERVICE said that if the various amendments which had been proposed were carried, the effect would be entirely to extinguish the National Board.

Mr. O'SHANASSY denied that the amendments could have this effect. The powers proposed to be given to the Governor in Council were merely of an exceptional character.

After some remarks from Mr. FRAZER and Mr. GRAY,

The motion for reporting progress was negatived, without a division.

Mr. Frazer's amendment was also negatived without a division.

After some further discussion the amendment of Mr. Heales, for substituting the words "receiving aid" for "last established," was put and and negatived.

Mr. FRAZER proposed a further amendment, substituting "thirty" for "forty."

Dr. EVANS said he was prepared to accept that as a fair compromise.

Mr. HEALES thought that, as the number last year was sixty, the reduction to 40 this year was quite sufficient.

Mr. JOHNSTON considered that the resolutions were being subjected to a sort of Dutch auction. As the resolutions could not be rejected altogether, it was sought to make them as ineffective as possible.

The amendment was rejected, and the clause passed.

On the 3rd resolution, as follows:—"That no new school in connexion with any denomination shall be established or revived by the Denominational Board within three miles of any school in connexion with the same denomination; and no new school shall be established or revived by the National Board within three miles of a school already receiving aid from the National Board, unless there shall have been for the previous six months at such school receiving aid an average attendance of 100 pupils."

Mr. SERVICE proposed, as an amendment, that between the words "same" and "denomination," the words "or any other" should be inserted.

Mr. DUFFY said, if the Denominational system existed at all, the committee could not fairly accept the amendment, which amounted to this—that where a Denominational school existed, no matter to what denomination it belonged, they must either accept that school or a National school. Now, if there was to be a new school at all, so long as the Denominational

system existed, each should be allowed the privilege of doing as at present. He objected to securing by a side wind that which ought to be done by a distinct vote.

Mr. GILLIES submitted that the amendment would not interfere with existing schools. It would apply only to new schools.

Mr. EDWARDS moved that the chairman report progress.

Mr. LOADER opposed the motion. A few minutes longer, he thought, would dispose of the question. The amendment of the member for Ripon was in direct defiance of the Denominational system, and in direct encouragement of the National system.

Mr. DENOVAN spoke in favour of the motion for reporting progress.

Mr. HAINES opposed this motion. If progress were reported, it would show that hon. members met only for talking, and not for doing any business.

The House divided on the motion for reporting progress, when there appeared—

Ayes	4
Noes	23
Majority against reporting progress ...	19

The following is the division list:—

AYES.

Mr. Davies, B. G.	Mr. Edwards	Mr. Ramsay
— Denovan.		

NOES.

Mr. Aspinall	Mr. Haines	Mr Orkney
— Berry	— Hood	— O'Grady
— Davies, J.	— Huston	— O'Shanassy
— Duffy	— Ireland	— Service
Dr. Evans	— Johnston	— Tucker
Mr. Fraser	— Levi	— Wood
— Gillies	— Loader	— Wright.
— Gray	Dr. Macadam	

The amendment was then put, and negatived without a division, and the original motion agreed to.

The CHAIRMAN then reported progress, and obtained leave to sit again on Friday.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

The SPEAKER said that a message had been received from the Council, intimating that they had agreed to the Melbourne and Suburban Railway Sale Bill.

CONTRACT IN THE SURVEY DEPARTMENT.

Mr. SERVICE moved—

"That a return be laid upon the table of the House, showing the date, extent, and terms of a contract entered into by the Survey Department with Mr. H. S. Lindsay for the survey of Block H, county of Hampden; the date and reason of the termination of such contract, and the amount of money paid on account of the same, with the date of the last payment."

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

Mr. DUFFY laid the return upon the table.

The House adjourned at thirteen minutes past one until four o'clock on following day.

SIXTY-FIFTH DAY—THURSDAY, MARCH 13, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

PETITIONS.

Mr. SNODGRASS presented a petition from James H. Webb, assistant Government shorthand-writer, praying that he might be placed on the same salary as formerly.

Mr. A. J. SMITH presented a petition from William H. Wright, formerly chief gold-fields commissioner, praying that the House would give his case favourable consideration.

Mr. HEDLEY presented a petition from inhabitants of Melbourne, in favour of the Aliens Bill.

Mr. EDWARDS presented a petition from Mrs. Ronald Smith, widow of the late senior superintendent of the penal department, praying the consideration of the House to her case.

THE LATE PRINCE CONSORT.

Mr. O'SHANASSY stated that he had received a message from His Excellency the Governor, and moved that it be read.

The SPEAKER read the message, which stated that a despatch had been received, conveying the melancholy intelligence of the death of His Royal Highness Prince Albert.

Mr. O'SHANASSY gave notice that, on Tuesday, he would move that a select committee be appointed, consisting of Mr. Haines, Mr. Mollison, Mr. Verdon, Mr. Heales, and the mover, to prepare an address of condolence to Her Majesty on the death of His Royal Highness the Prince Consort.

NOTICES OF QUESTIONS.

Mr. DON gave notice that, on the following day, he would ask the Chief Secretary why the teachers of the National Board had not been paid their salaries for the last three months, seeing that, from a statement made by Mr. Johnston, the Board had £7,500 to their credit at the bank? And further, if it was correct, as had been averred, that the secretary, inspectors, and clerks were reimbursed out of the £5,000 voted by the Legislative Assembly for the year 1861?

Mr. COHEN gave notice that, on Thursday, he would ask the President of Land and Works if it was the intention of the Government to remove the check tollgate from the Macaulay-road.

Mr. LALOR gave notice that, next day, he would ask the Postmaster-General if he would cause the Cape Otway shipping intelligence to be posted outside the telegraph-office at Queenscliff?

NOTICES OF MOTIONS.

Mr. SNODGRASS gave notice that, on Friday, he would move that the petition of Mr. J. H. Webb be referred to the Committee of Supply when the Estimates for the Legislative department were taken into consideration.

Mr. A. J. SMITH, on Friday, would move that the petition of W. H. Wright be referred to the select committee on claims for compensation.

Mr. EDWARDS, on Friday, would move that the petition of Mrs. Ronald Smith be referred to the committee on claims for compensation.

Mr. COHEN notified that, on Thursday, he would move that, in the event of its being found inexpedient to remove the check toll-gate on the Macaulay Road, the Fleming on toll-gate should not be leased, but be retained in the hands of the Government until an arrangement could be made for remitting the toll on carts and vehicles going from Melbourne to the city abattoirs.

Mr. DON gave notice that, on Thursday, he would move that the report of the Yarra Bend Lunatic Asylum be taken into consideration.

THE VICTORIAN EXPLORING EXPEDITION.

Mr. O'SHANASSY said, that lately some notice had been taken of the loss of the exploring vessel Firefly in Torres Straits. As matters of that nature were always of interest to the public, and as surmises were at the time made by the Government that all the persons on that ship had been saved, he had some despatches to present which had been received on the subject, and which confirmed that view. (Hear, hear.)

The following despatches were then read by the Clerk: –

From Lieutenant-Colonel A. Fytche, Commissioner of Tenasserim and Martaban Provinces.

To His Excellency the Governor of Victoria, Melbourne.

Moulmein, 10th January, 1862.

Sir,—I have the honour to enclose you the accompanying papers, which were left by Mr. Penny, postmaster of the British ship Mangelore, at Amherst, in the commencement of the present month. Amherst is a port of call at the mouth of the river on which the town of Moulmein is situated; and the vessel did not come off town, but proceeded on to another port to load. The mail-bag mentioned has been forwarded by the regular bi-monthly steamer mail from this to Calcutta.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) A. FYTCHE,

Commissioner of T. and M. P.'s.

"Left for the information of the captain of any vessel calling at this island and post-office, who will be good enough to forward it and the accompanying letter-bag for the Governor of Victoria, to the Governor or British consul, or postmaster at the first port he may arrive at, in order that they may reach Melbourne as soon as possible.

"W. H. NORMAN,

"Commanding H.M.C.S. Victoria.

"Booby Island, Sept. 24, 1861."

"H.M. colonial steam-sloop Victoria, with the Northern Expedition, *en route* from the Gulf of Carpentaria, arrived at this island on the

"The Victoria, with the transport Firefly in company, lost each other in a heavy gale from S.S.E. to S.E., on the night of September 1. The gale continued very strong until the 5th, when the Victoria bore up and entered by Raine Island Passage, anchoring on the Great Detached Reef for the night, and under the Ashmore Banks the next day, to ascertain if any notice was left of the Firefly having passed in.

"On the 7th, when proceeding on towards Cockburn Reefs, sighted two wrecks on north Sir Charles Hardy Island—one on the east, and the other sunk on the west side; also an ensign, union down, on the highest peak of the island. Hauled up immediately, and anchored under the south island. The wreck on the east or weather side proved to be the Firefly on shore, on a reef of rocks, with masts cut away. The other, on the lee side, was the Lady Kinnaird, sunk in six fathoms. The crew of the former all safe on shore, and the latter, judging from the remains of their camp, had only been gone some few weeks.

"The following is the report of the captain of the Firefly:—

"After losing sight of the Victoria on the night of the 1st of September, I found that my vessel was gradually drawing towards the barrier, and, knowing my position on Thursday morning, I bore up, and run in by the Raine Island channel under close-reefed topsails, as it was blowing very hard at the time, and made for the Sir Charles Hardy's Island for shelter and anchorage, bringing up under the south one in seven fathoms; parted both cables after daylight on Wednesday morning, and drif ed on the rocks, where my ship is now a total wreck, with her masts cut away. Twenty-five horses were saved by cutting down the ship's side; also part of the stores, but not many."

"De ermining to continue the expedition (after five days' hard labour), the remains of the wreck were got off, and prepared for re-shipping the horses. All being ready, the twenty-five remaining horses were shipped, and we left the island on the 22nd with the wreck in tow, making nine inches of water per hour, and her crew are now on board the Victoria, as shipwrecked mariners, for conveyance to the first port; as although I have every hope of towing the hull to the head of the Gulf, she is totally unfit for any further sea service.

"Anchored under Cairncross Island on the night of the 22nd, where we found our barge, which had been missing since September 12, when she broke adrift from the hawser used in getting off the wreck, and found her way by herself to this island, a distance of sixty miles—everything complete in her, and very little injured.

"Arrived at this island at half-past six p.m. on the 23rd, all safe, with the hulk astern, and the horses all well.

"Left on the island 24th September, 1861.—10 tins biscuit, 50lb. each; 4 small casks beef, 3 small casks pork, 3lb. tea, 12lb. sugar, 1 small cask butter, 6lb. salt, 3 bottles brandy, 2 bottles rum. In chest—3 boxes matches; pens, a quantity; ink, 2 bottles; pipes, 6; tobacco, 6lb.; letter-paper, 1 quire.

"W. H. NORMAN."

THE NATIONAL AND DENOMINATIONAL SCHOOLS.

Mr. M'CANN asked the Chief Secretary if he had any objection to lay upon the table of the

House a return showing the number of schools in existence under the National and Denominational Boards; the amount of salary paid to the teachers, the average attendance of scholars, and the amount of school-fees paid in each school during the year 1861, distinguishing in the return of the Denominational schools the denomination to which each school belonged; and the manner in which the votes for office management and school inspection were expended during the year 1861?

Mr. O'SHANASSY said there would be no objection whatever.

IMPOUNDING PREVENTION BILL.

LICENSING ACTS AMENDMENT BILL.

These orders of the day were discharged from the paper.

CASE OF MRS. JAMES.

Mr. HEALES (in the absence of Mr. Foott) moved that the petition of Mrs. James, widow, presented to that House on the 5th instant, be referred to the committee appointed to consider claims for compensation.

Mr. M'CANN seconded the motion.

Mr. K. E. BRODRIBB wished to know whether it was usual to have a sitting committee to invite claims for compensation to that House? If it were not, he should oppose the motion.

Mr. LOADER thought it would be well to put an advertisement in the paper at once asking people to send in their claims. There were a number of sturdy beggars going about the country, and it was absurd to suppose that a committee of six or seven members, nominated to consider one or two special cases, should be asked to consider every claim made to that House. He strongly objected to such a course.

Mr. MOLLISON did not like to say that he would not act on the committee, but he thought it was impossible that members could act if so many cases were referred to them. Already there were a dozen petitions referred to the committee.

Mr. SNODGRASS thought that hon. members were inclined to prejudge the case, which might be the best brought forward. He thought the motion should be postponed until after the fifteenth motion, and that then the petition should be read.

Mr. HEALES would be happy to postpone the motion.

Mr. DON was afraid that the reference of so many petitions to this committee would render it impossible for any report to be brought up in time.

Mr. FRAZER approved of the notion of sending such petitions to a committee, as it was calculated to save private members from much annoyance.

Mr. HAINES thought that hon. members themselves were responsible for what had occurred; and he must say that great encouragement had been given to these petitions, the House having granted relief in many cases not at all dissimilar. After all, most of the claims made would not require long consideration.

Mr. BROOKE pointed out that, the petition having been sent to the Committee and not returned, it was not necessary to go on with this motion, as in reality it was already before the Committee.

Mr. HEALES asked leave to withdraw his motion.

The SPEAKER wished hon. members to take notice that motions of this sort were mere evasions of the rules of the House, which declared that no petition praying for a grant of money should be received by the House.

In answer to Mr. M'MAHON,

The SPEAKER added that the rule was adopted for a very wise purpose.

The motion was then withdrawn.

REAL PROPERTY BILL.

Mr. SERVICE moved for leave to bring in a bill to simplify the laws relating to the transfer and encumbrance of freehold and other interests in land.

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

The bill was then brought up and read a first time, and ordered to be printed, and read a second time on Thursday next.

Mr. SERVICE moved that its second reading take precedence over all other business.

Mr. IRELAND wished to state that, if this bill were always to take precedence, all the Thursday nights in the session would be occupied with it exclusively.

In answer to Mr. LEVEY,

Mr. SERVICE said his motion was only that the bill should have precedence on Thursday next.

Mr. WOOD said he, as a private member, had a bill on the business-paper for Thursday next. That bill had been brought down from the Upper House, it had been agreed to last session, and had the House sat a few days later it would have become law. Under these circumstances, he thought it hard that an important measure should have to give way to a new-fangled bill, only because an hon. member did not know how to conduct his measures properly, and was thrown over on one occasion because of his ignorance of an act of Parliament.

Mr. BROOKE did not see that any complaint could reasonably be made by the legal members of the Government, after the threat which had been thrown out by the hon. Attorney-General. If every Thursday were occupied with it, the cause would only be the opposition offered by the Crown law officers. If they were anxious to proceed with other business, they had nothing to do but to withdraw their opposition. (a laugh.)

The motion was then agreed to.

ALIENS BILL.

The House then went into committee for the further consideration of this bill.

Clause 1, repealing former acts on this subject, was agreed to.

On clause 2, declaring that aliens might hold real and personal property,

Mr. K. A. BRODRIBB questioned the wisdom of departing from the law of England on this subject. He looked upon its provisions as unsafe, and moved that it be struck out.

Mr. LEVEY thought that, as this clause contained the vital principle of the bill, this objection should have been urged at the second reading. He quoted a variety of authorities, to show that the most eminent jurists of England

had declared the difference between real and personal property to be immaterial in this regard, and urged that the law he sought to establish here was the law of every country in Europe, but England.

Mr. HOOD supported the clause, believing that no obstacles should be thrown in the way of foreigners desiring to settle here.

Mr. BRODRIBB thought the reference to the fact that this clause contained that which was the law of every country in Europe save England did not help the argument, for he understood it was a privilege to live in England in comparison with other European states.

Mr. LEVEY advocated the adoption of the clause, because he saw no reason why an alien should not hold real as well as personal property, which he was allowed to do at present, and it would require stronger argument than he had yet heard to make him believe that he was wrong.

Mr. EDWARDS would suggest, as it was a very small House, and the subject not of vital importance, that the mover of the bill should consent to report progress, and let the subject be dealt with on another occasion in a fuller House.

Mr. HEDLEY was in favour of proceeding with the bill.

Mr. B. G. DAVIES was also in favour of that course, because he was aware that many persons were anxiously awaiting the passing of the bill.

Mr. RAMSAY considered the bill of great importance, and trusted the House would go on with it. He could see no reason for postponing its consideration.

Mr. K. E. BRODRIBB pointed out that a foreigner, by taking the oath of allegiance, could enjoy all the advantages sought to be conferred upon him in this bill.

Mr. LEVEY again defended the clause, and believed that the hon. member (Mr. Brodribb) was making a mistake as to the real intention of the bill.

Mr. WEEKES supported the view of the case taken by the member for St. Kilda.

After further remarks from Mr. LEVEY,

Mr. WOOD would merely point out that there were two countries in the world, France and England, which were more likely to go to war with each other than any other countries, and if there was any danger likely to arise from offering facilities to aliens, it would be in the case of France; and yet any number of Englishmen might go there and take up the position of citizens. He thought there were greater arguments in favour of the clause than against it, and he would support its adoption.

In reply to a question from Mr. Snodgrass,

Mr. WOOD observed that no person was able to abjure his allegiance to his native country. If a man, the subject of one country, took the oath of allegiance to another, the only advantage he enjoyed was, that he was liable to be hanged for treason by two countries instead of one. (Laughter.)

Mr. K. E. BRODRIBB asked, assuming that the bill passed as it stood, and that aliens were enabled, in consequence, to acquire real estate without taking the oath of allegiance, what would be the position of that property in the event of a war breaking out between Great Britain and the nation to which the alien belonged?

Mr. WOOD said it would be in the same position as a debt. If an alien enemy brought an action for goods, he was liable to be met by a plea in abatement—a plea that the plaintiff was an alien enemy; and that would be an answer to the action.

Mr. BERRY had very little sympathy with the objections that were taken to the clause. At the same time, he looked upon the bill with some suspicion, because there was in the country a large class which he did not think it desirable to establish here. He referred to the Chinese, who at present were mere birds of passage, and who would not be desirable colonists. If they offered facilities to the Chinese for acquiring land, they would do all in their power to rivet the residence of these people here.

Mr. O'SHANASSY said, as far as his experience went, there were not more than six Chinamen who had shown any desire to be naturalised. On application being made by them to Government, they were informed that if they showed any disposition to settle, by marriage or by the purchase of property, the privilege would be granted. He found, however, that there was little desire to take advantage of that offer, and, therefore, he thought the danger apprehended by the member for Collingwood was more imaginary than real. It was not the policy of the Chinese to settle in foreign countries. As soon as they had accumulated a certain amount of money, they were anxious to return home.

Mr. LEVEY was quite aware that the Chinese question formed the weak point of his bill; but he found, on consulting good authorities on the subject, that, as under the last treaty between the Queen and the Emperor of China, there was to be thorough reciprocity between the two nations, any exception that might be made as against the Chinese would lead to the withholding of the Royal assent to the measure.

The clause was then agreed to, as was also Clause 3, legalizing former conveyances by aliens.

On Clause 4, requiring five years' residence to entitle an alien friend to letters of naturalisation,

Mr. RAMSAY proposed that "three" should be substituted for "five" years.

Mr. LEVEY explained that he adopted five years because that was the period mentioned in the old alien law, and was also the period fixed by the present alien law in England.

The amendment was carried, and the clause, as amended, was then agreed to.

On clause 5, setting forth that every person so naturalised should have "the same rights, powers, and capacities," as a natural born subject of Her Majesty, and should be able to vote at elections for members of Parliament, and be qualified to serve as a member of either House of Legislature, or as a member of the Executive Council,

Mr. K. E. BRODRIBB took exception to a foreigner being able to become a member of the Executive Council after a residence of only three years in the colony.

Mr. RAMSAY admitted that he should not like to see a foreigner a member of the Executive Council, but the Legislature would not

allow such a thing to happen, unless the man was perfectly qualified for the office. The thing was a mere bugbear.

Mr. SERVICE proposed an amendment, which would have the effect of expunging from the clause all allusion to the Executive Council.

After some discussion,

Mr. GILLIES remarked that the House had recently, in the bill amending the law relating to Chinese immigrants, prevented Chinese, even when naturalised, from voting at an election of a mining board; but the present bill would qualify a Chinaman to be a member of Parliament. This was an inconsistency; and he thought the House ought to adopt a uniform course of action.

Mr. LEVEY thought the hon. member, like Don Quixote, was raising a bugbear to run a tilt against it. Did he imagine there was the slightest probability of any Chinaman obtaining a seat in that House? (Laughter.)

Mr. TUCKER said that if the clause passed as it stood, nothing would be easier than for a Chinese headman to get himself elected a member of the House in the Castlemaine district.

Mr. SERVICE, on further consideration, thought the amendment he had proposed would not accomplish the object he had in view. With the leave of the House, therefore, he would withdraw it, and move another amendment, to the effect that the word "and" after "Assembly" should be omitted, and the words "but no such person shall" be added. The effect would be to disqualify aliens from voting for members of the Legislative Council or the Assembly, or from being members of either of those bodies.

This amendment was agreed to, and the clause adopted.

Mr. B. G. DAVIES, on the House re-assembling after adjourning for refreshment, pointed out that the hon. member who had charge of the bill was not present, and called attention to the state of the House.

The members present were counted, and there were found to be only fourteen.

The House accordingly adjourned at a quarter to eight o'clock, until four o'clock on the following day.

SIXTY-SIXTH DAY—FRIDAY, MARCH 14, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock precisely.

PLEURO-PNEUMONIA.

Mr. REID gave notice that, on Tuesday next, he would draw the attention of the Government to the state of the law regarding pleuro-pneumonia in New South Wales, as affecting the interests of this colony; and ask the Chief Secretary whether the Government would be prepared to take such action as would induce the Government of New South Wales to allow that free system of intercourse so necessary to the welfare of both colonies?

COLONIAL DISTILLATION.

Mr. M'MAHON (in the absence of Mr. Anderson) gave notice that, on Tuesday next, he would move that the House, on Friday next, resolve itself into a committee of the whole, to consider the propriety of adopting the following resolutions:—

"1. That it is expedient to consolidate and amend the laws affecting distillation and brewing in Victoria, and the sale of fermented and spirituous liquors in certain cases.

"2. That licences be granted for the following purposes, and fees therefor be paid according to the annexed scale:—For every licence to keep and use a still for the distillation of spirits, £10; for every licence to keep and use a still for medical, chemical, assay, photographic, or scientific purposes, or for distilling perfumes, or for the manufacture of pyroligneous acid, naphtha, or other manufacture where a still is necessary, and in which no spirits are made, £2; for every licence to keep and use a still for distillation of brandy from grapes, for the purpose of fortifying wines, £5; for every licence to keep and use a still for the distillation of brandy from grapes, for sale or exportation, £10.

"3. That the following rates of duty shall be paid, levied, and collected on spirits hereafter distilled in Victoria, viz.:—Upon spirits distilled from malt, grain, roots, grapes, or wine, 6s. per gallon; upon spirits distilled from sugar, treacle, molasses, beer, or ale, 8s. per gallon.

"4. That a bill be brought in to carry out the above-mentioned purposes."

The hon. member added that there was a notice on the business-paper of that day for the consideration of other resolutions, which had, however, been found to be not sufficiently comprehensive.

POLICE PROTECTION AT JAMIESON'S.

Mr. REID gave notice that, on Tuesday next, he would ask the hon. Chief Secretary if any steps had been taken to supply the deficiency in police protection to the Jamieson Gold-fields; and whether or not the Government were aware that only a few days ago Mr. Perkins, a storekeeper, was shot at and severely wounded between Cheney's Point and Caffner's Creek?

VICTORIAN DEBENTURES.

Mr. VERDON rose to give notice that, on Tuesday next, he would ask the hon. Minister of Finance when the unpublished correspondence between the Victorian Government and the associated banks respecting the railway debentures would be laid on the table?

Mr. HAINES would explain at once that the documents were not yet in his possession. He had received a communication from the manager of the Bank of Australasia, who acted as chairman of the bank committee, and he expected to receive another letter in the course of the day; and would take the earliest opportunity of laying them before the House.

MINING LEASE AT DAYLESFORD.

Mr. O'CONNOR asked the hon. the Postmaster-General if the Government would lay upon the table of the House all the correspondence and documents in relation to the Specimen Hill lease (Daylesford).

Mr. WOOD (in the absence of Dr. Evans) said he believed the Government had no objection to comply with the hon. member's request, but he could not positively state as much.

CODIFICATION OF THE MINING BYE-LAWS.

Mr. RICHARDSON (in the absence of Mr. Humffray) asked the hon. the Minister of Justice what progress had been made by Mr. Atkins in classifying and codifying the Mining Board Bye-laws, in accordance with the vote of the Assembly on the Estimates of 1861, for the Mining Department.

Mr. WOOD replied, that he held in his hand a draft copy of the work as prepared by Mr. Atkins. It embodied in one code the whole of the existing bye-laws respecting other subjects besides actual mining, such as those relating to companies, liens, and so forth. The work was divided into a number of heads, such as the divisions of mining districts, mining registrars, the occupation of land, the frontage system, the block claim system, the ordinary working of claims, the junction of leads, and many other matters. He could not say he had quite gone through the work, or even its principal features, so as to be able to pronounce an opinion, but it seemed to have been carefully and skilfully done.

NATIONAL BOARD TEACHERS.

Mr. DON, at the request of Mr. Haines, postponed till Tuesday next his question why the National School teachers were unpaid, seeing that the National Board has £7,500 to their credit, and the secretary, inspectors, and clerks had been already reimbursed out of the £5,000 voted by the Assembly in 1861?

Mr. JOHNSTON would just remark that the board had taken the risk of paying the inspectors, as they could not go on with their duties without money, and it was not desirable that the system of inspection should come to a standstill.

CAPE OTWAY TELEGRAMS.

Mr. LALOR postponed the question upon this subject, of which he had previously given notice, till Tuesday next.

YARRA BEND LUNATIC ASYLUM.

Mr. DON moved for leave to bring up a progress report from the select committee appointed to inquire into the working of the Yarra Bend Lunatic Asylum.

Leave was granted, and the report was brought up, and its consideration fixed for Thursday next.

MILITARY EXPENSES.

Mr. LOADER gave notice that, on Wednesday next, he would ask the hon. Minister of Finance to furnish returns setting forth the moneys paid over by the Government to the military authorities, and a balance-sheet showing how those moneys had been applied.

ROADS AND BRIDGES.

Mr. JOHNSTON begged to inform the House that he was commissioned by the hon. the Commissioner of Roads and Bridges to state that the scheme for the distribution of the vote for roads and bridges would be placed in the hands of hon. members on Tuesday night next, and the vote would probably be brought under consideration on the Friday following.

SUPPLY.

Mr. HAINES proposed that the order of the day for reporting to the House the resolutions already passed in committee of supply should be postponed till Tuesday next. When that order of the day came on he had an important motion respecting the vote for educational purposes to bring forward, which he did not wish to submit to a thin House like that present.

Mr. LOADER asked when the immigration vote would be considered? He was daily receiving letters from persons anxious to bring their friends out here.

Mr. HAINES explained that there was some difficulty in respect to this vote. Part of the amount which it was intended to appropriate to this purpose would depend upon the course taken by the House in regard to the Land Bill. Urgent claims might, however, be met by passing the other portion of the vote, for the consideration of which he would be glad to name an early day. The earliest day he could name would be Friday week, when he would endeavour to bring the matter on.

In answer to Mr. M'CANN,

Mr. HAINES added that his object in seeking the postponement he asked for was to give the House an opportunity to reconsider their vote for education. He should simply submit his proposition, and leave it to the House, not being desirous of provoking a discussion.

The motion was then agreed to.

ELECTORAL ACT SUSPENSION BILL.

On the motion of Mr. WOOD, this bill was recommitted.

Mr. WOOD moved that in clause 5 the words "newspaper published in the district, or if there be none circulated in the district," be substituted for the words, "newspaper ordinarily circulated."

The alteration was agreed to.

The clause was then, upon the motion of Mr. WOOD, further amended by the omission of the words, "and the production of any newspaper containing any such notice shall be *primâ facie* evidence of such notice having been given;" as also by making it necessary that notices should be sent to the clerk of petty sessions at least fourteen days before a revision court is held. Other verbal alterations were also agreed to.

The clause, as amended, was then agreed to.

Mr. WOOD said that the hon. member for Rodney had, when this bill was last discussed, expressed a wish that the schedules should contain the number on the roll of the elector objected to. To meet this view, and as it would be impossible to insert numbers, he moved that there be added to such objection the place of residence and qualification of the person objected to. (Hear, hear.) The question, that the words proposed to be omitted stand part of the bill, was put and negatived, and the question, that the words proposed to be added be then added, was agreed to.

Mr. WOOD proposed that a new clause should be added after the third clause. The revision court under the existing law would have been held on the 20th of March. That, however, would not now be available, and, therefore, he would propose a new clause, fixing the date for the general revision court for the 25th of June.

The question, that the clause stand part of the bill, was put and agreed to.

The CHAIRMAN then reported the bill, with amendments, and leave was given that the report should be further considered on Tuesday.

SUPPLY.

The House then went into Committee of Supply.

Mr. HAINES would propose a vote, which he thought would not excite much discussion. It was the sum of £15,000 for the Melbourne Post-office.

Mr. J. DAVIES asked how much of the sum would be required this year, and what was the total amount which would be required?

Mr. JOHNSTON said the £15,000 was required this year, and the total amount required would be about £30,000 more.

Mr. GRANT thought it would be an advantage to the country to have the new Post-office finished as soon as possible. The present building was not a proper one for the purpose to which it was devoted, and was most unhealthy for those employed in it, both in hot and cold weather.

Mr. HAINES had no doubt that the hon. member was correct in his statement, but he doubted whether the adoption of his suggestion would be a wise course in the present circumstances of the colony. There would, at the beginning of the next financial year, be a considerable deficiency to meet, because there could be no doubt that the revenue was falling. He had carefully considered the matter, and had examined the returns laid before the Upper House, and they showed that the revenue was not at all likely to remain as great as it had been for the past five years. He was only doing his duty in pointing that out, and having done so, if the House accepted the suggestion thrown out, the responsibility would be removed from his shoulders to those of the hon. members who supported the proposition.

Mr. MOLLISON agreed with what had fallen from the member for Avoca, but protested against any more money being taken from the revenue at the present time. It was doubtless desirable to finish the building, and he would propose that the Government might raise the necessary means by issuing debentures, say for £150,000, which, if taken up, might be made payable at the rate of £10,000 a-year, or any other sum which might be fixed. It would never do to take more money from the revenue at present, because, even now, when applications were made for money, the answer was that the Treasury was empty.

Mr. GRANT was of opinion that the money might be obtained without difficulty, and he would remind the House that the Government were now paying about £13,000 a-year in the shape of rent. To get rid of that burden it would surely be desirable to expend even £100,000 in the completion of the public buildings. At the same time he would remind hon. members that the Government would at the beginning of next year be under the necessity of borrowing a million of money, for the completion of the railway from Sandhurst to Echuca, and there might, therefore, be difficulty in adopting the scheme suggested by the hon. member (Mr. Mollison).

Mr. DON approved of the suggestion of the member for Dundas, and believed that its adoption would enable them to finish the Post-office, and would relieve them from the disgrace of having so many unfinished buildings in the city. He could support the member for Avoca in regard to what he had said about the unhealthiness of the present Post-office, and was aware that there was the strongest necessity for the completion of the new building. The sum of £15,000 would be inadequate for that purpose; it would, in fact, do no more than raise the outer walls some four feet, and there would be great disappointment if that sum only were voted. Probably, the best plan would be to vote that sum first, and then consider the suggestion which had been thrown out.

Mr. MOLLISON would point out to the member for Avoca that he did not propose to raise an additional loan in London, but that the Government should issue Treasury notes, which would be redeemable at stated intervals.

Mr. GRANT insisted that the Government would find it necessary, in order to keep faith with the debenture holders, to raise another £1,000,000 for the purpose of completing the line between Sandhurst and Echuca. It was pretty clear that there would be no surplus from the railway loan with which to begin that line. The purchase of the Geelong and Melbourne Railway cost £750,000, and something like £250,000 would have to be laid out to put that line in a proper state of repair. Had not this money been deducted from the railway loan there would have been no necessity to raise a further sum to complete the line to the Murray. It was well known that on the completion of the line to Echuca the whole of the traffic that now went down the Murray to Adelaide would be diverted to Melbourne. The additional £1,000,000 he believed could be raised without difficulty in the colony.

Mr. HAINES looked upon the discussion as scarcely regular. He thought when the member for the Avoca asserted that it would be necessary to borrow another £1,000,000 to complete the railway to the Murray he rather overshot the mark. The purchase of the Geelong and Melbourne line cost something like £660,000, which was taken from the railway loan, but against this had to be set £500,000, the amount of anticipated saving on the railway contracts. Therefore he did not think the country called upon to borrow anything like £1,000,000. He objected to the suggestion of the member for Dundas—first, because it was calculated to disarrange the whole Government scheme of finance; and secondly, because he did not think the circumstances of the country sufficiently flourishing to warrant the borrowing of £150,000 for the completion of public buildings. Economy must be practised. Although it might be important that the metropolis should have these handsome buildings, he could not help thinking that they had paid rather

too much for their decorations. The feeling, he believed, was pretty general that they might have spent their money more profitably; and he objected to a loan, unless it were for some reproductive purpose. He knew that the duties of the postal department were carried on under difficulties, and he did not think it fair that certain Government employés should have to carry on their operations under a wooden shed while others performed their duties in highly-decorated buildings. He could only declare that if the duties of his office compelled him to be in a wooden building for a certain number of hours in the day he should be content, for the sake of the country, to endure the position for some time longer. (Laughter.)

Mr. KYTE drew attention to the unsafe condition of the present Post-office. It adjoined a considerable number of wooden shanties; and he rarely passed the building without shivering with horror. The loss which the mercantile community might suffer through the destruction of the Post-office by fire could hardly be appreciated. He should like to see the present vote increased to £30,000, in order that the new building might be completed and open during the present year. The hon. member concluded by moving an amendment to that effect.

