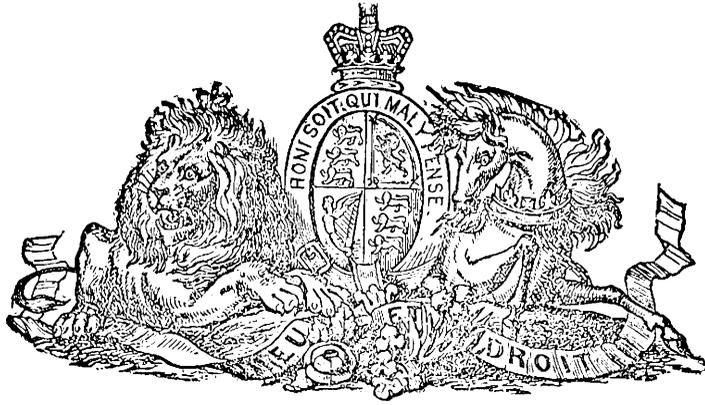


VICTORIA VOTES & PROCEEDINGS OF THE EXECUTIVE COUNCIL, 2ND SESS.: 1866.



VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING

1866,

(SECOND SESSION,)

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

By Authority:

JOHN FERRIS, GOVERNMENT PRINTER, MELBOURNE.



TABLE OF CONTENTS.

	PAGE.
RETURN OF MEMBERS OF COUNCIL AT OPENING OF SESSION	v
INDEX	vii
PAPERS LAID UPON THE COUNCIL TABLE, NOT ORDERED TO BE PRINTED	xi
SUMMARY ON BILLS INTRODUCED INTO THE COUNCIL	xiii
MINUTES OF PROCEEDINGS	1
SELECT COMMITTEES	51
WEEKLY REPORT OF DIVISIONS	53

RETURNS TO ADDRESSES AND ORDERS, AND PAPERS:—

A 1. Unpaid Customs Duties	55
-----------------------------------	----

REPORTS OF SELECT COMMITTEES:—

D 1. Constitution of Legislative Council.—Progress Report	57
2. Printing.—First Report	65

PETITION:—

E 1. Pollution of the Yarra	69
------------------------------------	----

1866.

[SECOND SESSION.]

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 11TH APRIL, 1866, AT THE
OPENING OF THE ELEVENTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE :			
John Pascoe Fawkner	20th Sept., 1864.		
Thomas Howard Fellows... ..	22nd Sept., 1862.		
George Ward Cole... ..	20th Sept., 1860.		
Thomas Turner a'Beckett ... ..	...	21st Sept., 1858.	
William Hull ... ..	...	27th Sept., 1860.	
SOUTH PROVINCE :			
William Henry Pettett ... ..	...	3rd Oct., 1864.	
W. J. T. Clarke ... ..	...	29th Sept., 1862.	
William Degraives... ..	18th Sept., 1860.		
John Pinney Bear... ..	...	1st June, 1863.	
William Taylor ... ..	...	31st Mar., 1864.	
SOUTH-WESTERN PROVINCE :			
John Lowe ... ..	...	11th Oct., 1864.	
James Henty	27th Sept., 1862.		
John McCrae ... ..	...	8th Oct., 1860.	
Caleb Joshua Jenner ... ..	...	17th Mar., 1863.	
James Ford Strachan ... ..	...	4th Sept., 1856.	
WESTERN PROVINCE :			
Henry Miller	7th Oct., 1864.		
Neil Black	6th Oct., 1862.		
Sir James Frederick Palmer	5th Oct., 1860.		
Charles Sladen	11th July, 1864.		
Stephen George Henty ... ..	...	11th Sept., 1856.	
NORTH-WESTERN PROVINCE :			
Nicholas Fitzgerald ... ..	...	2nd Nov., 1864.	
William Campbell ... ..	...	1st Nov., 1862.	
William Henry Fancourt Mitchell	13th Jan., 1862.		
David Elliot Wilkie ... ..	...	1st Nov., 1858.	
Alexander Fraser ... ..	...	13th Sept., 1858.	
EASTERN PROVINCE :			
Henry Morgan Murphy ... ..	...	24th Oct., 1864.	
Robert Turnbull	14th Dec., 1863.		
William Highett	5th Oct., 1860.		
Benjamin Williams ... ..	...	25th Oct., 1858.	
Robert Stirling Anderson	20th Feb., 1866	...	Elected instead of the Honorable W. C. Haines, deceased.



INDEX.

	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
A.		
Aborigines : Central Board, Fifth Report of (30th April, 1866) : Laid on Council Table	38	
Absence of Ministers from the Colony : Motion	36	
Address of Council to the Queen : Motion for Select Committee to prepare Address to Governor upon reply to	21, 22	
Appropriation Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	31	
Australasian Fire and Life Insurance Company Bill : Motion for Message to Assembly for Report and Proceedings of Select Committee on	28	
Certificate of Payment of Fees on		
Standing Orders suspended	32	
B.		
Business, Days of : Motion	6	
C.		
Chairman of Committees : Appointed	6	
Children, Neglected and Criminal, Act, 1864 : Report on Female Reformatory, Abbotsford (8th January, 1866) : Laid on Council Table	2	
Committee to confer with Committee of Legislative Assembly : Motion	5	
Time of Meeting appointed	6	
Report brought up, read, and adopted	9	
Consolidated Revenue Bill (1) : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")... ..	10	
Constitution of Legislative Council : Committee appointed	13	
Report brought up, received, and ordered to be printed	36	57
Customs Duties Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	10	
Customs Duties Unpaid : Motion for Returns	22	
Returns laid on Council Table	25	
Customs Import Duties, Gold Export Duty Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	2	
Customs Returns, 1865 : Motion for (<i>Hon. J. F. Strachan</i>)	31	
D.		
Defences, National : Motion for Address (<i>Hon. W. Hull</i>)... ..	27	
Defences of the Colony : Despatch from Secretary of State : Laid on Council Table	19	
Discovering Gold Fields : Conditions of Reward : Laid on Council Table	36	
Diseases, 1865 (Report of Chief Medical Officer on) : Laid on Council Table	36	
E.		
Education, Board of : Fourth Report (1865) : Laid on Council Table	21	
Elections and Qualifications Committee : Warrant appointing : Laid on Council Table	5, 9, 13	
Electoral Act Amendment Bill : Brought in by Hon. T. H. Fellows (<i>vide</i> "Summary on Bills")... ..	42	
Electric Telegraph : Report of General Superintendent, 1865 : Laid on Council Table	2	
F.		
Fees in County Courts : Fees in Courts of Mines : Orders in Council (14th May, 1866) : Laid on Council Table	42	
G.		
Gold Fields : Conditions of Reward for discovering	19	
H.		
Health Officer, Acting : Report of, 1865 : Laid on Council Table	6	
Health (Public) Law Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	31	

	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
I.		
Immigration Act, No. 175 : Motion for Address (<i>Hon. R. S. Anderson</i>)	31	
Committee appointed to prepare Address		
Address brought up and adopted	35, 36	
Immigration and Land Returns : Motion for (<i>Hon. R. S. Anderson</i>)	46	
Insolvency Statute, 1865, Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	31	
Insolvency Statute, 1865, Amendment Bill (2) : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	29	
Inventors' Rights Protection Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	31	
L.		
Land Act, Amending, 1865, and Land Act, 1862 : Report of Proceedings : Laid on Council Table	47	
Land and Immigration Returns : Motion for (<i>Hon. R. S. Anderson</i>)	46	
Lands sold and leased : Land Act, 1862 : Laid on Council Table	21	
Library (Joint) Committee : Appointed	6	
M.		
Messages from His Excellency the Governor : Announcing Assent to Bills	13	
Transmitting Despatches from Secretary of State	15	
Acknowledging Address concerning receipt of Despatch		
Announcing that Brigadier-General Carey had assumed the Government of Victoria	23	
Acknowledging Address on Uncollected Duties		
Acknowledging Address on Immigration	41	
Messages from Legislative Assembly : Transmitting Customs Import Duties, Gold Export Duty Bill	2	
Acquainting Council that Assembly agree to appoint Committee to confer	6	
Transmitting Customs Duties Bill		
Consolidated Revenue Bill	10	
Volunteer Law Amendment Bill		
Post Office Law Amendment Bill	27	
Australasian Fire and Life Insurance Company Bill		
Report and Evidence of Australasian Fire and Life Insurance Company Bill		
Inventors' Rights Protection Bill, Insolvency Statute 1865 Amendment Bill, Appropriation Bill, Transfer of Real Estate Bill, and Public Health Law Amendment Bill	31	
Returning Inventors' Rights Bill	37	
Transmitting Insolvency Statute, 1865, Amendment Bill (2)	39	
Returning Insolvency Statute, 1865, Amendment Bill (2)	42	
Transfer of Real Estate Bill	45	
Mineral Statistics, Victoria (1865) : Laid on Council Table	19	
Mines, Courts of : General Rules (6th April, 1866) : Laid on Council Table	13	
Mining Surveyors and Registrars, Reports of (1st quarter, 1866) : Laid on Council Table	25	
Ministers, Absence of, from Colony : Motion	36	
Minute : By His Excellency the Governor, announcing relief from his duties as Representative of the Queen, with Despatches and Papers : Laid on Council Table		
By His Excellency the Governor, giving Correspondence between the Governor and the Hon. T. H. Fellows	19	
By Chief Secretary, in reply to preceding		
P.		
Parliament Buildings (Joint) Committee : Appointed	6	
Parliament : Proclamation convening	1	
Petitions :—		
From Corporation of Melbourne (Public Health Law Amendment Bill) : Ordered to be printed	32	69
Sargood, King and Sargood (Insolvency Statute, 1865, Amendment Bill)	32	
John Benn (Insolvency Statute, 1865, Amendment Bill)		
Post Office : Department : Report to 31st December, 1865 : Laid on Council Table	13	
Savings Banks : Accounts, 1865 : Laid on Council Table		
Law Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")	27	
Printing Committee : Appointed	6	
First Report brought up, ordered to be printed, and adopted	41	65
Privileges of Parliament Bill : Brought in by Hon. W. H. F. Mitchell (<i>vide</i> "Summary on Bills")	2	
Proclamation convening Parliament	1	
R.		
Railways, Victorian : Report, 1865 : Laid on Council Table	14, 25	
Refreshment Rooms (Joint) Committee : Appointed	6	
Reply to Address to Her Majesty the Queen	15 to 19	
Motion for Address to His Excellency the Governor upon	21, 22	