Mr. WEEKES admitted that the destruction by fire of any public building was a calamity, but thought it was far less serious than loss of life through the absence of bridges over rivers. No less than seven persons had lost their lives in attempting to cross the river near Beechworth, for the purpose of obtaining provisions. Certainly it was quite as desirable to pay attention to public works throughout the country as to the Post-office at Melbourne. He was surprised to hear that the Postmaster-General had been driven from the Post-office because of an apprehension of fever, arising from the existence of six inches of water beneath the building—a matter which could easily be remedied by means of a pump or a supply of earth. (Laughter.)

Dr. EVANS was as ready as anybody to submit to a joke; but if the member for the Ovens, under the pretence of a joke, meant to insinuate that he (Dr. Evans) was not in the Post-office as many hours as were devoted by other Ministers to the business of their respective departments, he begged most distinctly to contradict the assertion. (Hear, hear.)

After some further discussion, Mr. KYTE withdrew his amendment, and the vote was agreed to.

The sum of £709 12s. 10d. towards the new Post-office at Melbourne (being the re-vote of a lapsed amount of vote of 1860) was passed without comment.

On the vote of £10,000 for new buildings for post-office and telegraphic purposes throughout the country, including repairs and additions to existing buildings,

Mr. B. G. DAVIES asked if there was no plan of distribution? and called attention to the want of a telegraph station at Korong.

Mr. JOHNSTON said the vote was intended to meet contingencies. There could be no plan of distribution? because it was not at all clear where the buildings might be wanted. It was a customary vote.

Mr. RAMSAY asked whether the works to be performed under the vote would include the extension of the telegraph from Inglewood to Swan Hill, and recommended that such extension should be carried *viâ* Inglewood.

Dr. EVANS said the general superintendent of electric telegraphs had reported that it would cost more to carry the telegraph by way of Korong than by way of the main road running parallel to the Loddon; but the report had been referred back for further information.

Mr. JOHNSTON observed that the vote had to do, not with the extension of telegraphic lines, but with telegraph stations; and submitted that the member for Maldon was out of order.

The vote was then agreed to; as were also the the following:—£1,200 for furniture and fittings for post-offices, and electric telegraph stations throughout the country; £3,000 for fencing public buildings and lands; £1,500 for fencing police reserves.

CEMETERIES.

On the vote of £2,000 for forming cemeteries,

Mr. M'CANN called attention to the fact that the amount set down for this purpose in the Estimates of the late Government was £5,000. He was convinced that £2,000 would not meet half the applications which would be made.

Mr. M'LELLAN hoped the Government would consent to increase the sum. Several of the largest cemeteries up the country had no fence round them, and the dead were altogether unprotected from desecration.

Mr. HAINES thought the sum of £2,000 was sufficient, and hoped the House would not increase it at present. If it were found not to be large enough, the Government would be willing to increase it by a supplementary estimate.

Mr. B. G. DAVIES considered £2,000 totally inadequate, and moved that it be increased to £5,000.

Mr. J. T. SMITH hoped there would not be a long debate on this grave subject. (Laughter.) He suggested that the House should be satisfied with the promise made by the Minister of Finance.

Mr. M'CANN thought the proposition of the Minister of Finance would not meet the difficulty.

Mr. JOHNSTON was not able to give any information as to the probable sum which would be required, in consequence of the changes which had been made in the jurisdiction of the Public Works and the Lands and Survey Department; but he thought the assurance given by the Minister of Finance to bring down a supplementary estimate, if the amount were not sufficient, would provide against any inconvenience.

Mr. HEALES remarked that the late Government placed £5,000 on the Estimates for fencing in cemeteries; but to meet all the applications which were made would have required £15,000 or £16,000. He thought that, if the proposition made by the Minister of Finance were adopted, applications would probably be sent in which could not be granted at a less expense than £20,000, and the House would have to decide upon the merits of each case. The better plan would be to increase the amount to £5,000, which would be sufficient to meet all pressing cases.

After some remarks from Mr. WEEKES,

Dr. EVANS stated that, two or three years ago, when he was at the head of the Lands Department, he had the curiosity to make a calculation in reference to the cemeteries, and he found that, if all the land in the colony which had been set apart for cemeteries were fenced in, there would be sufficient to bury the entire human race. (Much laughter.)

Mr. HAINES observed that, in 1860, £3,000 was voted for fencing in cemeteries, and the sum expended was £2,470. The population had not increased, and he did not think it likely that a much larger sum would be required this year for the cemeteries; at all events, the amount proposed by the Government could, if necessary, be increased by a supplementary estimate.

Mr. DENOVAN hoped the hon. member for Avoca would withdraw his amendment.

Mr. B. G. DAVIES declined to do so.

The amendment was then put, and the House divided, with the following result:—

Ayes	...	12
Noes	...	19
Majority against the amendment		7

The following is the division-list:—

AYES.

Mr. Davies, B. G	Mr. Kirk	Mr. M'Lellan
— Edwards	— Kyte	— O'Grady
— Gray	Dr. Macadam	— Ramsay
— Heales	Mr. M'Cann	— Richardson.

NOES.

Mr. Brodribb, WA	Mr. Hood	Mr. M'Donald
— Davies, J.	— Ireland	— Service
— Denovan	— Johnston	— Smith, J. T.
— Don	— Loader	— Weston.
Dr. Evans	— M'Culloch	— Wood
Mr. Haines	— M'Mahon	— Wright.
— Hedley		

The subdivision, "Rents and furniture," was next submitted.

On the item of £13,000 for "rents of public offices and buildings,"

Mr. GRAY asked if there were any probability of a reduction in the sum this year by the occupation of the new Treasury offices?

Mr. JOHNSTON.—I am afraid not.

The item was agreed to, as was also the next, viz., £4,000 for "fittings and furniture for public offices, &c., including repairs."

Mr. HAINES said he would postpone the consideration of the next subdivision, £43,720 19s., for "water supply, &c., to the gold-fields," as there was only a thin House at present.

The subdivision denominated "miscellaneous" was next submitted, and the following items were agreed to without discussion:—Repairs and other works at the Parliament Houses, including fittings and furniture, £1,500; drainage, &c., of Parliament Houses, Treasury, Printing-office, and reserves, £3,500; repairs and additions to public works and buildings, including laying on gas and water, £5,000; repairs and additions to buildings, fencing, tree guards, and works, Botanic Gardens, Melbourne, £600; for public offices at Portland, £750.

On the next item, £400 "towards artesian well at Queenscliff,"

Mr. B. G. DAVIES asked what was the object of placing this sum upon the Estimates?

Mr. JOHNSTON said that the geological surveyor had declared that water would be found at Queenscliff, and as great inconvenience was suffered from the want of water, the Government thought it advisable to make an experiment. He believed that the expenditure of about £150 more would decide whether water could be obtained or not.

Mr. RAMSAY.—Has the artesian well been commenced?

Mr. JOHNSTON.—Yes.

The item was agreed to.

THE DARLEY STONE.

On the item of £500, "compensation to Mr. Barbour for the discovery of the Darley stone," being submitted,

Mr. DON moved that it be struck out. He denied that Mr. Barbour was the discoverer of the Darley stone, for its discovery was contemporaneous with the discovery of the Pentland hills. Moreover, the stone was utterly worthless, for it could almost be blown into dust by the wind; and the Custom-house, which was built of it, looked as if it had been built a thousand years ago, the stone being much crumbled. It would be a piece of unmitigated humbug to pass the item.

Mr. JOHNSTON said there was some truth in what the hon. member for Collingwood had stated about the stone being bad, but Mr. Barbour was in no way to blame for that. He had investigated the circumstances, and recommended that the sum should be placed on the Estimates for these reasons:—£1,000 was offered by the Government for a quarry of stone suitable for public buildings, and Mr. Barbour discovered a quarry at Bacchus Marsh. Mr. Barbour had spent £500 or more on the quarry when the Government interfered; and instead of allowing him to continue to work the quarry with the chance of making a profit, they took possession of it themselves. It was, therefore, simply an act of justice to refund Mr. Barbour the money he had expended on the quarry. With respect to the quality of the stone, he (Mr. Johnston) thought the Government were not much to blame in the matter, for the Imperial Parliament had committed a similar error in building the House of Commons, the stone of which was crumbling away.

Mr. J. DAVIES, after the explanation given by the Commissioner of Public Works, thought it would be a breach of faith on the part of the Government not to pay the money to Mr. Barbour; but he suggested that the purpose for which it was required should be altered on the Estimates, so as to make it clearly appear that it was for compensation for the loss Mr. Barbour had sustained, and not for discovering the quarry.

Mr. DENOVAN, on the committee re-assembling after adjournment for refreshments, called attention to the fact that there was no quorum.

The bell was rung, and after the usual interval, the members present were counted, and there were found to be only fourteen present.

The House was accordingly adjourned at a quarter to eight o'clock until four o'clock on Tuesday.

SIXTY-SEVENTH DAY—TUESDAY, MARCH 18, 1862.

LEGISLATIVE COUNCIL.

The ACTING-PRESIDENT took the chair at eight minutes past four o'clock, and read the usual form of prayer.

PAPERS.

Mr. MITCHELL laid on the table despatches which had been received from the Secretary of State for the War Department, directing that the troops sent by the colony to New Zealand should be forthwith recalled. Also despatches announcing the settlement of the American difficulty, but urging that the defences of the colony should be put into effective condition, so as to provide against all contingencies.

VISIT OF THE GOVERNOR.

The ACTING-PRESIDENT announced that he had received a communication from the Governor's private secretary, to the effect that His Excellency would attend the House the following day (Wednesday, the 19th inst.), to give his assent to certain bills.

DEATH OF THE PRINCE CONSORT.

Mr. MITCHELL intimated that he had received a communication from His Excellency the Governor, stating that a despatch, received by the mail steamer which arrived last week, confirmed the intelligence previously received, by way of the Mauritius, of the death of His Royal Highness the Prince Consort. He had, therefore, to move the appointment of a committee, consisting of Mr. Power, Mr. Fawkner, Mr. Fellows, Mr. Miller, and himself, to prepare an address to the Queen, condoling with Her Majesty on the great bereavement she had sustained. He was aware that addresses of this nature were frequently looked upon as mere matters of form, but he was quite sure that in proposing the present resolution he was acting according to the wishes both of the House and the country. It would be unnecessary for him to refer to the character of the Prince whose loss they mourned; but he might allude to the fact that at no period of the history of the British Empire was the feeling of the nation as regards loyalty so strong as it was at the present time. Poets had sung, and foreigners had gone to the mother-country to admire, "The happy homes of England;" but there were none happier than that which had gathered at Osborne or at Balmoral. By the death of the Prince Consort not only had they lost a great man, but the greatest domestic calamity had fallen upon the Sovereign. Notwithstanding this, the Queen had not sat down under her affliction. In the midst of her own grief she had sent forth words of consolation to those who had been rendered widows and orphans by an unexpected disaster. He (Mr. Mitchell) was sure that the House and the country would join with him in the prayer that Her Majesty might long be spared to reign over them, and set such good examples to her people. (Hear, hear.)

Mr. FELLOWS seconded the motion, which was agreed to unanimously.

THE NATIONAL BOARD.

Mr. POWER gave notice that, next day, he should ask for the production of copies of all correspondence that had taken place on the subject of the requirements of the National Board of Education for the year 1862, from the officials of that board to the Chief Secretary and the Treasurer.

GOLD EXPORT DUTY ACT AMENDMENT BILL.

Mr. FELLOWS moved—

"That there be a call of the House on Wednesday, the 2nd of April, for the consideration of the Gold Export Duty Act Amendment Bill."

This, he observed, appeared to be one of the most important questions, in a financial point of view, that the House could be called upon to consider, and therefore it ought to be dealt with in a full House.

The motion was agreed to without opposition.

The order of the day for the second reading of the bill was then postponed until the 2nd of April.

ANATOMY SCHOOL BILL.

In the absence of Mr. A'Beckett, and at the instance of Mr. THOMSON, the order of the day for the second reading of this bill was postponed until Tuesday next.

LIBRARY (JOINT) COMMITTEE.

The consideration of the report of this committee was postponed until Tuesday, in consequence of the document not having been received from the printer.

CUSTOMS LAWS AMENDMENT BILL.

The House then resolved itself into committee on this bill.

Clauses 1 to 6, inclusive, and clauses 8 and 10, were agreed to, with some verbal amendments.

Clauses 7 and 9 were struck out; and nine new clauses were added, at the instance of Mr. FELLOWS.

The first of these repealed the 100th section of the Customs Act, 1857, and enumerated the articles upon which drawback should be allowed; the second repealed the 65th and 66th sections of the same act; the third fixed the time in which goods should be entered and landed at four days; the fourth and fifth empowered the shipmaster to enter goods after such time, or after the time named in the bill of lading, if the importer, proprietor, or consignee, failed to do so; the sixth provided that the expense of guarding unentered goods, after four days, should be paid by the proprietors; the seventh was as to the value of goods; and the eighth and ninth related to the sale for freight of dutiable and free goods.

On the clause relating to the expense of guarding unentered goods,

Mr. STRACHAN objected to the clause, as unnecessary.

Mr. MILLER urged that the clause was necessary, to prevent smuggling.

Mr. FELLOWS explained that the time mention—"four days"—was adopted in order that there might be uniformity of action in the Customs service.

Eventually, "fourteen" was substituted for "four" days, and the clause, as amended, was then agreed to.

The bill having passed through committee, was reported to the House, and the adoption of the report was appointed for Tuesday next.

The House adjourned at twelve minutes past five o'clock until the following day.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at thirty minutes past four o'clock.

PETITIONS.

Mr. W. C. SMITH presented a petition from the president of the Ballarat Chamber of Commerce, in favour of Mr. Service's Real Property Bill.

Mr. OWENS presented a petition from Louisa Dunstone, praying that her case might be taken into consideration.

Mr. JONES presented a petition for a committee to inquire into the case of Philip Henry Cochrane.

Mr. SERVICE presented a petition from certain National schools, respecting a share in the distribution of the educational grant.

Mr. W. A. BRODRIBB presented a petition from fifty-nine electors of Brighton, praying that certain clauses attached to the vote for Denominational educational purposes might be struck out.

Mr. WOOD presented a petition from certain inhabitants of Warrnambool, praying the addition of a clause to the Land Bill with respect to the reservation of land for educational purposes.

These petitions were ordered to be laid upon the table.

MESSAGE FROM THE GOVERNOR.

The SPEAKER intimated that he had received a message announcing that His Excellency would, on the following day, attend in the Legislative Council Chamber, at half-past four o'clock, for the purpose of giving the Royal assent to certain bills.

THE DEFENCES OF THE COLONY.

The CHIEF SECRETARY laid upon the table a despatch from the British Government, relative to the disposal of the British fleet in case of war; and also recommending attention to the defences of the colony.

NOTICES OF QUESTIONS.

Mr. SERVICE gave notice that, on the following day, he would ask the Minister of Lands on whose certificate Mr. J. H. Lindsay was paid £550 16s. on the 18.h of April last, in connexion with the contract survey, and whether it was supposed he was under or over paid?

Mr. K. E. BRODRIBB gave notice that, tomorrow, he would ask whether the Government were taking any steps to establish telegraphic communication with England?

Mr. HUMFFRAY gave notice that, on Thursday, he would ask the hon. the Postmaster-General whether it was intended to make a central telegraph-office in connexion with the new Post-office; and whether it was intended to make a receiving telegraph-office in connexion with the present Post-office, until the completion of the new building?

Mr. W. C. SMITH gave notice that, tomorrow, he would ask the Postmaster-General, or the Commissioner of Railways, whether it was the intention of the Government to erect refreshment-rooms at any of the stations between Ballarat and the Geelong junction; and, if not, why?

Mr. NIXON gave notice that, to-morrow, he would ask the Minister of Justice whether he had received any communication as to the fact that two magistrates had been charged with violation of the law at the Colac Petty Sessions, as reported in *The Argus* of the previous day; and, if so, whether he would take any steps towards their removal from the commission of the peace?

Mr. B. G. DAVIES gave notice that, on Thursday next, he would ask the Postmaster-General what would be the cost of extending the electric telegraph to the Parliament Houses; and also if the Government contemplated making such extension?

Mr. JONES gave notice that, to-morrow, he would ask the Postmaster-General what was the number of miners and storekeepers on the Mountain rush; and whether they had applied for the establishment of a post office there; and if so, whether the application was likely to be granted?

NOTICES OF MOTIONS.

Mr. OWENS gave notice that, to-morrow, he would move that the petition of Louisa Dunstone be referred to the committee for settling claims for compensation.

Mr. JONES gave notice that, to-morrow, he would move that the petition of Mr. Tomlins be referred to the committee for settling claims for compensation.

Mr. OWENS gave notice that, on Thursday, he would move that the petition of Mr. C. J. Perry, on the subject of the anti-collision dial, presented to the House October 23, 1860, be printed.

Mr. LEVEY gave notice that, on Thursday, he would move that an address be presented to His Excellency, praying that the sum of £195 might be placed upon the Estimates for a "Queen's Plate," to be run for at the Melbourne Races.

Mr. LOADER gave notice that, to-morrow, he would move that all papers relating to the defences of the colony be referred to the committee now sitting to inquire into that subject.

Mr. EDWARDS gave notice that, to-morrow, he would move for the appointment of a committee to inquire into the purchase of certain lands on the main Murray-road, at Sandhurst.

Mr. NIXON gave notice that, on Thursday, he would move that the petition of William Milton, presented on the 12.h February last, be printed.

MR. SNOWBALL'S CASE.

Mr. HUMFFRAY asked the hon. the President of the Board of Land and Works, whether the arbitrators in Mr. Snowball's case had given

in any award yet; and if not, had they assigned any and what reasons for not having done so?

Mr. DUFFY stated that the arbitrators in this case had given in no report; and the only communication received was, as to whether the Government would object to enlarge the submission under which the award could be fixed. The answer of the Government was, that they could not do so, since it appeared that the submission under which awards could be made was limited.

PLEURO-PNEUMONIA.

Mr. REID begged to draw the attention of the Government to the state of the law regarding pleuro-pneumonia in New South Wales, as affecting the interests of this colony; and to ask the Chief Secretary whether the Government would be prepared to take such action as would induce the Government of New South Wales to allow that free system of intercourse so necessary to the welfare of both colonies? He would point out that the present state of the law was exceedingly favourable to New South Wales, and the reverse to this colony. In fact, it was such that the sheep from the borders of that colony could be brought into this without hindrance. It should also be remembered that the rate of assessment in New South Wales was such that the squatters of Victoria could not hope to compete with the squatters there. In New South Wales they paid only £7 10s. per 1,000 sheep, or at the rate of 1¾d. per head, while the rate in this colony was 8d. per head. Upon cattle, the assessment in the two colonies stood upon a similar footing—the rate here being 3s. a head, while in the neighbouring colony it was less than 1s. In other respects, also, the law in New South Wales operated unfavourably for this colony; and he wished to draw attention to the fact, in order to ascertain whether some arrangement more favourable to Victoria might not be come to.

Mr. O'SHANASSY replied that some months ago the attention of the Government had been drawn to the subject, and accordingly representations were made to the Government of New South Wales, with the view of bringing about reciprocity. But the answer of the Chief Secretary there was, that reciprocity would be dangerous, and therefore they could not adopt the suggestion offered. The hon. member had truly described the present state of the law; but if the Government here could do anything by further communication with the New South Wales Government, they would be most happy to do so. The Government, however, could not have taken immediate action after receipt of the answer he had alluded to without endangering the supply of stock to this country; and as the stoppage of an annual importation of 100,000 head of stock would have largely increased the price of beef in this colony, the Government were not prepared to take that step.

Mr. REID said that communication had already been opened with the Sydney Government on the subject by a deputation from Albury, and if the Government here would again call the attention of the Government of New South Wales to the matter he believed that some good would result.

CAPE OTWAY SHIPPING-LIST.

Mr. LALOR asked the hon. the Postmaster-General if he had any objection to cause the Cape Otway shipping-list to be placed, for public inspection, outside the telegraph-office, at Queenscliff?

Dr. EVANS replied that if it would be an advantage to any considerable number of shippers he would have no objection.

THE JAMIESON GOLD-FIELDS.

Mr. REID desired to ask the hon. the Chief Secretary if any steps had been taken to supply the deficiency in police protection on the Jamieson gold-fields? and whether the Government were aware that only a few days ago Mr. Perkins, storekeeper, was shot at and severely wounded between Cherry's Point and Gaffney Creek? There were, he believed, some 300 or 400 people there, for whose protection there were only two policemen.

Mr. O'SHANASSY read a reply to the question from the commissioner of police, in which it was stated that there were three policemen at these diggings, and that £50 had been offered as a reward for the discovery of the offenders. It was added that the police force was to be increased.

SPECIMEN HILL MINING COMPANY.

Mr. O'CONNOR begged to ask the Postmaster-General, without notice, if he had any objection to lay upon the table all papers relating to the Specimen Hill Mining Company, near Daylesford?

Dr. EVANS would object to lay the papers upon the table, but he had no objection that the hon. member should see them, and if he would call any day at the office of the Mining Department he would lay the whole of the papers before him, and point out those which he did not think should be laid upon the table, because there was reason to believe that in such a case they would be taken advantage of in the way of raising a number of actions for libel, and he did not feel justified in laying on the table papers which might be used for the gratification of private malice.

NATIONAL SCHOOL TEACHERS.

Mr. DON would ask the hon. the Chief Secretary why the teachers of the National Board had not been paid their salaries for the last three months, seeing that, from a statement made by the Hon. Mr. Johnston, the board had £7,500 to their credit in the bank; and further, if it were correct, as had been averred, that the secretary, inspectors, and clerks, under the National Board, had been reimbursed out of the £5,000 voted by the Legislative Assembly for the year 1861? Part of the question, he would add, had been answered by the hon. member (Mr. Johnston), but part of it still remained to be answered by the Chief Secretary.

Mr. O'SHANASSY said the only answer he could give was that of the secretary of the National Board to himself, in which it was stated that there was no balance in favour of the board available for the payment of salaries. There was some money to the credit of the board, but that was available only for purposes to which the board was already pledged; and nothing had

been paid for 1862 in connexion with the teachers, except as regards the travelling expenses of inspectors, &c. When that fact was brought under his (Mr. O'Shanassy's) notice, he recommended that the board might make provision for the teachers out of the funds in hand, and reimburse themselves when the vote passed the House. That course had apparently not been followed. But the vote for education had now passed the House. It would probably be reported that evening; and, after that was done, the Treasurer could legally pay over the money.

THE SANDHURST ELECTION.

Mr. MOLLISON presented the report of the Elections and Qualifications Committee on the petition against the return of Mr. J. J. Casey for Sandhurst at the last election. The committee reported that Mr. Casey had not been duly elected, and that Mr. Howard had.

On the motion of Mr. MOLLISON, the report was read and ordered to be printed.

THE LATE PRINCE CONSORT.

Mr. O'SHANASSY moved—

"That a select committee be appointed, consisting of Mr. Haines, Mr. Mollison, Mr. Verdon, Mr. Heales, and the mover, to prepare an address of condolence to Her Majesty on the lamented decease of His Royal Highness the Prince Consort."

He remarked that he did not think it necessary to say anything in support of the motion, as it was one which would receive the unanimous assent of the House. He would therefore simply move the appointment of the committee.

The motion was agreed to unanimously, and the committee retired to prepare the address.

After an absence of about twenty minutes, the committee returned to the chamber.

Mr. O'SHANASSY brought up the following address, which was read and adopted:—

"To Her Most Gracious Majesty the Queen.

"May it please your Majesty,

"We, your Majesty's dutiful and loyal subjects, the members of the Legislative Assembly in Parliament assembled, desire to convey to your Majesty the assurance of our sincere attachment to your Majesty's throne and person.

"We have learned with the most profound regret the irreparable loss sustained by your Majesty, your illustrious family, and your people, in the death of His late Royal Highness the Prince Consort; and, although we have been precluded by distance from an earlier manifestation of our feelings, we now approach your Majesty with the sincere expression of our heartfelt sympathy and condolence.

"We desire, as Australians, to unite this expression of our feeling with the universal grief which has been exhibited throughout the Empire; and we fondly cherish the hope that the sympathy thus evinced by all your Majesty's subjects may tend to alleviate, while it cannot remove, the affliction which it has pleased an all-wise Providence to ordain.

"We trust that your Majesty may long be spared to rule over your people, and to console and guide your family, now mourning the death of a father so wise, so good, and so enlightened; and we devoutly pray that your Majesty may, after such a bereavement, find strength to perform all your duties, as a parent and a Sovereign, with that confidence which is imparted to those who, like your Majesty, reverence and rely upon Almighty God."

Mr. O'SHANASSY then moved that the Legislative Council be requested to concur with the address.

The motion was carried.

DISTILLATION BILL.

Mr. M'MAHON moved that the House, on Friday next, resolve itself into a committe of the whole, to consider the propriety of adopting the following resolutions:—

"That it is expedient to consolidate and amend the laws affecting distillation and brewing in Victoria, and the sale of fermented and spirituous liquors, in certain cases.

"That licences be granted for the following purposes, and fees therefor be paid according to the annexed scale:—For every licence to keep and use still for distillation of spirits, £10; for every licence to keep and use still for medical, chemical, assay, photographic, or scientific purposes, or for distilling perfumes, or for the manufacture of pyroligneous acid, naphtha, or other manufacture where a still is necessary, and in which no spirits are made, £2; for every licence to keep and use a still for distillation of brandy from grapes, for the purpose of fortifying wines, £5; for every licence to keep and use a still for the distillation of brandy from grapes, for sale or exportation, £10.

"That the following rates of duty shall be paid, levied, and collected on spirits hereafter distilled in Victoria, viz.:—1. Upon spirits distilled from malt, grain, roots, grapes, or wine, 6s. per gallon; 2. Upon spirits distilled from sugar, treacle, molasses, beer, or ale, 8s. per gallon.

"That a bill be brought in to carry out the above-mentioned purposes."

The hon. member said it was not his intention to do more than formally move the motion, in the absence of the Commissioner of Customs, who was still very ill. On Friday he would be prepared to move the resolutions.

Mr. O'SHANASSY seconded the motion.

Mr. SERVICE said he did not intend to oppose the motion; but wished to state that, when the hon. member for Emerald Hill came down with his resolutions he would ask how it was that an avowedly free-trade Government brought in resolutions of a protective nature? He was bound to object to them, for the same reasons that induced him to object to the resolution brought forward by Mr. Loader last session on the same subject. In the resolutions he observed a distinction not mentioned in the former resolution, namely, between spirits made from grain, roots, &c. and those made from sugar,

treacle, &c. He thought it right to mention that he should oppose the resolutions.

Mr. M'CANN said he should support the resolutions on the same grounds that the hon. member was going to oppose them, namely, because they tended towards protection. He was sorry they were not more protective, but trusted they were only an instalment of what was to come.

The motion was then carried.

SUPPLY.

On the question that the resolution passed in Committee of Supply be adopted, with reference to the grant of £62,500 for educational purposes,

Mr. HAINES said he did not wish on the present occasion, when some very important business was to be brought on by his colleague, to enter into any discussion regarding the vote for educational purposes passed on a previous evening, but he had announced his intention of moving that it be reconsidered, and with that object he now moved that the item be recommitted.

Mr. HEALES thought the hon. member should give some reason for asking the House, within a few days after passing it, to reconsider a vote of that kind. Had the resolution been arrived at without proper consideration, and without a full and fair discussion, he could understand the motion of the hon. member; but it must be admitted that the committee did fully consider the vote, and that in their resolution they had no other object than to force the Government, and to induce the other branch of the Legislature, to consolidate the two educational boards. No hon. member showed any desire to inconvenience the teachers; in fact, a distinct understanding was arrived at that if it were found impossible to carry a bill before the end of the six months the House would feel bound to vote the money for the other six months. He thought sufficient time had not elapsed to justify the Treasurer in asking the House to reconsider the vote.

The motion was put, and the House divided with the following result:—

Ayes	32
Noes	26
Majority for the motion ...	6

The following is the division-list:—

AYES.

Mr. Aspinall	Mr. Johnston	Mr. Orkney
— Bennett	— Jones	— O'Grady
— Brodribb, K E	— Kirk	— O'shanassy
— Brodribb, W. A	— Lalor	— Reid
— Coiten	Dr. Macadam	— Riddell
— Cummins	Mr. M'Culloch	— Smith, J. T.
— Don	Dr. Mackay	— Smith, W. C.
— Duffy	Mr. M'Mahon	— Tucker
Dr. Evans	— M'Donald	— Wilson
Mr. Haines	— Mollison	— Wood.
— Ireland	— Nicholson	

NOES.

Mr. Berry	Mr. Gray	Mr. Ramsay
— Brooke	— Heales	— Richardson
— Davies, B. G.	— Hedley	— Service
— Davies, J.	— Houston	— Sinclair
— Denovan	— Humffray	— Sullivan
— Francis	— M'Cann	— Verdon
— Frazer	— M'Lellan	— Weekes
— Gillies	— Nixon	— Wright.
— Grant	— O'Connor	

The House then resolved itself into committee, for the reconsideration of the vote for educational purposes.

Mr. HAINES moved that, in addition to the sum of £62,500 already voted by the committee for defraying the cost of education, £62,500 be now granted, making altogether £125,000.

The motion was put and carried.

In answer to questions put by Mr. HEALES and Mr. SERVICE,

Mr. HAINES said that the additional vote would be distributed in the manner agreed to by the committee on the former evening.

Mr. HEALES only objected to the matter as it stood, because the extra £62,500 had been voted, while the distribution only affected the amount previously passed.

Mr. FRAZER asked if conditions of distribution could be imposed now?

The CHAIRMAN said the motion before him was that the resolution just passed be reported to the House.

Mr. HAINES explained that it would be out of order for him to move the adoption of conditions at that stage. He would, however, bring a resolution on the subject before the House on another occasion.

The resolution was then reported, and the consideration of the report fixed to take place on the following day.

CUSTOMS LAW AMENDMENT BILL.

The SPEAKER announced that he had received a letter from the clerk of Parliaments stating that a certain verbal correction was necessary in the Customs Law Amendment Bill, which was returned for the purpose.

On the motion of Mr. WOOD, the required amendments were made, and a message ordered to be transmitted to the Upper House, requesting their concurrence therein.

ELECTORAL ACT SUSPENSION BILL.

The report of the committee of the whole House on this bill was then taken into consideration.

Some of the amendments passed in committee having been agreed to, together with some other verbal alterations,

Mr. WOOD moved that the word "division," in the last clause, be substituted for the words "province or district."

Mr. SULLIVAN pointed out that the effect of this would be, to require that notices of objection should only be posted on the doors of the revision court or offices of the road board, mining board, or municipal council in the electoral division, instead of electoral district. Now, many electoral divisions were entirely without such institutions.

Mr. WOOD said there must be a revision court wherever there was a division, and where there was a revision court there must be a court of petty sessions.

Mr. SERVICE remembered that in his own district the revision court for the Beaufort division had to be held at Ararat, which was a long way off.

Mr. M'LELLAN was certain that if revision courts were held in every division in his district, they must be sometimes held in the bush.

Mr. WOOD consented to meet all objections by withdrawing his amendment.

The remainder of the amendments having been agreed to, the bill was read a third time and passed, and a message ordered to be sent to the Upper House, transmitting it for their consideration.

CONSOLIDATED REVENUE BILL.

The second reading of this bill was postponed till Friday next.

TAX ON BANK NOTES BILL.

Mr. HAINES moved the postponement of the order of the day for the second reading of this bill till Friday next. He added that he intended to deal with the measure on that day.

The postponement was agreed to.

GOLD EXPORT DUTY EXEMPTION BILL.

Mr. HAINES moved the second reading of this bill. He said he should make no comment.

The motion was agreed to, and the House went into committee for its consideration. All the clauses having been agreed to, without discussion, the bill was reported, read a third time, and passed. A message was then ordered to be sent to the Upper House, transmitting the bill for their consideration.

CROWN LANDS SALE AND OCCUPATION BILL.

The House then went into committee on this bill.

The 68th clause, relating to privileges of public officers on duty, was read and agreed to.

On clause 69,—

"The Governor shall in the same manner as heretofore issue to the persons who shall at the time of the passing of this act be in the licensed occupation of runs for pastoral purposes, and the executors, administrators, and assigns of such persons, yearly licences to occupy such runs for pastoral purposes; but no such licence heretofore or hereafter to be issued shall be deemed to prevent such run, or any part thereof, from being sold or leased, proclaimed a common, or occupied by virtue of any miner's right or licence for other than pastoral purposes, or from being otherwise dealt with under the authority of this or any other act now in force, or to confer any greater privilege upon the person to whom the same shall be issued than licences to occupy for pastoral purposes have hitherto conferred."

Mr. GRAY rose when the Chairman had got about half through the reading of the clause, and then sat down for a short time while he held a consultation with one or two of the leading members of the Opposition. He again rose, and said, that this was a clause of so much importance that he had ventured to interrupt the Chairman, fearing that some important portion of the clause might escape unnoticed in a thin House. He was not, however, about to propose an amendment upon it.

Mr. GRANT desired to ask the Minister of Lands, whether it was intended to modify the clause in any way. He thought it would not be disputed that the clause conferred perpetuity of tenure on the squatters, and, therefore, he merely desired to know whether any modification in this respect was intended. (Hear, hear.)

Mr. DUFFY said the hon. member's question was whether the Government intended any amendment upon the clause, and if he were to answer that merely, he would say no. But the hon. member had gone on to explain his meaning further by saying that it would give perpetuity of tenure, and to ask whether the Government intended to modify the clause, and he might state in reply, that at a fit time he would state the intention of the Government with reference to a new clause to be inserted in that part of the bill.

Mr. GRANT would ask the hon. member whether it would not be wise, then and there, to state the nature of the new clause, especially if it was intended to modify the present clause. As far as he was personally concerned, he would not vote for the amendment of which the hon. member for Ripon had given notice, and he was ready to accept any desirable compromise. He trusted the hon. member would state the intentions of the Government.

Mr. DUFFY thought the more regular course would be, when an amendment was moved, for the Government to declare their intentions. The member for Ripon had an amendment to propose, and at whatever time that was done, he would be ready to state the intentions of the Government. In the meantime, the clause before the House represented the opinions of the Government, and the Government were content with it. He would add, that he was not wishing to withhold any information from hon. members on the subject.

Mr. GRANT said he would propose the addition of the words "or hereafter," after the word "now." It would, however, become useless if the clause was modified, while, as it stood, the clause conferred perpetuity of tenure, and it was desirable to reserve to the House the power of dealing with the subject as to them seemed fit.

Mr. DUFFY would pledge himself to accept the suggestion without the least hesitation, if he could not show the hon. member that what he desired was afterwards provided for in the bill. But he believed that he would be quite able to do so.

Mr. SERVICE trusted the hon. member would accept the suggestion which had been thrown out by the member for Avoca, and if the Minister of Lands would make some statement which would free the minds of hon. members from the doubts they entertained on the subject, he would also relieve him (Mr. Service) from a very unpleasant position. The object of those who opposed the clause was to limit the tenure, and if the Government did not make the explanation desired, it would be necessary for him to submit his amendment, in doing which he would require to take up the time of the House longer than he desired to do. Nothing but dire necessity would cause him to take that course, and it might be avoided if the Government would intimate that they intended to limit the tenure of the squatters. It was in the most kindly spirit that he made this appeal to them.

Mr. DUFFY said, that as gentlemen on both sides of the House had expressed a desire that such a course should be taken, and especially as the member for Ripon, who had dealt fairly with the Government in reference to this

measure, had pressed for the explanation in terms expressive of a desire to facilitate the business of the committee, he felt bound to assent to the suggestion, and would state the intentions of the Government just as if the hon. member's amendment had been before the House. But before explaining the intentions of the Government, he would ask the House to remember distinc ly the position in which the bill, and the question, stood now, because he thought the sort of objection which had been raised against granting any title beyond a year's licence did not fairly apply at this time. In the first place let the House recollect that the Government had taken out of the territory reserved for pastoral purposes, the whole of the best agricultural lands of the colony, and at no previous time had such been the case, because formerly the pastoral interest extended over the whole colony. But now they sought to take away the land which was fit for agricultural purposes, and leave to the squatters that only which was fit for pas'oral purposes. Well, that was the first fact to be remembered, and again he would desire the House to remember, that the Government had provided ample commonage for farmers, and for towns and gold-fields, under the bill. And, again, it was to be recollected, that in the bill large provision was made that the pastoral lands should be open for selection for settlement and, that reserves for various useful objects, besides agriculture itself, were named in the bill. And, again, whatever powers had hitherto existed under which miners could enter upon land or take advantage of commonage, or where lands could be reserved for public purposes, were still re ained and provided for in relation to the pastoral lands. And that being so, the question naturally arose whether, under these circumstances, proper provision had not been made as regarded the agricultural lands, the lands for commonage, and other purposes, as well as those which it might be necessary to reserve for the use of the state. The remaining lands only were those which could be used for squatting. Well, in proposing that scheme in this bill, it should not be left out of view by hon. members that it was also determined to set aside all claims arising out of the Orders in Council, while the bill distinctly forbade the possibility of urging new claims which might hereafter arise. Well, having provided for the legitimate occupation and settlement of the land in this way, it was proposed in the mean time to leave the remainder of the lands in the hands of their present occupants; for the reason, first, that they had a legitimate claim to their possession, and next, because, by so doing, the Government would ha·e a permanent security that the rental at which these lands would be fixed would be paid. That being so, the scheme appeared to him to be the best they could frame; and, although he had listened attentively, he had heard no argument of any force urged against it, except that which had been used by the member for Avoca and the member for Ripon, as to the term of tenure, which they believed had no limit. Well, he might say at once, for himself and for his colleagues, that they would never have made to the House their present proposition, except for two considerations; the first of which was, that great injury had been done to the squatting interest, and those related to it, from the uncertainty as to their ti les, which existed from year to year; and the second reason being that the agricultural lands had been set aside from the pastoral lands. For these reasons the Government felt that the arrangement as to the pastoral lands should not be merely temporary, should not be liable to be changed next year; that, in fact, they should not pass from the hands of their present tenants until a higher interest called for their occupation. In the next place, although he did not wish to touch upon debateable ground, the Government had thought that it was not right that an interest of this kind should be allowed to depart from the colony under the impression that they were not represented, nor their claims attended to in such a manner as they had a right to expect. He thought it would lower the condition and tone of public feeling, and lower the public spirit of the country, if the mining interest, the squatting interest, or any considerable interest, were left at the mercy of the Ministry of the day. It was the duty of the framers of the bill to frame a system the operations of which would not depend upon the will of the Ministry of the day, but which, after receiving the fiat and approval of Parliament, would be a permanent system. He had felt that there was considerable force in the objec ions taken on the second reading of the measure to which he had referred, and the only reason which had induced him to consent to the continuance of the present regulations with respect to the pastoral tenants was the political considerations he had already mentioned, namely, the desirableness of preventing a large and important interest from being placed in an insecure condition. Since then he and his colleagues had had the matter under their consideration, and they had come to the determination to introduce a clause declaring that the operations of the bill should terminate at the end of ten years, beginning at the next session. If any portion of the act, or the whole of it, worked ill, this limitation would give an opportunity of making amendments at the end of ten years. Or if the settlement of the country greatly increased, and a large portion of the 10,000,000 acres should be occupied, it would give an opportunity of making a fresh agricultural reserve, as well as of renewing the pas'oral tenure in the way now proposed, or of making such arrangements or modifications as a greater experience might justify Parliament in making. It was not the wish of himself or his colleagues to withhold anything; and he had, therefore, frankly stated what were the intentions of the Government, without waiting until any amendment was proposed.

Mr. GRANT said he would postpone his amendment, in order to allow the discussion to be raised on the amendment to be submitted by the hon. member for Ripon and Hampden.

Mr. GRAY could not allow the statements of the Commissioner of Lands and Survey to pass unchallenged. The hon. member had stated that the Government had made ample provision for commonage; but the only thing they had really done was to take care that the squatters should not be deprived of any portion of their land for the purpose of

commonage. The Government had altogether removed that provision of the Nicholson Land Bill which enabled the Ministry to grant commonage to farmers who asked for it, and they had deprived the farmers of any right to the natural grasses of the country until a quarter of an agricultural area was purchased. As to the statement made by Mr. Duffy, that the bill set forth for the first time the lands specially set apart for agricultural purposes, he (Mr. Gray) thought the provision in the existing act much better than the one now proposed, for it gave agriculturists a right of selection over 40,000,000 or 50,000,000 acres, instead of merely over 10,000,000 acres. The present bill was altogether a bill of restrictions as against the agriculturist and in favour of the squatter, upon whom it conferred privileges which nobody ever previously contemplated conferring. The squatters would have the privilege of grazing rights over the 10,000,000 acres just as much as over the land beyond the agricultural reserves.

Mr. DUFFY, in reply to Mr. Gray's harangue, would simply observe that the hon. member was well aware that the other night he (Mr. Duffy) proposed to introduce a clause into the bill providing that the same facilities which were given by the Nicholson Land Act for granting commonage should be continued in the present measure. As to the charge, that the Government restricted the quantity of land which could be sold, the hon. member knew perfectly well that, by the clause at present under consideration, there was not an acre of land in the country which might not be sold.

Mr. GRAY, though he had watched the bill carefully, had never heard the Commissioner of Lands and Survey make the statements which he had now made. Indeed, he (Mr. Gray) was not sure whether he now heard correctly what Mr. Duffy said.

Mr. DUFFY read a memorandum which he made in a copy of the bill at the time the clauses in reference to commonage were under discussion. The memorandum was—"To introduce a clause providing for commonages for existing farmers."

Mr. BROOKE could not support either the clause as it stood or the modification proposed by the Government, although he was in favour of a larger occupation being given to the pastoral tenants than a mere yearly licence, if all the facilities for agricultural purposes were afforded which the country had a right to expect. With respect to commonage, the Government gave no privileges superior to those given under the existing law; and with regard to the land to be thrown open for agricultural settlement, the Government had taken away the privilege, under the present law, which enabled selection to be made over the whole country, except over what were called "special lands;" and they had not given those facilities to agriculture which had been given in a neighbouring colony. The bill, likewise, did not make provision for obtaining sufficient revenue from the pastoral tenants; and the system of submitting the runs to public competition was, on that ground, preferable to the plan proposed by the Government. The proposed limitation to ten years was too long, but he would have supported a limitation to seven years, if these concessions to the agriculturist had been made. He desired to know if the Government intended to insist upon the adoption of the map distinguishing the agricultural areas from the rest of the country? He thought it would prove a source of embarrassment to the Executive without securing the professed object—security to the squatter; for, notwithstanding that the bill prevented free selection over land outside the agricultural areas, the Government had power to put up by auction any part of a squatter's run. If free selection were desirable, why not carry the principle more fully out, and give the Executive a discretionary power to declare any land open for selection where the discovery of new gold-fields, or the movements of the population, might render it desirable they should do so? He was not prepared to vote for either of the propositions of the Government, but would support Mr. Service's amendment, as being nearest his own views.

Mr. SERVICE felt considerably relieved to find that the Government intended to make some limit to the squatting tenure. That would relieve the most serious difficulty in his mind with regard to the bill; but the proposed limit of ten years reminded him of the fable about the stork being invited to dinner by the fox. When the stork accepted the invitation, it found that all the dishes set before it were flat, and it therefore could not get anything to eat. The House was invited to agree to the limitation of the squatters' tenure, but the time of limitation was so far distant that it was almost equivalent to giving the present generation of squatters a freehold of the land. He could not avoid contrasting the arguments used by the Commissioner of Lands and Survey on this occasion with the opinions which he had formerly expressed with regard to the preferential occupancy of the squatters. He (Mr. Service) referred to this matter because he had been charged with taking up a position in antagonism to the Government. He denied that he was antagonistic to the principles which the Government avowed before they took office; and he charged them with having changed their views. On reference to the 6th volume of *Hansard*, p. 1,444, he found the hon. Commissioner of Lands and Survey speaking of the squatting question in this light:—

"It was agreed, at the instance of the Government themselves—it was agreed as a concession to the Government—that the squatting interest should be dealt with in a separate bill on a separate occasion. It was so agreed, because the leading members of the Government, as well as almost every influential member in the House (a laugh), at least, the most influential men in the House, were known to be pledged to the principle that in the course of next year the reign of the squatters should terminate. And now he found these amendments containing a complete settlement of the squatting question, and entirely to the advantage of the squatters. (Hear, hear.) In the first place, instead of terminating the squatting tenure in 1861, they were asked to insert a clause in the Act of Parliament making it impossible ever to terminate the occupancy of the present pastoral tenants until they could get a majority of the present pastoral tenants in the Upper House to consent to it. He thought that tenure would be at least equal to a lease for 999 years."

On referring to the 5th volume of *Hansard*, p. 274, he found the hon. member objecting to the Nicholson Land Bill:—

"Another objection he took to the bill was, that the tenure of the squatters was not determined by it. He was ready still to admit what he had before advocated, viz., that the subject was matter for a separate bill; but that did not prevent the House from saying when the squatters' rights should cease. Some warning or other should and ought to be given, especially as all parties seemed equally agreed that the rights of the squatters should cease in 1861. The time was fast approaching, and it was quite a mistake to suppose that two years' tenure yet remained, for the term expired in March, 1861. (Mr. Wood.—October, 1861.)"

He (Mr. Service) would also call attention to the fact, that when the former Government of which Mr. O'Shanassy was the head submitted a land bill, one of the provisions of the measure was, that the occupancy of the present pastoral tenants of the Crown would cease at a fixed period, and that in the interim temporary licences should be issued. He would like to know from the Commissioner of Lands and Survey, whether the Government proposed, in connexion with the limitation of the squatters' tenure, that any new system should come into operation at the end of the ten years?

Mr. DUFFY.—No.

Mr. SERVICE said that the bill, therefore, provided that the present tenure should continue at all events for ten years, but did not make any provision for a new system The hon. member would bear in mind that a few years ago. when the Nicholson Land Bill was before the House, certain amendments were sent down by the Upper House, to one of which the Legislative Assembly took particular objection. He read the amendment referred to from the 6th volume of *Hansard*, p. 1,533:—

"Nothing hereinbefore contained shall be construed to control or prevent the issue of licences to depasture on Crown lands, in the manner heretofore used; but such licences shall, until it is otherwise provided by Parliament, continue to be issued in the same manner and form as if this act had not been passed."

He submitted that the principle of this clause was identical with the 69th clause of the present bill. To illustrate the strong feeling which that House entertained against it, he quoted his own speech and some other portions of the debate which took place on that occasion, to show that the Assembly struck out the clause which had been inserted by the Upper House altogether, and even refused to accept a modified amendment which he proposed. Two or three of the members of the present Government spoke against the clause on that occasion. When he found that that was the position taken up by members of the Government, he was sure no hon. member could charge him with taking up an improper position in that House, or with desiring to embarrass the Government, seeing that he was only trying to carry out the views they had with him for some years advocated. He did not agree with what had fallen from the hon. member for Villiers and Heytesbury; but he quite agreed with the member for West Geelong, that the present law provided for agricultural settlement and commonage as well as the present bill. He would endeavour to show that, in point of fact, the 10,000,000 acres meant nothing at all, because, in the meantime, they were not to be free from squatting licencees, nor would the pastoral lands be free from selectors, and there would not, in short, be a particle of change in the whole colony; and though the ten millions appeared on the map, there would not be any radical advantage. With respect to the present squatters being better able to pay rent than any future squatters would be, he must say that he hardly did the member for Villiers and Heytesbury the injustice to suppose that he believed such a thing himself, because the new tenants would have to pay their rent at a very early stage of the half year. It seemed to him that any man who in future competed for a lease of the Crown lands would be able to pay his rent just as well as the past tenant, and that, therefore, the Government need not provide against the chance of his not paying it in the way they proposed. As regarded the position of uncertainty in which the squatters had been placed for many years, he must say he looked upon it as one of the greatest evils that could have happened, for he held that it was most important that every encouragement should be given to increase the growth of wool. In fact, the course he had proposed was simply because he believed it would extend the growth of wool in the whole country. He certainly objected to any bill dealing with the squatting question giving no fixity of tenure for a certain time, and he went so far as to say that he was prepared to grant a tenure for say six years if it was introduced in a proper way. Then came the question as to what was the best way to let down the present race of squatters as easily as possible. He proposed that every squatter should have a fixity of tenure for three years from the first of the present year; that then there should be a subdivision, which would transfer the holding for another three years. So to some there would be three years, and to others six years. He recollected that, some years ago, Mr. Colin Campbell, who was a strong advocate of the squatters, said in that House that he believed in fixing two and a half years as the period for which squatters in the settled districts should hold their runs, and five years as the period in the unsettled districts, justice would be done them, and at that date! He (Mr. Service) thought he was only asking what was fair when he mentioned three years for the one and six years for the other, now. Looking at his proviso, hon. members would see it was couched in such language as would enable those who did not agree with him to substitute a longer time. He might mention that the Government had not stated the form in which they would submit the new clause, and he was not therefore in a position to test the feeling of the House as to their proposition. He was most desirous to afford the Government whatever opportunities they might think proper for shaping their bill, and for that reason he had adopted his present course. He proposed to go on with the clause, and then the proviso as it stood—namely, limiting the time to three years. If that was lost, then he should propose five years; and if that was lost, he would propose seven. (Hear.) He

would not discuss the time, but he thought hon. members should have an opportunity of expressing their opinions at the three stages, and say the length of time the squatters should occupy their runs. By that course, hon. members who differed from him would not be entangled in any way, as he did not propose to couple with the proviso the subdivision of the runs. He thought the Government would not be embarrassed by his proposal, as they would then ascertain the opinion of the House.

Mr. DUFFY wished to address two or three words to the committee, in reply to what had fallen from the hon. member. He thought he had some reason to complain of disingenuousness on the part of the hon. member. He would call his attention to two or three of his propositions, and see how they harmonised. The hon. member said that the Government did not propose by their limitation to ten years to terminate the tenure of the squatters at all. He would ask the hon. member if it was not the very reverse of that, and whether the pastoral tenants would not have reason to complain? The hon. gentleman knew very well that if the Government passed their clause, that the bill should not be in force for more than ten years, at the end of that time the whole country would be under no tenure whatever. What the Government said was, that if in the meantime Parliament did not repeal the bill, at the end of ten years it would come to an end itself. It was impossible for any hon. member not to have seen that at a glance. The hon. member then went on somewhat disingenuously to read extracts from *Hansard*, in which members of the present Government contended that the tenure of the pastoral tenants ought not to continue, but the hon. member forgot to say, that if they proposed to continue it, it was after drawing out all the lands fit for agricultural purposes and for settlement, and when, as wise statesmen, they should put the residue to the most productive purposes. The hon. member also said that no result would follow from the 10,000,000 acres. He ought to know that whoever had the management of the land department under the Nicholson Bill, up to the acceptance of office by the present Government, had thrown the lands into the hands of the land speculators, but that, under the present bill, they would be taken from the speculator, and be reserved for the actual settler. After quoting the opinions of the Government as to the termination of the present squatting tenures, the hon. member, with his great consistency, now himself proposed three years. He (Mr. Duffy) would not detain the committee longer at present.

Mr. SERVICE explained that he was not aware that it was the intention of the Government to limit the operation of the bill to a given time, and he might say, in passing, that he would not be found voting for such a clause. What he understood the Government to mean was, that the whole tenure of the squatters was to be limited to ten years. He would like to know if the bill came to an end in ten years, and the squatters were then in possession, whether any one could turn them out? (Mr. Duffy.—"They would be trespassers.") He knew that certain gentlemen learned in the law had stated that in their opinion it mattered little whether the squatters could maintain their titles under the Orders in Council, or under any law, as they could maintain them in the Supreme Court by virtue of occupation. He would, on that ground, ask who could turn them out?

Mr. DUFFY.—The Government of the day.

Mr. SERVICE.—Without Parliament interfering—without legislation? ("Yes.") He had heard that controverted. He would be glad if the Minister of Justice would favour him with his opinion. He had never said anything but that the squatters should be let down as easily as possible, and if they could limit the term to seven years, and then have subdivision of runs, they would have it three years sooner than if the proposition of the Government was carried.

Mr. BROOKE wished to reply to the statement made by the President of Lands and Survey, that those who had to carry out the Nicholson Land Bill had thrown the lands into the hands of the speculators. To that he gave a denial. (Mr. Wood.—"Oh.") The hon. member would have an opportunity of replying presently. The lands were principally taken up in a manner he could not prevent, in large quantities by squatters, who wished to secure the lands in the vicinity of their stations.

Mr. GRANT called attention to the fact that there was nothing before the chair. He thought it was desirable that they should get to the end of the clause.

Mr. GRAY wished to make a few remarks in regard to the very important matter brought forward by the member for Ripon and Hampden. The statement made by the Government, that they would bring down a clause to limit the operation of the bill to ten years, was received with great distrust by some hon. members; but as it was repeated, he would mention that if such a clause was carried, at the end of ten years the squatters would have an indefeasible occupation of the lands until the two branches of the Legislature passed some law on the subject. The hon. member the President of Lands and Survey said the squatters could then be put out as trespassers; but how could that be when the act would be inoperative? He could not help thinking the hon. member had been imposed upon. If it was a question settled in the Cabinet, then the House had heard a more alarming thing than they had yet heard; because it meant, that if hon. members on the opposite side of the House did not agree to anything coming from the gentlemen on the Treasury Benches, the squatters would occupy the lands on a permanent fee simple.

Mr. DUFFY said he declined to go into the question before the clause was under discussion.

Mr. GRANT wished to propose an amendment on that of the hon. member for Ripon. This amendment would have distinct reference to that of the hon. member for Ripon; but he (Mr. Grant) was moving it only upon his own responsibility, not having connected with the hon. members around him. He conceived that it would be a just, fair, and generous compromise to extend the squatter's tenure to seven years (cries of "No, five," from the Opposition), and therefore he moved an amendment to the effect that the leases should run from the 1st of January in the present year to December, 31, 1868, thus giving them a term of seven years. He hoped

the Government would accept this, and not persist in the proposal which they had enunciated. Would not the effect of their proposition be to stave off all settlement of this question for ten years to come, when matters would be in the same position or worse? He would not offer this compromise now, only that he knew that nothing but a compromise would pass through the other branch of the Legislature. How did matters stand? The squatters contended that under the Orders in Council the squatters had the right of renewal of their leases for fourteen years, and the legal right of pre-emptive purchase over the whole of their run at £1 per acre. He knew that lawyers of eminence both here and at home pronounced this doctrine tenable, while the largest section of the community contended that the squatters never had any rights at all under the Orders in Council, and, in fact, that the Orders in Council never were in force in this country. How, then, was this matter to be settled save by a compromise? A large number of persons were in occupation, and an amount of money had been obtained on mortgage of these rights, which had been variously stated at £200,000,000 and £2,500,000. Here were great interests resolved. The fact was, a subdivision of the runs now, or a year hence, would be only ruin to the parties concerned, and bring on a commercial crisis in the country. Without favouring the squatters, it was plain that no injustice ought to be done to them or their creditors, and therefore he adopted the words of the hon. member for Ripon—"Let us let them down gradually." He wished to see the squatters treated by the people as landlords would treat a good tenant, and he thought his proposal contained just such a proposition as would entirely conserve the interests of all concerned. While on the subject, he might as well state openly that neither he nor any other member of the late Government ever had the slightest intention of repudiation, nor did he believe had such an idea entered the mind of any person in the territory for one instant. Therefore, as it had been conceded that the agricultural territory shoud be given up to those who desired to enter on it, he had no objection to allow the pastoral tenants to take the other part. He sincerely trusted that the Government would reconsider their determination, and adopt his suggestion; or else he was sure the question would be a subject of pubiic agitation for twenty years to come.

Mr. O'SHANASSY thought the hon. member was justly entitled to consideration as one who had dealt with the subject from a public point of view, without passion, anger, or—an omission more uncommon—any imputation of motives to promoters of the present bill. While thus entertaining the hon. member's proposition, however, he (Mr. O'Shanassy) would call his attention to a fact which, as a lawyer, he must very well know. In that house, and on many public occasions, the hon. member had said he would treat the squatters as though they did not exist; and now he said that at the time the leases were issued the Orders in Council did not exist. How did the hon. member reconcile this fact with the action of Government for the last twenty years? and how had Government permitted the taking up of sections by pre-emption when there was no provision in the Land Sales Act for that purpose? Here was section six of those very Orders in Council themselves:—"During the continuance of any lease of lands occupied as a run the same shall not be open to purchase by any other person or persons except the lessee thereof. But it shall be lawful for the Governor to sell to such lessee any of the lands comprised in the lease granted to such lessee," and so on.

Mr. GRANT.—My argument was, that the Orders in Council never had practical force.

Mr. O'SHANASSY was quite aware that leases had not issued under them, but practical effect had been given to their mode of dealing with the leases. Land had been surveyed under them, and if the leases did not issue under them, it was because they had issued already. Did not the hon. member know that these leases had been a marketable security for the last twelve years? It was by no means his (Mr. O'Shanassy's) desire to rest too much on these Orders in Council, because he had always looked upon them as inapplicable to the circumstances of this country since the period of the gold discovery; still it was of no use to ignore them and say they never existed.

Mr. GRANT here made some remark which was inaudible in the gallery.

Mr. O'SHANASSY was glad to find that the hon. member had, after the excitement of his election was over, come to a better understanding, and that, after all, he had been misreported. He would come now to the pith of the matter. It would seem that some hon. members were under the impression that the Government were acting under certain influences because they were determined to prevent valuable interests from violent fluctuation at the will of the Ministry of the day, though at the same time they placed it in the power of Parliament to step in at any moment, without being estopped by any Orders in Council or other legal difficulties heretofore existing. An impression was also created in the mind of the hon. member for Ripon, that to make the authority to issue licences practically mandatory was to perpetuate the tenure. He denied all this *in toto*. No such proposition had been made, but in reality a very great boon had been conferred by wiping out from the statute book all the Orders in Council, with the consent of those who were interested, if indeed they had not legal rights. Now, this fear that, owing to the peculiar constitution of the Upper House, the mandatory power to issue licences, even with leave to the Legislature to interfere at any moment, would give perpetuity of tenure, operated rather on the minds of a certain class of politicians than upon the public at large. If he entertained one idea of public opinion it was this, that whenever that opinion was honestly expressed—whenever it was not the claptrap of the moment, nor a party movement for the benefit of party politicians—but the common sense view of the great bulk of the people, it was impossible for any Legislature constituted as that of this country was, even with its two Houses of Parliament, to stand against it. If such an expression could not prevail he denied that they were living under free institutions, and he should be ashamed to assert such a proposition. To say that public opinion was under such circumstances not to prevail was to deny our right as colonists to free institutions at

all. (Hear, hear.) A certain class of politicians found themselves estopped by the other branch of the Legislature; but perhaps there were satisfactory reasons for this. There might be a desire on their part for hasty, rapid, and improvident legislation. If there was any advantage at all in two legislative chambers, it was the application of a check to this; and therefore he rejoiced that there were two Houses of Parliament in this colony. If any other course had been proposed under the 69th clause, it would have been in fact a violation of the constitution. But what they did propose was simply to retain the power they possessed intact, and to make no change in the law. The 69th clause, in his opinion, conferred a great boon on the people, and he was glad, while surprised, to see that, with the exception of the slight amendment of the member for Avoca, which the Government had accepted, no hon. member had been capable of showing that the clause could have any such legal effect as conferring perpetuity of tenure. The clause had passed the committee without alteration, and now they had to see what was to be done with it. The member for Ripon, who seemed to have a roving commission in the matter of tenures (a laugh), says he would be willing to take three, five, or seven years, but he objected to ten years. He could not, however, see why the hon. member should take exception to ten years, if he was willing to accept seven. He certainly could not see how an hon. member who was willing to adopt the one proposition should refuse to assent to the other, since there was in reality no great difference between them. And, bearing this in mind, he should like to know why the proposition was not a good one for the Government to make. It appeared to him that any bill which could stand the test of ten years under the circumstances of the colony, and especially remembering the desire to increase the population; and if this bill were carried, it would lead to one great result,—it would prove, when the nine years had expired, the absolute necessity of both branches of the Legislature turning their attention again to the question. And if it happened that they had a peaceful nine years while the bill was in operation, he should like to know what difficulties there could be in the way of Parliament in the ninth year dealing with the subject. If they looked back, they would see that there had been greater difficulties thrown in the way of that young Parliament. They had had the difficulty of dealing with a new constitution, and bringing into the House of Assembly and amalgamating there different classes of representatives; and if they were able to deal with those matters, surely they should be still more able in nine years more to deal with such a subject as was now before them. In that was involved to a great extent the difference between the two propositions. Well, when he came to consider the proposition of the member for Ripon, he thought the member for Avoca was right in saying that if the amendment were carried it would give rise to a pecuniary panic in the country; and he believed so especially from the wording of the latter portion of the member for Ripon's amendment—which, when it came to be minutely examined, appeared to him to convey the most monstrous power which was ever given to an Executive. It gave the power to the Government of the day to deal partially or impartially with the whole of the property involved. (Mr. Francis.—"No.") The member for Richmond was of course more in the confidence of the member for Ripon than he was, and might know his intentions better; but he was dealing with the hon. member's amendment, especially the latter portion of it, as he had a right to do, and he trusted he was doing so in no improper spirit. That portion of it provided that twenty or thirty runs, or one-fiftieth of the entire property of the country connected with pastoral pursuits—property which might be estimated as the one-fiftieth of nine or ten millions of money—might be offered for sale from month to month until the whole nine or ten millions were disposed of within the year. (Mr. Service and Mr. Francis together.—No; four years.) Well, he believed the amendment so represented it; and, going on, he might add that the notices in these cases would certainly be extremely arbitrary; but let him deal with it as a question of four years, and he would deal with it in reference to the member for Ripon's own words.

Mr. SERVICE had already explained that he did not propose to deal with the latter part of the amendment at present.

Mr. O'SHANASSY said that at all events it was not himself, but the member for Avoca, who had raised the question of commercial disaster; but he was dealing with the question in that spirit. The member for Ripon said that some £2,500,000 was ready to be invested in one year in the colony, but he would ask him where it was? Nor did he believe that the member for Richmond was in a position to say anything of the kind. He did not deny, however, that if the Encumbered Estates Bill were in operation here as in Ireland— (Mr. Grant.—"Or Torrens's Bill.") Or Torrens's Bill, as the hon. member suggested, and if the system were such that under judicial tribunals money was not required to pay, but merely the interest of it, there might be that capital available; but this was a question of money, and therefore he did not see how the proposition of the member for Ripon could be carried out. The hon. member's proposition stated that the Government should declare in the *Government Gazette* what runs were to be sold or subdivided, or diverted to a different purpose. But where was the provision for carrying out the arrangement? And with regard to new runs, he was astonished at the obtuseness of some hon. members, who could not see the difference between them and old runs. In new runs there could be no questions of mortgage, &c., and, therefore, there could not be the same relations between new and old runs. His colleague in this bill wished to give as much power as possible to the Legislature, and as little as he could to the Executive, because, from the state of society in the colony, the latter might be for ever changing its policy, and, therefore, it was most desirable that the Legislature should retain the control of such a matter as this. And he was rather surprised that in a democratic country like this any other proposition was made, because it was one of the purposes of democracy to keep power as much as possible to itself. With regard to the proposition of giving yearly licences to the squat-

ters, there was this great advantage in favour of them as compared with leases, that the Government could step in almost at any time and see that the conditions upon which they were granted were properly fulfilled. And, again, if a lease was given, it might be said that a power was being given which it would be difficult to take away if the necessity arose. In that view of the question he so far coincided. But he would ask whether any lease could be framed in this country, with only half a million of people, and with so great a desire to increase the population, which would prevent the people demanding from the Government possession of the land as they required it? ("No.") Well, if that was the case, what was the value of a lease? A lease under such circumstances would be no more than a piece of waste paper; that was, if the agriculturist, as was provided, was to have the power of occupying the land of the squatters when necessity arose. Well, then, they proposed to give the squatters their licences, and they would charge them a fair rent for the use of their property, and that without bringing about the commercial crisis, which would affect every man in this country as well as the squatters. These were the propositions of the Government, and it appeared to him that they were better than those of the member for Ripon and Hampden. And now he would ask the member for Avoca if the Government were to sit on these benches and be subject to the caprice of any hon. member of the House? In this case the Government, after mature consideration, and after having done what no private member was in a position to do, —taken the advice of the highest legal authorities, as well as of those commercial men who were likely to know most of the subject, had prepared a measure, which they submitted to the House. All the power of dealing with the subject might not be found on the part of the Government or their advisers; but surely they were more likely to introduce a better bill than any private member could possibly do. The member for Avoca did not agree with the member for Ripon except as to the period at which the tenure should be fixed; and he should like to ask him what was the difference between his proposition and that of the Government? (Mr. Ramsay.—Nothing.) There was no difference, and therefore on that ground he should thus publicly claim his vote for the Government. (Mr. Ramsay—"Hear, hear"). He would also ask the honourable member if the Government were there to accept propositions which might be made by private members, every one of which might differ from the other? because, if they did so, they would simply be scouted as incapable of managing their business. The hon. member for Avoca's views on this question were entitled to great respect, as he had lived in the colony something like a quarter of a century, and he accepted his opinion with the respect it deserved; but as regarded his amendment and that of the member for Ripon, he had to say, with every respect for both hon. members, that the Government intended to adhere to their own proposition, and to abide by the consequences. But whenever he made a statement of that kind he was sure to be misunderstood, many hon. members regarding the statement in the light of a threat. As, however, he was at a loss how otherwise to express himself, he hoped hon. members would not so misunderstand him in future. He merely said now, as he had done before, that the Government would not depart from the intention which they had maturely formed. He had a word to say to the member for Ripon before he sat down. The hon. member had said that he had had a right to expect some other action on the land question from the Government; but he could only say he did not know what the hon. member meant.

Mr. SERVICE had merely wished to reply to insinuations thrown out as regarded his position on those benches. He meant that, from the views expressed by several members of the Government before it was formed, he was not prepared for the introduction of a bill like the present.

Mr. O'SHANASSY had no knowledge of what the hon. member's anticipations were, he could only deal with his expressed opinions; and, whatever he might have thought from the opinions expressed by individual members of the Government, when he saw a coalition Ministry formed, with the avowed purpose of bringing in a measure which, while comprehensive, should be a compromise, he could not have expected anything different from what he had seen. And since the Government had been formed, he could say that every measure of importance which it was proposed to introduce had been laid before their supporters, so that the latter were kept perfectly aware of the intentions of the Government; and if an individual member might not be satisfied with everything laid before him surely the Government was not to blame. The member for Ripon had a perfect right to take his own course, and he did not charge him with want of faith in not supporting the Government in this matter. The hon. member had both supported and differed from the Government, and he did not find fault with him at all, but at the same time he could not accept his amendment. When he made such statements as this, as he had said, he had been misunderstood; but some person must conduct the Government and represent it, and he would state, humbly, that he believed the Government propositions were the best for the country, and therefore the Government would not accept the others. He might also say that the Government by their course would leave the question in such a state that those who followed them at a future time would have no difficulty in dealing further with the subject. He was also misunderstood whenever he made allusion to the Upper House; but the members who really desired to see a measure of this importance passed into law must refer to it. But at the same time he would state, that he had no authority whatever from any hon. member of that House—except the minister who sat in that House—to represent, as a matter of certainty, that their views were in this matter or in others in accord with those of the Government. He had a perfect right to consider what would be the probable fate in the Upper House of any measure passed through the Assembly. What would be the effect of the amendment? Merely to call forth the action of Parliament a few years sooner than would be necessary under the provision proposed by the Government. The proposition of the Government, however, would be infi-

nitely, more to the public advantage, and more likely to receive the sanction of the Upper House. It had been said that the whole measure was inferior to the present law; but, if so, why waste time, night after night, in discussing it? ("Why?") The reason why was, because the late Government had emphatically declared that the present law had failed in its object. (Mr. Brooke, "Hear, hear;" other members, "No, no.") Honourable members who had condemned the Nicholson Land Bill had no right to say in the same breath that there was no necessity for further legislation. He contended that the industrious classes, who wished to settle on the land, had much greater facilities afforded them to do so by the present bill than under the existing law. They had the advantage of certainty. They might select land within the 10,000,000 acres without the necessity of going to auction, and they were not called upon to pay all the purchase-money at once. He would not detain the House by pointing out all the advantages of the measure; but he hoped all hon. members who desired to see a settlement of the land question for some time to come would support the clause under discussion as it now stood.