		Minutes of Proceedings.	Printed Papers.
		Page.	Page.
Rewards for discovering Gold Fields, Conditions of	... ..	19	
Royal Assent to Bills	... ..	13, 49	
S.			
Speech of Governor : Opening Parliament	... ..	1, 2	
Proroguing Parliament	... ..	49	
Standing Orders : Committee appointed	... ..	6	
Swamp, West Melbourne	} Conditions of proposed Leases : Laid on Council Table	...	25
Swamp, Koo-wee-rup			
Swamp, Tootgarook	} Return laid on Council Table	...	42
Swamps, Applications for :			
T.			
Tea, Sugar, Opium, and Gold, Uncollected Duties : Committee to prepare Address on, appointed	... ..	27	
Telegraph, Electric : Report of General Superintendent, 1865 : Laid on Council Table	... ..	2	
Transfer of Real Estate Bill (<i>vide</i> "Summary on Bills")...	... ..	32	
U.			
Uncollected Tea, Sugar, Opium, and Gold Duties : Committee to prepare Address appointed	... ..	27	
Address brought up and adopted	... ..	35	
Unpaid Customs Duties : Motion for Returns	... ..	22	
Returns laid on Council Table	... ..	25	
Ordered to be printed	... ..	41	55
V.			
Victorian Railways : Report, 1865 : Laid on Council Table	... ..	14, 25	
Volunteer Force Regulations (26th March, 1866) : Laid on Council Table	... ..	2	
Volunteer Law Amendment Bill : Brought in by Message from Legislative Assembly (<i>vide</i> "Summary on Bills")...	... ..	28	
Y.			
Yackandandah, Watershed Mining Operations : Order in Council : Laid on Council Table	... ..	39	

LIST OF PAPERS LAID ON THE COUNCIL TABLE,

NOT ORDERED TO BE PRINTED.

- 1866.
- 11th April. 1. Electric Telegraph.—Report of General Superintendent for year ending 31st December, 1865.
- „ 2. Neglected and Criminal Children Act, 1864.—Report on Female Reformatory School, Abbotsford (8th January, 1866).
- „ 3. Volunteer Force Regulations (26th March, 1866).
- 12th April. 4. Health Officer, Acting—Report of (1865).
- 24th April. 5. Post Office Department.—Report to 31st of December, 1865.
- „ 6. Post Office Savings Banks.—Account of Deposits received and paid, and Expenses incurred, 1865.
- „ 7. Mines—Courts of—General Rules for (6th April, 1866).
- „ 8. Victorian Railways—Report of Board of Land and Works (1865).
- 1st May. 9. Minute by the Governor, announcing relief from his duties as Representative of the Queen, with Despatches and Papers.
- „ 10. Minute by the Governor, putting the Chief Secretary in possession of Correspondence between His Excellency the Governor and the Honorable T. H. Fellows.
- „ 11. Minute by the Chief Secretary in reply to preceding.
- „ 12. Conditions of Reward for discovering Gold Fields (1866).
- „ 13. Mineral Statistics, Victoria (1865).
- 2nd May. 14. Lands sold and leased under provisions of certain sections of the Land Act, 1862, from 1st July to 31st December, 1864, and from 1st January to 30th June, 1865.
- „ 15. Education, Board of.—Fourth Report (for year 1865).
- 15th May. 16. Mining Surveyors and Registrars, Reports of (Quarter ending 31st March, 1866).
- „ 17. Swamp, West Melbourne—Conditions of proposed lease of portions of, to Mr. Francis Brown.
- „ 18. Swamp, Koo-wee-rup—Conditions of proposed lease of, to Messrs. Graham Berry and Thomas Kennedy Lowry.
- „ 19. Swamp, Tootgarook—Conditions of proposed lease of, to Mr. Thomas Creighton.
- „ 20. Railways, Victorian.—Report of Board of Land and Works (1865).
- 17th May. 21. Defences of the Colony.—Despatch from the Right Honorable the Secretary of State for the Colonies (No. 30, 26th March, 1866).
- 22nd May. 22. Diseases, 1865—Report of Chief Medical Officer on.
- „ 23. Aborigines—Central Board—Fifth Report of (30th April, 1866).
- 23rd May. 24. Yackandandah Water Shed—Mining Operations at.—Order in Council (14th May, 1866).
- 29th May. 25. Swamps, Applications for.—Return to an Order of the Council.
- „ 26. Fees in County Courts. Fees in Courts of Mines.—Orders in Council (14th May, 1866).
- 31st May. 27. Amending Land Act, 1865, and Land Act, 1862.—Report of Proceedings up to 31st December, 1865.

VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SECOND SESSION 1866.

No.	Short Titles of Bills.	By whom and when initiated.	PROGRESS.																Number of Act.	REMARKS.			
			First Reading.	Second Reading.	Committal.	Report.	Recommittal.	Report after Recommittal.	Adoption of Report.	Third Reading.	Passing.	Sent to Legislative Assembly.	Returned from Legislative Assembly.		Amendments considered.	Retransmitted to Legislative Assembly.	Assent.	Publication in the Government Gazette.					
													Without Amendments.	With Amendments.									
1	Privileges of Parliament Bill	Hon. W. H. F. Mitchell	1866.	1866.	Lapsed.
2	Customs Duties Bill, Gold Export Duty Bill	Message from Legislative Assembly	11 April	11 April	Discharged from notice paper 17 April, 1866.
3	Customs Duties Bill ..	Message from Legislative Assembly	17 April	17 April	17 April	17 April	17 April	..	..	17 April	17 April	17 April	..	..	..	..	..	18 April	20 April	CCXCIII.		
4	Consolidated Revenue Bill (1)	Message from Legislative Assembly	17 April	17 April	17 April	17 April	17 April	..	..	17 April	17 April	17 April	..	..	..	..	..	18 April	20 April	CCXCIV.		
5	Volunteer Law Amendment Bill	Message from Legislative Assembly	17 May	17 May	17 May	17 May	17 May	..	..	17 May	17 May	17 May	..	..	..	..	..	1 June	5 June	CCXCVI.		
6	Post Office Law Amendment Bill	Message from Legislative Assembly	17 May	17 May	17 May	17 May	21 May	..	..	21 May	21 May	21 May	..	..	..	..	..	1 June	5 June	CCXCVIII.		
7	Australasian Fire and Life Insurance Company Alteration Bill	Message from Legislative Assembly	17 May	17 May	21 May	21 May	21 May	..	..	21 May	21 May	21 May	..	..	..	..	..	1 June	5 June	CCXCVII.		
8	Inventors' Rights Protection Bill	Message from Legislative Assembly	21 May	21 May	22 May	22 May	22 May	..	..	22 May	22 May	22 May	22 May	22 May	..	..	..	1 June	5 June	CCXCIX.		
9	Insolvency Statute 1865 Amendment Bill	Message from Legislative Assembly	21 May	21 May	22 May	22 May	22 May	..	..	22 May	22 May	22 May	22 May	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
10	Appropriation Bill ..	Message from Legislative Assembly	21 May	21 May	22 May	29 May	29 May	..	..	31 May	31 May	31 May	..	..	..	..	..	1 June	5 June	CCXCV.		
11	Transfer of Real Estate Bill	Message from Legislative Assembly	21 May	21 May	22 May	22 May	22 May	..	..	22 May	22 May	22 May	22 May	..	30 May	30 May	..	1 June	5 June	CCCI.		
12	Public Health Law Amendment Bill	Message from Legislative Assembly	21 May	21 May	22 May	22 May	23 May	..	..	23 May	29 May	29 May	29 May	..	31 May	31 May	..	..	..	..	..	Lapsed through termination of Session.
13	Insolvency Statute 1865 Amendment Bill (2)	Message from Legislative Assembly	23 May	23 May	23 May	23 May	23 May	..	..	23 May	23 May	23 May	23 May	29 May	..	..	..	1 June	5 June	CCC.		
14	Electoral Act 1865 Amendment Bill	Hon. T. H. Fellows	29 May	29 May	29 May	29 May	29 May	..	..	29 May	29 May	29 May	29 May	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.

RECAPITULATION.

Bills initiated during the Session..	..	..	..	..	..	14
Passed and assented to ..	..	..	..	..	..	9
Not returned from Legislative Assembly..	..	..	..	..	..	2
Order of Day discharged from paper ..	..	..	..	..	..	1
Lapsed ..	..	..	..	..	..	2
						- 14

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH APRIL, 1866.

His Excellency the Governor having, by Proclamation, bearing date at Melbourne, the tenth day of April, One thousand eight hundred and sixty-six, appointed the Parliament to open this day, at the hour of four o'clock, p.m., the same was read by the Clerk, as follows:—

PROCLAMATION

By His Excellency SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

WHEREAS, by the Constitution Act, it is amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he may think fit, and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he shall deem it expedient: And whereas it is expedient to prorogue the said Council and Assembly called the Parliament of Victoria, and to fix a time for holding the next Session thereof: Now therefore I, Sir Charles Henry Darling, the Governor of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation prorogue the said Council and Assembly or Parliament of Victoria; and I do hereby fix Wednesday, the Eleventh day of April instant, as the time for the commencement and holding of the next Session thereof for the despatch of business, at Four o'clock in the afternoon, in the Parliament Houses, situate in Parliament Place, Spring Street, in the City of Melbourne; and the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the Colony of Victoria, at Melbourne, this Tenth day of April, in the year of our Lord One thousand eight hundred and sixty-six, and in the twenty-ninth year of Her Majesty's reign.

(L.S.)

C. H. DARLING.

By His Excellency's Command,

J. McCULLOCH,

Chief Secretary.

GOD SAVE THE QUEEN!

The approach of His Excellency the Governor was announced by the Usher.

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

In order that the Supply Bill of last session may be again considered, it has been found necessary that there should be a new session of Parliament; and I have, therefore, called you together immediately after the prorogation for that purpose.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

The Estimates which were laid before you last session will be re-submitted for your consideration.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :
MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

In adopting the course I have taken to enable you again to deal with the Supply Bill, I have been actuated by an earnest desire that the differences, between the Houses should be brought to an end.

I trust that, in considering the remaining points of difference you will be enabled, while maintaining all that it is essential to the public interests that each House should preserve, at the same time to give full effect to the wishes which the constituencies have so recently and so clearly expressed.

C. H. DARLING,
Governor.

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable H. Miller laid on the Council Table the following papers :—

1. Electric Telegraph.—Report of General Superintendent for year ending 31st December, 1865.
2. Neglected and Criminal Children Act 1864.—Report on Female Reformatory School, Abbotsford (8th January, 1866).
3. Volunteer Force Regulations (26th March, 1866).

Ordered severally to lie on the Table.

ADJOURNMENT.—The Honorable H. Miller, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until to-morrow.

Debate ensued.

Amendment moved by the Honorable N. Fitzgerald, That all the words after the word "House" be omitted, with a view to insert the words "do now adjourn until eight o'clock this evening" instead thereof.

Amendment, by leave, withdrawn.

Motion, by leave, withdrawn.

PRIVILEGES OF PARLIAMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to preserve the Privileges of Parliament.

Question—put and passed.

Bill brought in, and on the motion of the Honorable W. H. F. Mitchell, read a first time, ordered to be printed, and read a second time to-morrow.

ADJOURNMENT.—The Honorable A. Fraser moved, That the Council do now adjourn until eight o'clock this evening.

Amendment moved by the Honorable C. Sladen, That the words "eight o'clock this evening" be omitted, with a view to insert the words "four o'clock to-morrow" instead thereof.

Debate ensued.

Amendment, by leave, withdrawn.

Question—That the Council do now adjourn until eight o'clock this evening—put and passed.

The Council adjourned.

At eight o'clock the President resumed the Chair.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th April, 1866.

CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

ADJOURNMENT.—The Honorable H. Miller moved, That the Council do now adjourn until four o'clock to-morrow.

Question—put and passed.

The Council adjourned at eight minutes past eight o'clock until four o'clock on Thursday, the 12th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 12TH APRIL, 1866.

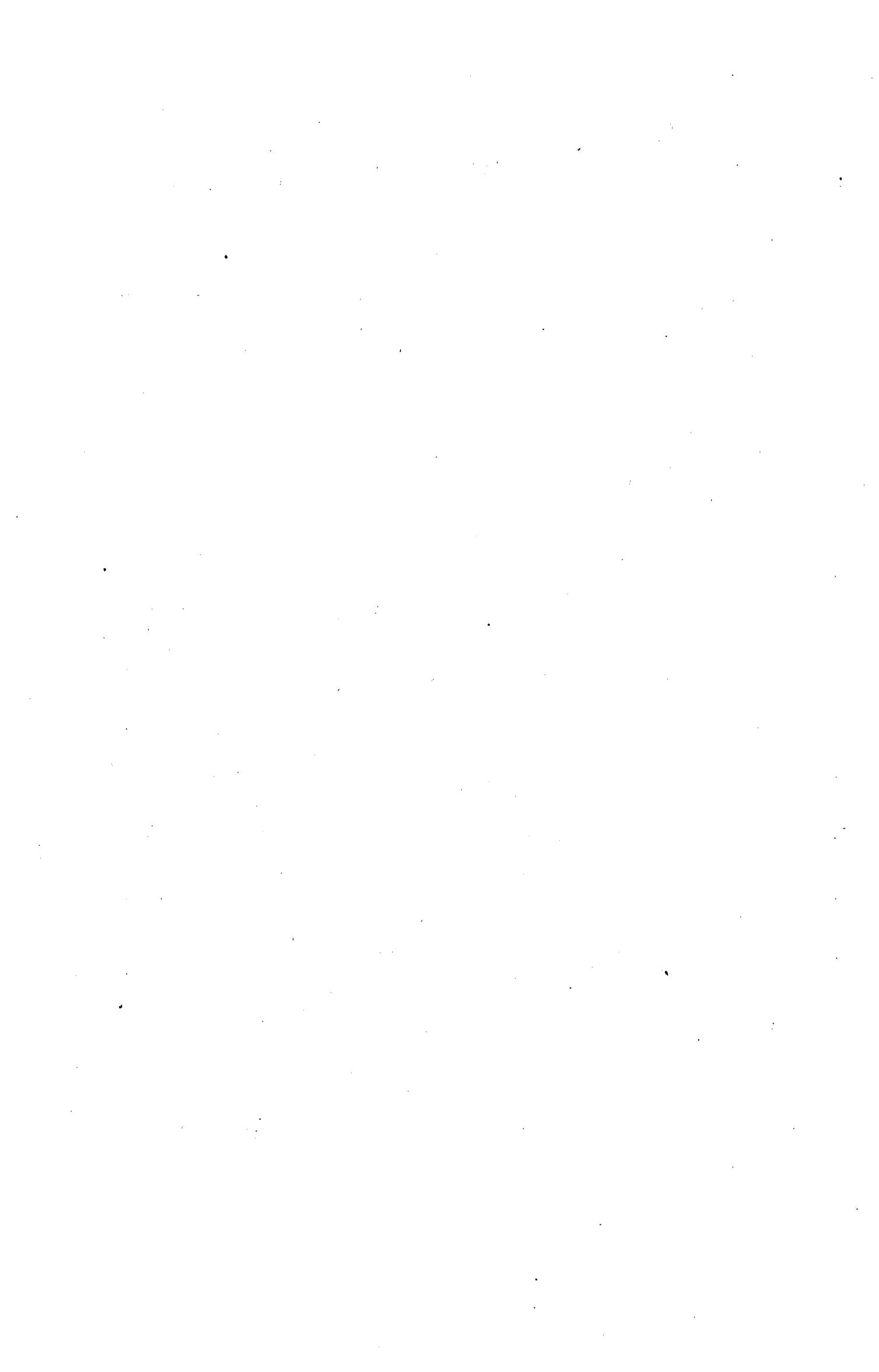
NOTICES OF MOTION :—

1. The Hon. A FRASER : To move, That seven members of this House be appointed to meet and confer with a like number of Members of the Legislative Assembly, to take into consideration the differences now existing between the two branches of the Legislature with reference to the Bill of Supply now before the House.
2. The Hon. J. P. FAWKNER : To move, That, whereas it has been represented to the country that the present difficulties of the Government are due to the action taken by the Legislative Council with reference to the Bill dealing with the Tariff of Customs Duties on articles imported into Victoria, and with the repeal of the Gold Duty : And whereas so far from such being the case the Legislative Council have at all times expressed their desire to pass an Appropriation Bill, and have on more than one occasion expressed their willingness, in deference to the opinions of the constituencies elicited at the late general election, to assent to measures for giving the effect of law to the said Tariff for an unlimited period, and to the repeal of the Gold Duty, if sent to them in separate Bills in the form that has been usual since the introduction of the present Constitution, and whereas the Legislative Assembly may not be aware of such intentions of the Legislative Council in the absence of any direct communication from that Chamber ; the Legislative Council, with a view to a proper understanding with the Legislative Assembly, and to bring about once more the proper relations between the two Chambers as existing previously to the session of the last Parliament, desire now to inform the Legislative Assembly that they are willing to pass Bills with the usual Preambles, for altering the present Customs Duties, and imposing others on imported articles for an unlimited period, and for repealing the Gold Duty ; and also, an Appropriation Bill for enabling the Government to meet the public engagements.
3. The Hon. C. SLADEN : To move, That the House do take into consideration the Speech of His Excellency the Governor.
4. The Hon. H. MILLER : To move, That Tuesdays, Wednesdays, and Thursdays be the days on which the Council shall meet for the despatch of business during the present session, and that four o'clock be the hour of meeting on each day, and that on Wednesday in each week during the present session the transaction of Government business take precedence of all other business.
5. The Hon. H. MILLER : To move, That the Honorables the President, T. H. Fellows, C. Sladen, J. F. Strachan, and the mover, be appointed a Select Committee on the Standing Orders of the House.
6. The Hon. H. MILLER : To move, That the Honorables the President, James Henty, Charles Sladen, William Hull, and J. P. Bear, be members of the Joint Committee of both Houses to manage the Library.
7. The Hon. H. MILLER : To move, That the Honorables J. P. Fawkner, W. Campbell, C. J. Jenner, J. Lowe, and J. McCrae be appointed a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.
8. The Hon. H. MILLER : To move, That the Honorables W. Highett, N. Fitzgerald, A. Fraser, and W. H. Pettett, be Members of the Joint Committee of both Houses, to manage the Refreshment Rooms and Stables.
9. The Hon. H. MILLER : To move, That the Honorables the President, W. Degraives, W. Taylor, G. W. Cole, and R. Turnbull, be Members of the Joint Committee of both Houses, to manage and superintend the Parliament Buildings.

ORDERS OF THE DAY :—

1. PRIVILEGES OF PARLIAMENT BILL—To be read a second time.
2. CUSTOMS DUTIES BILL, GOLD EXPORT DUTY BILL—To be read a second time.

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



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 12TH APRIL, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

VICTORIA.

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

The Honorable William Campbell,
The Honorable Thomas Howard Fellows,
The Honorable William Highett,
The Honorable Henry Miller,
The Honorable William Henry Fancourt Mitchell,
The Honorable Robert Turnbull, and
The Honorable Charles Sladen,

to be members of a Committee to be called "The Committee of Elections and Qualifications."
Given under my hand this twelfth day of April, 1866.

J. F. PALMER,
President of the Legislative Council.

COMMITTEE TO CONFER WITH COMMITTEE OF LEGISLATIVE ASSEMBLY.—The Honorable A. Fraser, in accordance with notice, moved, That seven Members of this House be appointed to meet and confer with a like number of Members of the Legislative Assembly, to take into consideration the differences now existing between the two branches of the Legislature with reference to the Bill of Supply now before the House.

Debate ensued.

Question—put and passed.