Mr. HEALES thought it unfortunate that the 69th clause, which was one of the most important clauses, should have come in the middle of the bill. The Chief Secretary was anxious there should be peace on this question, and so was he (Mr. Heales); but the difference between them was, that he believed the hon. Chief Secretary cried peace when there was no peace. He (Mr. Heales) was convinced that, if there were to be anything like a final settlement of the question, it could not be obtained by the force of majorities in that House, or by arrangement with the other House, but it must be by a fair and reasonable settlement, as testified by the feeling and spirit of the age, and the experience of the Australasian colonies. It would not matter to him, as an individual, if the 69th clause even gave the squatters a lease for fifteen or sixteen years, provided that the House had satisfactorily settled the agricultural portion of the bill, and had given the same facilities for settlement as had been conceded in other colonies. He believed that the squatters in New South Wales were satisfied with the provisions with regard to them in the land act of that colony, and he had heard squatters in Victoria say they would be glad to have a similar enactment.

Mr. O'SHANASSY.—With leases for fourteen years?

Mr. HEALES did not object to the squatters having leases for fourteen or even twenty-one years, if the agriculturists had free selection over the runs, and the grazing advantages which were conceded in New South Wales.

Mr. W. A. BRODRIBB said that not one twentieth part of New South Wales was open for free selection.

Mr. HEALES contended that the Legislature of New South Wales had granted free selection over the whole of the lands in their power, but they could not at present grant free selection over the land held by pastoral tenants who had received leases prior to 1858. As soon as they were relieved from that responsibility, they would extend the principle which they had adopted, and give free selection until it existed over the whole colony. The Legislature of Victoria ought to adopt a similar course, for the most successful way of enabling the colony to compete with other colonies was by means of its land law. He contended that the land law of New South Wales was more liberal than the one which had been proposed by the Government of Victoria, and urged that it was the duty of Parliament to make the land act of Victoria as good as that of any other colony, in order to increase the population, which at present was decreasing. Many members who spoke against the second reading of the bill, voted for it in the belief that some of its most important provisions would be amended in committee; but this hope had hitherto been disappointed, and if the present clause were carried, there would be no chance of obtaining a subdivision of the squatting runs. He could not understand the premises on which the member for Avoca came to the conclusion that the continuation of the squatters' tenure for seven years was reasonable, though to extend it for ten years would not be reasonable. There was very little difference between the two periods; but there was some difference between ten years and a period which he (Mr. Heales) would propose, namely, five years. There could be no reasonable objection to adopting that proposition, and he thought it was a sufficiently long time to which to postpone further legislation, as the settlement of the agricultural portion of the bill was not satisfactory. He did not concur with the Chief Secretary that, if the proposition of the Government were accepted, the House might still legislate on the question again within the interim; because, after granting the squatters' leases for ten years, they could not take them away before the expiration of that time without granting them compensation.

Mr. DUFFY said the bill contained a clause providing that the squatters would not be entitled to any compensation from the Crown.

Mr. HEALES was aware of the clause referred to, but he thought it would be an act of dishonesty if the Government refused to grant them compensation under the circumstances referred to, and that the Government would be reluctant to put in force the powers they possessed. Much had been said with reference to the legal rights of the pastoral tenants of the Crown under the Orders in Council in 1857. He would not presume to argue the question in a legal point of view, but from all he had heard and read on the subject, he had come to the conclusion that no rights accrued under the Orders in Council until the Governor issued a lease under them, and as he had not issued a lease under them there were no rights existing. In support of his view he read the despatch of the Duke of Newcastle, dated February 20, 1861, in reply to a memorial signed by Mr. Goodman on behalf of the squatters. He quoted that to show that the Duke of Newcastle, looking at the question at a distance, and uninfluenced by party motives, or by any desire to disturb a Government, or anything of the kind, gave his opinion, and made a statement which should be accepted as the opinion of a great statesman. Under the terms ex-

pressed in that opinion, he (Mr. Heales) contended that the only satisfactory solution of the difficulty would be, that the concession of the Government should be so altered as not to extend the time beyond five years, during which period sufficient consideration could be given to the subject to place it in a condition most compatible with the public interest.

Mr. SNODGRASS wished to know if the late Chief Secretary would inform the committee whether, in proposing five years as an amendment, he adopted the amendment of the hon. member for Ripon with regard to the subdivision of the runs?

Mr. HEALES said he did not wish to mix up the two questions. There was one definite question before the committee.

Mr. SNODGRASS was disappointed that the hon. member did not give a straightforward reply. He maintained that the proviso of the member for Ripon must be taken with the question of subdivision. To the latter he was decidedly opposed; and he was sure that neither the revenue from the pastoral lands would be increased by it, nor that the growth of wool would be larger. He held the same opinion that he expressed years ago, that the squatters should hold their runs until they were wanted for other purposes, and he should oppose any lease whatever. By the new clause to be proposed by the President of Lands and Survey, no lease would be necessary. He trusted there would now be some settlement of the question, for until such was the case all interests suffered. He should propose that ten years be the tenure, and the clause would then express the opinion of the Government.

Mr. GRAY said the questions raised by the House were, not whether the clause should terminate at three, five, seven, or ten years, but whether the bill should terminate at the end of ten years. If that was agreed to, in ten years' time there would be no law by which the Government could empower the Crown Lands Commissioner to do a single act or to put off trespassers – in fact, until the branches of the Legislature came to some agreement, the Government would cease to have power to sell or convey one acre of land. As regarded the other proposition, he should support the lesser number of years.

Mr. FRANCIS felt some difficulty in arriving at a conclusion, inasmuch as, whilst sympathising with the amendment of the member for Ripon, he was inclined to prefer five years to three. He was rather surprised at the observations of the Chief Secretary, who appeared to think that, if members were consistent, they must abide by the dictum of the Government, although it was stated that the bill was a compromise. As regarded the proposition of the Government, he was afraid it would not be accepted by the House. He was sorry the hon. Chief Secretary was not present, that he might be asked what amount of consistency he required from his supporters on this point. Was the Government bill the original bill, or in what shape did it appear, or was it to appear? Was the proviso limiting this occupation to a term of ten years to be carried alone? He (Mr. Francis) thought nothing could tend more to general sacrifice and ruin than compelling squatters to put the whole of their stock into the market at a given period. With this view he supported the proposition of the hon. member for Ripon, which, he believed, if made somewhat elastic, would give the occupiers of runs ample notice to leave, and also secure the general interest. The hon. Chief Secretary denied that the mandatory authority to issue leases implied perpetuity, but he (Mr. Francis) for one, wondered what would be the relative position of the two branches of the Legislature when the big man was in possession, and how much they could be brought to act together. His own opinion was in favour of leases; but to keep them on issuing from year to year was to put the squatters out of the frying-pan into the fire, and such a system would always keep up a feeling of irritation between the two branches of the Legislature, cause bad feeling at every election, and, besides, give the Ministry of the day an opportunity of displaying a feeling of favouritism which would be highly injurious. For his own part, one of his propositions would be, that at the end of the five years' lease the licensee should be compensated for such improvements as he had made for watering his run; and this would serve to encourage the construction of such works; and he would also allow the licensee to give up at any period during his last year of occupation, the Government allowing him a drawback in the rent, which would enable him to arrange for the disposal of his cattle in any way he might find convenient. Properly speaking, however, these matters were not under discussion, and he should say no more, but conclude by expressing his coincidence with a plan for giving the squatters a tenure till December 31, 1866

Mr. K. E. BRODRIBB believed he should be meeting the general desire not to sit late by moving the adjournment of the House.

Mr. DUFFY consented to this course, at the same time stating that the Government were perfectly ready to decide the question.

Progress was then reported, and the CHAIRMAN obtained leave to sit again on the following day.

MRS. RYAN.

Mr. LALOR moved—

"That the case of the widow of the late Mr. Ryan, of the Survey Department, referred to the committee appointed to inquirbe into 'claims for compensation.'"

Mr. DUFFY seconded the motion, adding that the case was one which especially needed inquiry.

The motion was agreed to.

The remaining business on the paper having been postponed, the House adjourned at twenty-five minutes past eleven o'clock till four p.m. next day.

SIXTY-EIGHTH DAY—WEDNESDAY, MARCH 19, 1862.

LEGISLATIVE COUNCIL.

The ACTING-PRESIDENT took the chair at twelve minutes past four o'clock, and read the usual prayer.

SIR R. G. MACDONNELL.

Mr. MITCHELL observed that hon. members were no doubt aware that Sir Richard MacDonnell, the late Governor of South Australia, was on a visit to this colony; and, with the permission of the House, he would move that a chair be placed for Sir Richard in the body of the chamber.

A chair was placed accordingly on the left of the Acting-President, and Sir Richard MacDonnell shortly afterwards entered the House and took his seat.

THE DEATH OF THE PRINCE CONSORT.

Mr. MITCHELL brought up the address of condolence to Her Majesty the Queen on the death of His Royal Highness the Prince Consort, as prepared by the committee to whom the subject had been referred.

The address, which was read by the CLERK at the table, was as follows:—

"We, your Majesty's most loyal and devoted subjects, the members of the Legislative Council of Victoria in Parliament assembled, beg leave to approach your Majesty with the deepest feelings of respectful sympathy, under the bereavement with which it has pleased God in his wisdom to afflict your Majesty.

"Although resident at a distance from the mother country, we do not the less share in the sorrow which pervades all classes of your Majesty's subjects for the loss of a Prince whom the whole empire justly looked up to, both in his public and private character, as a man endowed with far more than ordinary qualifications for the high position which he held.

"Human sympathy can afford but little alleviation to the grief which your Majesty must endure, but we earnestly pray that the Almighty Dispenser of events, by whom kings reign, may bless your Majesty with that strength and resignation to His will which will enable your Majesty to continue to be a guide and blessing to your family and people."

On the motion of Mr. MITCHELL,

The address was adopted, and ordered to be presented to His Excellency the Governor for transmission to the Queen.

The ACTING PRESIDENT intimated, later in the day, that His Excellency would receive the address on Friday, at noon.

THE DEFENCE OF HOBSON'S BAY.

Mr. FAWKNER asked whether it was the intention of the Government to erect forthwith the Central Fort in Hobson's Bay, according to the recommendation of the officer of the Royal Engineers, to perfect the guard batteries in construction for the safety of the shipping and port? This Central Fort, he observed, would be the key of the whole fortification.

Mr. MITCHELL said he could not yet answer the question, but hoped, at the next sitting of the House, to be able to do so.

THE NATIONAL BOARD OF EDUCATION.

Mr. POWER moved for copies of all correspondence and minutes which had taken place on the subject of the requirements of the National Education Board for the year 1862 between the offices of the board, and of the Chief Secretary, and the Treasurer. By returns which he held in his hand, said the hon. member, he feared that the sum set apart for National education for 1862 would fall far short of the requirements of the National Board. The sum set apart for salaries was £30,900, being £3,500 less than in 1861; while the sum appropriated to the Denominational Board was larger by £3,450 than last year. Now he could not understand why a deduction should be made from the National Board, and an additional sum should be given to the Denominational Board, especially when the National Board had shown that they would require this year £35,214 for salaries to their teachers. Although this House had not the voting of money, it was necessary that they should see that the amount voted was properly and fairly distributed between the two boards. He was sorry that a remark had been made in another place, to the effect that the reports furnished by the Boards of Education were not to be relied upon. But if the reports could not be relied upon, why should an increase be made to the Denominational Board, while a deduction was made from the allowance to the National Board? He considered the question had not been fairly dealt with.

Mr. FAWKNER seconded the motion, which was agreed to without opposition.

NOTICE OF MOTION.

Mr. HULL gave notice that, at the next sitting, he should move that a copy of the report and papers addressed to the hon. the Treasurer by the Defence Commission, in reference to Commodore Seymour's letter to the Governor, dated the 31st January, be laid on the table.

THE REVENUE FOR 1862.

Mr. FAWKNER asked, without notice, when the returns of revenue for January and February, 1862, already moved for by Mr. Fellows, would be laid on the table?

Mr. MITCHELL said he was in hope that he should have been able to produce them to-day. As soon as he received them from the Treasury they would be submitted to the House.

VISIT OF THE GOVERNOR.

At this moment (4.35 p.m.), the usher announced the approach of His Excellency the Governor. Shortly afterwards His Excellency entered the House, being accompanied by Major-General Sir T. S. Pratt, and attended by Lieutenant-Colonel Carey, Captain Bancroft, and Lieutenant Forster.

His EXCELLENCY requested the Legislative Assembly to be summoned, and in a few minutes

the Speaker, members, and officers of that House appeared at the bar.

His EXCELLENCY then gave his assent to the following bills:—

1. Passengers Act Amendment Bill.
2. Chinese Immigrants' Act Amendment Bill.
3. Melbourne and Suburban Railway Sale Bill.

The Governor then bowed to the members present and retired with his suite. His Excellency left the house at forty-three minutes past five p.m.

THE ADDRESS TO THE QUEEN.

The ACTING PRESIDENT announced the receipt of a message from the Legislative Assembly, transmitting the address of condolence to the Queen on the death of H.R.H. the Prince Consort, agreed to by that House, and requesting the concurrence of the Legislative Council therein.

Mr. FAWKNER moved a resolution to the effect, that a message be sent to the Legislative Assembly expressing the regret of the Council that they were precluded from acceding to the request, from the fact that they had already adopted an address of their own.

Mr. MITCHELL seconded the motion, which was agreed to *nem. con.*

ELECTORAL ACT SUSPENSION BILL.

This bill was brought up from the Legislative Assembly, and, on the motion of Mr. MITCHELL, was read a first time and ordered to be printed, the second reading being appointed for Tuesday next.

GOLD EXPORT DUTY EXEMPTION BILL.

This bill was also brought up from the Legislative Assembly.

On the motion of Mr. MITCHELL, the bill was read a first time and ordered to be printed, the second reading being appointed for Tuesday next.

The House adjourned at ten minutes to five o'clock, until Tuesday next.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

THE ELECTION FOR NORTH GRENVILLE.

The SPEAKER announced that he had received the writ issued to the returning officer at North Grenville, and it was endorsed with the name of Mr. Pope.

NOTICES OF QUESTIONS.

Mr. SERVICE gave notice that, on the following day, he would ask the Commissioner of Lands and Survey when the trustees for the Free Presbyterian reserve at Lethbridge, whose names were submitted to the Government on the 17th of January last, and were subsequently approved by the Governor in Council, would be gazetted?

Mr. SNODGRASS gave notice that, next day, he would ask the Commissioner of Public Works the reason why Broadford Bridge was not commenced.

NOTICES OF MOTIONS.

Mr. HEDLEY gave notice that, on the following day, he would move that the keeper of Her Majesty's Gaol at Pentridge do, on Tuesday next, bring Leonard Mason in safe custody to the select committee appointed by the House to inquire into the allegations contained in the petition of Patrick Coady Buckley, in order to his being examined as a witness, and so from time to time as often as his a tendance shall be necessary; and that Mr. Speaker do issue his warrant accordingly.

Mr. COHEN notified that, on Friday, he would move that the petition of F. A. Powlett, presented to that House, be referred to the committee on claims for compensation.

PETITION.

Mr. COHEN presented a petition from F. A. Powlett, praying the House to take his case into consideration.

The petition was laid on the table.

THE DISTRICT ROAD BOARDS ACT.

Mr. SULLIVAN asked the Chief Secretary if the Government intended to introduce a bill to amend the act relating to district road boards? He thought it very improbable, seeing the large amount of business before the House, that the District Councils Bill would be passed this session, and he should, therefore, suggest that a short bill of one or two clauses, explanatory of some of the clauses of the present District Road Boards Act, should be introduced. Such a measure might be passed during the present session, and it would be very useful.

Mr. O'SHANASSY replied that the Government were ready to proceed as rapidly as possible with all the bills which they had introduced, and it would not be their fault if the District Councils Bill was not passed. He, however, had no objection to bring forward a short measure, as suggested by Mr. Sullivan, if the hon. member would point out what clauses of the act referred to required explanation.

Mr. SULLIVAN said he should be glad to do so.

MESSAGE FROM THE GOVERNOR.

A message was received from His Excellency the Governor, requesting the attendance of the House in the Legislative Council.

The SPEAKER withdrew, and proceeded to the Council Chamber, accompanied by the members of the Government and other hon. members. On his return, he stated that the Governor had given his consent to the Bill to Amend the Act relating to Chinese Immigrants, to the Passengers Act Amendment Bill, and to the Melbourne and Suburban Railway Sale Bill.

CHARGE OF BRIBERY.

Mr. SNODGRASS requested permission to bring under the notice of the House the following paragraph, which appeared in that day's *Age*, copied from the *Kyneton Observer*:—

"We know it is a fact, which was published at the time, and which has never since been denied, that Mr. Peter Snodgrass, the present member for Dalhousie, offered on the day of nomination a *douceur* of £50 to an opposition candidate, Mr. G. J. Sands, if he would withdraw from contest-

ing the Dalhousie election. It is a well-known fact, also, that money supplied by the Victorian Association was profusely spent for the purpose of influencing electors; and that, in fact, whatever corruption, intrigue, and secret agencies could effect was resorted to, in order that freedom of election and political independence might be sapped at the root, to serve the interests of a pampered class and of an unscrupulous minority."

He regretted that, as a member of that House, it was not in his power to compel the writer of the paragraph to acknowledge the incorrectness of the statements which he had made. As, however, the paragraph contained an attack not only upon himself, but upon several hon. members sitting on both sides of the House, he thought it right to bring the matter forward, in order that the House might take such steps in regard to it as they thought fit. The charge referred to the election on the 18th of March last, and he distinctly denied that there was any truth in the allegation. He never made any offer to Mr. G. J. Sands in any shape or form, and he never exchanged a word with that gentleman until he was informed that a personal attack was meditated upon him, which would probably result in a riot. He then, out of compassion for Mr. Sands, took measures to prevent the attack being made. The allegation contained in the paragraph was not only wholly untrue as regarded himself, but it contained what he believed to be an equally unjust reflection upon other hon. members on both sides of the House. This was not the first time such improper attacks had been made, and he had therefore thought it right to name the matter to the House.

The SPEAKER asked if the hon. member intended to make any motion on the subject?

Mr. SNODGRASS would suggest that the editor of the *Kyneton Observer* should be called to the bar of the House, and required to give an explanation of the charges which he had made.

The SPEAKER said the newspaper containing the allegation must be laid before the House before the motion could be adopted.

Mr. SNODGRASS handed in the copy of the *Age*, from which he quoted. He added, that at the time the offer of a *douceur* was alleged to have been made he was not a member of the House.

The SPEAKER.—In that case, the editor of the paper cannot be called to the bar of the House.

Mr. SERVICE said the paragraph contained an attack upon a member of the House of a most disgraceful character, and similar allegations had been repeatedly made against other hon. members. He hoped, therefore, that the House would prevent a further repetition of such accusations, which were calculated to do a great deal of harm.

The SPEAKER remarked that the privilege which Parliament possessed, of calling persons to the bar of the House, and requiring them to give explanations, only extended to cases in which accusations were made against a member of the House in his Parliamentary capacity. As the charge in this instance was made against an hon. member in his private capacity, and would, if true, render him unfit to have a seat in the House, it was quite competent for the House to appoint a select committee to inquire into the charge.

Mr. WOOD thought the only way to deal with the notoriously mendacious charges which had been made in the *Age* was to commence an action for libel against the paper. He hoped it would not be permitted to continue its slanders much longer before that course was adopted.

Mr. SNODGRASS said that, as the Speaker had ruled that the editor could not be called before the bar of the House, he would take no further action in the matter.

The subject then dropped.

MELBOURNE AND HOBSON'S BAY RAILWAY.

Mr. LALOR presented the report of the select committee on the Melbourne and Hobson's Bay Railway Act Amendment Bill, and gave notice that he would move it be taken into consideration the following day.

COMPENSATION ON THE GOLD-FIELDS.

Mr. HUMFFRAY asked the Commissioner of Public Works whether the Government had any objection to place on the table of the House a copy of the instructions given to the Government valuators as a guide to them in assessing the amount of compensation to be given to owners of buildings on the gold-fields which might be required to be removed for railway purposes? Also, whether these valuators, in making up their valuations, were instructed to recognise the privileges of the occupants of Crown lands under the "miners' rights," as provided for under the Gold-fields Act?

Mr. JOHNSTON, in reply, stated that since the hon. member gave notice of his questions he had written to Mr. Mitchell, the head of the Railway Department, for the information required, but had not yet received an answer. The answer would, however, probably be received to-morrow, and he would then give the hon. member the information asked for.

NEW MEMBER.

Mr. R. F. HOWARD took the oaths and his seat for Sandhurst, in the place of Mr. Casey, unseated on petition.

THE BALLARAT RAILWAY.

Mr. W. C. SMITH asked the Postmaster-General whether the Government intended to erect a refreshment-room in connexion with any of the stations between Ballarat and the Geelong junction; and if not, why?

Dr. EVANS reminded the hon. member that the matter was not in his department.

Mr. W. C. SMITH thought, perhaps, that the President of Public Works would answer the question.

Mr. JOHNSTON said that the question having been put to his hon. colleague by mistake, it had been overlooked. On the following day, however, he would furnish an answer.

THE COLAC COURT.

Mr. NIXON, after a few prefatory remarks, asked the Minister of Justice whether his attention had been called to a report of certain legal proceedings which had taken place at the Colac Court of Petty Sessions, published in *The Argus*, wherein two magistrates were charged with cer-

tain offences against the law; whether any official report of the same had reached his office; and whether he was prepared to take further action in the matter, either by a further inquiry, or by removal of the said gentlemen's names from the commission of the peace?

Mr. WOOD, in reply, said that he had only had one charge referred to him for inquiry, and that was still pending. As regarded the statement, that charges had been proved against certain gentlemen, and that they ought to be removed from the roll of magistrates, he thought the hon. member must be aware that gentlemen had from time to time been charged with offences of a grave nature, and yet afterwards had been thought by their brother citizens worthy to hold commissions of the peace. He was aware the hon. member referred to one gentleman in particular, who had on one or two occasions been brought before the magistrates, charged with forgery (Mr. Nixon.—"Perjury"); but on one occasion the Crown prosecutor refused to file an information, and on the other the Geelong bench of magistrates dismissed the charge. The other day the same charge was again made, and he (Mr. Wood) requested a police magistrate to proceed to Colac to hear the case. He did hear the case, and dismissed it. The other case could hardly be said to be one against the law. It was an affiliation case. The man was summoned for not supporting an illegitimate child, but when the case was called on, it was found that the child had died before the summons was issued. He had called upon the police magistrate who adjudicated on the case to furnish a report. That had not however been received, and it would depend upon the nature of it whether further investigation took place. He had been informed that the gentleman so charged had commenced criminal proceedings, with the view of vindicating his character, and he (Mr. Wood) thought that was the best course to follow. As regarded another gentleman, there was a charge made against him by the Colac Road Board. A reply to the charge was furnished to the board, so that they might refute it, but it appeared that the board did not meet very frequently, and he presumed that was the reason why no answer had as yet been received.

Mr. NIXON thought the answer of the hon. member satisfactory, if the hon. member would act upon the report furnished to him.

THE LATE PRINCE CONSORT.

The SPEAKER announced that a message had been received from the Legislative Council, regretting that they could not concur in the address of condolence to be presented by the Assembly to Her Majesty, as they had adopted an address before the message of the Assembly reached them.

Mr. O'SHANASSY, without notice, moved that Mr. Speaker and other members of the House, wait upon His Excellency the Governor at Government House, on Friday, at half-past twelve o'clock, to present the address. He understood that the address from the other Chamber would be presented on the same day, at twelve o'clock.

The motion was carried.

MOUNTAIN RUSH DIGGINGS.

Mr. JONES asked the Postmaster-General whether his attention had been called to the number of miners and storekeepers now located at the Mountain Rush Diggings; whether they had applied to him for the advantage of a post-office there; whether there was a likelihood of their application being considered and granted? The hon. member stated that he had brought the subject under the notice of the Postmaster-General, who had behaved most courteously to him. Unfortunately, however, nothing had arisen out of it, and he now asked the question in his name.

Dr. EVANS said he had had several applications from diggers working at a place called Jordan's diggings, but he was not aware of having received distinct applications from persons describing themselves as belonging to the Mountain Rush. The applications he had received he had considered very carefully, and had referred them to the inspector of post-offices. That gentleman had been absent for some time, but he (Dr. Evans) had conferred with him on the subject, and the department had already communicated with the contractor who conveyed the mail to Jamieson's, and had received a tender from him to carry the mail to those diggings. He was not aware of any communication under the name of the Mountain Rush.

Mr. JONES said that, in order to remind the hon. member, he would mention that a memorial on the subject had been sent to the department. What the hon. member had mentioned had no reference to Mountain Rush, but on the following day he would again call the hon. member's attention to it.

Mr. WOOD mentioned that Mr. Warden Carr had furnished a report concerning the Mountain Rush gold-field, which could be seen in his (Mr. Wood's) office.

Mr. JONES said he was much obliged, but that would not get rid of the fact that a memorial was presented.

MUNICIPALITIES BILL.

Mr. W. C. SMITH, without notice, asked the Minister of Justice whether he was in a position to state when the Municipalities Bill would be introduced?

Mr. WOOD said the bill had been printed for some time, and he had gone through it, but the whole of his colleagues had not done so, and he had not obtained their sanction to name a day. If the hon. member wished to have it circulated there could be no objection, on the understanding that the other members of the Government were not considered pledged to it, to move the first reading on an early day.

CROWN LANDS SALE AND OCCUPATION BILL.—RESUMPTION OF DEBATE.

The House resolved itself into committee for the resumption of the discussion on the amendment proposed by Mr. Service, that three years should be the limit of tenure to the squatters.

Mr. SNODGRASS raised a point of order. In cases where several amendments were moved on a motion relating to a money grant, it was incumbent upon the Chairman to put the smallest amount first; but in the present case the

amendment related to a term of years, and, therefore, he submitted the Chairman ought to put the longest term first—namely, ten years—or that proposed by him (Mr. Snodgrass).

The CHAIRMAN asked what course Mr. Snodgrass would suggest?

Mr. SNODGRASS would suggest that, as there were four amendments, involving different periods of time, the longer period should be put first.

Mr. HEALES wished to have the full bearings of the case understood. He found in a late edition of *May's Parliamentary Practice* that, though the old occasional, but not constant, practice was for the Chairman in Committee of Supply to put the smallest sum first, and in other questions to put the longer period of time first, yet the later practice was different. A case cited in p. 443 of the last edition of *May* appeared to him to dispose of the point.

Mr. DUFFY wanted the House to determine whether the practice of the Assembly was to be fluctuating. The practice of the Assembly was established when the standing orders were agreed to, and because some reason might exist in the British Parliament for changing that practice was no argument that the same reason existed in the Assembly, and that the practice should be changed accordingly. In his own opinion, the new practice of the British Parliament was neither the most convenient nor the best practice.

Dr. EVANS was afraid that if he were to vote against the lesser period, and vote subsequently for a longer period, he should be acting inconsistently. Having, for instance, negatived the vote limiting the tenure to three years, he did not see at present that he could consistently vote for a five years' tenure.

Mr. SERVICE complained that, if the opinion of the hon. member for Dalhousie were right, he should be placed in this predicament:—Supposing the question were that the tenure should be seven years, he must absolutely vote against a modification which he would accept rather than nothing, and then run the risk of not being able to vote at all for the shorter period, of which he was most in favour.

The CHAIRMAN stated the question before the Chair, and expressed his opinion that, if the omission of words was carried, the shorter period would be first put, because the question of the period was in the present case an ordinary amendment, but that the first question to be put was the omission or retention of the words.

Mr. SNODGRASS was surprised that there could be any difference of opinion on a point on which the standing orders were so clear. He contended that it was not right to fall back on an edition of *May* published after those standing orders came in force.

Mr. GRAY urged that, as the standing order was by no means conclusive, the ordinary practice of the British Parliament must be followed.

Mr. NIXON did not think there could be any further debate after the ruling of the Chairman.

Mr. DUFFY said it was not to be expected that any hon. member could bear all the standing orders in his memory. He did not care how the question was decided, but the standing order on this point was so clear that he did not see how it could be subverted. In chapter 9 of those standing orders, which contained the orders relating to committees of the whole House or committees of supply, there was one which left no option in the matter, it was this:—

"CXXXIII. When there comes a question between the greater and lesser sum, or the shorter or longer time, the least sum and the longest time shall first be put to the question."

This was the law, and it was simply ridiculous to quote *May's* authority against it.

Mr. SERVICE said, if this were law, it would be impossible to arrive at the question stage by stage. It was difficult to argue against a standing order; but to say the House confined itself to the standing orders, and waived the great example which was always set up as a guide, would be to adhere to the standing orders against the rule upon which they were framed.

Mr. DUFFY remarked that the hon. member was alluding to an occasional resolution, while he (Mr. Duffy) referred to actual law.

Mr. SERVICE pointed out that the ancient practice, which was, in fact, contained in the standing orders of the Assembly, was waived without any resolution on one occasion in the British Parliament when the Hon. Commissioner of Lands and Survey was a member of that body. The case in which the principle was not adhered to occurred on the 25th of May, 1853, when the property tax for the United Kingdom was dealt with. If they were to go on in that way, they would create a disgust against the standing orders generally; and he would call to the recollection of the House that the very members who opposed the interpretation sought to be put upon the standing order now had formerly been willing to adopt such a course with reference to other subjects; and he could point to instances of the kind.

Mr. MOLLISON thought the best way to terminate the discussion would be to move that the Chairman report the point of order to the Speaker. He would just as soon take the Speaker's ruling on the point as insist upon putting the question as to the longer period first. There was already in the mind of the committee a period which should be fixed, and the object in view would be as well obtained in the one way as the other. He believed, also, that the Chairman would not feel that he was in any way treated with disrespect if the House appealed to a higher authority for a decision in the matter.

The question, that the Chairman report the point of order, was then put and agreed to; and the House having resumed,

Mr. LALOR reported the point of order before the House, and explained the reasons for which his decision had been given.

The SPEAKER said there appeared to be no difficulty whatever in the matter. As the Chairman reported the point, the question to leave out the words "sixty-four" must be put first, and therefore the Chairman's ruling was correct.

Mr. DUFFY did not think that the question had been quite accurately put by the Chairman, because the discussion had proceeded solely upon whether the question of the longer or shorter period should be submitted first, and that was the point raised by the member for Dalhousie.

Mr. LALOR.—As this is a question of veracity——

Mr. DUFFY.—No, he did not dispute the hon.

member's veracity. He merely said that the point debated by the committee, and that which the Chairman was bound to submit, was whether the question of the longer or shorter period should be put first.

Mr. SERVICE thought the Minister of Lands had raised his objection to the statement of the question by the Chairman too late. The Chairman had stated the question, the Speaker had ruled upon it, and no hon. member was now at liberty to dispute the accuracy of the statement of the question.

Mr. O'SHANASSY believed that the hon. member's memory was not very accurate on the point, because the Chairman in stating the question had admitted that there were two points of order before the House.

Mr. SNODGRASS said that, although the Speaker had decided upon the point of order reported by the Chairman, that was not the real point of order at issue.

Mr. LALOR said he really must rise to a point of order. In this case the Chairman of Committee reported a point of order to the Speaker, to which the hon. member (Mr. Duffy), and the hon. member (Mr. Snodgrass) who had been Chairman of Committees in a former Parliament, had afterwards raised an objection. The course so followed was altogether objectionable, because the Speaker had already given his decision upon the point of order reported. And it was not usual for any hon. member to rise and object in such a manner as had been done in this case.

Mr. DUFFY thought that, as the hon. member's remarks might be supposed to have reference to himself and the member for Dalhousie, he might be at liberty to say that the hon. member appeared to have a somewhat strange idea of the duties of a member of Parliament. The Chairman of Committees had, of course, the right to state the question in such a case as this, and if he stated it correctly, then no hon. member had the right to interfere; but if the case was not stated correctly, any hon. member had the right to correct the Chairman, who stood in the House in exactly the position of any other hon. member; and he would now call upon the Speaker to rule upon the second point which had been before the committee.

Mr. SNODGRASS had no intention whatever of impugning the veracity of the Chairman; he merely objected to the manner in which the Chairman of Committees had reported the point of order; and as it was himself that had raised it, surely hon. members would allow that he must know what it was. After the point of order had been reported, and before the Speaker ruled, it would have been highly injudicious in any hon. member to interfere; but he would now ask the ruling of the Speaker on the second point involved.

Mr. HEALES said the member for Villiers and Heytesbury was quite right in saying that the discussion had arisen upon the question of longer or shorter period; but he would ask the House to remember that at the same time the Chairman had called attention to the new phase which had been introduced into the question. It appeared to him that the manner in which the Chairman put the question was the correct one; and, as the Speaker had supported the Chairman in that view of the matter, he contended that there could be no reasonable objection to that decision, especially as it was supposed that they were dealing with the whole clause instead of a portion of it only, although the discussion had been as to the longer or shorter period.

The SPEAKER did not understand that there was a second point of order before the House.

Mr. GRAY was of opinion that the Chairman had reported a second point of order, and would be glad to have the ruling of the Speaker upon that as well as upon the point with reference to which he had already ruled.

Mr. WOOD believed, if he understood the Chairman of Committees rightly, that one part of his argument was that the words "sixty-four" had not been printed in italics,—at least that argument had arisen in the course of the debate; but he would submit that this matter was not before the House at all, especially as the words had not been printed at all. Where a bill had been printed with a certain part of it in italics, the case would be different to the present; but, under the circumstances, that argument at least fell to the ground.

Mr. BERRY believed that the Chairman of Committees was fully justified in adopting the course he had done.