The Honorable A. Fraser moved, That the Committee consist of the following Members, viz., the Honorables C. Sladen, W. Highett, W. H. F. Mitchell, W. Campbell, J. F. Strachan, J. P. Bear, and the Mover.

Question—put and passed.

The Honorable A. Fraser moved, That a Message be sent to the Legislative Assembly, informing them that this Council has appointed a Committee of seven members to confer with a Committee of seven members of the Assembly on the differences now existing between the two branches of the Legislature with reference to the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs, and for altering certain other Duties.*"

Question—put and passed.

The Honorable A. Fraser moved, That the House do now adjourn until eight o'clock.

Question—put and passed.

The Council adjourned.

At eight o'clock the President resumed the Chair.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have appointed a Committee of seven members to confer with the Committee appointed by the Legislative Council to take into consideration the differences now existing between the two branches of the Legislature with reference to the Bill of Supply now before the Legislative Council.

The Legislative Assembly further acquaint the Legislative Council that they have given power to the Committee to meet on days that the Legislative Assembly do not sit, and further that they have empowered the Committee to meet in the first instance in the Parliament Library, at One o'clock to-morrow.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 12th April, 1866.

TIME OF MEETING OF COMMITTEE TO CONFER WITH COMMITTEE OF LEGISLATIVE ASSEMBLY.—

The Honorable A. Fraser moved, That the Committee appointed to confer with the Committee of the Assembly, on the Bill intituled, "*An Act for granting to Her Majesty certain Duties of Customs, and for altering certain other Duties,*" be empowered to sit on days on which the Council do not sit, and to meet in the first instance in the Library, at One o'clock to-morrow.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them, that the Committee appointed by the Council have been empowered to sit on days on which the Council do not sit, and to meet in the first instance at one o'clock p.m. on Friday, the 13th instant, in the Library.

DAYS OF BUSINESS, AND DAY OF GOVERNMENT BUSINESS.—The Honorable H. Miller moved, That Tuesdays, Wednesdays, and Thursdays be the days on which the Council shall meet for the despatch of business during the present session, and that four o'clock be the hour of meeting on each day, and that on Wednesday in each week during the present session the transaction of Government business take precedence of all other business.

Question—put and passed.

STANDING ORDERS.—The Honorable H. Miller moved, That the Honorables the President, T. H. Fellows, C. Sladen, J. F. Strachan, and the mover, be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

LIBRARY (JOINT) COMMITTEE.—The Honorable H. Miller moved, That the Honorables the President, James Henty, Charles Sladen, William Hull, and J. P. Bear, be members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable H. Miller moved, That the Honorables J. P. Fawkner, W. Campbell, C. J. Jenner, J. Lowe, and J. McCrae be appointed a Printing Committee, and that Papers presented to the House be referred to the said Committee for report.

Question—put and passed.

REFRESHMENT ROOMS (JOINT) COMMITTEE.—The Honorable H. Miller moved, That the Honorables W. Highett, N. Fitzgerald, A. Fraser, and W. H. Pettett, and the Mover, be Members of the Joint Committee of both Houses, to manage the Refreshment Rooms and Stables.

Question—put and passed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable H. Miller moved, That the Honorables the President, W. Degraives, W. Taylor, G. W. Cole, and R. Turnbull, be Members of the Joint Committee of both Houses, to manage and superintend the Parliament Buildings.

Question—put and passed.

POSTPONEMENT.—The following Orders of the Day were severally postponed until the days hereunder set down :—

"*Privileges of Parliament Bill*"—to be read a second time, Thursday, 26th April.

"*Customs Import Duties, Gold Export Duty Bill*"—to be read a second time, Tuesday, 17th April.

PAPER.—The Honorable H. Miller laid on the Table the following paper :—
Health Officer, Acting, Report of, 1865.

Ordered to lie on the Table.

CHAIRMAN OF COMMITTEES.—The Honorable H. Miller, with leave of the Council, moved, without notice, That the Honorable Dr. Wilkie be Chairman of Committees of the House.

Question—put and passed.

The Council adjourned at a quarter past eight o'clock until four o'clock on Tuesday, the 17th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 17TH APRIL, 1866.

NOTICE OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That, whereas it has been represented to the country that the present difficulties of the Government are due to the action taken by the Legislative Council with reference to the Bill dealing with the Tariff of Customs Duties on articles imported into Victoria, and with the repeal of the Gold Duty : And whereas so far from such being the case the Legislative Council have at all times expressed their desire to pass an Appropriation Bill, and have on more than one occasion expressed their willingness, in deference to the opinions of the constituencies elicited at the late general election, to assent to measures for giving the effect of law to the said Tariff for an unlimited period, and to the repeal of the Gold Duty, if sent to them in separate Bills in the form that has been usual since the introduction of the present Constitution, and whereas the Legislative Assembly may not be aware of such intentions of the Legislative Council in the absence of any direct communication from that Chamber ; the Legislative Council ; with a view to a proper understanding with the Legislative Assembly, and to bring about once more the proper relations between the two Chambers as existing previously to the session of the last Parliament, desire now to inform the Legislative Assembly that they are willing to pass Bills with the usual Preambles, for altering the present Customs Duties, and imposing others on imported articles for an unlimited period, and for repealing the Gold Duty ; and also, an Appropriation Bill for enabling the Government to meet the public engagements.
2. The Hon. C. SLADEN : To move, That the House do take into consideration the Speech of His Excellency the Governor.

ORDER OF THE DAY :—

1. CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY BILL—To be read a second time.

THURSDAY, 26TH APRIL.

ORDER OF THE DAY :—

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

MEETING
OF
SELECT COMMITTEE.

Friday, 13th April.

CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY BILL—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 17TH APRIL, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

COMMITTEE TO CONFER WITH COMMITTEE OF LEGISLATIVE ASSEMBLY.—The Honorable A. Fraser brought up the Report of the Committee appointed to meet and confer with a like number of Members of the Legislative Assembly to take into consideration the differences between the two Houses with reference to the Bill now before the House, intituled, "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

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

REPORT.

The Committee appointed by your Honorable House to confer with a Committee of like number of members of the Legislative Assembly, to take into consideration the differences existing between the two Houses with reference to the Bill intituled "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" have the honor to report as follows:—

Your Committee have conferred with the Committee of the Legislative Assembly on the subject of the said differences, and have agreed to report to your Honorable House the following conclusions, as agreed to by both Committees in their Conference.

(1.) That the Preamble of the Bill be altered, and be as follows:—

"MOST GRACIOUS SOVEREIGN Whereas we Your Majesty's most dutiful and loyal subjects the Legislative Assembly of Victoria in Parliament assembled did on the eleventh day of April in the year of our Lord One thousand eight hundred and sixty-six freely and voluntarily vote that a Supply be granted to Your Majesty and whereas towards raising such Supply we did on the eleventh day of April aforesaid vote that the several duties hereinafter mentioned be charged We do therefore most humbly beseech Your Majesty that it may be enacted and be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows—"

(2.) That the Committee of the Legislative Council no longer insist upon their objections to the inclusion of the Repeal of the Gold Duty in the Bill of Supply, upon the assurance of the Committee of the Legislative Assembly that it was inserted in that Bill as a tax and not as Territorial Revenue, and upon their disclaimer of any intention on the part of the Assembly of tacking it with the view of coercing the Council to pass it.

(3.) That so much of the last clause of the Bill be left out as limits its operation.

The respective Committees having agreed to make the foregoing recommendations to the respective Houses, it is further recommended that, in order to enable them to be carried into effect, the Bill now before your Honorable House be discharged from the paper, so that a new Bill may be initiated in the Legislative Assembly.

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

Question—put and passed.

CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY BILL.—The Order of the Day for the second reading of this Bill being called on, The Honorable A. Fraser moved, That the same be discharged.

Question—put and passed.

The Honorable A. Fraser moved, That the Council do now adjourn until eight o'clock.

Question—put and passed.

The Council adjourned.

At Eight o'clock the President resumed the Chair.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th April, 1866.

FRANS. MURPHY,
Speaker.

CUSTOMS DUTIES BILL.—The Honorable H. Miller moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable H. Miller moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Thirteen thousand and twenty-nine pounds twelve shillings and nine pence to the service of the year One thousand eight hundred and sixty-four and One million five hundred and fifty-three thousand six hundred and sixty-seven pounds and eleven pence to the service of the year One thousand eight hundred and sixty-five and Six hundred thousand pounds to the service of the year One thousand eight hundred and sixty-six,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th April, 1866.

CONSOLIDATED REVENUE BILL (1.)—The Honorable H. Miller moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable H. Miller moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Thirteen thousand and twenty-nine pounds twelve shillings and nine pence to the service of the year One thousand eight hundred and sixty-four and One million five hundred and fifty-three thousand six hundred and sixty-seven pounds and eleven pence to the service of the year One thousand eight hundred and sixty-five and Six hundred thousand pounds to the service of the year One thousand eight hundred and sixty-six.*"

Question—put and passed.

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

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

NOTICE OF MOTION.

TUESDAY, 24TH APRIL, 1866.

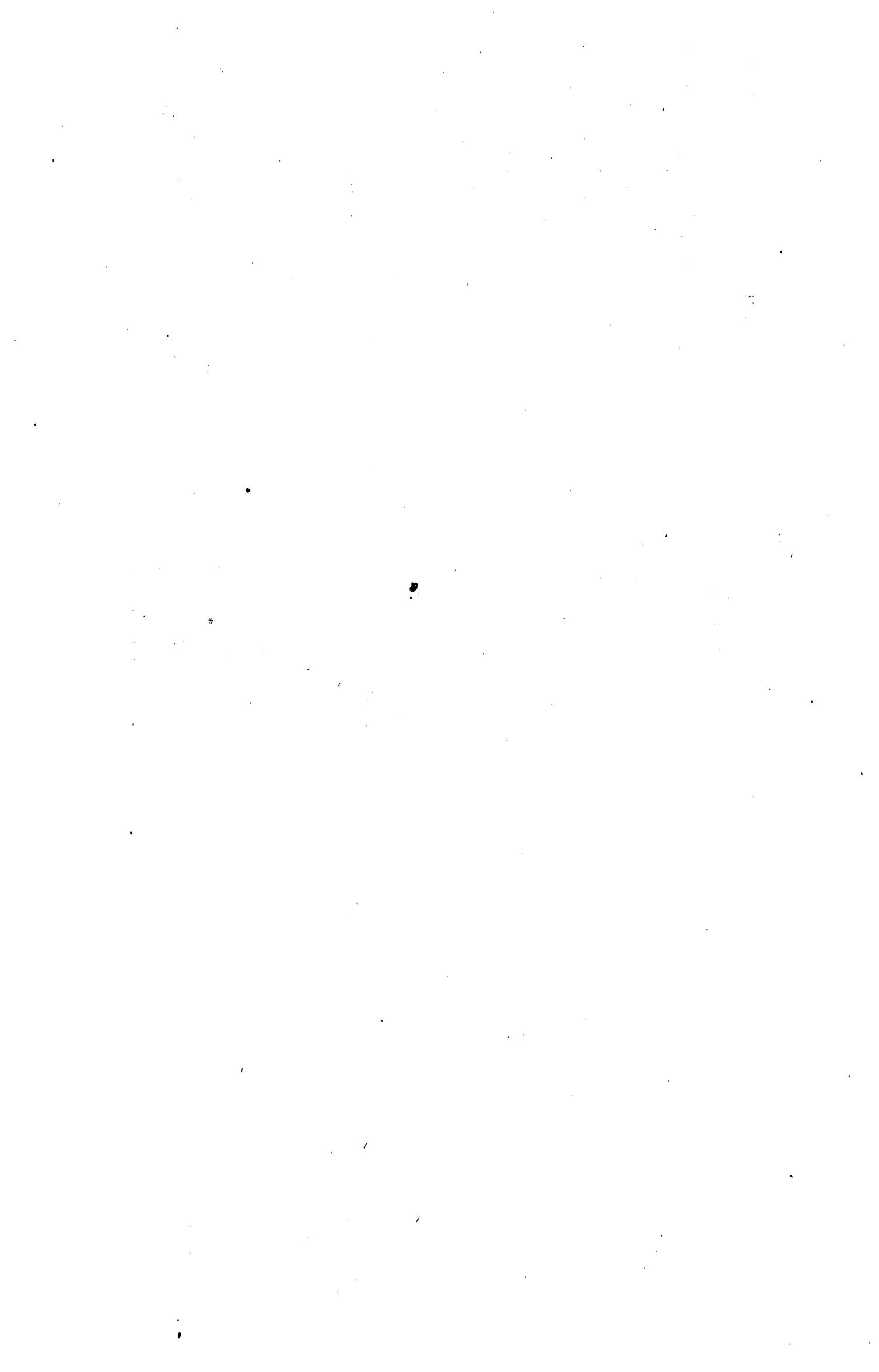
NOTICE OF MOTION :—

1. The Hon. W. H. F. MITCHELL: To move, That the subject of altering and amending the Constitution of this House be referred to a Select Committee of ten Members, with power to call for witnesses and papers, and that the Committee have power to sit during adjournment of the House.

Contingent—That such Committee do consist of the Honorables W. Highett, J. Lowe, H. Miller, C. Sladen, A. Fraser, T. H. Fellows, W. Degraives, G. W. Cole, J. P. Fawcner, and the mover.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 24TH APRIL, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable H. Miller presented to the Council the following Messages from His Excellency the Governor :—

C. H. DARLING,

Governor.

The Governor informs the Legislative Council that he has this day assented, on behalf of Her Majesty, to a Bill intituled "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties.*"

Government Offices, Melbourne, 18th April, 1866.

C. H. DARLING,

Governor.

The Governor informs the Legislative Council that he has this day assented, on behalf of Her Majesty, to a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Thirteen thousand and twenty-nine pounds twelve shillings and nine pence to the service of the year One thousand eight hundred and sixty-four and One million five hundred and fifty-three thousand six hundred and sixty-seven pounds and eleven pence to the service of the year One thousand eight hundred and sixty-five and Six hundred thousand pounds to the service of the year One thousand eight hundred and sixty-six.*"

Government Offices, Melbourne, 18th April, 1866.

PAPERS.—The Honorable H. Miller laid on the Table the following papers :—

1. Post Office Department.—Report, to 31st December, 1865.
2. Post Office Savings Banks.—Account of deposits received and paid, and expenses incurred, 1865,
3. Mines, Courts of, General Rules for.—6th April, 1866.

Ordered severally to lie on the Table.

CONSTITUTION OF LEGISLATIVE COUNCIL.—The Honorable W. Highett, in the absence and on behalf of the Honorable W. H. F. Mitchell, moved, That the subject of altering and amending the Constitution of this House be referred to a Select Committee of ten members, with power to call for witnesses and papers, and that the Committee have power to sit during adjournment of the House.

Debate ensued.

Question—put and passed.

The Honorable W. Highett, in accordance with *amended contingent* notice, moved, That the Select Committee consist of the Honorables W. H. F. Mitchell, J. Lowe, H. Miller, C. Sladen, A. Fraser, T. H. Fellows, W. Degraives, H. M. Murphy, J. P. Fawkner, and the mover.

Question—put and passed.

PAPER.—The Honorable H. Miller laid on the Table the following paper :—

Victorian Railways.—Report of Board of Land and Works (1865).

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

Question—put and passed.

The Council adjourned at a quarter past five o'clock until four o'clock on Tuesday, the 1st proximo.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 1st May.

CONSTITUTION—At half-past two o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 1ST MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

C. H. DARLING,
Governor.

The Governor transmits to the Legislative Council copies of three Despatches which he has received from the Right Honorable the Secretary of State.

Government Offices,
Melbourne, 20th April, 1866.

VICTORIA.—No. 15.

SIR,

Downing street, 26th January, 1866.

I have to request you to inform the Legislative Council of Victoria, that I have duly laid before the Queen their Address which was forwarded to me in your Despatch, No. 127, of the 20th of October.

You will inform the Council that the Queen was pleased to receive their Address very graciously, and that Her Majesty had been advised that the proceedings which gave rise to it were contrary to law, and had given instructions intended to prevent their recurrence.

You will further communicate to the Council copies of my Despatches of the 27th of November, No. 107, and of the 26th instant, No. 11.

I have, &c.,

(Signed)

EDWARD CARDWELL.

Governor Sir Charles Darling, K.C.B.,
&c., &c., &c.

VICTORIA.—No. 107.

Downing street, 27th November, 1865.

SIR,

I have received your Despatches, enumerated in the margin (No. 113, 25th August, 1865; No. 115, 18th September, 1865; No. 116, 22nd September, 1865; No. 117, 23rd September, 1865), respecting the non-enactment of the usual Appropriation Act in Victoria, and the steps which you and your Government have taken in consequence.

I could have wished to postpone any expression of opinion on these important matters, until I was in formal possession of the Address of the Legislative Council, which is informally transmitted in your Despatch of 18th September, 1865, No. 115, and of any counter statements which may be made by the Legislative Assembly, or by your advisers; but the proceedings of which you inform me are of so serious a character, that I do not feel at liberty to delay the expression of such opinions as I have been able to form from the papers before me.

The facts, as I understand them, are as follows :—

The Victoria Government Act (Schedule to 18 and 19 Vict. cap. 55) provides by its first clause, that laws shall be made by Her Majesty, with the advice of the

Legislative Council and Assembly of the Colony, and contains no provision for making laws in any other way.

The 56th clause of the Act provides that "Bills for appropriating any part of the revenue of Victoria, and for imposing any duty, rate, tax, rent, return, or impost, shall originate in the Assembly, and may be rejected, but not altered, by the Council." The Assembly desired to pass a law imposing Customs Duties, which was supposed to be distasteful to the Council, and to ensure its passing made it part of the ordinary Appropriation Bill.

The Council refused to enact the Bill so presented to it, which has consequently dropped.

The history of the contest up to this point was reported to me in your Despatch, No. 118, of the 25th of August, in which you expressed your intention to adopt no step which was not strictly authorised by law. That intention I unreservedly approved, in my answer, No. 96, of the 26th October. You now inform me of the subsequent proceedings of yourself and your Government.

It appears that, notwithstanding the non-enactment of the Customs law, the local Government proceeded, on the sole authority of the Assembly, to levy the duties which would have been imposed if that law had passed. Some merchants resisted the claim, and the Supreme Court decided that the merchants were right, and that the collection of the duties was unlawful. But the Government, in spite of this decision of the Supreme Court, have not, as I understand, desisted from levying the duties.

So far as to the collection of the revenue : it remains to consider the course you have pursued, as it has affected the expenditure.

The local Act of 22 Victoria, No. 86, provides, by its 14th clause, that the public revenue shall, as it is collected, be paid into an account called "The Public Account," with some bank or banks to be appointed by the Governor ; and the 24th and 25th clauses provide that the moneys paid into that account shall only be drawn from it in virtue of an order signed by the Treasurer, and countersigned by the Audit Commissioners, and this order cannot issue until a certificate has been signed by the Audit Commissioners, and approved by the Governor, to the effect that the moneys are legally available for the purpose for which they are drawn.

In the absence of an Appropriation Act, the Auditors would not certify that the money in the hands of the banks was "legally available" for the payment of salaries and other current expenses of the Government. The money, therefore, could not, by any ordinary process, be applied to these purposes.

But, by a later Act called the *Crown Remedies and Liabilities Statute*, 28 Victoria cap. 241, it is provided, that if any person having a demand against the local Government shall, on petition, obtain judgment of the Supreme Court in his favor, and shall receive a certificate to that effect from the proper officer of the Court, the Governor may cause his claim to be satisfied out of the consolidated revenue.

In this state of the law your Government, with your sanction, prevailed upon one of the banks in which a "Public Account" was kept, to lend you or them certain sums of money, and to carry that money to a separate account, which was to be acted upon by you or them without the concurrence of the Audit Commissioners ; and it was agreed that the bank should at once petition the Supreme Court, under the Act of 28 Victoria, for repayment of this loan, that your Government should at once confess judgment, and that you should thereupon enable them to repay themselves out of the "Public Account" the amount they had placed to this new account.