Mr. LALOR said that, as the House had agreed to the Speaker's ruling, and therefore to his own, he would say a few words in reference to the other part of the question. The member for Villiers stated that, under the 133rd of the standing orders, the Chairman was bound to put a question regarding money in such a manner as to say the least sum for the longest period. But it appeared to him that the House should follow the example of the House of Commons in such matters, and should put the same interpretation upon the standing orders, which were a copy of those of the House of Commons, as was done there; and if they were to be guided by the action of the House of Commons, this matter could only be looked at from the point of view in which he had submitted it.

Dr. EVANS observed that the discussion arose first on the question of time—whether the longer or the shorter period should be put first—and not until that discussion had proceeded some length did a discussion arise on the question as to the meaning of the standing order. The Chairman of Committees was instructed to report to the Speaker, and accordingly the hon. gentleman had put two questions to the Speaker, only one of which had yet been answered. All that he wished to call the attention of the Chairman of Committees to was the fact, that the question as to the omission of the words from the amendment was really a discovery subsequent to the question of time arising.

Mr. O'SHANASSY quoted the practice of the House of Commons with regard to sums and dates, which was that, when a question arose as between a greater or a less sum, or a longer or shorter time, the less sum and the longer time ought to be put first. This rule (the authority stated) had more immediate reference to committees of supply and committees of ways and means, but was also observed in other committees. He trusted that, in coming to a decision upon a point of practice, hon. members would not fight for mastery as to argument, but that

they would seek for such an interpretation as would be a guide on similar occasions.

The SPEAKER would state to the House the question as he understood it. It appeared that the member for Ripon proposed an amendment to the clause in the bill now before the committee, but before that amendment was put from the Chair, an amendment was proposed in it to the effect that the words "sixty-four" should be left out. The rule in that case in committee was the same as the rule in the House. The amendment for the omission of the words "sixty-four" must be put first, and no other amendment could be put until that was disposed of. In this case, if the Chairman put the question, "that the words 'sixty-four' be left out, in order that other words might be inserted," he followed the rule which applied to such cases. Although certain hon. members might have intimated that it was their intention to propose other amendments, none of them could be entertained until that amendment had been disposed of. There was only one question and one amendment before the House.

Mr. DUFFY remarked that the Speaker had not ruled on the second point of order—whether, when a blank occurred by the omission of the words "sixty-four," the longer period should be put first.

The SPEAKER said no doubt if a blank occurred in the bill, and if it were proposed to fill up that blank by various numbers, the standing rule referred to must be adopted. But there was no blank in the bill. The amendment was to leave out certain words; and that must be disposed of before any other amendment could be entertained.

Mr. O'SHANASSY reminded the Speaker that he had directed attention to the fact, that the House were anxious for some rule of practice to be laid down for their future guidance on the point. He understood the Speaker to admit the argument urged from the Ministerial side of the House that, when a blank appeared, of the periods proposed for filling up the blanks the longest should be put first.

The SPEAKER observed that if there were a blank in the clause, the standing rule would apply. Hon. members were bound by the standing orders, no matter what might be stated to the contrary by *May*.

The discussion on the questions of order then terminated, and the House again went into Committee.

Mr. GRANT withdrew his amendment.

Mr. SERVICE proposed a verbal alteration in his proviso — the substitution of the word "issued" for "dated." Although dated the 1st January, these licences were frequently not issued until the end of the month, or later, and he did not wish to interfere with departmental arrangements.

The alteration was allowed.

Mr. HEALES proposed an amendment to the effect that the term should be five years. He should prefer "three" to five, but there appeared a more reasonable probability of the latter term being carried.

Mr. CUMMINS asked whether he would be in order in moving an amendment to the effect that the pastoral licences should cease to be issued at the end of the present year?

The CHAIRMAN replied in the negative.

Mr. SERVICE observed, with regard to the amendment of the member for East Bourke Boroughs, that he would have the feeling of hon. members in black and white, and should, therefore, divide on the subject.

Mr. WEEKES remarked that, had the 22nd clause been struck out of the bill, he should have voted for the longer period; but when he found that, at the end of three years, the auction system, which was now considered so objectionable, would be in operation, and that, in consequence, any squatter would probably be able to purchase for a few hundred pounds such a portion of the 10,000,000 acres as would give him nearly the whole of his run in perpetuity, he thought three years was the proper term to be fixed for the termination of the squatting tenure altogether.

Mr. HEALES said, as the suggestion which he had made was not acceptable to some hon. members, and as he wished to guard himself against being placed in a false position, he would, with the leave of the House, withdraw his amendment.

Mr. SNODGRASS proposed that the term should be ten years.

Mr. M'LELLAN thought that under the circumstances in which the country was now placed, the shorter the tenure which the House gave to the squatters the better would it be for the present as well as for the future population of the colony. If the 10,000,000 acres had really been set apart for agricultural purposes, he would have had no objection to a long and secure tenure being given to the squatters outside the 10,000,000 acres; but when he found that the pretended appropriation of an agricultural reserve was a mere sham, he could not consent to give such a lengthened tenure to the squatters as had been proposed. The squatters had the same privileges within the 10,000,000 acres as they had outside them. How could it be said that the 10,000,000 acres were reserved for agricultural purposes? None of the squatters could be removed from them, except when a quarter of an agricultural area was purchased; and any one acquainted with the state of the country knew that very few of the agricultural areas would be so occupied for many years to come. But, however hon. members might flatter themselves that there was now to be a settlement of the land question, he believed that, as soon as the people discovered the real bearings of the measure, there would be a greater agitation than had ever been known before, and the country would show that it would not be satisfied with the measure. Why should a lease of ten years be granted to the squatters—why should the lands be handed over to the squatters, when there were hundreds, or thousands, of persons ready to pay ten or even twenty times more for the use of the land than the squatters? At the present time the country was a mere wilderness, the only signs of civilization in many parts being a shepherd's hut and a hungry dog; but if the same facilities for settlement were afforded as were given in New South Wales, he believed that in considerably less than ten years a large portion of the country would be cultivated, and the value of the land thereby greatly increased. The bill was nothing but a deception, and he protested against its being accepted as in any way a settlement of the land question. If

the people of the colony were polled to-morrow, he believed that the majority would decide against it.

Mr. CUMMINS asked the Commissioner of Lands and Survey if it were the intention of the Government that the pastoral tenure within the 10,000,000 acres should be on the same terms as outside the 10,000,000 acres?

Mr. DUFFY was surprised that any member of the House did not yet understand what the bill proposed. It proposed that, within three months after the passing of the measure, 4,000,000 acres for agricultural purposes should be thrown open for selection, to be divided into areas of a reasonable size; and when one quarter of any one of the areas was taken up for agricultural purposes, the remaining three-quarters should immediately become commonage for those who were settled on the first quarter. When agricultural areas were thrown open under the Nicholson Land Act, he was not aware of any case in which less than one quarter of an area was taken up; and he was convinced that when 4,000,000 acres of the best available land in the colony were thrown open in reasonable areas, scattered near the populous parts of the country, every area proclaimed would be occupied to such an extent within six months after the proclamation as to render the whole area available for the settlers. The bill provided that the pastoral tenants would have no right to be on any agricultural area after one quarter of it was occupied; their cattle would be liable to be impounded if they trespassed upon the agricultural area; and the inhabitants of each district would have the power of appointing managers of commons, who could levy fines and otherwise protect themselves against intrusion. The squatters' tenure within the 10,000,000 acres was, therefore, totally different to their tenure outside. The tenure within the reserve expired absolutely for ever the moment a quarter of it was occupied for agricultural purposes.

Mr. CUMMINS said the Commissioner of Lands and Survey had not answered the question. He wished to know whether the pastoral runs within the 10,000,000 acres would come under the same provision as the pastoral runs outside that reserve?

Mr. DUFFY.—No.

Mr. CUMMINS was convinced, from his reading of the clause, that such was the case.

Mr. DUFFY said it was not the case. There were certain conditions in relation to the pastoral runs outside the 10,000,000 acres, which did not apply to those within the reserve. For example, the squatters were permitted to make improvements on the runs outside, but not within the 10,000,000 acres. If the hon. member wished to know whether it were the intention of the Government to remove the pastoral tenants at once from the land from which half the revenue of £25,000, levied for pastoral purposes, was derived, he would simply say that such was not their intention. They would not remove the pastoral tenants before the land was required for other purposes, but the moment it was wanted for agricultural purposes, the squatters must give way. (Hear, hear.)

Mr. GRAY, notwithstanding the explanation given by the Commissioner of Lands and Survey, was convinced that the pastoral tenure was the same both within and without the 10,000,000 acres.

Mr. CUMMINS believed, and so did his constituents, that the leases of the pastoral tenants expired in 1861. He was, however, willing to make this concession—that the land within the 10,000,000 acres, not immediately wanted for agricultural purposes, should be subdivided into small runs, and let to agriculturists for pastoral purposes; and that the pastoral tenants should have the land outside the 10,000,000 acres for a term of years. But he did not think the pastoral tenants were willing to meet the agriculturists in a fair spirit, and he was therefore bound to vote for the shortest tenure being granted to them, and for such a tenure as would result in a subdivision of the runs, and the letting of them for the best terms which could be obtained.

Mr. DON had always held the opinion that so long as the country was devoted to pastoral purposes, the present squatters had more right to it than any other class of persons; but that the moment the land was required for higher purposes, the squatters were bound to retire. The hon. member for Ararat had thrown out insinuations that certain gentlemen had changed their opinions; but the hon. member had himself changed his opinions. The hon. member had talked of converts, and had given a garbled version of a speech made by the Minister of Justice in 1861; but what came as a "crime" from that hon. gentleman, the hon. member thought was patriotism in him. It might be that the President of Lands and Survey had taken 10,000,000 acres of the best agricultural lands, or he might have made a mistake. For instance, he (Mr. Don) had been informed that there were large tracts of land not marked at all on the map in the Murray district, which should be the great waterway, and where there were some of the best agricultural lands. His great reason for voting for the amendment was, that the squatters had always expressed their willingness to give way when their runs were required for agricultural purposes. If the clause passed, then they would have possession of their runs, and also of the 10,000,000 acres mentioned. It was therefore a question whether the tenure should be three years or ten years, and he thought the squatters should yield. They knew it was not well to run to extremes, and it was quite possible that if they did not agree to the amendment, a worse thing might come upon them. He thought the committee would act wisely in passing the amendment for three years, and if not succeeding in that, to propose five or seven years. At any rate, let them put a limit to the tenure at once and for ever.

Mr. FOOTT characterized the bill as a sham, and as calculated to obstruct the settlement of the people on the lands. He expressed a hope that hon. members would pause before they handed over in perpetuity, or for any lengthened period of time, the lands of the people to the squatters. He should vote for a three years' tenure, though he had hoped that the field for intending settlers would have been opened wide at once.

Mr. M'CANN did not believe in leases at all, and had originally looked favourably on the bill, because it only granted leases from year to year.

The principle that the squatters' rights had ceased appeared to have been entirely given up. Even the hon. member for Ripon proposed to admit that the squatters had further claims, and was disposed to grant them three years, while the hon. member for East Bourke Boroughs was prepared to give them five years, the late hon. Commissioner of Public Works seven years, and the Government ten years. It was with the understanding that squatters' rights had ceased that he had supported the second reading, and he felt now in a difficulty. He would much rather vote for the clause as it originally stood, but under the circumstances, and considering the powers which the Government would still possess, he should vote for granting leases for the longer period.

Mr. DENOVAN contended that any proposition to keep so large a quantity of land in the hands of so few individuals ought to be received with considerable suspicion. Such a policy was opposed to the best interests of the country. It was nothing else which had brought the ancient empire of Rome to ruin; and it was the very reverse which had created the yeomanry which had preserved the liberties of England after the Conquest and during the succeeding reigns, especially that of King John. He appealed to the good sense of the House not to adopt the clause before them.

The question was then put "that the words '1864' stand part of the question," and the House divided, with the following result:—

Ayes	29
Noes	37
Majority for the omission of the words	8

The division-list was as follows;—

AYES.

Mr. Berry	Mr. Gillies	Mr. Ramsay
— Brooke	— Gray	— Richardson
— Cummins	— Heales	— Service
— Davies, B. G.	— Houston	— Sinclair
— Davies, J.	— Lambert	— Smith, W. C.
— Denovan	— Levi	— Sullivan
— Don	Dr. Macadam	— Weekes
— Foott	Mr. M'Lellan	— Woods
— Francis	— Nixon	— Wright.
— Frazer	— Owens	

NOES.

Mr Aspinall	Mr. Johnston	Mr. Orkney
— Bennett	— Jones	— O'Connor
— Brodribb, K E	— Kirk	— O'Grady
— Brodribb, W A	— Kyte	— O'shanassy
— Cathie	— Levey	— Reid
— Cohen	— M'Culloch	— Riddell
— Duffy	Dr. Mackay	— Smith, A. J.
Dr. Evans	Mr. M'Mahon	— Smith, J. T.
Mr. Grant	— M'Cann	— Snodgrass
— Hedley	— M'Donald	— Tucker
— Howard	— Mollison	— Wilson
— Humffray	— Nicholson	— Wood.
— Ireland		

Mr. SNODGRASS moved that the words "seventy-one" be inserted in the clause.

Mr. HEALES would ask, for his own information, and for that of hon. members, whether he would be in order in proposing another amendment upon that of the member for Dalhousie?

Mr. LALOR said that there was already an amendment of the hon. member's (Mr. Snodgrass) before the House, only a portion of which had been agreed to, and the remaining portion of it was now the question before the House. The proper course would be to negative that portion of the amendment, and then propose another amendment.

Mr. GRANT hoped that hon. members who were favourable to a shorter tenure would vote against the amendment, because he purposed, if it were negatived, to propose another amendment. The question that the words "seventy-one" be inserted was then put when the House divided, with the following result:—

Ayes	34
Noes	33
Majority for Government ...	1

The following is the division-list:—

AYES.

Mr. Aspinall	Mr. Johnston	Mr. O'Grady
— Bennett	— Jones	— O'Shanassy
— Brodribb, K E	— Kirk	— Reid
— Brodribb, W A	— Levey	— Riddell
— Cathie	— M'Culloch	— Smith, A. J.
— Cohen	Dr. Mackay	— Smith, J. T.
— Duffy	Mr. M'Mahon	— Snodgrass
Dr. Evans	— M'Cann	— Tucker
Mr. Hedley	— M'Donald	— Wilson
— Howard	— Mollison	— Wood.
— Humffray	— Nicholson	
— Ireland	— O'Connor	

NOES.

Mr. Berry	Mr. Gillies	Mr. Orkney
— Brooke	— Grant	— Owens
— Cummins	— Gray	— Ramsay
— Davies, B. G.	— Heales	— Richardson
— Davies, J.	— Houston	— Service
— Denovan	— Kyte	— Sinclair
— Don	— Lambert	— Smith, W. C.
— Edwards	— Levi	— Sullivan
— Foott	Dr. Macadam	— Weekes
— Francis	— M'Lellan	— Woods
— Frazer	— Nixon	— Wright.

The result was hailed with cheers and counter cheers, amidst which the member for Maldon made use of the word "disgraceful," adding—with reference apparently to some member or members on the Ministerial side—"Another such vote will ruin you." Mr. Service, at the same time, was heard to name the member for Ballarat East (Mr. Humffray); and for Geelong East (Mr. Aspinall).

Mr. HUMFFRAY rose to a point of order ("Hear, hear," and "Oh"), and begged to ask the Chairman whether it was in order for an hon. member to apply such an epithet to any other member of the House.

The CHAIRMAN would really ask hon. members to maintain order, and would say that nothing could be more highly disorderly than such conduct as was being indulged in.

Mr. W. A. BRODRIBB was of opinion that no hon. member was entitled to apply the term "disgraceful" to any other member, and it would perhaps be as well if further notice were taken of the matter. He moved that the words be taken down.

Mr. GILLIES would ask the Chairman to call upon the hon. member who had just sat down to withdraw the remark he had made, because he had no right to say that any one hon. member had used such a word with reference to another.

The CHAIRMAN was of opinion that the hon. member said that the word had been used by some hon. member, but he was not aware that

any member had been particularly pointed to. He trusted the House would now permit the business before them to be gone on with.

Mr. SNODGRASS rose to a point of order. He believed that a reflection had been thrown upon the character of another hon. member.

Mr. SERVICE rose to a second point of order. The course for the member for Brighton would be to show that the word "disgraceful" had been used, and to move that it should be taken down. But he had done nothing of the kind.

Mr. O'SHANASSY would satisfy the hon. member on that point. The word "disgraceful," made use of by the member for Maldon, was intended to apply to the member for Ballarat East (Mr. Humffray), and the member for Geelong East (Mr. Aspinall); and he would ask what right the hon. member had to object to these hon. members exercising their own judgement. At a moment of that exciting kind, perhaps some latitude was to be allowed, but no hon. member could be justified in impugning the right of any other hon. members to exercise their own judgement.

Mr. WOOD understood that the member for Brighton had moved that the word be taken down ("No"), and if such was the case he seconded the motion.

Mr. M'LELLAN did not think that the member for Maldon had applied the epithet to any hon. members particularly, and he did not see how it could be so contended, unless the hon. member admitted that he had done so. But even if such had been the case, he did not think the Government should take notice of such a paltry affair. But let them take down the word, and he was ready to stand there for hours with any other hon. members discussing the matter. ("Hear, hear," and a laugh.)

Mr. SNODGRASS said the expression was applied to two hon. members, and the hon. member ought to withdraw the remark, because it was of such a nature that it should not be applied to any hon. member.

Mr. HOUSTON would ask what point of order was before the chair?

Mr. W. A. BRODRIBB moved "That the word 'disgraceful,' made use of by the member for Maldon, and applied to the member for Ballarat East, be taken down, and reported to the House.

Mr. WOOD seconded the motion.

Mr. HEALES would like to know how it was shown that the word was meant to apply to he member for Ballarat East.

Mr. DUFFY rose to a point of order. When a case of this kind arose, the first duty of the Chairman was to ask whether the member used the word, and then, if it were admitted, report the expression to the Speaker.

Mr. SERVICE thought the motion was not at all in accordance with the usage of the House. The usual course was to move that certain words should be taken down; but here the member for Brighton moved that a certain word, upon the use of which, as applied to some person, he put his own construction, should be taken down. Now, that seemed to him to be an argument and a conclusion rolled up into one, and he would ask the chairman if such a course could be adopted. He might also ask why the word should not be supposed to apply to the member for Geelong East as well, the ex-Attorney-General? (Hear, hear.)

Mr. M'LELLAN thought the member for Brighton should be required to prove that the word applied to any hon. member before he submitted his motion.

Mr. GRAY then rose and commenced a reflection upon the conduct of hon. members who had advised the late Government to appeal to the country, and who were now found voting with the majority in this case.

The CHAIRMAN interposed and hoped the hon. member would confine himself to the question before the committee.

Mr. GRAY was proceeding in a similar strain, when

Mr. WOOD rose to a point of order, and the ground on which he did so was that the hon. member was not discussing the question before the committee, but was going into matters which had no connexion with it. (Various members.—"It did bear on the point.") He was at a loss to see how anything that had occurred at the last general election could bear upon the matter. ("Hear, hear," and "Oh.")

Mr. DUFFY, since the point of order had been raised, would again call the Chairman's attention to the fact that the duty of the chairman was to ascertain whether the hon. member admitted having used the word, and if he did so, then to report it to the Speaker, who was the only authority in the House who could deal with the matter.

The CHAIRMAN said there could be no doubt that the course pointed out by the hon. member for Villiers was the proper one; and as it appeared that there was great doubt as to whether the remark was intended to apply to any hon. member, he would adopt the suggestion, and ask the hon. member whether his remark was intended to apply to any other hon. member. ("No, no.") He presumed the committee were desirous of proceeding in an orderly manner; and as the expression, if used with reference to any hon. member, was highly disorderly, that was the only course which he could pursue. ("Hear, hear," and "No.")

Mr. GRAY rose, and remained standing, amid loud cries of "Chair."

The CHAIRMAN said he must leave the chair if this proceeding continued. The member for Rodney appeared to be arguing as to the manner in which the member for Maldon used the expression. But surely the member for Maldon himself could much better state the sense in which he used it. Perhaps the committee would allow him (the Chairman) to put the question to the member for Maldon.

Mr. GILLIES.—Will the Chairman read the resolution?

The CHAIRMAN (reading).—"That the word 'disgraceful,' as used by the member for Maldon, and applied to the member for Ballarat East, be taken down and reported to the House."

Mr. GRAY again attempted to address the committee, but failed to obtain a hearing.

Mr. O'SHANASSY rose to order. Could the Chairman permit a discussion on words taken down in committee? Was it not his duty to report them at once to the House?

The CHAIRMAN would like to take the

sense of the committee whether he should report them at once to the House.

Mr. HUMFFRAY.—Will the member for Maldon say whether he applied the words to me? (Cries of "No" from the Opposition.)

Mr. HEALES submi ted that the proposition of the member for Brighton could not be entertained. The practice in such cases was clear enough. If the words were not taken down before any other hon. member spoke, they could not be taken down at all. Whatever the words uttered by the hon. member for Maldon might have been, one or two gentlemen spoke after the uttering of the words, and before the words were taken down ("No, no"), or before the moving of the proposition that they be taken down. ("No, no.")

Mr. W. A. BRODRIBB said, the moment he heard the words uttered, he asked that they should be taken down.

Mr. FRAZER thought it would be more creditable to the committee if the matter were allowed to drop. ("No, no," and "Hear, hear.") He would suggest that the resolution should be withdrawn. If this were done, no doubt the member for Maldon would say that the word "disgraceful" was not applied by him in the sense supposed. ("No;" from the Opposition; laughter from Ministerialists.) He might state that, although he disagreed with the votes given on the other side, he could not agree with the counter cheers, or groans, or whatever might be the expressions used on the Opposition side of the House when the member for East Ballarat stood up in his place to make some remark (Hear, hear.) Familiar as he was with the whole eight years of that hon. gentleman's political career, and the manner in which he had fought for the democratic cause, he (Mr. Frazer) could not countenance such a proceeding. He hoped that hon. members would allow the matter to drop for the present. There would be plenty of opportunities, when less irritation would prevail than existed now, for hon. members to make comments on the conduct of hon. members who had broken their pledges and forsaken their party; and therefore he objected to the passing, on the present occasion, of a verdict that might have the effect of condemning certain hon. members before the country, without giving them any opportunity for explanation. He had seen enough in the House of hon. members who had acted honestly and straightforwardly, and against whose integrity not a doubt could exist, as subsequent events showed, being suspected and condemned as traitors to their principles, simply because, on a particular question, they voted against the party with which they had hitherto acted. ("Hear," and laughter.)

Mr. SERVICE submitted that the only word the use of which was charged against the member for Maldon was the single word "disgraceful," and that to couple that word with some remark which fell from some other hon. member——

Mr. HUMFFRAY.—The hon. member himself.

Mr. SERVICE had no objection to take it in that way. He contended that it was contrary to the rules of the House that a remark which fell from one hon. member should be coupled with the remark of another hon. member, and thus be made a ground for reproach or castigation. The word "disgraceful" was the only one that could possibly be taken down; and he submitted that this word could not be taken down unless used by some hon. member in debate. He considered that the discussion had taken place on something that was altogether baseless. There was no debate—no member was addressing the chair—and the ejaculation complained of, whatever it was, whether offensive or otherwise, was simply an ejaculation during the division. He admitted that it was wrong to utter such expressions at any time; but he contended that, as the expression was not uttered in debate, it did not come within the category of remarks that could be taken down and reported to the Speaker.

The CHAIRMAN observed that, according to his interpetration of the expression, it was not one that could be reported. He was, however, but an instrument in the hands of the committee. Their judgement must overrule his.

Mr. HUMFFRAY observed that the matter could be easily disposed of by the committee allowing the question to be put to the member for Maldon. ("Oh, oh," and hissing from the Opposition.) He could understand that howling ("Oh, oh.") What other term could he apply to such sounds?

Mr. WOODS rose to order. He protested against ordinary ejaculations made in committee being alluded to as "howling." (Laughter.)

Mr. HUMFFRAY went on to observe that it was a matter of perfect indifference to him whether the remark of the member for Maldon applied to him or not, except for his desire that order and regularity should be observed in the House. The matter was provoked, no doubt, by the ejaculations of the member for Ripon, and the distinct mention of his (Mr. Humffray's) name, and that of the member for East Geelong, Mr. Aspinall. (Hear, hear.) As he understood, the member for Maldon repeated the name, and coupled with it the word "disgraceful." (Hear, hear.) Now, he thought it only fair to himself and the House, as well as to the member for Maldon, that the hon. member should have the opportunity of saying whether he did or did not intend to apply it to him. He (Mr. Humffray) was prepared before the House, his constituents, and the country, to defend his conduct. He was in a position to show that the vote which he had given on this occasion was in strict accordance with every vote which he had given on the land question. (Cheers, disapprobation, and cries of "The occupation licences.") He never agreed in the policy of the occupation licences. (Cries of "Oh," and "Shame.") He would challenge his late colleagues as to whether he did not warn them against the evils that would arise from them. (Mr. Heales "Oh, oh.") He had always condemned from the hustings the absurd notions as to "free grass." There was no man who had kept his eyes open, and had had any experience of the goldfields, without knowing the evils resulting from free selection before survey. ("Oh, oh.") He maintained that such a system would bring the country to ruin. (A Voice.—"It is ruined.") He would appeal to the member for Grenville (laughter) and the member for Creswick whether they had not

heard him on the hustings, when challenged on the subject, declare that he was not in favour of free selection before survey and free grass, and whether he had not invariably contested his elections on that issue? (Mr. O'Connor and Mr. Fraser "Hear, hear.") He would ask the member for West Melbourne (Mr. Loader) whether, when that gentleman contested East Ballarat with him, he did not make this declaration?

Mr. LOADER.—Hear, hear.

Mr. HUMFFRAY.—Then why should I be charged by hon. members on the Opposition side of the House with having changed my opinions?

Mr. O'CONNOR.—They have ratted themselves—every one of them. (Loud laughter.)

Mr. HUMFFRAY went on to say that he would tell the House what led him to vote as he did on the question. The House he was informed that if the motion were not carried, the Ministry would resign. ("Oh, oh.") Now, he was not prepared to throw the country into the confusion that would attend such a state of things. ("Oh, oh.") They had his statement—let them make what use they liked of it. (Hear, hear.) He knew that, both in the House and out of it, there were men who would not give credit to any man who voted against them for honesty of purpose; but he appealed to the eight years of his political life in this country, and he was prepared to compare notes with any hon. member as to his consistency. (Hear, hear.) No doubt hon. members had seen the scandal, published in certain newspapers, originating in some pragmatical nobodies on Ballarat, taking the liberty of maligning his character, on Monday night last. But he was not to be bullied by fools, knaves, and rogues—by men who were lineally descended from the illustrious Judas. ("Oh, oh.") In conclusion, he begged to call upon the member for Maldon to state, in his place, whether he intended that the observation should apply to him?

Mr. BERRY considered that hon. members on the Ministerial side were attempting to place the Chairman in a very invidious position. They were seeking to make the Chairman a keeper of other men's consciences. The imputation had been taken and accepted by the hon. member opposite, simply because he had a guilty conscience. ("Oh, oh.")

Mr. HUMFFRAY appealed to the Chairman, to say whether the member for Collingwood was in order?

The CHAIRMAN pronounced the observation of the member for Collingwood highly disorderly. (Hear hear.)

Mr. BERRY said his remarks were to the effect that there had been no evidence given to the House that any hon. member applied the epithet to the member for East Ballarat. (Loud cries of "Chair," and "Order.") He protested against this. ("Chair, chair.")

Mr. SNODGRASS rose to order.

The CHAIRMAN declared that if hon. members desired to proceed in a disorderly manner he must retire from the chair. He called upon the member for Maldon to state whether the word which he made use of was directed against the member for East Ballarat.

Mr. IRELAND considered that no person should interpose between the Chairman and the hon. member to whom this question was put.

Mr. BROOKE rose to a point of order. (Cries of "Chair," and counter cries of "Order," which continued so long that the hon. member had to resume his seat.)

Mr. W. A. BRODRIBB offered to withdraw his motion, provided the member for Maldon would explain. ("No, no," from the Opposition.) It would be remembered that a few nights ago he expressed his annoyance at a similar expression being used by an hon. member on the Opposition side of the House, and he then made up his mind that, whenever he heard an offensive remark, no matter from what part of the House it came, he would insist upon the words being taken down. On this occasion, he heard the word "disgraceful" uttered, and then he heard the names of the member for East Ballarat and the ex-Attorney-General, and the impression on his mind was that the word was applied to those two gentlemen.

Mr. HEALES rose amid cries for "Ramsay."

Mr. IRELAND also rose, amid loud cries of "Chair;" but nothing could be heard from either hon. member for the noise which prevailed.

In the midst of the confusion, Mr. Lalor retired from the chair, and the Speaker resumed his usual seat.

Mr. LALOR (addressing the Speaker) said, for the first time since he had held the chairmanship of committees, he was compelled to report that hon. members had gone so far beyond the bounds of order that he was unable to control them; and he had only to hope that the Speaker, in the exercise of the superior power vested in him, might be able to restore that order which he (Mr. Lalor) was unable to preserve. A question arose in committee with regard to certain words said to have been used by an hon. member. He suggested a certain course, but, on account of the interruptions which prevailed, that course could not be taken, and, therefore, he begged to place the matter in the hands of the Speaker.

The SPEAKER observed that this was the first time in the six years during which he had had the honour of filling the chair, that such a statement had been made to him by the Chairman of Committees. He extremely regretted it, not so much for his own sake as for the sake of the House. Nothing was so calculated to damage the reputation of the House as a scene of this kind. (Hear, hear.) He did endeavour, while out of the chair, to induce the parties concerned to come to some arrangement, but, as the matter was not then referred to him by the Chairman of Committees, he could not interfere further. He might now state that the arrangement which he suggested was that the motion should be withdrawn, and that the expression made use of by the member for Maldon, no doubt inadvertently, should be withdrawn also, and that without discussion or remark of any kind. (Hear, hear.) He would suggest that course now.

Mr. HEALES rose, but was greeted with cries of "Ramsay," and "Chair."

The SPEAKER remarked that there was no question before the House. It would now be his duty to leave the chair, having stated what he conceived to be the proper course to be pursued.

Mr. WEEKES moved that the House do now adjourn.

Mr. LALOR hoped that the members for Brighton and Maldon would agree to the course recommended by the Speaker, whose suggestions, as the head of the House, ought always to be respected, and whose opinion upon a point of order ought to be authoritative.

Mr. BRODRIBB.—I accept it at once.

Mr. HEALES rose (by leave of the Speaker) to explain, that when Mr. Lalor left the chair, he (Mr. Heales) was about to state that he had been endeavouring, along with the Speaker, to bring about the arrangement now proposed.

The SPEAKER then left the chair, and Mr. Lalor again took his place as Chairman of Committee. (Cries of "Ramsay, Ramsay.")

Mr. BRODRIBB.—With the permission of the House, I withdraw my motion.

Mr. M'CANN objected to the withdrawal of the motion, on the ground that Mr. Ramsay had not yet intimated his intention to withdraw the expression which he used.

Mr. DUFFY said an arrangement had been made, and in pursuance of that arrangement the hon. member for Brighton proposed to withdraw his motion. Whether the hon. member for Maldon withdrew the expression he had used or not was immaterial, but he (Mr. Duffy) thought he had too much good sense to refuse to do so. He hoped Mr. M'Cann would not persist in objecting to Mr. Brodribb's withdrawing his motion.

Mr. M'CANN tacitly assented to Mr. Duffy's suggestion, and the motion was then withdrawn.

Mr. RAMSAY then rose, and stated that he was not aware there had been anything said which required him to give any answer. Certain words had been proposed to be taken down, which he denied had proceeded from his lips. It had been affirmed by the hon. member for Brighton that he (Mr. Ramsay) applied a certain term which he used in connexion with certain words which were used by another hon. member. How did the hon. member for Brighton conjoin his (Mr. Ramsay's) expression with the words used by that other hon. member? He could not see how there was any connexion between them. In the heat of the moment, he might have expressed a feeling which he did feel, and which he still felt; but he denied that there was any reason for connecting his words with any individual in the House, unless he had mentioned the name of the individual himself. He was not aware that he had said anything which required him to make an apology to the House; but if what he had said was contrary to Parliamentary usage, it was his duty to listen to the hint from the Speaker, and to withdraw the expression.

Mr. Snodgrass's amendment, limiting the squatters' tenure to ten years, was then put, and a division was called for.

Immediately on the division being ordered one of the hon. members on the Opposition side of the House called out "no division," but the division was proceeded with. Several of the members on that side immediately left the House before the doors were locked, and the remainder crossed over and voted with the Government, in order, if possible, virtually to prevent a division. Mr. Snodgrass, Mr. M'Cann, and two or three of the Government supporters, however, went to the other side of the House, for the purpose of making a division. When the numbers were counted,

The CHAIRMAN announced the result of the division to be—

Ayes	49
Noes	7
Majority in favour of the amendment	42

The following is the division-list:—

AYES.

Mr. Aspinall	Mr. Howard	Mr Orkney
— Bennett	— Humffray	— O'Connor
— Brodribb K E	— Ireland	— O'Grady
— Brodribb, W A	— Jones	— O'Shanassy
— Cathie	— Johnston	— Reid
— Cohen	— Kirk	— Richardson
— Cummins	— Levey	— Service
— Davies. B.G.	— Levi	— Sinclair
— Davies, J.	— Loader	— Smith, A. J.
— Donovan	Dr. Macadam	— Smith, J. T.
— Don	Mr. M'Culloch	— Smith W. C.
— Duffy	— Mackay	— Sullivan
Dr. Evans	— M'Mahon	— Tucker
Mr. Foott	— M'Donald	— Wilson
— Francis	— Mollison	— Wood
— Frazer	— Nicholson	— Wright.
— Hedley		

NOES.

Mr. Berry	Mr. Kyte	Mr. Nixon
— Edwards	— M'Cann	— Snodgrass
— Gray		

On the question "that clause 69, as amended, stand part of the bill,"

Mr. SULLIVAN moved—"That the clause be omitted from the bill."