I do not quite clearly understand whether the concurrence of the Audit Commissioners was necessary, or was obtained, to this repayment ; but this is of minor importance. The effect, practically, was to transfer the public money out of the "Public Account," from which the bank could not ordinarily issue it without the Audit Commissioners' certificate, to another account entirely under the control of the Government.

The money so obtained has, I understand, been applied by the Executive Government to the payment of salaries, and I suppose to other immediate services specified in the Appropriation Bill which the Council refused to pass. I infer that it is by the extension and continuation of this process that the Government has been since carried on.

This, I think, is a correct statement of the material facts on which I proceed to express my opinion.

First, I have no hesitation in saying that, independently of the judgment of the Supreme Court, no consideration, at least none that is discernible in your Despatches, should have induced you to give your concurrence to the levying of these duties.

The plea that taxes are levied in this country on a vote of the House of Commons, before they are imposed by law, is manifestly irrelevant: such taxes are so levied because it is not doubted that the Bill imposing them, as from the date of the resolutions of the House of Commons on which the Bill is founded (and after which only they are levied), will become law, by the concurrence of the two other branches of the Legislature. If such concurrence were withheld, the sums so levied by anticipation would be repaid, and they would, of course, be no longer levied.

But in the present case you and your Government were perfectly aware that the Bill would not receive the sanction of the whole Legislature, and the exaction of these

duties was not in anticipation, but in defiance of the judgment of the Legislative Council. It was, therefore, not only in its origin unlawful, but there was every reason to presume that it would remain so. I look with extreme apprehension on a state of things in which the Government of a British colony is engaged in collecting money by mere force from persons from whom the Supreme Court has declared that it is not due. It is an example of violence which may do incalculable mischief beyond the limits of the colony in which it has been allowed to occur.

Next, I do not understand on what ground it can have been imagined that you were legally authorised to borrow from a private bank large sums of money on behalf of the public. No authority is alleged, and I am unable to conjecture any. The only excuse for such a proceeding would have been an overwhelming public emergency of such a nature as to justify what was not justified by the letter of the law. But, as I have observed, you had already declared that no such emergency existed. And you were right,—no such emergency did exist. If payments were legally due from the Crown to public officers for salaries, or to any other persons on any account, it was open to such persons to recover what was so due to them in the ordinary course of law. It was for one or other branch of the Legislature to yield, or for both to compromise their difference. It was not for you to give a victory to one or the other party by a proceeding unwarranted either by your Commission or by the laws of the Colony. I must point out that by such a proceeding the Governor and his Government, with the co-operation of a local bank, might at any moment withdraw any amount of public funds from the "Public Account" to which it is consigned by law, and place it at their own command, relieved from all the checks with which the Legislature has carefully surrounded it.

Thirdly, As to the expenditure of the moneys thus obtained, I find it difficult to suppose that, by the *Crown Remedies and Liabilities Act*, the Legislature intended to enable the Government to discharge, without its concurrence, those ordinary expenses of government which it reserves to itself the right to reconsider annually. It may, perhaps, be doubted whether office-holders who are under a standing notice that their salaries are dependent on laws annually passed by the Colonial Parliament, would be treated by the Supreme Court as having a claim upon the Government independently of any such law. But it is not alleged that the Supreme Court was ever called upon to give judgment on the question, and you do not inform me of any law which would warrant you in paying away any public money except under the authority either of such a judgment or the Auditors' certificate.

As at present advised, therefore, I am of opinion that in these three respects—in collecting duties without sanction of law, in contracting a loan without sanction of law, and in paying salaries without sanction of law—you have departed from the principle of conduct announced by yourself and approved by me; the principle of rigid adherence to the law. I deeply regret this. The Queen's Representative is justified in deferring very largely to his constitutional advisers in matters of policy, and even of equity. But he is imperatively bound to withhold the Queen's authority from all or any of those manifestly unlawful proceedings by which one political party, or one member of the body politic, is occasionally tempted to endeavor to establish its preponderance over another. I am quite sure that all honest and intelligent colonists will concur with me in thinking that the powers of the Crown ought never to be used to authorise or facilitate any act which is required for an immediate political purpose, but is forbidden by law.

It will be for the gentlemen who guide the opinions of the Colony, or form the majorities in the two Houses of Legislature, to ascertain, and you will of course afford them every facility for ascertaining how the Government of the Colony is to be carried on. It is for you to take care that all proceedings taken in the Queen's name, and under your authority, are consistent with the law of the Colony.

As I said in the beginning of this Despatch, I could have wished to postpone any expression of my opinion until I should be in possession of the papers which you lead me to expect by the next mail; but the continued violation of the law, with the concurrence of the Queen's Representative, would be so serious an evil, that I felt compelled thus to address you now. I believe that I have stated correctly the facts of the case. I have given you my view of the law, arising from those facts. I have to instruct you in this, as in every other case, to conform yourself strictly to the line of conduct which the law prescribes.

I have, &c.,
(Signed)

E. CARDWELL.

Governor Sir C. H. Darling, K.C.B.,
&c., &c., &c.

VICTORIA.—No. 11.

SIR,

Downing street, 26th January, 1866.

In your Despatches, No. 127, of the 20th October, and Nos. 130 and 131, of the 24th October, which, as I have already informed you, arrived (viâ Southampton) too late to be dealt with by the last mail, and also in your further Despatches, as noted in the margin (No. 123, 25th October, 1865; No. 139, 24th November, 1865; No. 142, 25th November, 1865), you enclosed to me an Address of the Legislative Council of

Victoria to Her Majesty the Queen, representing "that the laws of the Colony have in a measure been dispensed with, the Constitution superseded, and Her Majesty's authority disregarded, if not abused," together with your own observations upon that Address; also various Petitions to the Queen relating to the same proceedings, and sundry Addresses, numerous signed, which you had received from different portions of the community under your Government. I have also received your Despatches, Nos. 140 and 143, of the 24th and 25th November.

In other Despatches I have conveyed to you the replies which I have been commanded by Her Majesty to instruct you to make to the Legislative Council, and to the bodies by whom the Petitions were signed.

My Despatch, No. 107, of the 27th November, made known to you the opinions which I had formed upon these important proceedings from the papers then in my possession, and the instructions which I thought it necessary to give you at once, without waiting for your further report.

Having now given my best attention to your explanations in detail of the course which you have pursued, and to your observations upon the Address of the Legislative Council, I have found nothing which materially alters the legal aspect of the case as it was presented to me in your previous Despatches.

The first point to which you direct my attention—the continued publication of a notice—is a matter of small importance. I should have thought that the Legislative Council put it forward, not as a charge, but as an indication that you have since departed from your first intention as regards the suspension of payments.

The two other charges to which you reply are of a different nature.

I make every allowance for the position of the Governor of a Colony who finds himself called upon by his responsible Ministers, with the concurrence of the Legislative Assembly, to adopt, for the purpose of overcoming an immediate difficulty, measures in their nature questionable, but which in the opinion of his legal advisers are within the letter of the law.

I cannot, however, avoid expressing my entire dissent from that portion of your Despatch in which you speak of the concurrence of the Council in Bills of Supply and Appropriation as merely formal in its nature, of the alleged disregard of their legislative rights as insignificant, and of their complaints as frivolous and easily refuted.

It is evidently a matter not merely formal, but essentially of substance as well as of form, to pass by, in the way in which you have been advised to pass by, the decision of one branch of the Legislature; and the principles in issue appear to me to have been so plain, and the right rule of conduct so clear, that I cannot but regret your having deferred to the advice which you received.

As regards the second charge, that of assenting to a scheme by which certain payments were made, you refer me to your Despatch, No. 116, of the 22nd of September, which I have already answered. I have only further to remark, with reference to the opinion of the Crown law officers, which you now enclose, that the more certain it may be that the salaries paid, or any of them, were sufficiently provided for by a permanent law, the less need was there to have recourse to an expedient by which public funds to any amount might have been placed at the disposal of the Governor, free from that control which the Constitution of Victoria has intended to provide.

The third charge is, that you allowed Customs Duties to be collected without sanction of law. I do not consider that it would be "a sufficient reply to state that not a single representation has been made upon the subject to the Governor, or to the Governor in Council," more especially after the proceedings taken in the Supreme Court of the Colony to recover duties so collected, and the decision of the Court that such collection was illegal. Nor can I admit that usage and precedent, established for cases in which there is no conflict between two branches of a Legislature, justify departure from law at a time when there is such a conflict, and when the substantial matter disputed is that very assent which, under ordinary circumstances, is reasonably anticipated and afterwards actually obtained.

It is the desire of Her Majesty's Government to observe to the utmost the principle which establishes Ministerial responsibility in the administration of Colonial affairs; and they would regret, as much as yourself, any circumstances which should place you in antagonism with an existing Ministry appearing to enjoy the confidence of the existing Assembly. Nevertheless, it is always the plain and paramount duty of the Queen's Representative to obey the law, and to take care that the authority of the Crown, derived to his Ministers through him, is exercised only in conformity with the law.

In your Despatch of August, No. 118, you expressed your determination to act upon this principle, which determination I approved. I also recognise that so soon as you had taken the measures to which I so decidedly object, you lost no time in reporting them to me, and expressed your opinion that they were in accordance both with the letter and spirit of the law. I do not doubt, therefore, that you will have at once conformed to my instructions, and will have reverted to the line of conduct which the law prescribes.

From your Despatches by the present mail, I learn with satisfaction that in one important particular you had already returned to the proper legal course; I mean that you had ceased to levy the Duties not authorised by law, and proposed to refund that

portion of them which had been already levied. It does not clearly appear what effect will be produced by the registration fee imposed under the Colonial Act 25 Vict., No. 144; but if the fees are legal fees, their imposition will not be open to the same remarks as those which I have been obliged to apply to the levying of illegal duties.

I hope that the result of an appeal to the people will be conformable with your intention of proposing that course to your Ministers, and will enable the two branches of the Legislature to arrive at a common course of action. In answer to your remarks about the Legislative Council, I have only to say that your concern at present is not with the merits of the questions in dispute, or with the composition of the two assemblies, but with the due execution of the existing laws of the colony.

It is not to be supposed that in any province of the Crown peopled by the British race, and enjoying representative institutions, there will be wanting that spirit by which alone representative institutions flourish, of obedience to the law, and of reasonable concession, in order to avert violation of the law. Her Majesty's Government cannot doubt that a firm determination on your part to observe the law, and an appeal to this spirit in the Colony under your Government, will be responded to and accepted by the general sense of the community. It would be very unfortunate that the Colony should be unable by its own forbearance and wisdom thus to solve its own difficulties, and I should greatly regret if any necessity should ever arise for a reference of such difficulties to the decision of the Imperial Parliament. But in an extreme case, that course is always open, and, undesirable as I should hold it to be, it would be infinitely preferable to a violation of the law.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed)

E. CARDWELL.

Governor Sir C. H. Darling, K.C.B.,
&c., &c., &c.

PAPERS.—The Honorable H. Miller, by command of His Excellency, laid on the Table the following papers, and moved that the same do lie on the Table:—

1. Minute by the Governor, announcing relief from his duties as Representative of the Queen, with Despatches and Papers.
2. Minute by the Governor, putting the Chief Secretary in possession of Correspondence between His Excellency the Governor and the Honorable T. H. Fellows.
3. Minute by the Chief Secretary, in reply to preceding.

Ordered severally to lie on the Table.

PAPERS.—The Honorable H. Miller laid on the Table the following papers:—

1. Conditions of Reward for Discovering Gold Fields (1866).
2. Mineral Statistics, Victoria (1865).

Ordered severally to lie on the Table.

The Council adjourned at five o'clock until four o'clock on Wednesday, the 2nd instant.

NOTICE OF MOTION.

WEDNESDAY, 2ND MAY, 1866.

1. The Hon. W. H. F. MITCHELL: To ask the Honorable Member representing the Government, When the Despatch, No. 15, from the Right Honorable the Secretary of State, dated 26th January, arrived in this colony.

NOTICE OF MOTION:—

1. The Hon. J. P. FAWKNER: To move, That a return be laid upon the table, showing what amount, if any, of the bonds given for unpaid duties have been recovered, and what steps have been taken to redeem the pledge, on behalf of their recovery, given by the Honorable Member representing the Government. Also, What opinions have been given by the Law Officers, or other barristers, touching the recovery of the unpaid duties of £62,000, and the cases submitted, upon which such opinions have been evoked.

MEETING
OF
SELECT COMMITTEE.

Wednesday, 2nd May.

CONSTITUTION—At half-past two o'clock.

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

Minutes of the Proceedings
 OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 2ND MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable H. Miller laid on the Table, by command of His Excellency the Governor, the following papers—

1. Lands Sold and Leased, under provisions of certain sections of *The Land Act* 1862, from 1st July to 31st December, 1864, and from 1st January to 30th June, 1865.
2. Education, Board of.—Fourth Report, (for Year 1865.)

Ordered severally to lie on the Table.

REPLY OF HER MAJESTY TO ADDRESS OF THE COUNCIL.—The Honorable C. Sladen, with leave of the Council, moved, without notice, That a Select Committee be appointed, to prepare an Address to His Excellency the Governor, thanking him for his Message communicating Her Majesty's gracious Reply to the Address of the Council of the 21st September, 1865, and calling attention to the circumstance that the Reply, although only made known to the Council on the 1st May, 1866, arrived in the colony on the 17th March, upwards of six weeks previously; and praying His Excellency to forward a copy of this Address to Her Majesty's Secretary of State for the Colonies, with a view to obtain, from that Minister, a decision upon the question raised by this delay;—whether the Governor of a colony is invested with discretionary power to withhold or communicate the Replies of our Sovereign to Addresses from her people.

Question—put and passed.

The Honorable C. Sladen moved, That the Select Committee consist of the Honorables H. Miller, W. Degraives, T. H. Fellows, W. H. F. Mitchell, W. Campbell, and the mover.

Question—put and passed.

The Committee retired to prepare the Address.

The Honorable C. Sladen brought up the Address prepared by the Committee.

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

To His Excellency SIR CHARLES H. DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's most dutiful and loyal Subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg to thank Your Excellency for your Message communicating Her Majesty's gracious Reply to our Address of the 21st September, 1865.

We venture to call attention to the circumstance that this Reply, although only made known to us on the 1st May, 1866, arrived in the colony on the 17th March, upwards of six weeks previously; and as we conceive that this delay raises the important question, whether the Governor of a colony is invested with discretionary power to withhold or communicate the Replies of our Sovereign to Addresses from her people, we pray Your Excellency to forward a copy of this Address to Her Majesty's Secretary of State for the Colonies, with a view to obtain from that Minister a decision upon the question.

We would remind Your Excellency that this House met on the 20th, 21st, 22nd, 27th, 28th, and 29th March, and on the 4th, 11th, 12th, 17th, and 24th April.

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

Debate ensued.

Question—put and passed.

UNPAID CUSTOMS DUTIES.—The Honorable J. P. Fawkner, in accordance with notice, moved, That a Return be laid upon the table, showing what amount, if any, of the bonds given for unpaid duties have been recovered, and what steps have been taken to redeem the pledge, on behalf of their recovery, given by the Honorable Member representing the Government. Also, What opinions have been given by the Law Officers, or other barristers, touching the recovery of the unpaid duties of £62,000, and the cases submitted, upon which such opinions have been evoked.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at twenty minutes to six o'clock until four o'clock on Tuesday, the 8th instant.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 8th May.

CONSTITUTION—At half-past two o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 8TH MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM HIS EXCELLENCY SIR CHARLES H. DARLING, K.C.B.—The Honorable H. Miller presented to the Council the following Message from His Excellency Sir Charles H. Darling, K.C.B.

C. H. DARLING,
Governor.

The Governor acknowledges the Address of the Legislative Council, upon the subject of the delay which took place in communicating to the Council the Secretary of State's Despatch, dated 26th January last, No. 15; and in compliance with the request of the Council, will forward a copy thereof to Her Majesty's Secretary of State.

The Governor acquaints the Council that, when he received the Despatch in question, he was without a Ministry, the present Ministry having resigned, and the Honorable Mr. Fellows being engaged in the attempt to form a new administration. Upon the failure of that effort, Mr. McCulloch's Ministry resumed their offices conditionally, for the express purpose of endeavoring to effect such an accommodation of the difference existing between the two Houses as might lead to the resumption of payments from the Public Treasury.

Neither the Secretary of State's Despatch, No. 15, nor those numbered 107 and 11—the simultaneous publication of which was directed by the Secretary of State—have any reference to the questions then at issue between the Houses. It was nevertheless probable that they would occasion considerable discussion, and the Governor deemed it a paramount duty not to take any step which might tend in that direction, or retard the adjustment of the remaining points in dispute. Almost at the moment when the objects in view had been accomplished, the Governor received the Secretary of State's Despatch announcing his recall from the government of the Colony.

It then appeared desirable to communicate to both Houses of Parliament all the papers connected with the case. These were prepared for transmission with a Message dated the 20th April, and the subsequent delay has been, as the Governor understands, occasioned by the time inevitably occupied in printing the documents, in accordance with the usual practice, before they were laid upon the Tables of the two Houses.

The Governor would further observe, that it is not, he believes, in accordance with Parliamentary practice to lay before the Legislature important documents calculated to lead to discussion and party contests, either while a Ministry is in progress of formation, or while only holding office provisionally, as was the case with the present Ministry, previously to the passing of the Consolidated Revenue Act.

Government Offices,
7th May, 1866.

MESSAGE FROM HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT.—The Honorable H. Miller presented to the Council the following Message from His Excellency the Officer administering the Government:—

GEORGE J. CAREY,
Officer administering the Government.

Brigadier-General Carey announces to the Legislative Council that, in pursuance of the provisions contained in the Commission of the late Governor, His Excellency Sir Charles Henry Darling, K.C.B., who has taken his departure from the Colony, Brigadier-General Carey, as the Officer for the time being in command of Her Majesty's Land Forces in this Colony, has assumed the Government of Victoria until Her Majesty's pleasure shall be signified therein.

Government Offices,
Melbourne, 7th May, 1866.

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

The Council adjourned at twenty minutes past four o'clock until four o'clock on Tuesday, the
15th instant.

TUESDAY, 15TH MAY, 1866.

The Hon. J. P. FAWKNER: To ask, Why has the notice appeared in the *Gazette*, that persons
holding Electors' Rights are to take out fresh ones on or before 1st September next
ensuing.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 15th May.

CONSTITUTION—At two o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable H. Miller laid on the Table the following papers :—

1. Mining Surveyors and Registrars, Reports of (Quarter ending 31st March, 1866.)
2. Swamp, West Melbourne—Conditions of proposed lease of portion of, to Mr. Francis Brown.
3. Swamp, Koo-wee-rup—Conditions of proposed lease of, to Messrs. Graham Berry and Thomas Kennedy Lowry.
4. Swamp, Tootgarook—Conditions of proposed lease of, to Mr. Thomas Creighton.

Ordered severally to lie on the Table.

UNPAID CUSTOMS DUTIES.—The Honorable H. Miller laid on the Table a Return to an Order of the Council made on the 2nd instant.

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

Debate ensued.

Question—put and passed.

PAPER.—The Honorable H. Miller laid on the Table the following paper :—

Railways, Victorian.—Report of Board of Land and Works (1865).

Ordered to lie on the Table.

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

NOTICES OF MOTION.

THURSDAY, 17TH MAY, 1866.

NOTICES OF MOTION :—

1. The Hon. W. HULL : To move, That an Address be presented to the Officer Administering the Government, praying him to cause a Copy of the Despatch in reply to an Address to Her Majesty the Queen by the Legislative Assembly on the subject of National Defences (dated 4th July, 1865) to be laid upon the Table of this House.
2. The Hon. H. M. MURPHY : To move, That a Committee be appointed to prepare an Address to the Officer Administering the Government, submitting to him that large sums due to Her Majesty on account of tea, sugar, opium, and gold, remain uncollected, to the serious loss of the revenue, and praying him to take this matter into his consideration.
3. The Hon. J. F. STRACHAN : To move, That there be laid upon the Table of this House Customs Returns for the year 1865.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 16th May.