Mr. O'SHANASSY said if the motion were agreed to, free grass over the whole lands of the colony would be established to-morrow.

The question was put that the clause, as amended, stand part of the bill, and the committee divided with the following result:—

Ayes	39
Noes	28
Majority for the motion ...	11

The following is the division-list:—

AYES.

Mr. Aspinall	Mr. Johnston	Mr. Orkney
— Bennett	— Jones	— O'Connor
— Brodribb, K E	— Kirk	— O'Grady
— Brobribb W A	— Kyte	— O'Shanassy
— Cathie	— Levey	— Reid
— Cohen	— Loader	— Riddell
— Duffy	— M'Culloch	— Smith, A J.
Dr. Evans	Dr Mackay	— Smith, J. T.
Mr. Francis	Mr. M'Mahon	— Smith, W C.
— Hedley	— M'Cann	— Snodgrass
— Howard	— M'Donald	— Tucker
— Humffray	— Mollison	— Wilson
— Ireland	— Nicholson	— Wood.

NOES.

Mr Berry	Mr Grant	Mr Owens
— Brooke	— Gray	— Ramsay
— Davies, B. G.	— Heales	— Richardson
— Davies, J.	— Houston	— Service
— Donovan	— Lambert	— Sinclair
— Don	— Levi	— Sullivan
— Edwards	Dr Macadam	— Weeks
— Foott	Mr. M'Lellan	— Woods
— Frazer	— Nixon	— Wright.
— Gillies		

Mr. B. G. DAVIES moved that the Chairman report progress. He thought the committee were not in a frame of mind to entertain any new clauses.

Mr. DUFFY thought that the committee was exactly in the frame of mind to go on with the next few clauses, as they were necessary for carrying out the clause just passed. If the side-notes were taken, the next six clauses could be passed in a very short time, and he would then be willing to report progress.

Mr. SERVICE trusted the committee would agree to the proposition just made. He had been beaten, and was not ashamed of it, but he did not intend to offer any further opposition to the next few clauses.

The motion for reporting progress was negatived.

The following clauses were agreed to without remark:—

Clause 70, that the first half-yearly instalment be paid, and afterwards rent substituted.

Clause 71, which made licence-fees payable only during 1862.

Clause 72, providing that the rent should be according to the grazing capabilities, as determined by the Board of Land and Works, or arbitrators, as the case may be.

Clause 73, referring to the principle upon which the board is to determine the grazing capabilities of the runs, and providing that deductions may be made in respect of an inferior class.

Clause 74, providing that runs may be divided by the board, in order to facilitate the ascertainment of the amount of rent.

Clause 75, stating that rent is not to be paid on amount of assessment, except where part of a run has been sold, &c.

Clause 76, that rents, as determined by the Board of Land and Works, to be inserted in the *Government Gazette*, and to be conclusive, unless appealed against within six months.

Mr. DUFFY said, as he had promised hon. members who had since left the House not to proceed further, and as there were blanks to be filled which had not yet been agreed upon, he would now move that the Chairman report progress.

The motion was agreed to, and the House resumed.

The CHAIRMAN reported progress, and obtained leave to sit again on Friday.

MR. TOMLINS' CASE.

Mr. JONES moved that the petition of Mr. Tomlins be referred to the committee on claims for compensation.

The motion was carried.

The remaining business was postponed, and the House adjourned, at a quarter past eleven, until four o'clock on the following day.

SIXTY-NINTH DAY—THURSDAY, MARCH 20, 1862.

LEGISLATIVE ASSEMBLY.

The SPEAKER took the chair at half-past four o'clock.

A NEW MEMBER.

Mr. POPE, the newly-elected member for Grenville, was introduced by Mr. Service and Mr. Gillies, and took his seat on the Opposition benches, below the gangway.

PETITIONS.

Mr. WOOD presented two petitions—one from the local patrons of the National school at Warrnambool, complaining of the present mode of distributing the educational grant, and praying that the House would grant such a sum as would enable the National Board to pay its teachers; and the other from certain residents of the same locality, in public meeting assembled, praying the House to adopt one national system of education.

Mr. BERRY presented a petition from 759 residents of Collingwood against the East Collingwood Improvement Bill.

The SPEAKER said, this being a petition relating to a private bill, could not be presented to the House, but must be handed in to the clerk.

NOTICES OF QUESTIONS.

Mr. J. DAVIES gave notice that, on the following day, he would ask the hon. Commissioner of Public Works, if the Government intended to run third-class carriages or daily trains, on the principle of the English Parliamentary trains, on the Ballarat and Sandhurst Railway lines?

Mr. SINCLAIR gave notice that he would, on the following day, ask the hon. Commissioner of Public Works why the 4th and 5th sections of the Railways Construction Act had not been complied with?

CORPORATION ACT AMENDMENT BILL.

Mr. BENNETT gave notice that, on Thursday next, he would move that the report of the select committee on this bill be taken into consideration.

MR. H. S. LINDSAY'S CONTRACT SURVEY.

Mr. SERVICE asked the hon. the Commissioner of Crown Lands and Survey, on whose certificate Mr. H. S. Lindsay, contract surveyor of block H, county of Hampden, was paid the sum of £550 16s., on the 18th of December last; and whether that gentleman was overpaid or underpaid for the services he performed on that contract?

Mr. DUFFY replied that the certificate in question was given by Mr. Surveyor Scott, who had assured him that the money paid exactly covered the work done.

TELEGRAPHIC COMMUNICATION WITH ENGLAND.

Mr. K. E. BRODRIBB asked the hon. the Chief Secretary whether any steps were being taken by the Government with a view to secure telegraphic communication with England?

Mr. O'SHANASSY replied that the Government had no intention of taking active steps in this matter. About a year ago Mr. Gisborne came to this colony, specially charged with a guarantee from the Imperial Government in respect to telegraphic communication with England, but although his project was received with considerable favour it had not succeeded, and the present Government thought it somewhat beyond their power to go further just now.

A NEW CENTRAL TELEGRAPH-OFFICE.

Mr. B. G. DAVIES (in the absence of Mr. Humffray) asked the hon. the Postmaster-General if it was intended to make provision for the central telegraph-office in the new Melbourne General Post-office; and whether the Government would open a receiving-office for telegrams in some part of the present building, pending the completion of the new building?

Dr. EVANS replied that no such provision had been made in the new Post-office, and there was no room whatever to spare in the present building. He hoped that by the time the new Post-office was finished a suitable building for the telegraphic department would be provided in that part of the city.

A PARLIAMENTARY TELEGRAPH-OFFICE.

Mr. B. G. DAVIES asked the hon. the Postmaster-General what would be the cost of extending a branch of the telegraph-office to the Parliament Houses, if the Government deemed such extension desirable, and if they contemplated doing so?

Dr. EVANS said the matter had been considered, and such an extension had been deemed by himself and colleagues to be most desirable. He had ascertained that the actual cost would be between £300 and £400; and if Parliament would provide that amount, and the salaries of the necessary officials, and also appropriate several rooms in the Parliamentary buildings, the branch telegraph-office desired could be erected within three weeks.

LETHBRIDGE.

Mr. SERVICE asked the hon. the Commissioner of Crown Lands and Survey when the trustees for the Free Presbyterian reserve at Lethbridge, whose names were submitted to the Government on the 17th January last, and were subsequently approved by the Governor in Council, would be gazetted?

Mr. DUFFY replied that a question had arisen in connexion with this matter which had been thought sufficiently important to require reference to the Crown law officers, who had not yet given their opinion on the subject.

A POST-OFFICE AT THE MOUNTAIN RUSH.

Mr. JONES asked the hon. the Postmaster-General whether his attention had been called to the number of miners and storekeepers now located at the Mountain Rush diggings? Whether they had applied to him for the advantage of a post-office there; and whether there was a likelihood of their application being considered and granted? He said he had put the question before, and now repeated it because the hon. Postmaster-General appeared to have been labouring under a mistake.

Dr. EVANS replied that on the report of Mr. Warburton's case, the warden of the district, inquiries had been made, all of which had not yet been replied to. He was under the impression, however, that the place would be found to be of sufficient importance to require post-office accommodation.

Mr. DUFFY said he had been in the district last week, and had found there about 300 diggers, who were seven or eight miles away from any post-office.

THE BROADFORD BRIDGE.

Mr. SNODGRASS asked the hon. the President of the Board of Land and Works the reason why the repairs for the Broadford bridge had not yet been commenced.

Mr. JOHNSTON explained that the cause of the delay had been the inability of the contractor to get timber long enough. He would, however, inquire further into the matter.

GOLD FIELDS VALUATIONS.

Mr. B. G. DAVIES (in the absence of Mr. Humffray) asked the hon. the Commissioner of Public Works whether the Government would place on the table of the House a copy of the instructions given to the Government valuators as a guide to them in assessing the amount of compensation to be given to owners of buildings on the gold-fields which might be required to be removed for railway purposes; and whether these valuators, in making up their valuations, were instructed to recognize the privileges of the occupants of Crown lands under the "miners' rights," as provided for under the Gold-fields Act?

Mr. JOHNSTON replied that each case was decided on its own merits, no special instructions being given.

THE MACAULEY-ROAD.

Mr. JONES (in the absence of Mr. Cohen) asked the hon. the President of the Board of Land and Works if the Government intended to remove the check toll gate from the Macauley-road?

Mr. JOHNSTON replied that the gate could not be removed till some other equally effectual plan of preventing evasions of the toll was discovered and adopted.

MR. BRYANT'S CASE.

Mr. LALOR asked the hon. Commissioner of Crown Lands if he would consent to take the case of Mr. Bryant under consideration? For he (Mr. Lalor), as chairman of the select committee appointed to inquire into the matter, could never get a quorum together.

Mr. DUFFY said he really thought Mr. Bryant had a good claim; and if, on further trial, no quorum could be got together, he would endeavour to do something himself.

BREACH OF PRIVILEGE.—THE "BALLARAT TRIBUNE."

Mr. O'CONNOR begged to draw the attention of the Speaker and the House to a paragraph which appeared in an article, published at Ballarat, in the *Tribune* of the 18th of March last. It was as follows:—

"Does the House want some specific case to investigate? We here give it one. We charge

one of its members, Mr. Alfred Arthur O'Connor, with having requested Mr. Lynch, the mining registrar of Smythesdale, to offer Mr. Semple, a candidate for the late vacant seat for Grenville, £100 to retire from the contest in favour of Mr. Casey, which Mr. Lynch refused to do; and we charge the Victorian Association with having found Mr. O'Connor the necessary funds wherewith to perpetrate the villany. The people of Ballarat present a petition, and we present this, as a distinct charge, as a proof of its necessity."

Now, he begged to state, in the most distinct and emphatic terms, that this was a gross, deliberate falsehood, without a single shadow of foundation. (Mr. O'Shanassy.—"Hear, hear.") He had never opened his lips to Mr. Lynch about giving any one £100, or any other sum; and he had never received from the Victorian Association, for this or any other purpose, one farthing in the whole course of his life (hear, hear), and never intended to do so. The paragraph in question was, therefore, a gross and malignant falsehood.

The SPEAKER asked the hon. member if he intended to proceed further in this matter?

Mr. SERVICE hoped that this attack on the character of an hon. member of that House would be properly answered. There was no excuse for not dealing with this slander—to use the mildest expression—and, under present circumstances, he was bound to use no stronger word. He hoped the hon. member for Grenville would proceed to move that the offender be called before the bar of the House. (Hear, hear.)

The SPEAKER said the hon. member for Grenville was altogether out of order in referring to the matter unless he intended to take further steps, in the proper way. If the proper rule was not complied with, the practice of bringing newspaper paragraphs before the House would never be stopped. If the hon. member wished to proceed further, the proper course would be for him to hand in the paper, with the paragraph alluded to marked, that it might be read by the clerk.

Mr. O'CONNOR wished, as a young member, to be excused for not knowing the proper form. He would at once hand in the paper.

The paper was then handed in, and the paragraph already quoted read by the clerk, as well as the title and date of the paper in question, and the name of "Henry John Turner," as printer and publisher thereof.

The SPEAKER said the next step would be to give in the name of either the editor or the proprietor of the paper, and move that he might be called to the bar of the House.

Mr. O'CONNOR would move that Mr. Harrison—he did not know his Christian name—be called to the bar of the House in reference to this matter on that day week.

Mr. WOOD suggested that, as no such name as that of Mr. Harrison appeared in the paper, the best course would be to move that the printer and publisher, Henry John Turner, be called to the bar instead.

Mr. O'CONNOR adopted the suggestion, and amended his motion accordingly.

Mr. BROOKE thought it would save the time of the House, and be altogether a more convenient course, if a select committee were appointed to examine into these charges, as well as that to which attention had already been called by the hon. member for Dalhousie. This plan would be far better than the more cumbrous one of calling persons to the bar of the House.

The SPEAKER, as the guardian of the privileges of the House, could not assent to the proposition for the appointment of a committee. The offence complained of was an attack upon the privileges of an hon. member of that House, and the only present way to deal with it was to call a person or persons to the bar of the House. This must be done first, and after that the House could exercise its authority in any way that seemed necessary. If a further investigation were desirable, it might be made; but the first step that should be taken was that now pointed out.

Mr. M'LELLAN submitted that, while matters like these were in the mouth of every citizen, the summons of a solitary individual to the bar of the House was a very unsatisfactory mode of arriving at the truth of this charge. He knew, and there was not a single hon. member of the House that did not know, that not only this but other charges of the same nature had been levelled at various hon. members of that House from time to time, since the commencement of the present session. Various other hon. members on the opposite side of the House were placed in a condition similar to that of the hon. member who now appealed to the protection of the House; and he submitted, therefore, that it would be a more proper mode of dealing with the matter to send it to a committee. The hon. member for Grenville might be innocent—he (Mr. M'Lellan) knew nothing to the contrary; but if only a single individual were summoned, he would be looked upon more as a martyr than anything else. (A laugh.)

Mr. W. A. BRODRIBB submitted that, after the ruling of the Speaker, the hon. member was out of order.

Mr. M'LELLAN continued to say that of course this style of remark must be particularly grating to those who contributed towards the funds of the Victorian Association, and those who had been employed as agents in carrying on these nefarious transactions. But there were hon. members who were sent to that House to do the business of the country who had a single purpose in view, and it would be their duty to see that this matter was fully gone into. He did not wish to impute improper motives, but it would be disgraceful to the House if they did not take some steps either to vindicate some of its members against the rumours that were in existence, or prove them to be guilty. If there were any guilty individuals in that House, let their guilt be brought home to them, and let those who had not defiled their hands with the money of the Victorian Association be unscathed. He had no hesitation in saying that he knew at the present time that the country looked on the House with an eye of suspicion. Hon. members knew that large amounts of money had been collected by the Victorian Association and expended by them, and they knew that the public believed that that money had found its way to the pockets of some of the hon. members of that House. They knew that——

The SPEAKER said the hon. member must not cite rumours of this kind. It was not at all in order, or right, that they should be repeated,

and thus have countenance given to them by an hon. member. Doing so was to assume that the rumours were correct, which could not be permitted for a moment. (Hear, hear.) The charge made and complained of was a libel, and any person so libelling an hon. member of the House was liable to be punished.

Mr. M'LELLAN would not pursue the subject. He wished for the sake of the House that its honour should be vindicated at once, and he had no other motive in the matter, for he did not know of his own knowledge where a single halfpenny of the money had gone. All he knew was that money had been collected, not where it had gone. It would be to the credit of the House that a select committee should be appointed to inquire into the matter, and, if they could, relieve hon. members of that House of the imputation cast upon them.

Mr. O'SHANASSY was satisfied that the hon. Speaker's ruling was in accordance with precedent. It would have been well if the hon. member for Ararat had followed it and the precedent which was provided by the British House of Parliament, which had adopted the good old English practice of considering no man guilty till his guilt had been established. He (Mr. O'Shanassy) certainly thought the hon. member and his friends were endeavouring to throw over this practice and follow another, which was, in the first instance to make imputations, and when challenged endeavour to slink under cover and hide themselves by means of a select committee. This was a most discreditable course. (Hear, hear.) The British practice was, that he who made a charge should be answerable for it till he had proved the subject of it to be guilty, and to allow that person to shelter himself under an assumed name as a writer in a newspaper was to give him facilities not given to any other member of the community. No other person could make statements so injurious to another without being answerable for them. He (Mr. O'Shanassy) hoped that the printer of the paper in question would, in the first instance, be made responsible, and that he would be called upon to state who the writer of the article was. It was in nearly every one's experience here that a conspiring gang existed in a certain part of the community, who got their slanders published in newspapers, and then assumed them to be proved. The good old English rule was, "You either publish your statements by authority or you do not. If you can, prove them, else you have published slanders." In England, no select committee—no private meeting—could be asked for from Parliament. The rule was not to put any hon. member to the proof of his innocence; and he (Mr. O'Shanassy) was perfectly surprised at the hon. member for Ararat making these charges in this way. If an hon. member had any charge to prefer against another hon. member, it would be more honourable and manly for him to come forward and state the charge to the House, than to employ an agent at a distance for the purpose of covering his own proceeding. To proceed against an hon. member on mere rumour was to destroy the character of a representative body.

Mr. M'LELLAN hoped the Chief Secretary would not impute such motives to him. He had had no correspondence with any one on the subject.

Mr. O'SHANASSY said he was only dealing with the hon. member's line of argument, which was wholly untenable. The member for Ararat had argued that, because rumours had been circulated against certain hon. members, the hon. members reflected upon should prove themselves innocent. But that would be a discreditable proceeding. At all events, it would not be an honourable and manly mode of proceeding. The manly mode was, to assume every man to be innocent until he was proved to be guilty, and only when proved guilty to visit him with censure. A mode of proceeding that would sanction the adoption of an organized system of sending gentlemen into certain districts, and getting up public meetings, and asserting what they pleased in newspaper paragraphs, and then requiring the persons reflected upon to prove their innocence, would be intolerable. Therefore, he rejoiced that the member for Grenville had brought forward the offensive paragraph, although he regretted, on moral grounds, that the printer should be the only person they could summon, because the printer might be as innocent of the mere language used in the paragraph as any hon. member. At the same time it was the only way of getting at the writer, and of letting irresponsible gentlemen who took upon themselves the censuring of public men know that they would have an opportunity of proving their case. He hoped, however, that the proceeding would not be turned into a farce. He hoped that, in calling up the printer, they would call upon him to prove his case, and that in the event of his failing to do so, he would receive condign punishment at the hands of Parliament.

Mr. DON agreed entirely both with the ruling of the Speaker and the remarks of the Chief Secretary. He thought it time, indeed, that the insinuations in question should be proved, or that the hon. member concerned should be cleared from them. A certain newspaper had endeavoured to make out him (Mr. Don) to be one of the greatest scoundrels in the world, for what possible reason he knew not. The editor of that newspaper might have seen a change in his opinions, but he (Mr. Don) failed to discern the slightest alteration, and yet he was held up to the scorn and ridicule of the country from week to week. True, he might have written letters in reply, but the insertion of those letters depended on the will of the person who controlled the newspaper. He would say to members on both sides of the House, that to impute a bad motive to an opponent was the worst argument that any man could employ. It was assumed that all the members of the House were gentlemen, and no reflection ought to be made by one hon. member upon another, until the most glaring discord prevailed between his votes and his speeches. Great changes had taken place in public opinion and public men. The late Sir Robert Peel when he retired from the ranks of the Protectionists and joined the Free-traders was denounced by his former friends as a dishonest man, though subsequent events showed that he acted an honest and consistent part. An example of this kind ought to teach hon. members to behave charitably towards those who differed from them. If hon. members broke their pledges, let them be dealt with by their constituents. This House had nothing at all to do with the matter. He

thought the member for Grenville had taken a proper course. If the party mentioned in the resolution on being brought to the bar of the House could prove his case, let him do so, and then he had no doubt the House would well know how to deal with the hon. member who had acted in the way alleged. If the printer could not do this, let him be punished as he deserved for slandering a representative of the people, and seeking to bring the Parliament into contempt. He hoped this example would be a lesson to newspaper proprietors, editors, and writers for all time to come—that it would be a lesson which they would never forget, not to do other, although a man might happen to change his opinion, and vote differently to what they thought he ought, than treat him with that respect to which an honest and conscientious representative of the people was entitled.

Mr. SERVICE did not think it desirable to continue the discussion. He thought the Chief Secretary had misunderstood the intention of the member for Ararat, in suggesting that the subject should be referred to a select committee. He was quite satisfied that there was nothing in the speech of that hon. member to indicate that he wanted to put the burthen of proof on the hon. member charged. It was true that a person cited to the bar of the House would not be in a position to bring up witnesses; but if the person so cited maintained the position he took up, and asked the House to make the fullest inquiry into the subject, then would be the time for the House, in its discretion, to grant a select committee. He was delighted to hear that the investigation would be conducted *à l'outrance*—no favour being shown to the person making the charge or the person charged. If the person who made the charge did not prove his case, he deserved to be visited with the utmost punishment that the House could inflict. He regretted that the printer was the only person who could be cited to appear. He regretted that the rules of the House would not allow a communication to be made with the printer, so that the real party offending might be brought up. However, he trusted that the right party, whoever he might be, would be visited with condign punishment.

Mr. GRAY thought the attack of the Chief Secretary on the member for Ararat quite uncalled for. The Chief Secretary seemed to have taken for granted that the appointment of a select committee was not the ordinary course for investigating such charges; but one of the most celebrated committees of the House of Commons was appointed to investigate a charge precisely of this character. The committee in question, called "The Corruption Committee," was created on the motion of Mr. Isaac Butt, and originated in the statement that Mr. Keogh, a member of the House, had been engaged in negotiations with parties for the sale of Government patronage. He did not think that course should be followed in this instance. At the same time, he objected to the exhibition of fine susceptibilities being made a ground of attack on members on his (Mr. Gray's) side of the House. Was there not a print, published within a few yards of the Legislative Chambers, which libelled the whole House from day to day? There were scarcely words in the Billingsgate of literature sufficiently putrid to designate what that print desired to mark and stigmatize as the character of the whole House; for it should be remembered that the character of a large portion of the members affected the character of the whole House.

Mr. WOODS was glad of the course which the member for Grenville had taken; but he thought the hon. member was scarcely doing all that might be done. It was well known that scarcely a day passed without some of the town prints stigmatizing hon. members on one side or the other, in the most opprobrious manner. The other day he saw in the *Age* an article on the Minister of Lands, which was a positive disgrace to the English language; and only yesterday he saw in *The Argus*, an article still worse, and in this respect—it was not so outspoken, it was not perhaps so "get-hold-able," it was better wrapped up—(laughter)—but the meaning of it was, that the Assembly—a body engaged in making laws not only for the people now here, but the millions expected hereafter, were absolutely the lowest of the low—men not fit to be entrusted with a pewter spoon. Now, he thought the House should be vindicated from such imputations. He did not care if the result were to clear the House of half its members, including himself; but let a line be drawn, let the Assembly be purified, and let the Parliament hold its head up as a British institution. It should be remembered that the newspaper articles, though published here, were read at home, where, in consequence, hon. members were put down as little better than a party of convicts. He hoped that the result of the present proceedings would be to make the writer of the article in question prove that, directly or indirectly, the member for Grenville had accepted a bribe to change his opinions, or to make an example of that irresponsible power in the country—the press. The Parliament was a responsible body; but the press, it appeared, exercised not only a vast power, but an irresponsible power. He did not think this irresponsible power should be exercised to such an extent as hitherto; and he trusted that the House would not, on any consideration, allow this matter to drop.

The motion was then agreed to without a division.

THE CROWN LAND SALES BILL.

Mr. DUFFY wished, for the convenience of the House, to state the course which the Government intended to take in relation to the Land Bill. There were some new clauses which he had promised, in the course of the consideration of the bill in committee, to introduce into the measure; and he intended to give notice of these next day, so that they might be printed and circulated with a view to their being taken into consideration next week. But as these clauses, and the new clauses of which other hon. members had given notice, could not be considered until all the clauses standing in the bill itself were disposed of, he had asked his hon. colleague, the Treasurer, to give him the next evening (Friday), after the refreshment hour, with the view of making such progress as he could with the remaining clauses of the bill,

in order that the new clauses might be taken into consideration next week.

Mr. GRAY inquired whether the Minister of Lands had received any communications from the country with regard to the land which appeared to have been left out of the map; and whether any time would be allowed for the making of suggestions? He was in a position to state that there was in the district which he represented a considerable quantity of land which should be included in the agricultural areas.

Mr. DUFFY said about a dozen letters had been handed to him by members of the House, expressing an opinion either upon land included in the map, or upon land which ought to have been included. These letters he had handed to the surveyor-general, with the request that he would take them into immediate consideration, and report upon them. He might here repeat a point which he had already stated in committee. A quantity of the land (about 250,000 acres) included in the 10,000,000 acres had been submitted to auction, but had not been purchased. Now, as that was considerable evidence that the public did not want this land, he proposed that, if 10,000,000 acres of suitable land could be made up without, to take these 250,000 acres from the 10,000,000 acres. With regard to the time for taking exceptions to the arrangement of the Government, he had to state that he should be open to receive suggestions up to the day before the bill received the Royal assent, as the map would not be finally initiated until that day. He hoped to be in a position, in a few days, to place before the House maps showing the 4,000,000 acres that would first be open for selection, and he should be glad to receive any reasonable suggestion that might be made respecting them.

Mr. GRAY asked whether it was possible for the bill to pass this House without the map being initialed? He thought the map ought to pass this House in such a state that the other branch of the Legislature might assent to it without any amendment at all.

Mr. DUFFY replied that the clause in the bill relating to the subject, as he took it, only required that the map should be initialed before the bill received the Royal assent. It was true, however, that the other House might ask, when considering the bill, that they should have the last decision of the Government and this House before them, so that they should not be assenting to a measure the areas of which might afterwards be altered. He would confer with his colleagues on the point, and when next the bill was in committee he should be prepared to say finally what the Government would do in the matter.

Mr. BROOKE inquired when the immigration clauses would be taken into consideration?

Mr. DUFFY said it was impossible for him to name the day, but he hoped the committee would be able to deal with the immigration clauses by Wednesday next.

MR. SERVICE'S REAL PROPERTY BILL.

On the order of the day for the second reading of this bill,

Mr. IRELAND called for the reading of the message from the Governor, recommending an appropriation from the public revenue for the better carrying out of the purposes of the bill.

The message was accordingly read by the clerk, at the table.

Mr. IRELAND then rose to order. He submitted that until this message was taken into consideration, it would not be competent for the member for Ripon to move the second reading of the bill.

The SPEAKER said the House had already considered the question in adopting an address to the Governor, and the time for considering the message was when the House was in committee on the bill.

Mr. IRELAND urged that that was impossible, unless the clauses in the bill relating to an appropriation of the revenue were in italics; otherwise the proceeding would not be in accordance with the provisions of the Constitution Act.

The SPEAKER stated the usual course in such matters, which was to consider, in committee of the whole House, a motion for an address to the Governor for an appropriation, before considering the bill. This had been done. An address had been presented to the Governor, who had sent a message recommending an appropriation accordingly, and this message should be referred to the committee on the bill.

Mr. IRELAND submitted that the bill did not originate in the message from the Governor; and that the recommendation contained in the message had nothing to do with the bill before the House.

The SPEAKER said, if there was any provision in the bill of a monetary character exceeding the authority given by the Governor, it was possible to strike it out. The course now being pursued was the practice which had been invariably followed since the passing of the Constitution Act. He must say that the bill was in order.

Mr. WOOD observed that this appeared the very same point which the House decided a day or two ago. (Hear, hear.) Upon the late occasion, a bill of a similar character was brought forward, and the House decided that it did not originate in a proper manner. The Speaker had stated that any particular clause might be struck out; but this the member for Ripon offered to do on the occasion referred to, and the House decided it could not be done. The objection was to the way in which the bill originated; and so strongly did the member for Ripon feel the objection, that he at length moved for the discharge of the order of the day, and withdrew the bill. He (Mr. Wood) now asked the House to affirm the decision arrived at on a previous occasion. It was clear that the bill now before the House appropriated the public revenue. No doubt there were certain clauses printed in italics, but there were other clauses besides these which appropriated the revenue. The 28th section provided that all sums of money received by the registrar-general should be paid to the Treasurer, who should, from time to time, invest such sums, together with all interests and profits which might have accrued thereon, in Victorian Government securities, to constitute an assurance fund, for the purposes which were provided by following clauses. Another section provided that, on a warrant from the Governor, countersigned by the Chief Secretary, the Treasurer was to pay to any person who had been injured by erroneous registration the

amount of the damage and the costs which he had incurred. This was clearly an appropriation of the revenue of the country; and, therefore, the same objection which was successfully taken against the bill the other evening applied with equal force now. It might be said that there was a message from the Governor in reference to the bill, but it was only necessary to compare the message with the bill in order to see that it did not apply to it. What recommendations had the Governor made? That an appropriation should be made from the revenue for a sufficient salary for certain officers, and for the establishment of an assurance fund to compensate persons injured by erroneous registration. This, however, was not all which was done by the bill, for it provided that the damage should be paid out of the general revenue, if there were not sufficient money in the assurance fund to pay it. There was a vast difference between paying the damage out of the general revenue, and paying it out of the assurance fund. It was a common practice to insert in assurance policies a provision to the effect that, in the event of a loss by fire or sea, as the case might be, the amount insured should only be paid out of the capital of the company, and the shareholders of the company would not be liable to pay it. There was the same difference between the recommendation contained in the Governor's message and the clause in the bill which provided that the damage might not merely be paid out of the assurance fund, but also out of the general revenue if the fund were not sufficient. The hon. member for Ripon and Hampden had not drawn his bill in accordance with the terms of the message. It was in contravention of the Constitution Act, and therefore could not receive the Royal assent. He was surprised that the hon. member, after the caution which he received on the former occasion, should have fallen into the same blunder again. It was very possible that the Governor might consent to the payment being made out of a particular fund, but not out of the general revenue. He (Mr. Wood) also desired to call attention to the 128th, the 189th, and the 224th standing orders; but the objection upon which he mainly relied was, that the message from the Governor simply contemplated the creation of a fund out of which compensation should be paid; but the bill contemplated an appropriation of the general revenue, and was, therefore, in contravention of the Constitution Act, as it had not been originated by a message from the Governor. He moved—

"That the bill is not in order, not having been originated by a message from the Governor."

Mr. VERDON asked the law officers of the Crown whether in their opinion the objection was sufficient to warrant them, if the bill passed, in advising the Governor to withhold his consent from it?

Mr. O'SHANASSY remarked that he was just entering the House when the Speaker was giving his decision, and, perhaps, he did not hear it correctly; but he understood the Speaker to say that the question as to whether the second reading of the bill was in order or not might be decided by the committee.

The SPEAKER said that was not what he stated. He stated that the rule of the House with regard to bills which contained any clauses appropriating money was, that they could not be introduced until a message was sent down by the Governor recommending the appropriation to be made. In this case, the Governor had sent down a message; and when the bill was committed the message would be referred to the committee, in order that they might take it into consideration along with the bill.

Mr. O'SHANASSY was glad to hear the Speaker's explanation, as he did not think it affected the question which was now raised. The question was, did the message of the Governor refer to the bill which was now before the House? It referred to a particular bill—the bill introduced a few days ago; but the objection was, that that bill was not now before the House, and that the message did not apply to the second bill. He contended that it was not competent for the hon. member for Ripon and Hampden to alter the phraseology of his bill, and that, the bill having been altered, it was no longer the bill to which the Governor's message referred. The principle of the two bills was distinct. The first did not contemplate that any damage caused by improper registration of titles should be paid for out of the general revenue of the colony, but out of an assurance fund specially provided for the purpose. The bill now introduced, however, contemplated that any loss so arising should be defrayed out of the revenue, if the assurance fund could not meet it. Mr. Service must therefore follow the ordinary course, and ask for a message from the Governor, recommending an appropriation of money for this purpose, before he could proceed with the bill. The bill had also been changed in another important point, a new clause having been inserted, which proposed to abolish the lay element in the intended commission for the investigation of titles. Whatever decision the House might come to on the question, it would be a mere waste of time for the House to discuss the bill, if the law officers of the Crown decided to advise the Governor that they had done an illegal and unconstitutional act. He was as sincere as any hon. member in his desire to have a reform in the cost of conveyancing, and to have the transfer of property made as cheap as possible, compatible with security of title.

Mr. IRELAND, in reply to Mr. Verdon's question, said it would be the duty of himself and his colleague (Mr. Wood), if the bill were passed, to inform the Governor that, in their opinion, it had been originated in violation of the Constitution Act. There was no desire on the part of the Government to obstruct a settlement of the question of amending the law relating to real property; but the hon. member for Ripon and Hampden had "rushed" the Government, and forced them to bring forward the subject, instead of allowing it to come on according to the order of their programme. They were doing all they could to frame a measure for carrying out, by the best possible machinery, the object which Mr. Service and himself both had in view, namely, the simplification and cheapening of the transfer of land. He should be happy to see the whole question referred to a competent commission, composed of mercantile men with some members of the legal profession, or he would be content to have it referred to a select committee of the House, and recommend the Government to adopt their scheme,

unless there were some glaring error on the face of it. But he did not think it fair that the hon. member should run a race with the Government upon the subject, merely for the purpose of introducing some hobby of his own. He (Mr. Ireland) had thought it right to raise the objection which he had done, and to state what was the opinion of himself and his colleague. No resolution of the House could possibly affect that opinion. He would now leave the House to take what course they thought fit.

Mr. SULLIVAN thought that, instead of Mr. Service having wished to run a race with Mr. Ireland, Mr. Ireland was anxious to run a race with Mr. Service. As, however, the Attorney-General and the Minister of Justice had stated that the introduction of the bill was unconstitutional, he thought the House were bound to accept that dictum, unless the Speaker ruled otherwise.

The SPEAKER.—Upon a question of law I have no authority, and therefore I cannot rule upon it.

Mr. SULLIVAN said that if the law advisers of the Crown said the introduction of the bill was illegal, it would be a waste of time for the House to discuss it. He thought the hon. member for Ripon and Hampden would agree with him in this, and also in saying that if the House proceeded to discuss it they would be in the same position at the end of the discussion as they were now, and a valuable measure would be lost for months to come. He therefore recommended the House to be guided by the opinion of the law officers of the Crown, unless there were some other way of getting out of the difficulty.

Mr. SERVICE remarked that when a similar objection was taken on the former evening, the hon. member suggested that the standing orders should be suspended, in order that the difficulty might be got over. He (Mr. Service) was much obliged to the hon. member for the suggestion, but was surprised to find that, at a later period of the evening, when the suspension of the standing orders was proposed, the hon. member objected to that course.

Mr. YERDON said the hon. member for Ripon and Hampden was mistaken. He never recommended the suspension of the standing orders, though he believed an hon. member behind him did. He thought that hon. members who agreed with the principles of this bill had a right to complain of the clumsiness with which it had been brought forward.

The SPEAKER said hon. members must confine themselves to discussing the question before the House.

Mr. SERVICE wished to reply to some of the statements which had been made by members of the Government. It had been said that the bill was not the same which had been introduced before. This was an extraordinary statement to make, because the former bill had been withdrawn in consequence of its not having been properly originated. The bill before the House was, in fact, a new bill, originated after a message from the Governor. With respect to the assurance fund, however, there was not a word in this bill which was not in the former; and the Chief Secretary's statements on that point were incorrect.

Mr. O'SHANASSY explained that what he said was, that the former bill had no provision for making compensation for loss caused by errors in registration beyond the assurance fund, but in the present bill there was a provision to make good any deficiencies in that fund out of the revenue.

Mr. SERVICE said the only difference between the two bills was, that in the present bill it was provided that the revenue should form a guarantee for the assurance fund; but according to the opinion which had been expressed on a former occasion by the Minister of Justice, that provision was not in the bill at all, because it was printed in italics. With regard to what had been said as to the bill having been introduced in a clumsy manner, he begged to state—although he did not feel himself at liberty to mention the names of the gentlemen—that the bill had been perused, line by line, and word by word, by some of the most eminent conveyancers in the colony; and as to the constitutional form of bringing the bill forward, he had consulted the Speaker and the Chairman of Committees at every stage. The Speaker had distinctly ruled that the introduction of the bill in the present form was in accordance with the practice which had been adopted by the House for the last five years; and he (Mr. Service) was not prepared to pin his faith to the present law officers of the Crown upon any legal question. He hoped the House would do their duty, irrespective of consequences. If the bill were passed, the law officers would have their reputation at stake in considering whether to advise His Excellency that it had not been originated in a constitutional way, and he (Mr. Service) believed they would hesitate a long time before they advised the Governor not to give his assent to it. He believed that His Excellency might give his assent to the measure, even if the law officers advised him not to do so. (Mr. Wood.—"No.") If the Minister of Justice said that such was not the case, he would not contest the point; but he had been led to believe that the contrary was the case. He hoped, however, that the House would not be deterred from doing their duty by anything the law officers might say.

The House then adjourned for the refreshment hour, and on re assembly, the question was put, and negatived without a division.

Mr. SERVICE then rose to move the second reading of the bill. It was his anxious desire to detain the House as short a time as possible in discussing the bill; but it was necessary that he should briefly sketch its leading features, as well for the sake of those out of doors, as for the sake of hon. members. He would first sketch out the system proposed in the bill, he would next allude to the objections which had been raised against the bill, and then he would allude to the system which had been proposed by the Attorney-General. He was aware that a large number of members would prefer going to the decision of the question at once, especially as so much time had been wasted in preliminary objections, but it was necessary that he should briefly discuss the bill. Well, to begin at the beginning, he would simply allude to the present defective system, and every one knew it was defective. Under the present system, enormous sums of money were

paid away every year—sums which would amount to a large per centage on the gross amount of money invested in property—and he was aware of a recent case in which £300 had been paid merely for a search as to a title. He also knew that as much as £75 had been paid to a solicitor for searching for a title to an acre of land, and that as much as £2,000 had been paid to one solicitor in connexion with a transfer. That had come out in evidence before the committee of the Upper House. He was also aware that the trustees of an estate wishing to raise £2,000 upon a property—full value for three times as much—were first compelled to bring what was called a friendly suit in equity against certain minors interested, which was done at a cost of about £300; and the subsequent costs were as much as £200 or £300 more, so that £500 to £600 had actually been paid for raising £2,000 for two years upon a property worth £6,000. The present system was one under which property was conveyed by deed, and not by legislation, but under which registration had no effect whatever. The system introduced in South Australia was one upon which both the English commissioners and the Attorney-General were agreed. It provided for the registration of titles, and in doing so it did away altogether with the necessity for deeds. Nor was it a new principle. It had been in operation in the Hanseatic towns of Germany for a period of 600 years, and, therefore, it came to them recommended by experience. The first thing he wished to call attention to was the provision for the appointment of a tribunal to deal with the applications. The bill conferred certain powers upon the registrar-general, but they were simply functions of an executive character. He was merely to do certain things which were provided in the bill, and the transfer was made by him by its insertion on the register kept for that purpose. It was also provided in the bill that commissioners should be appointed, and they were essentially of a lay character, and their duty would consist briefly in receiving and considering applications which were made to them. He might here mention that in South Australia one of those commissioners *ex officio* was the registrar-general; but in the bill that feature had been so far altered in deference to the opinions, erroneous opinions he believed, that the appointment of the commissioners was left with the Government. There was no coercion employed, and the Government were at liberty to choose whom they pleased. He wished to state this at once, because he had heard some hon. members say that if such was the case, a portion at least of their objection to the bill would be removed. Then coming to the machinery of the registrar-general's department, he believed that no better man could be found for the appointment than the present registrar-general, Mr. Archer. And it had been said that with a little extra assistance he would be able to manage the additional business thrown upon him. But he believed that such would hardly be the case. It would scarcely be possible for him to manage at once the statistical and registration branches, and therefore it would be advisable to separate them. But no fitter man than Mr. Archer could be found for one of these branches. The bill which he submitted dealt both with lands which had been alienated, and those that were to be alienated, and in that respect it differed from the bill which had been introduced by the Attorney-General. He would proceed simply to show how, in both respects, his bill would act. With respect to future alienations, the whole matter was disposed of in a single clause. The grant in such a case would be issued in duplicate, and a copy sent to the registrar-general, by whom it would be bound up in his certificate-book, thus giving, as it were, an additional security to the possessor, and the transaction would be complete. There was thus the utmost simplicity in dealing with future alienations. He would now make reference to alienations heretofore made, and here came the difficult part of the subject. The mode in which he would deal with them was as follows:—If the holder of a Crown grant wished to sell his land, all he would have to do would be to surrender his certificate, after arrangement with the purchaser, and the latter would then obtain a new certificate at once. If a man held a Crown grant before the bill came into operation, and wished to sell or mortgage his land, he would only have to surrender his certificate, and get a new one from the registrar-general, and then he would be in a position to deal with his land in whatever manner he pleased. But if the land had passed through different hands, a different course would be adopted, and on this point the best thing he could do would be to call attention to a small book which had already been placed in the hands of hon. members, and which conveyed in more concise terms than he could give it the proposition contained in the bill. If hon. members would turn to the 12th clause on the thirty-third page of that book they would find the application being sent in in the form he had just described, the next thing to be done would be to submit it to the draftsman constituted under the act, so that the description might be compared with the diagram. This done, the application passed to certain gentlemen described in the bill as solicitors, but who might be either barristers or solicitors, who would carefully compare the entire of the titles sent in with the application, and state whether, in their opinion, the title was a good one or no. Of course, these solicitors or barristers must be men of the highest standing in their profession, and the Government of the day would have to take care that this was the case. This course was exactly identical with that adopted by the Lands Titles Commissioners in Ireland. To return. The solicitors having dealt with the titles and reported to the Land Commissioner that the title was a good one, that gentleman's functions came into play. Finding that other parties had, or professed to have, claims—and the bill provided that such persons should in every case serve notices of their claims—the commissioner must decide the length to which those notices might run before they finally lapsed. In the same way, also, could *caveats* be lodged. Hon. members would see that the functions of this commissioner were such as an ordinarily acute man of business might be more capable of performing than a professional man, whose mind would be entirely occupied by his profession. If the solicitors reported that the title seemed clear, the commissioner had still power to allow time—say, from one month to one year—for notices to be served; and if, at the

expiry of that time, no *caveat* was lodged, the registrar-general would proceed to place the property on the registry publicly, search having been made at the last moment to see that there had been no dealing with it in the interim; and on all future occasions the property could be dealt with under the terms of this bill. If, on the other hand, there was evidence of the title being defective, and it was in the opinion of the commissioner unsafe to deal with the land, he might reject the application altogether, or he might, if he thought fit, extend the period of the existing notices of claims, so that all interests would be protected. In the event of a *caveat* being sent in, forbidding the land in question to be brought under the operation of this act, the commissioner again might decline to deal with it, and when a question like this arose it would be referred to the Supreme Court. In the neighbouring colony this had very rarely been found necessary, but when such disputes did arise, it would be manifestly improper that the decision upon them should be made by a lay tribunal, or even by a judicial tribunal, on an *ex parte* statement. On the other hand, he wished to direct attention to this provision. If a person wished to bring his land under the operation of the act, and if that land happened to be mortgaged, the owner could do nothing without the consent of the mortgagor, so that every precaution was taken to prevent any interest from being ignored. It was just possible—and this gave rise to the assurance fund—that errors might occur. They crept into the best systems, and he had already, on a previous occasion, cited a case which had occurred in the land department of this colony, in which two persons obtained Crown grants for the same property, one of whom had to be compensated, not only for the price of the land, but also for the improvements he had effected thereon. Having taken every precaution that human ingenuity could suggest, the bill proposed to provide that no person should by any possibility suffer any injustice. The present law did not do this, and permitted the greatest possible piece of injustice that could occur to an individual in connexion with real property, namely, it permitted a person who bought a piece of land, and improved it, perhaps to the extent of £10,000, to lose both the price of the land, and the value of the improvements, should it subsequently turn out that by a mistake the title was not a good one. Such a thing could not occur under the present bill, because a fund was provided to compensate such persons. That fund was created by the payment of a small fee, about ½d. in the pound, on all property brought under the operation of this act, except in the case of a simple transfer or a mortgage, in which cases no such fee was charged. Supposing, then, land to be brought under the operation of the act, how was it to be subsequently dealt with? A man wishing to sell had only to refer to form D. in the schedule, which provided a form for that purpose. Thus two men had only to agree as to price, and draw up a document in the words of form D., which it would be seen provided as full a description of the property as was contained in the original certificate. After that they had to go to the registrar-general, who opened a new folio in the register, entered the name of the purchaser, and cancelled the old certificate, thus providing a new certificate to the purchaser, at a cost of some 10s. or 20s., and the loss of half-an-hour or an hour's time. It would be well to point out that, in no case, except that of fraud, could two certificates of title issue for the same land; and that was one of the great beauties of the bill. Again, supposing anybody wished to lease land, he had only to draw up a document, after Form E, and go to the registrar-general, who, after copying one copy into his strong-book, endorsed both certificates with the nature of the lease, and thus prevented any dealing with the land without a full knowledge to all parties of the existence of the lease. Not only were forms of lease provided in the bill, but three or four covenants, such as were introduced into nearly every lease, were also provided, as well as twelve additional covenants, embracing other conditions not invariably included, but which might occasionally be desired; and if others were required that were not contained in the schedule, parties would have to go to their lawyers, and draw up an agreement in the same way as with respect to an entirely new lease. A great waste of parchment and ink would also frequently be saved by the provision in the forms of conditions in a very small amount of words—thus, the words, "will insure," would be made to embrace a meaning which in existing leases was spread to a very great length indeed. The same principle held good with mortgages, which could be drawn up by the parties themselves in their private offices, a simple memorandum being endorsed by the registrar on the back of the title, by which process the interest of the mortgagor and mortgagee would be fully protected. In cases of insolvency or marriage, the process was equally simple. For example, the certificate held by a bankrupt would be transferred to the official assignee, on production of an office copy of the assignee's appointment, while the production of the marriage certificate would have an equal effect in transferring to a husband partially or entirely the interest of a female land proprietor. In case of death, an office copy of the certificate of death and the will would enable the registrar to transfer at once, the new title being as clean as the original Crown grant. In this last case, the bill contained a variety of provisions for facilitating proceedings. For instance, a man might wish that his estate should be after his death conveyed to his children, or to trustees. In that case, all that he need do would be to surrender his certificate, and apply to have the land registered in his own name for life, with a simple reversion to his children, thus retaining ample security for the possession of his property during his lifetime, while at his death the land became transferred without any trouble at all. There were other provisions, such as one empowering any person to whom the registrar might refuse to grant a certificate, to apply to the Supreme Court for a summons calling upon the registrar to show cause why the certificate should not issue; but it would be hardly necessary to take up the time of the House by a further reference to them, and he should not do so. He would next point out that titles given under this bill were indefeasible; and this was, perhaps, the most important feature in the bill. It was the desire for this which had made a change in the law so necessary and so desirable.

Except in case of fraud, the holder of a title might hold against all the world, though in this respect he had altered the bill from the shape in which he had originally introduced it. When he had first introduced the bill, he had been under the impression that there had been no registry of deeds in this colony before 1842, but he had since discovered that no land had been, or was, held in this colony which had not been registered either here or in Sydney, so that there was no occasion for providing for in defeasibility of title in this respect. Well, in cases where fraud took place, the title was defeasible only as against the fraudor. (A laugh.) The Minister of Justice seemed to laugh at the word "fraudor." He admitted that the word was a new one, but he believed that analogy bore him out in using it, and it was a word more suitable for conveying his meaning than a roundabout sentence. The "fraudor" was a person who perpetrated a fraud. He should use the term, even if it were incorrect in the estimation of the Minister of Justice. (Hear, hear.) Well, the defeasibility was only as against the person who perpetrated the fraud, and who was liable to the full extent of his means, besides being liable to a very heavy penalty—the payment of £500, or three years' imprisonment —to recompense the party who might be his victim, although the title was not disturbed. It was only in the event of the fraudor becoming insolvent, or leaving the country, and thus flying beyond the jurisdiction of the court, that the fraudee—the injured party—had no remedy. Having sketched the provisions of the bill, he would now call attention to the working of the system in South Australia. The system had been in operation there for nearly four years. During that period land had been brought under the act to the value of £1,500,000. The average cost of bringing land under the operation of the act for the first three years was 50s. for each title. After that was done, those who had their land brought under the operation of the act had nothing to pay, in all subsequent dealings, except the fees provided for in the schedules to the bill. At the close of 1861, the number of applications for titles amounted to nearly 3,000, and the total number of transactions was nearly 6,000. Now, during the whole of that period, and in the face of all those transactions, there had been not one single penny paid out of the insurance fund, nor one claim (for fraud or otherwise) made upon it; and at the present time there was a large sum to the credit of the insurance fund lying in the hands of the Treasurer of South Australia. So much for the practical experience of the working of a system which, as a mere theory, might be objected to, and had been objected to, on the one simple ground that the insurance-fund would not be sufficient to cover all the claims made upon it. He now begged to call the attention of the House to the report of the South Australian Real Property Law Commission. That commission consisted of the present Chief Justice, the late Chief Justice, and one or two other gentlemen of standing in the colony. The South Australian Act was gone over line by line by those commissioners, and the bill which he (Mr. Service) now submitted was the bill sent up by them to the Parliament of the sister colony, with the recommendation that it should be adopted, with the improvements they suggested, as the law of the land. The commissioners, in their report, declared "the system of registration to be clear and complete." He called attention to this because it had been whispered, though not boldly asserted, that certain of the gentlemen who signed the report had stated in private that they were opposed to the measure, and, in point of fact, did not concur in the recommendations to which their names were attached. The other evening the Attorney-General quoted a portion of the concluding remarks in the report, to the effect, that the commissioners did not believe that their labours would have the effect of superseding future legislation, and that it was impossible, in a new colony, to foresee or provide for every contingency; but the hon. and learned gentleman should have gone on, because in the statement which followed, the commissioners declared their belief that the Real Property Act, with all its shortcomings, was a successful and most beneficial alteration in the law; and that it had introduced a system which was at once cheap, simple, and secure. He would now refer to some of the objections which had been taken to the bill. The first was, that the bill constituted a lay tribunal to deal with real property. Now, he gave that the most unqualified denial. The functions of this tribunal—which, in fact, was no tribunal at all, seeing that it had to perform no judicial functions—were simply clerical. No one single legal function could be performed by the commissioners created under the bill; but in order to obviate the very semblance of objection on that ground, he had left it optional with the Government to appoint the registrar-general one of the commissioners. The bill, however, described their functions, which were entirely clerical, and would so remain whether legal men or laymen were appointed to perform them. He might here mention, with respect to the value of lay tribunals in dealing with the question of real property, that they had a very favourable example in the Caveat Board of Tasmania. Another objection to the bill was that it was not based on survey. This he denied. Not a single transaction could take place under the bill, except in connexion with the Government survey. Not a single piece of land could be brought under the operation of the system, unless the person moving in the matter submitted in his application, not only a description of the land itself, but a distinct reference to the original Crown grant. But, even with the Government surveys, errors would be committed, for the reason that those surveys were frequently most erroneous. He need not mention, in proof of this, the discussion which took place in the House on Mr. Urquhart's pre-emptive right—a question which he believed remained unsettled to this day. Every one knew that hardly a single allotment, as described in the existing Crown grant, would be found in its proper place. Take an illustration. Every one knew what was commonly called the Punt-road. There was a difference between the position of that road at Richmond and its continuation on the other side of the Yarra of some six or seven chains; and yet in the Government maps, the Punt-road was in a straight line, and it was generally known among members of the profession

as "Hoddle's straight line." The same thing occurred in a thousand cases in this colony. Now, under his bill these errors in the present survey would be cured as rapidly as the land was brought under the operation of the measure, and for the reason that the description of every piece of land sought to be brought under the act, with the diagram referring to the original survey, must be scrutinized most carefully by the draughtsman in the office, and the application must be made to correspond with the original grant. The map in the office would be filled with every attention to the dovetailing of boundaries, and, as soon as the whole of the land was brought under the operation of the system, it would show the boundaries of every property. This bill would cure the evils of the present survey; the Attorney-General's bill would perpetuate them. Then, again, it was said that the bill would have the effect of creating a class of "caveators"—paupers who would cause the issue of caveats to secure a douceur. But, if this argument were good, it would apply to the writ of *ne exeat*. It might be said that persons might cause that writ to issue for no other reason, perhaps, than to extort £10 from a man who might be leaving the colony. However, nothing of the kind worth mentioning had occurred in that regard, and no danger need be apprehended from the system of caveating. In fact, a man, before he caveated, was bound to show that he had an interest in the land for which he caveated; and if he attempted to do so without foundation, he was liable to severe penalties. Another objection was that the bill had been amended so frequently. But let them refer to the practice of Parliament with respect to measures of an important character. The Municipal Act, which every one recognized as one of the most efficient measures that had been sanctioned by Parliament, passed in December, 1854. It was amended in May, 1855; it was again amended in March, 1856; it was still further amended in September, 1860, and for some time past the consolidation and further amendment of the act had been pressed upon the Government by all the municipal councils in the country in conference assembled. Again, if he referred to the Supreme Court Proceedings Act of South Australia, which was not drawn up by Mr. Torrens—that unfortunate gentleman who, in his laudable desire to improve a system which every one admitted was radically wrong, had aroused the obnoxious feelings of the legal profession;—the Supreme Court Proceedings Act of South Australia, drawn up by lawyers, had been amended no less than eleven times. After these examples, surely the House would give no weight to the objection made against his bill, that it had been amended. Another objection taken was, that it was not right to grant an indefeasible title without the question of title being decided by a legal tribunal. He wished to call the attention of the House to the statements which had been made on the previous evening by the Attorney-General, in reference to the recommendation of the English commissioners. After quoting from Montgomerie Bell, the Attorney-General said—

"The system in operation in South Australia was here clearly and definitely condemned by a high and competent authority. The hon. member (Mr. Service) had also been mistaken in his opinions in reference to an insurance fund, and the recommendation of the English commissioners. Those commissioners recommended that there should be a fund for the purpose of indemnifying persons improperly placed on the register by judicial decision. There was a great difference between this recommendation and that of indemnifying a person whose certificate of title had merely been signed by a public officer. The English commissioners recommended indemnity after there had been a full judicial inquiry, and all precautions had been taken to prevent the title being wrongly granted; but it was never recommended to be applied under the system proposed by the South Australian Act."

The statements of the English commissioners were completely the reverse of this, in support of which statement he quoted from the report of the commissioners as printed by the South Australian Legislature, at page 21. The only difference between Torrens's Bill and the recommendation of the English commissioners was that, whilst in both cases the title was to be examined by counsel and solicitors (an *ex parte* examination), the English commissioners recommended that the examination should be at the expense of the party interested in the property, and Torrens's Bill provided that the expense should be defrayed by the state. In order to make assurance doubly sure, the English commissioners, as if they had anticipated Mr. Ireland's objection, that it was not desirable the warranty of title should be given by a public officer, said, "Since the guarantee of the title will be given by a public officer, the premiums payable by the party obtaining such guarantee will be paid into the Exchequer." The commissioners fully discussed the question of registering titles under warranty and titles not under warranty, and they decided to recommend that the registrar-general should give a warranty after the title had been investigated, not by a judicial tribunal, but by the solicitors and barristers appointed for the purpose, in the same way as provided by the bill now before the House. After this, he thought no one would give the Attorney-General credit for knowing anything about Torrens's Bill or the report of the English commissioners either. The Attorney-General also said that in case of fraud the system proposed by the bill would be valueless. But the bill distinctly provided that in cases of fraud the *bonâ fide* purchaser should have an indefeasible title against the person committing a fraud. The Attorney-General had supposed a case in reference to a person having land at Colac. He said—

"He would put a case. Two persons met, one saying to the other, 'I have some land in the neighbourhood of Colac, and I can get nothing for it at present; would you mind going in and registering it?' The other might reply, 'Oh, that would be a case of fraud.' The first one would then say, 'Let us keep that to ourselves; you put in your claim, and when I see the notice in the paper, I won't see it, but come down on the Government some time after and ask for damages."

Such a fraud as the Attorney-General had here imagined could not be perpetrated under the

system he (Mr. Service) proposed, because, before a person could get any land registered he must show the deeds giving him his title to it. He really thought such a weak and superficial case as this could not have been inspired by the great genius which hon. members all knew the Attorney-General to possess, but must have emanated from some layman, like Mr. Torrens or Mr. Service, who were not competent to deal with real property. (Laughter.) But supposing the fraud were perpetrated, the *bonâ fide* purchaser would have an indefeasible title, and he would be entitled to compensation from the Government if he did not obtain redress from the fraudor. The whole of the Attorney-General's speech consisted of a string of miserable sophistries and inaccuracies of which this was a specimen. Another of the Attorney-General's statements referred to the transmission of property in the case of an heir:—

"In the case of a man's death," said Mr. Ireland, "a person might wrongfully be put on the register as next heir to the deceased, and five minutes after he might sell the property, put the money in his pocket, and let the rightful owners seek their remedy where they might. What was the principle or *rationale* of this provision? It was one of the most extraordinary provisions he had ever heard. A man who got wrongfully on the register as the owner of property was at liberty five minutes afterwards to deprive the rightful owner of the property by selling it to another man. He could turn round and say, 'I have got the full value of the property—£500,000—and I won't give you a rap.'"

The Attorney-General must either have wilfully misstated the provisions of the bill, or never read them; because it was distinctly provided that a man who fraudulently sold property, instead of being able to put the money in his pocket, and snap his fingers in defiance, was responsible for every penny of it. If he went out of the country, or became insolvent, or from any other circumstance did not pay the money, then came into operation the wise provision of the insurance fund. Another great objection taken to the bill was, that it was a laymans measure. He would retort the contemptuous sneer with which this objection was made, by stating that laymen were better qualified to devise and bring into operation the machinery for working a bill of this character than lawyers, who might properly be left to deal with the principles of the measure. The Attorney-General himself admitted this last year, but he (Mr. Service) was not aware whether he would do so now or not. It was also admitted in an article in the *Law Review* of May, 1860, p. 92 and 93, an extract from which he read In the opinion of the lawyers, the South Australian bill was complete in principle; and if the Attorney-General had taken that, it would have been well. But, wishing to introduce something new and never before heard of, he had taken another course, and in doing so he had made a mistake, and he wished to save the hon. member from the disaster which would follow from it. He would now call attention to what was said in England of the South Australian bill. [The hon. member then read from the *Quarterly Review* of May and November, 1859, an opinion highly favourable to that measure.] That opinion contrasted the merits of the Torrens Bill and the bill introduced in England by Sir Hugh Cairns; and he wondered that the Minister of Justice did not rise and run out of the House when he found the measure of his favourite authority so unfavourably contrasted with that of Mr. Torrens. These quotations having been read to hon. members, he did not think that any hon. member of the House need stand too much in fear of the opinions of the two law officers on the Government benches. (Hear, hear.) [The hon. member again quoted from the *Law Review*, with reference to Sir Hugh Cairns's bill.] Now, after he had shown from this quotation the great alterations which had been made upon that bill as it was first introduced, he did not see how, in justice, he could be taunted for having made some alteration upon Torrens's bill. [The hon. member read a further quotation from the *Review*, showing the extent of the alterations made.] Now, if these criticisms had been written for Australia, and for the present moment, they could not possibly have been made more suitable for the colony. He had now only shortly to refer to the Attorney-General's system, and he would do so, if possible, in one or two sentences. He wished to point out that the second clause of the Attorney-General's bill virtually destroyed the whole measure, and in this way it made it incumbent upon the Governor in Council to provide a fixed scale of diagrams for all grants of land. Now, suppose there should be a grant of 20,000 acres, what sort of diagram would be necessary in that case? If that amount of land were to be granted in one lot, it must be admitted that the diagram would be infinitesimal, unless it were intended that the plan should be about a quarter of an acre in extent. Again, suppose the 20,000 acres were to be subdivided, and suppose it happened, as had been the case in South Australia, that five townships sprang up on these lands, and that each township consisted of lots, each say, a quarter of an acre, every one of the diagrams would require to be on the same scale. [The hon. member read the 2nd clause of the bill in proof of what he stated.] Well, he maintained that it was impossible the same scale could be applied in all cases, and therefore in that respect the system proposed in the bill was a failure. And again, the hon. member proposed to register Crown lands for less than a fee-simple, but in doing so he dealt with cases which had never arisen in the colony, and which were not kely to arise, and therefore the provision was a needless embarrassment of the bill. The bill of the Attorney-General also forbade a feature which was provided in the Torrens Bill, that was for the registration of easements. The latter provided for the registration of easements, such as rights-of-way, while the former measure did not include any such registration. It was there proposed that registration in such cases should be made separately and distinctly, by another process. Now, that could not be accomplished without going to solicitors, and getting it done in the ordinary way; and he objected to that course, because after a man had got the transfer of his property in an easy way, he would have to go to a lawyer with reference to the little matter of a right-of-

way. And with reference to that portion of the bill which provided for the inspection of rights-of-way, he would say that there were hundreds of cases in which no inspection could take place as regarded existing rights-of-way. In fact, under the Attorney-General's machinery the old machinery was revived, and that was certainly most objectionable. He was also opposed, although he did not wish to say a word against the great unwashed, to the proposition that the transfer should take place by the signature to the deed of the party transferring, instead of, as provided in his own bill, by the signature of the registrar-general to the entry of the transfer in the registration-book. The proposition was equally cumbrous and expensive with the present system, and therefore, in his opinion, wholly inadmissible. By his own bill, the signature of the registrar general could be made on the strength of a power of attorney, but in the bill of the Attorney-General there was no such provision. He had now simply to call the attention of the House to the fact that in the bill of the Attorney-General they were met by lawyers at every turn—they could not turn a corner without running up against them; but in Torrens's bill they did not meet with a single one. The hon. member concluded by submitting that, having followed the beaten track traversed by thousands of persons who had never gone astray, which had been recommended by the English commissioners, and by the South Australian commissioners, to which every solicitor in the House was favourable, and which was only opposed by the two law officers of the Crown, he was entitled to hope that the House would pass the bill. An ounce of practice was worth a ton of the hon. Attorney-General's theories, and he would persevere till his measure became law. He thanked the House for its attention.

Mr. O'SHANASSY thought that hon. members of that branch of the Legislature would agree with him in this respect, that if it consented to accept any measure originally drawn up for another country, another people, and another set of circumstances, and allowed it to pass by simply reading the marginal notes of the clauses, the universal testimony of clear-thinking people would be, that it had abnegated its functions as a deliberative body. (Hear, hear.) In such a spirit did he wish to treat this measure, and hon. members would surely agree with him that for no single reform had he been less anxious than other hon. members, and the whole tenor of his life showed as much. (Hear, hear.) He hoped, therefore, that, in dealing with the bill at all, he would not be supposed to be acting in a spirit of hostility. On this occasion, he did not intend to oppose the second reading. On the contrary, it was in his opinion desirable that it should receive the fullest consideration, and that any light which could be thrown upon the subject should be carefully availed of. The very reasoning of the hon. member for Ripon distinctly proved the necessity for this careful consideration; and surely matters affecting the transfer of land were of as much importance to the Government and to the Legislature as the laws affecting its original sale. With this in view, it was with regret that he found that several hon. members were prepared to dispense with criticism of any kind upon the bill, and expected it to pass without any comment or objection whatever. At the same time, while claiming his right to criticise, he saw no reason why during the present session there should not be plenty of time for the measure to pass into law. Now, without consulting with anyone, he had quietly taken the opportunity in his own house of making a few notes on various sections of the bill as a layman would do, and he could not see how it could be reasoned that he should not do so. With regard to some of the clauses, especially those affecting title, he must admit that it would be presumption in him, or any other layman, to suppose that he could deal with the subject successfully; nor could he understand this violent prejudice against gentlemen learned in the law, for, as the provisions of the bill started with having professional men to examine titles, why should there be a cry against their coming in afterwards? Now, to show the necessity for careful revision, he found that the bill had been altered in several respects from what it was when last laid on the table; and surely if such changes were found necessary in one fortnight, there might easily be found equal occasion for other amendments. When, looking at the bill a fortnight ago, he found that the registrar-general's department was first brought into play, but now the registrar was taken out, and land commissioners put in. What was the use of putting in three laymen to receive the opinion of two solicitors unless to play with popular prejudice? What were these commissioners to do? Could they reverse the decision by which they were bound to act? Here was another reason for that careful consideration which so many hon. members seemed willing to deny to hon. members. On looking at the bill again, it seemed that the draghtsman was in utter ignorance of the circumstances of this colony. One of the first acts passed in this colony was to abolish the payment of public servants by fees, and yet in this bill the House was called upon to re-enact that payment should be made according to this obnoxious principle. Was it to be said in the face of this that the bill needed no critical or careful examination? As a member of the Government perhaps he ought not to object to the patronage which would be at his disposal when he had a lot of fat commissionerships to give away; but some reason at least should be given for this re-adoption of the system of payment by fees. Again, the population of South Australia was about 120,000, and the quantity of alienated land, therefore, must necessarily be far smaller than that in this colony, so that the fees would not amount to much, but in this colony the amount would be enormous. Why should not the officials charged with carrying out the provisions of this act be paid by a fixed salary? If such were not done, what would the effect be but this—that the officials first appointed would amass a large amount of money in the first year or two, and then retire. Again, what necessity was there for this bill to give power to the Governor to appoint persons to carry out this bill, when there was sufficient power vested in him already to do so, and why should the provisions made by the Audit Act be re-enacted once more? He also found that the framers of the bill must have been quite ignorant of the Victorian law, for they

provided a complete system of circumlocution in cases where persons who had lost their property desired to recover compensation. Such persons would be compelled by the bill to apply to this person, and sign that paper, whereas, by no tedious process which might last any time, the existing law provided a complete remedy for any such injustice, by allowing the subject to sue the Crown. With all this before them, why should hon. members refuse that careful revision and criticism which should not be refused to a measure far more perfect Then, again, there was one clause (the 58th) having reference to the time beyond which no person could have his land put on the register, which was in the bill submitted a fortnight ago, but which the member for Ripon had found it absolutely necessary to withdraw, because, as he alleged, the colony of Victoria had never been without a practical register. This showed that an attempt to apply the measure of one country to another country should not be done without due criticism, though some hon. members appeared anxious to swallow this bill whole, and rush it through both Houses of Legislature without the smallest inquiry. He now came to the 100th clause, by which property would be put upon the register only with the slight check of a licensed surveyor. All that was required was, that the licensed surveyor should send in a map, and make a declaration before a justice of the peace. Now, this was a matter which should be very carefully considered. Here, in a territory where they had a costly system of survey, and where all the property had been marked out anew by the state, were they to substitute for the organized system which the country had built up a lax system such as this bill proposed? They knew the difficulties to which the occupation licence system had given rise on the goldfields, and a system such as that proposed by the bill he feared would lead only to similar disputes. These and other examples—he could mention, perhaps 100 more—showed that the bill should receive in committee a careful consideration. The member for Ripon had quoted largely from English reviews to show the value of the South Australian act, but he had seen a review in which the wisdom of Victorian legislators was lauded simply from passing the Pleuro-Pneumonia Act. He did not think an English reviewer was the greatest authority on such a question. With regard to the insurance fund, it appeared that doubts prevailed among the promoters of the bill whether this fund would be sufficient to meet the demands made upon it, and if not, it was proposed that the state revenue should become liable. Now, it was a fair question for consideration whether, in affording facilities for the registration of titles by law, the whole of the tax-paying people in the country should be called upon to pay for whatever errors might be committed under the system. He might here remark, that in the bill submitted a fortnight ago there was no provision for falling back on the revenues of the country; and it seemed strange that it should appear now, particularly after the statement of the member for Ripon that, notwithstanding the large transactions which had taken place under the system in South Australia, the insurance fund was amply sufficient for all purposes. If the hon. member had faith in his own principles, why should he now seek to make the revenue of the country liable? The member for Ripon had said that the cost of registering in South Australia was 50s., exclusive of fees, but he had said nothing as to what would be the cost here. He (Mr. O'Shanassy) had heard some hon. gentlemen making a calculation as to the cost of bringing some £4,000 worth of property under the system, and they estimated that it would cost them three times as much as under the present state of things. In a small country with small properties the system might be advantageous, and it might be advantageous with regard to the smaller properties here, but when they came to a large transaction, involving several thousand pounds, and where the title was clear, a fair comparison might be instituted between the charges of the two systems. Again, the bill provided that whenever any difficulty arose, the registrar-general could state a case for the Supreme Court; but it appeared to him that if a case had to be stated with regard to every complicated title, the Supreme Court would have enough to do to attend to this kind of business. The object of the promoters of the bill appeared to be to get a cheap title without the help of the lawyers—a proceeding which the British Parliament, as evidenced in the Encumbered Estates and West India cases, did not look upon with favour. In conclusion, he begged to observe that the Government were as anxious as possible for the simplification of the law of real property; but, in dealing with the question, they wished to take advantage of all the light attainable on the subject, so that they might produce the best possible measure for the country. (Hear, hear.)

Mr. K. E. BRODRIBB remarked that the observations of the member for Ripon, in reference to lawyers, had no foundation in justice or fact. Whatever opposition had been offered to the bill in the House had been offered by hon. members who had no personal or pecuniary interest in the matter. Whether the bill passed or not, it would not affect, in a pecuniary way, either the Attorney-General or the Minister of Justice. Those gentlemen practised in the common law courts, and were not engaged in any special sense in the study of conveyancing, and therefore could not be affected by the bill. But that the observations he complained of came from the member for Ripon, he should be disposed to characterize them as the vulgar prejudices of a vulgar mind. In no civilized community had they heard that the members of a liberal profession should be excluded from participation in that which most rightfully belonged to them, namely, legislation; but the South Australian Bill of 1860 contained a provision to the effect that the non-possession of legal knowledge should be a qualification for the performance of special duties. The member for Ripon did not go as far as that, but it was quite evident that the machinery of South Australia was to be transferred to this colony, and that they were to have the whole of the titles in the country investigated and reported upon by men who did not understand the subject. He admitted that the present system was mischievous and expensive; that it led to delay, and that it

ought to be reformed; and, he would add, that it cast upon professional men responsibilities and liabilities for which they were not adequately paid. Therefore, not merely on public grounds, but on professional and personal grounds, solicitors were desirous—so far as he knew their opinion—that the present system should be reformed. His opinion was, that if the bill had dealt exclusively with absolute and conditional conveyance in the ordinary case of a sale from A. to B., and ordinary cases of mortgages (which classes of cases embraced ninety-nine per cent. of all the transactions in land), the House might have very safely, securely, and inexpensively proceeded with the reform; but as the bill went further than that, as it involved questions arising under settlements and wills, and the investigation of interests extending beyond the duration of the lives of those who created them, and as the question of deciding titles so arising was thrown upon non-professional men, in his judgement the bill involved great danger to the community. He did not speak his own opinion merely, but he had consulted those who were best capable of giving an impartial judgement, and they viewed with the greatest alarm the introduction into this colony of the whole of the clauses contained in the measure. The House, in point of fact, was invited by the hon. member for Ripon and Hampden to say,—"Shut your eyes, and open your mouth, and see what Mr. Torrens will send you." ("Hear, hear," and laughter.) That course he (Mr. Brodribb) was opposed to. As reference had been made to what he had said to his constituents, he would explain to the House that, though he was adverse to giving pledges, yet, inasmuch as he had a direct personal and pecuniary interest in this question, he had no hesitation in pledging himself to vote against his own private interest. That pledge he gave, and he intended to redeem it. He should therefore vote for the second reading of the bill, but he should do so in the expectation that the bill, along with that introduced by the Attorney-General, should be referred to a select committee, with the proviso which he had previously suggested, that the committee should bring in their report within a stated period. If that course were not adopted, he hoped that another, which had been suggested by very high authority, would be acted upon—namely, the appointment of a mixed commission, comprising, for instance, one of the judges, the master in Equity, two or three conveyancing barristers and solicitors, and a number of merchants. If such a commission were appointed to investigate the whole subject, he had no doubt they would present a measure which the House might accept *in globo*. On a former occasion Mr. Michie made an important speech on the question, in opposition to the adoption of the Torrens Act. He (Mr. Brodribb) believed that all the members of the House were pledged to endeavour to amend the law relating to real property, but they differed as to the machinery which ought to be employed. He believed that many of the clauses in the bill now under consideration ought to be embodied in any measure adopted by the House. Mr. Torrens, as a layman, had shown wonderful talent in framing his measures, and he (Mr. Brodribb) admitted that, as far as it had gone, it had been productive of results which were less disastrous than might have been anticipated; but it was nonsense to say that three or four years, experience of the measure in the colony of South Australia—the circumstances of which were so different from those of Victoria—was a sufficient test and experience to induce the Legislature of Victoria to adopt it.

Mr. SERVICE, who had just re-entered th House, said he had been informed that Mr. Brodribb stated he believed that Mr. Torrens had written the report of the South Australian Act, and wished to know from him (Mr. Service) whether such was the case?

Mr. BRODRIBB said he had made a statement to that effect.

Mr. SERVICE replied that he was authorised by Mr. Torrens to state, that he (Mr. Torrens) never wrote a line of the report of the South Australian commissioners. The whole of the draft report was written by Mr. Hanson, the present chief justice, with the exception of one portion, referring to Sir Hugh Cairns's measure, which was written by the ex-chief justice.

Mr. VERDON intended to vote for the second reading of the bill, but, at the same time, he apprehended that very great difficulties would arise in committee, because the hon. member who had charge of it was not able to combat all the objections which would be urged by the lawyers. He found a recommendation in the report of the South Australian commissioners to the effect that, in order to make the act work well, it was essential to make an alteration in order to provide that, instead of a certificate of title being absolute (as provided by the act), it would be necessary to go behind the certificate in cases in which a person was in possession when the certificate was given. He wished to know if the hon. member (Mr. Service) intended to act upon that recommendation or not?

Mr. SERVICE said he had not the copy of the commissioners' report in his hand at present, but would send for it.

Mr. WOOD moved the adjournment of the debate, which had now lasted about four hours—from half-past seven o'clock to half-past eleven. The hon. member for Ripon and Hampden had spoken upwards of two hours and a-half, and for some time the House had presented a very soporific appearance, nearly half the members enjoying a sound sleep. (Laughter.) It was only fair the debate should be adjourned at that late hour, in order to give hon. members who had yet to speak a fair opportunity of being listened to by the House, and having their speeches reported. Many hon. members had left the House, being unable to "stand" Mr. Service's speech, but, probably, they would read the substance of it in *The Argus* of to-morrow.

Dr. MACKAY supported the adjournment of the debate.

Mr. M'CANN opposed it, on the ground that the debate could not be resumed until next Thursday.

Mr. SULLIVAN would vote for the adjournment if the Government would consent to give precedence to the resumption of the debate on the following evening.

Mr. O'SHANASSY said that an objection to giving precedence to the bill to-morrow night was, that the Government were, as previously

stated, to go on with the Land Bill to-morrow night; and, in the absence of the Minister of Lands, it would not be fair to adopt such a suggestion without his consent.

The question that the House do now adjourn, was then put, and negatived without a division.

Mr. WOOD had no intention of occupying the House anything like the time the member for Ripon had done; but he would make a few remarks with reference to the law of real property generally, rather than as regarded either of the bills before the House. Before doing so, however, he would say that it was unfair that hon. members should be charged with obstructing the measure who merely pointed out the irregularity of the manner in which it had been introduced; and he would say that the objection which had been previously raised against the introduction of the bill held good now. The hon. member (Mr. Service) had said that he would only go over some of the more important clauses of his bill; but from the manner in which he had done so, he ought also to have pointed out what were the causes of the great expense of conveyancing under the present system in the colony. But the hon. member had done nothing of the kind. The real cause of the complication of titles in this colony, and wherever English law prevailed, was, that, in the first place, their register did not show the whole title to land. And if they tried to remedy that difficulty, without reference either to the bill of the Attorney-General or that introduced by the member for Ripon, they would find that conveyancing might be made very short and simple. But under the existing system their titles must always be set forth at some length, and you could not describe land as you would a ship or a railway share. Another source of expense was that the language employed was cumbrous, and in a great measure unnecessary, and an act might be passed by which it might be very much shortened. But with reference to personal property, no such difficulty would arise as with regard to land, because in the former there was always a representative of it, while such was not the fact as regarded real property. There was another objection. He was told that the present registrar-general had effected great improvements in this respect, but a few years back there was great difficulty in tracing titles from one person to another. But in his opinion the evil might be met in a very simple way. It was simply this, that every title registered should have a number affixed to it, and when a fresh conveyance was registered, reference should be made to the number immediately preceding it, and that would enable the registrar-general to trace title from person to person. The expense at present was not so much in actual conveyancing as in searching for titles, and that evil could be met in the way he pointed out, without adopting all the machinery of the Torrens Bill, and without constituting indefeasible titles. He was aware that the English Real Property Commissioners were in favour of indefeasible titles, but it seemed to him highly objectionable. However, they had now before them a bill which proposed to establish indefeasible titles, and it amounted merely to this, if it carried out the intentions of the framer, which he doubted—that when a man's name was entered as the owner of a piece of land it became his, but the real owner could lay claim to it; while, if the man had transferred the property to another, the land passed from the possession of the real owner for ever. Now, that, he thought, was investing a great power in those who had to deal with the lands. The principle, he was aware, had been introduced in Ireland and in the West Indies; but, in his opinion, it should not be introduced here. It was a greater power than was possessed by any of the tribunals of this colony, all of which sat with open doors, and in none of which could a question of even a few shillings be settled without notice being given to the parties interested; and here, in a question involving, not a few shillings, but large portions of land, a different principle was sought to be introduced. No doubt they were told that the commissioners were not to deal with doubtful cases, which were to be referred to the Supreme Court. But would the parties concerned always be in a position to avail themselves of such a resource? The adoption of such a principle would give rise to great difficulty and great abuses, if for no other reason than this, that if the commissioners, who were to be lay commissioners, held that a particular title was good, their report was to be taken and given effect to. If this view of the case be a correct one, it seemed that the utmost caution ought to be used in the selection of a tribunal to settle these cases. Though not in favour of an indefeasible title, yet he could have far less objection to it did he know that it would first be subject to proper investigation. Therefore, the machinery of the bill became of the utmost importance, and should at no time be treated carelessly. There was another case for extreme care, viz.—the prevention of fraud. Under the present law forgery was not attempted in one case in a thousand; but would that continue to be the case when a compensation fund was established? Would not such an institution actually open the door and offer a temptation to fraud? and would not persons actually fraudulently submit to fraud knowing where they could come for repayment? Supposing that strict proof were required, would not another evil accrue to the person whose title was vitiated by fraud? would he not have to spend a large sum of money on the chance of being able to prove his case? He (Mr. Wood) merely pointed out these evils; he did not think them insurmountable, but the hon. member introducing the measure ought at least to present both sides of the case fairly, and not conceal the difficulties which abounded. The system of indefeasible titles had no doubt been to a certain extent adopted with respect to encumbered estates in Ireland, and more latterly in the same way in the West Indies. But how were titles investigated there? Not by a couple of solicitors in secret conclave, but openly, and by persons trained to habits of thought, who knew where to look for fraud, and capable of forming an opinion as to title, and able to raise difficulties and disperse them. It very often happened that laymen were more technical than lawyers, because their knowledge of the real nature of the case was less; and so it was certain frequently to happen with a lay tribunal, that it would see difficulties where a lawyer would see none, and lose sight of those very defects

which a lawyer would be the first to detect. In Ireland, then, inquiries were conducted in open court by a competent tribunal; and yet, though millions of property had been disposed of, scarcely any defect of the slightest character had been discovered in their proceedings. Scarcely a word more had been said of the machinery of the measure, except that it had been adopted in South Australia. There were three Lands Titles Commissioners, with two solicitors to advise them; but where lay the responsibility? Had it not been said over and over again that such a body was one more likely than any other to be guilty of jobbery. Again, were the Lands Titles Commissioners bound by the advice of the two solicitors, or could they act on their independent judgement? Were they dummies, or, if not dummies, were they as laymen to upset their law authorities? Surely there should be some responsibility—some appointment of a Ministerial officer. No salary was mentioned for the solicitors, and how, therefore, could the best talent be secured; for superior men were not likely to be ready to give up their practice without ample consideration. There seemed to be quite a mania against lawyers, which he could not understand; but still that should not prevent him asking that at least there should be something like propriety in the tribunal, that the Lands Titles Commissioners should be done away with, and somebody appointed who might be capable of giving a judgement and becoming responsible for it afterwards. Something had been said about the authorship of the report of the South Australian commissioners, and that Mr. Torrens was not its author. That might be true, but it was singular that there was a remarkable blunder appearing both in the report and in the bill too. As a sailor or a soldier would at once detect him who used a technical term improperly, so he had a right to draw the same inference from that blunder, which was, that the word "encumbrancer" was made to imply the possessor of the property encumbered, and not the owner of the encumbrance, which was a mistake as great as though the mortgagor was called the mortgagee, and made so in the interpretation clause of the bill. If, therefore, Mr. Torrens was not the author of the report, it was plain that its real author was just as ignorant as the author of the bill. He (Mr. Wood) was aware that the opinion of the Chief Justice of South Australia had been quoted in favour of the bill, but he was also aware that intimidation had been brought to bear upon the bench, as elsewhere. He was aware that this itinerant propagandist, who was going about with his bill, had made an attack on the justice-seat itself, and that a motion had been carried through one branch of a colonial Legislature for the removal of a judge from the bench, not because he had been guilty of corruption, or because he was incapable, but because he had given his conscientious judgement that this measure was inconsistent with the law, and therefore not in force. This showed how intimidation could be, and had been, brought to bear upon judges. He had seen in some way how the most extraordinary agencies—hired agencies—had been brought to bear upon this bill. Why, the very gentleman who was going about in its behalf was absolutely getting up subscriptions to pay his hotel bill.

Mr. SERVICE.—Not true.

Mr. WOOD had his own opinion about it, for he had been informed by a gentleman who had actually been asked to subscribe for this purpose, and had refused. If the bill was a good bill, why could it not be brought forward in an ordinary way, and where was the need for these extraordinary agencies at work? And he was aware that there were other agencies employed—that a firm at Geelong had written to a member for Geelong, asking him to come to their office to take instructions in the matter. He would not have referred to these things had the bill been brought forward, and pushed on as other bills were; but after that, and the absurd attacks upon the legal profession he felt justified in carrying the war into the enemy's country. He believed that without all this machinery—without this system of indefeasible titles—conveyancing might be made cheap and sure, and this by the few simple suggestions which he threw out in the early part of his speech. Still if they were to have an indefeasible system of titles, upsetting altogether the present system of conveyancing, let them, if they adopted the other parts of the measure, not adopt the machinery of the bill. Let them have, not three commissioners, with two solicitors to advise them, but let them have one person, who would be responsible for what he did, and who would b possessed of sufficient learning and skill to insure, at all events, as far as human wisdom could insure, that no gross blunders should be committed under the bill, so that neither the insurance fund nor the general revenue should be made liable for the mistakes of incompetent persons.

The question was then put, and the second reading of the bill was carried without a division.

On the question that the bill be committed,

Mr. WOOD objected to going into committee. He understood that the member for St. Kilda (Mr. Brodribb), who was not now in his place, intended to propose that the bill be referred to a select committee.

Mr. IRELAND trusted the bill would not be committed at present, and suggested that the whole subject should be referred to some competent tribunal and dealt with in the spirit in which it ought to be dealt with. He felt somewhat lowered to find hon. gentlemen absolutely voting blindly for what they did not understand.

Mr. SERVICE quoted from the speech of the Attorney-General, last session, when introducing his Titles Bill, and when the hon. and learned gentleman protested against a great question of the kind being shirked by sending it to a select committee. The Attorney-General then urged that the question should be discussed only in the House, and in the face of the public.

Mr. IRELAND said he then entertained a much higher opinion of the intelligence of the House than he did now. ("Oh, oh.")

After some observations from Mr. RICHARDSON, in favour of proceeding with the measure, the motion was agreed to.

On the question that the Speaker do leave the chair,

Mr. SERVICE moved that the message from

His Excellency be referred to a committee of the whole House.

The motion was agreed to, and the House then resolved itself into committee on the bill.

On clause 1, repealing all previous acts relating to freehold and other interests in land,

Mr. LEVEY called attention to the fact that many hon. members had left, under the impression that the bill, if committed at all, would be only committed *pro formâ*. It was never anticipated that an attempt would be made to "rush" it through the House.

The clause was then agreed to, as was also clause 2, declaring that the short title of the measure should be "The Real Property Act."

On clause 3, interpreting certain terms used in the measure,

Mr. WOOD suggested that the clause should be postponed. Many of the definitions were utterly unnecessary, and some of them were exceedingly absurd. "Person," for instance, was to "include a female as well as a male, and also a body corporate." There was already on the statute book an act which included a great many of the definitions contained in the clause, the appearance of which he could only understand because the bill had been imported in its entirety. They had heard a great deal about the rigmarole of the lawyers, but for tautology commend him to this bill. "Land" was thus defined:—"The word 'land' shall mean, extend to, and include land, messuages, tenements, and hereditaments, corporeal and incorporeal, of every kind and description, or any estate or interest therein, together with all paths, passages, ways, watercourses, liberties, privileges, easements, plantations, gardens, mines, minerals, and quarries, and all trees and timber thereon, or thereunder lying or being, unless the same are specially excepted." Why the definition of "land," in the act to which he had already referred, was this:—"The word 'land' shall include messuages, tenements, hereditaments, houses and buildings." He concluded by moving that the clause be postponed.

Mr. SERVICE said he could give a good reason for every line in the clause; but, as the Minister of Justice and the Attorney-General had intimated their intention to burke the bill by hook or crook, he would refrain from answering their objection.

Mr. WOOD and Mr. IRELAND denied the insinuation.

Mr. LEVEY moved that the Chairman report progress.

Mr. WOODS hoped the committee would proceed with the bill.

Mr. WOOD denied that he had offered any obstruction to the bill. He had curtailed his remarks much shorter than he had intended they should be, in consequence of the lateness of the hour. There were several points in the report of the commissioners to which he had necessarily been precluded from referring on that account. The hon. member for Ripon and Hampden had not attempted to answer the objections which he (Mr. Wood) had pointed out, as to the definition of the words contained in the clause. The only answer he got was that the bill had been revised by an eminent conveyancer. He should like to know what eminent conveyancer had stated that the meaning given to the word "encumbrancer" was correct. The question was one of common sense rather than one for a conveyancer.

Mr. IRELAND appealed to hon. members not by mere numerical s rength to drive a measure of this importance through the House. The objections which had been taken to it required to be carefully considered, and fairly put before the public, and the Government must oppose its being unduly pushed forward. For his own part he had no personal interest in the matter—except the fees which he would probably receive out of the litigation which the bill if now passed would be sure to give rise to. (Laughter.)

Mr. SERVICE had taken a careful note of the objections which had been made, and would lay them before the legal gentlemen whom he had consulted. If they advised him that these amendments could be introduced without destroying the main features of the bill, he should have no objection to recommit the clause.

Mr. WOOD had not proposed any amendments, but he had suggested that the better plan would be to postpone the clause for the present.

Mr. IRELAND objected to the word "proprietor" in the 3rd clause in connexion with the definitions of the word "land." The effect would be to bring miners' rights within the operation of the bill.

Mr. WOODS said the gold-fields members were under great disadvantages in discussing the the bill, and, therefore, he wished to avoid discussion, and accept the bill, because it had been found to be beneficial in another colony.

After some remarks from Mr. M'CANN,

Mr. IRELAND objected to hon. members banding together to pass the bill in silence. Those who supported the clause did so without being able to meet the objections which had been raised by his hon. colleague. Was it creditable that such a course should be followed, especially with reference to a measure which would disturb in point of fact the whole property of the country? If hon. members were so greatly in favour of this clause, they ought to be able to give good reasons for their votes, but it was not right that the Government should be outvoted in this manner without reason.

Mr. WOOD pointed out that he merely wished that the clause should be postponed, in order that it should be reconsidered at another opportunity.

After a few observations from Mr. BERRY relative to the opposition to the bill,

Mr. WOOD said he had pointed out one fatal objection to the clause, which had not been met at all.

Mr. IRELAND thought the hon. member for Collingwood should be at least aware of the nature of the clause before he ventured to lecture the House upon the subject.

Mr. O'SHANASSY would point out to his hon. colleagues that, having already done their duty in this matter by pointing out the danger in the way, he would leave upon the members who supported the bill the responsibility of its adoption, and he would suggest to the clerk to read the marginal notes and pass the bill in five minutes (hear, hear); and in doing so they would simply pass a measure which had been passed in another colony, differing from this colony altogether

in circumstances, and which appeared to be supported by hon. members for no other reason than that it had been passed in another colony. He would ask the promoter of the bill if he was ready to admit, or to consider, any amendment at all upon the bill?

Mr. SERVICE had difficulty in answering the question. He could not trust the action of the Attorney-General in the matter, and would not be able to accept any amendment from him. But he would be ready to consult with the Minister of Justice, either publicly or privately, and to consider whatever suggestions he had to offer.

Mr. O'SHANASSY'S question had no reference to the Attorney-General, but had reference to whether he (Mr. Service) would be ready to admit any amendment which might be proposed by any other hon. member.

Mr. SERVICE would be ready to consider any amendment, but he was not prepared to say, as the Chief Secretary appeared to desire, that he would accede to it.

Mr. IRELAND did not understand the position taken up by the hon. member with reference to himself. The Chief Secretary had put a fair question as to whether any amendment was to be met merely with a negative, and the hon. member should give a different answer from what he had given to the question.

After a few remarks from Mr. TUCKER, Mr. EDWARDS, and Mr. DENOVAN,

The question for reporting progress was put, and negatived, as was also the question for postponing the clause.

Mr. WOOD wanted to know what the determination of the committee was. If they were prepared to entertain amendments if they were proposed, then he would be prepared to propose amendments, but if such was not the case there would be no use in adopting such a course.

Mr. LEVI objected to the policy which was being pursued by the supporters of the bill.

Mr. IRELAND entirely concurred in the remarks of the last speaker, and thought that really hon. members should support the course they took with some reasons. It was certainly a strange and unexampled course that was being pursued.

Mr. M'LELLAN thought it would be a far more manly course for the hon. Attorney-General to withdraw all opposition, and allow the bill to pass.

Mr. TUCKER asked if the bill was to be disputed word by word?

Mr. WOOD had already stated the objections he had to various definitions in the clause. If the hon. member would not pay attention, he could not help it.

Mr. ORKNEY wanted an explanation of what was land "corporeal and incorporeal."

Mr. SERVICE would cheerfully give the definition if the hon. the Attorney-General would withdraw his opposition.

The amendment was then put, and negatived.

Mr. IRELAND asked the meaning of the words, "seised or possessed of any freehold, or other estate or interest in land at law or in equity, in possession, in futurity, or expectancy." (Cries of "Question.")

A further portion of the clause having been read,

Mr. WOOD asked if the word "encumbrancer" was to be retained in the bill as meaning the very reverse of that which could be found in so simple an authority as the *Imperial Dictionary*? He had already pointed out the real meaning of the word. It was like saying that a mortgagor was one who held a mortgage.

Mr. GILLIES asked what word could be used instead?

Mr. WOOD would not supply the right word on the spur of the moment. He wished the clause to be postponed for an alteration, and would move, as an amendment, "that the word be struck out now, in order that it should be supplied afterwards."

Mr. IRELAND pointed out that if the word was passed it would place the bill in a strange position. It would make it contain a common term applied differently than other legal book or measure.

Mr. FOOTT asked if the alteration would not necessity further alterations all through the bill?

Mr. WOOD.—Of course, wherever the word is used in the same sense.

The question was then put, and the House divided, with the following result:—

Ayes	29
Noes	4
Majority for the retention of the word	25

The division-list was as follows:

AYES.

Mr. Berry	Mr. Houston	Mr. Ramsay
— Davies, J. B. G.	— Howard	— Richardson
— Davies, J.	— Humffray	— Service
— Denovan	— Kyte	— Sinclair
— Don	Mr. Levi	— Sullivan
— Edwards	Dr. Macadam	— Tucker
— Foott	Mr. M'Cann	— Weeks
— Gillies	— M'Donald	— Woodes
— Gray	— M'Lellan	— Wright.
— Heales	— Pope	

NOES.

Mr. Ireland	Mr. O'Shanassy	Mr. Wood.
— Levey		

Mr. WOOD could not but think now that it would be idle to offer any amendment. If ever an amendment could be acceptable it was the last. It was not denied that the word "encumbrancer" was used in this bill in a sense utterly foreign to that in which it was used in every other act or law-book; and, after that, it was idle for any hon. member to say the House would accept any reasonable amendment. He could respect the friends of the bill more if they said they were determined to accept no amendment at all; but when they said they would accept reasonable amendments, the world could judge of what they meant. When it was known in England that a discussion had taken place in that House on that clause, and that a word had been adopted knowingly with a wrong meaning, but a low opinion would be formed of the intelligence of the Legislative Assembly of Victoria. He had been determined that at least his own vote on the question should be recorded, and that it should go forth to the world that the committee would accept no amendment whatever.

Mr. ORKNEY begged to say, as one member

of the committee, that he would accept amendments if he approved of them.

Mr. IRELAND expressed his regret that the statement had not been made before. He and his honourable and learned colleague had been waiting for the avowal. (Laughter.) It appeared that hon. members were not prepared to listen to reason. This, then, was the result of manhood suffrage—a House constituted of gentlemen who would adopt the cast-off clothes of Mr. Torrens, of South Australia, and not listen to any arguments that might be urged against such a proceeding. He and his hon. and learned colleague would now leave hon. gentlemen to carry out the bill. (Cries of "Hear," and "Good night.") When it had passed through committee it would be his turn, as Attorney-General, calmly and dispassionately to deal with the measure.

Mr. LEVI, in reply to the taunt of the Attorney-General, declared that he was not disposed to vote either tamely or blindly, or to sit determined to carry the bill through whether right or wrong.

(Mr. O'Shanassy, Mr. Ireland, and Mr. Wood here left the House.)

After observations from Mr. LEVEY (who said he should follow the Ministers) and Mr. TUCKER, the clause was agreed to.

Mr. M'LELLAN suggested that, for the future, only the marginal notes to the clauses should be read.

The CHAIRMAN said the universal practice was for the clerk to read the clauses; but the chairman might read the marginal notes.

Mr. ORKNEY was afraid that the proceedings of the committee would be regarded as a burlesque on legislation. He thought hon. members were acting wrong in persevering in sitting further. He would therefore suggest an adjournment. (Cries of "No.")

The following clauses were then agreed to:—Clause 4, persons holding office under previous acts to perform duties under this act; 5, appointment of solicitor and other officers; 6, appointment of commissioners; 7, removal of officers; 8, functions of assistant registrar-general; 9, commissioner or solicitor not to practice; 10, oath of office; 11, powers of registrar; 12, land alienated in fee from the Crown after this act to be subject to the provisions thereof; 13, power to bring lands granted prior to the act coming into operation under its provisions; 14, applicant to surrender instrument of title, and to furnish abstract, if required; 15, mode in which application should be deal with by lands titles commissioners when applicant is original grantee, and no transactions have been registered; 16, the modes, when applicant is not original grantee or any transactions have been registered; 17, mode of proceeding when evidence of title is imperfect.

Mr. SERVICE suggested that only the marginal notes should be read, except in cases where hon. members desired otherwise.

The CHAIRMAN said he could not comply with the suggestion without the ruling of the Speaker to that effect.

At the instance of Mr. SERVICE, the matter was reported to the Speaker.

The SPEAKER ruled that, if there were no objection on the part of the House, it was competent for the Chairman only to read the margina notes only.

Mr. LALOR asked if a motion should be submitted to the effect that the clerk should only be required to read the marginal notes?

The SPEAKER.—Yes.

The House again went into committee; and Mr. SERVICE moved—

"That the clerk read only the marginal notes, except where requested by an hon. member to read the whole clause."

The motion was agreed to.

Clauses 18 to 119 of the bill were agreed to, the marginal notes only having been read.

On clause 120,

Mr. GILLIES proposed the addition of the words "three years after the act came into operation, and not for a longer period," after the word "Treasurer."

Mr. SERVICE said the only object of the proviso as it stood in the bill was to make compensation certain in cases where a person had been deprived of his land by the operation of the act. He hoped, therefore, the clause would be allowed to pass as it was.

Mr. GRAY did not think the amendment would carry out the hon. member's (Mr. Gillies's) purpose. He would move that the clause be postponed.

Mr. M'CANN objected to the postponement of the clause.

The question for the postponement of the clause was put and agreed to.

Clauses 121 to 134, inclusive—the latter making the act come into operation from and after the 1st day of October, 1862—were then agreed to.

The schedules were then read and agreed to.

On clause 120, which had been postponed,

Mr. GILLIES withdrew his amendment, and the clause was agreed to.

The preamble of the bill was then read and adopted.

The House resumed, when the CHAIRMAN reported progress.

Mr. SERVICE would move that the bill be read a third time on Thursday week, in order to hear what hon. members had to say.

Mr. WOODS thought that, after the way in which the bill had been dealt with, the third reading of the bill should be agreed to at once, especially as amendments could be moved in the other Chamber.

Mr. SERVICE thought he might get over the difficulty by moving that the third reading of the bill take place on Thursday next, and that this motion have precedence on that day.

The motion was agreed to.

POSTPONEMENTS.

The remainder of the business on the paper was postponed.

ADJOURNMENT.

Mr. B. G. DAVIES would, with the leave of the House, move that the House at its rising adjourn to Tuesday next.

Mr. SINCLAIR seconded the motion.

Mr. SERVICE said the hon. Chief Secretary had acted in a conciliatory mood that night (hear,

hear), and had been remaining till a late, or rather early, hour. He (Mr. Service) had asked him why he stopped, and that gentleman replied that important Government business was fixed for Friday night, and that he remained to object to an adjournment till Tuesday. He (Mr. Service), therefore objected to the motion, but would take the sense of the House.

Mr. HEALES asked how in common reason it could be expected that hon. members could consent to meet in the afternoon.

Mr. WOODS and Mr. GRAY supported the adjournment.

Mr. M'CANN, thinking that to adjourn till Tuesday would be taking an unfair advantage of Ministers, would object to the adjournment till Tuesday.

Mr. WEEKES and Mr. RICHARDSON both rose to address the House.

The SPEAKER said, any hon. member objected, he could not put the motion. (Cries of "Withdraw.")

Mr. M'CANN moved that the House "do now adjourn."

Mr. M'LELLAN assured the hon. member who objected, that there would be a "count out" if the House did not adjourn till Tuesday.

Mr. WEEKES was sure the hon. Chief Secretary would have consented to the adjournment if he had been present to notice the feeling of the House.

Mr. HEALES urged that if the hon. member who objected persisted, they would, in fact, be giving the Government a night without opposition, or else sacrificing their health and comfort. It was impossible the members of the Opposition, after remaining to so early an hour, could return in the afternoon to watch over the discussion of an important measure, such as the Land Bill; nor could the Speaker, the Chairman of Committees, and the officers of the House, be expected to undergo the severe labour to which meeting in the afternoon would expose them. He was sure there would be no breach of faith with the hon. Chief Secretary if the objection were withdrawn.

Mr. SERVICE thought the hon. member for East Bourke Boroughs had put the matter in a most ungenerous light. No one could be more anxious to adjourn till Tuesday, but he did not see how he could get out of his promise. He should be glad to do so if he saw the way how.

Mr. HUMFFRAY thought that Mr. Service, in making the promise, had ignored the general wish of the House.

Mr. HOWARD, as a supporter of the Ministry, and the only one left in the House, offered, on their behalf, to take all the responsibility of an adjournment till Tuesday next.

Mr. SERVICE, after what had fallen from the hon. member who represented the Ministry so well—(hear, hear)—felt bound to give way, hoping that hon. members generally would bear him out.

Mr. M'CANN could not withdraw the objection he had made.

Dr. MACADAM urged, for reasons of humanity to the reporters, that the hon. member for South Grant should give way?

Mr. RICHARDSON considered that as, on a previous occasion, he assisted the Ministry in keeping a House when several clauses of the Land Bill were disposed of, and when, owing to the late sitting on that occasion, the House had to adjourn over the evening appointed for the bringing forward of Mr. Service's bill, the Government would not complain of him in asking that the adjournment should now be until Tuesday next.

Mr. BERRY and Mr. SULLIVAN protested against the opposition offered by Mr. M'Cann.

Mr. DENOVAN entreated Mr. M'Cann to withdraw his opposition.

Mr. LALOR thought hon. members were dealing hardly with his colleague (Mr. M'Cann), and declared that he objected to adjourn ment until Tuesday.

The SPEAKER then put the question, that "the House do now adjourn."

The motion was at once negatived.

The Speaker having withdrawn from the House for a few minutes, members grouped together on the floor, and Mr. Lalor, Mr. M'Cann, and others retired. On Mr. Speaker's return,

Mr. HEALES moved that the House, at its rising, do adjourn till Tuesday.

Mr. WOODS seconded the motion, which, as no opposition was offered, was agreed to.

PRIVILEGE.—THE MEMBER FOR GRENVILLE.

The SPEAKER called attention to the case of privilege brought before the House by the member for Grenville. At the time the newspaper paragraph was read by the member for Grenville, it did not strike him that it related to the hon. member only in his private character. The privileges of this ouse affected an hon. member only in so far as concerned anything which he might have said or done in the House, or as a member of the House. It appeared to him, on carefully reading the paragraph, that it related to nothing done by the hon. member in his capacity as a member of Parliament; and, therefore, it struck him (the Speaker) as a case not affecting the privileges of Parliament. Under these circumstances, he thought it right to take this opportunity of mentioning the matter, because he would not communicate with the printer of the paper until he had informed the House.

THE MALMESBURY RAILWAY STATION.

Mr. TUCKER asked leave that the committee on this matter should sit to-day, as a number of witnesses were in town.

The application was granted, and the House adjourned at three minutes to five o'clock until Tuesday next.