CONSTITUTION—At two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 17TH MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

NATIONAL DEFENCES.—The Honorable W. Hull, in accordance with *amended* notice, moved, That an Address be presented to the Officer Administering the Government, praying him to cause copies of a Despatch, or Despatches, in reply to an Address to Her Majesty the Queen by the Legislative Assembly on the subject of National Defences (dated 4th July, 1865), to be laid on the table of this House.

Motion, by leave, withdrawn.

PAPER.—The Honorable H. Miller, by command of His Excellency the Officer Administering the Government, laid on the Table the following paper:—

Defences of the Colony. Despatch from the Right Honorable the Secretary of State for the Colonies (No. 30, 26th March, 1866).

Ordered to lie on the Table.

UNCOLLECTED TEA, SUGAR, OPIUM, AND GOLD DUTIES.—The Honorable H. M. Murphy, in accordance with notice, moved, That a Committee be appointed to prepare an Address to the Officer Administering the Government, submitting to him that large sums due to Her Majesty on account of tea, sugar, opium, and gold remain uncollected, to the serious loss of the revenue, and praying him to take this matter into his consideration.

Debate ensued.

Question—put and passed.

The Honorable H. M. Murphy moved, That the Select Committee consist of five Members.

Question put and passed.

The Honorable H. M. Murphy moved, That the Select Committee consist of the following Members, viz., the Honorables W. Highett, R. S. Anderson, B. W. Williams, Dr. Wilkie, and the Mover.

Two Members having required that the Committee should be formed by ballot, the Council proceeded to the ballot, and the following Members, being reported by the Clerk to have the greatest number of votes, were declared by the President to be the Members of the Committee, viz., the Honorables H. M. Murphy, R. S. Anderson, W. Highett, Dr. Wilkie, and H. Miller.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to remove Doubts concerning the Law relating to the grant of Land Certificates to Volunteers,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th May, 1866.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend the Law relating to the Post Office,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th May, 1866.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to alter the Style and Title of the 'Australasian Fire and Life Insurance Company' and for other Purposes,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th May, 1866.

VOLUNTEER LAW AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time and printed.
 Question—put and passed.
 Bill read a first time.
 The Honorable H. Miller moved, That the Bill be now read a second time.
 Question—put and passed.
 Bill read a second time.
 The Honorable H. Miller moved, That the Bill be now considered in Committee of the whole Council.
 Question—put and passed.
 Question—That the President do now leave the Chair—put and passed.
 The President left the Chair.
 The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same without amendment.
 The Honorable H. Miller moved, That the Report of the Committee be now adopted.
 Question—put and passed.
 The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable H. Miller, was read a third time and *passed*.
 The Honorable H. Miller moved, That the title of the Bill be, "*An Act to remove Doubts concerning the Law relating to the grant of Land Certificates to Volunteers.*"
 Question—put and passed.
 Ordered—That a Message be sent to the Legislative Assembly, to acquaint the Legislative Assembly, that the Council have agreed to the Bill without amendment.

AUSTRALASIAN FIRE AND LIFE INSURANCE COMPANY'S ALTERATION BILL.—The Honorable A. Fraser moved, That a Message be sent to the Legislative Assembly requesting that they will be pleased to communicate to this House copies of the Report and Proceedings of the Select Committee of that House to which the Bill may have been referred during the present session of Parliament, together with the Minutes of Evidence taken before the Committee.

Question—put and passed.

POST OFFICE LAW AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time and printed.

Question—put and passed.

Bill read a first time.

The Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on the next day of meeting of the Council.

Ordered.

AUSTRALASIAN FIRE AND LIFE INSURANCE COMPANY'S ALTERATION BILL.—The Honorable A. Fraser produced a certificate of the payment of the amount required to be paid to the Colonial Treasurer for the public uses of the Colony, and moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

ADJOURNMENT.—The Honorable H. Miller, with the leave of the Council, moved, without notice, That the House, at its rising this day, adjourn till Monday next, at four o'clock.

Debate ensued.

Question—put and passed.

The Council adjourned at a quarter to six o'clock until four o'clock on Monday, the 21st instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

MONDAY, 21ST MAY, 1866.

NOTICES OF MOTION :—

1. The Hon. R. S. ANDERSON: To move, That an Address be presented to the Officer Administering the Government, respectfully requesting that he will take such steps as may be necessary to give effect to the provisions of the "*Immigration Act, No. 175.*"
2. The Hon. J. F. STRACHAN: To move, That there be laid upon the Table of this House Customs Returns for the year 1865.

3. The Hon. A. FRASER: To move, That the Standing Order CXIII be suspended, with a view to passing the Australasian Fire and Life Insurance Company's Alteration Bill through all its stages in one day.

Contingent Notice—

4. The Hon. A. FRASER: To move, That the Australasian Fire and Life Insurance Company's Alteration Bill be now read a second time.

ORDER OF THE DAY:—

1. POST OFFICE LAW AMENDMENT BILL.—To be further considered in Committee.

MEETINGS
OF
SELECT COMMITTEES.

Tuesday, 22nd May.

CONSTITUTION—At half-past two o'clock.

UNCOLLECTED CUSTOMS DUTIES—At three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

MONDAY, 21ST MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

IMMIGRATION ACT No. 175.—The Honorable R. S. Anderson, in accordance with notice, moved, That an Address be presented to the Officer Administering the Government, respectfully requesting that he will take such steps as may be necessary to give effect to the provisions of the Immigration Act No. 175.

Debate ensued.

Question—put and passed.

The Honorable R. S. Anderson moved, That the Address be prepared by a Select Committee consisting of the Honorables J. P. Fawcner, C. Sladen, W. Highett, J. F. Strachan, and the Mover.

Question—put and passed.

CUSTOMS RETURNS, 1865.—The Honorable J. F. Strachan, in accordance with notice, moved, That there be laid upon the table of this House Customs Returns for the year 1865.

Debate ensued.

Question—put and passed.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly:—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Evidence taken before the Select Committee of the Legislative Assembly on the Bill, intituled, "*An Act to alter the Style and Title of the 'Australasian Fire and Life Insurance Company' and for other Purposes,*" in accordance with the request of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st May, 1866.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to protect the Rights of Inventors of Articles exhibited at the International Exhibition, and at divers Local Exhibitions in Victoria, in the Year One thousand eight hundred and sixty-six;*"

Also, a Bill, intituled, "*An Act to amend and explain the Insolvency Statute 1865, and for other Purposes;*"

Also, a Bill, intituled, "*An Act to apply a Sum out of the Consolidated Revenue to the service of the Year 1866, and to appropriate the Supplies granted in this Session of Parliament, and for other Purposes;*"

Also, a Bill, intituled, "*An Act to simplify the Title to and the dealing with Estates in Land;*"

Also, a Bill, intituled, "*An Act to amend the Law relating to Public Health;*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st May, 1866.

PETITION.—The Honorable W. Hull presented a Petition from the Corporation of the City of Melbourne, and under the seal thereof, praying that certain clauses may be inserted in the Public Health Bill to prevent the pollution of the River Yarra; and moved, That the same be printed, and referred to the Committee to which the Bill may be referred.

Petition received.

Question—put and passed.

PETITION.—The Honorable A. Fraser presented a Petition, signed by Sargood, King, and Sargood, and others, praying that certain alterations may be made in the Insolvency Statute 1865 Amendment Bill.

Petition received.

The Honorable A. Fraser moved, That the Petition be referred to the Committee to which the Bill may be referred.

Question—put and passed.

PETITION.—The Honorable R. Turnbull presented a Petition, signed by John Benn, styling himself President of the Melbourne Chamber of Commerce, praying that a certain alteration may be made in the Insolvency Statute 1865 Amendment Bill.

Petition received.

The Honorable R. Turnbull moved, That the Petition be referred to the Committee to which the Bill may be referred.

Question—put and passed.

INVENTORS' RIGHTS PROTECTION BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, and printed.

Question—put and passed.

Bill read a first time.

The Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Question—put and negatived.

The Honorable H. Miller moved, That the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

APPROPRIATION BILL.—The Honorable H. Miller moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable H. Miller moved, That the Bill be printed, and that the second reading be made an Order of the Day for to-morrow.

Debate ensued.

Amendment moved by the Honorable C. Sladen, That the word "to-morrow" be omitted, with a view to insert the words "on Wednesday next" instead thereof.

Debate ensued.

Amendment, by leave, withdrawn.

Question—That the Bill be printed, and that the second reading be made an Order of the Day for to-morrow—put and passed

TRANSFER OF REAL ESTATE BILL.—The Honorable H. Miller moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable H. Miller moved, That the Bill be printed, and that the second reading be made an Order of the Day for to-morrow.

Question put and passed.

PUBLIC HEALTH LAWS AMENDMENT BILL.—The Honorable H. Miller moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

INSOLVENCY STATUTE 1865 AMENDMENT BILL.—The Honorable R. S. Anderson moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

AUSTRALASIAN FIRE AND LIFE INSURANCE COMPANY ALTERATION BILL.—The Honorable A. Fraser, in accordance with notice, moved, That the Standing Order CXIII be suspended, with a view to passing The Australasian Fire and Life Insurance Company Alteration Bill, through all its stages in one day.

Question—put and passed.

The Honorable A. Fraser, in accordance with *contingent* notice moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be, "*An Act to alter the Style and Title of the 'Australasian Fire and Life Insurance Company' and for other Purposes.*"

Question—put and passed.

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

POST OFFICE LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read,

The President left the Chair.

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

The Honorable H. Miller moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be, "*An Act to amend the Law relating to the Post Office.*"

Question—put and passed.

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

The Council adjourned at half-past six o'clock until four o'clock on Tuesday, the 22nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 22ND MAY, 1866.

NOTICES OF MOTION :—

1. The Hon. J. F. STRACHAN : To ask, Whether any steps, and what, have been taken by the Governor to see that the judgments against the Crown in the cases of Stevenson, Ecroyd, and Dalgetty, are paid, according to the provisions of the Crown Remedies Statute.
2. The Hon. H. M. MURPHY : To move, That, in the opinion of this House, it is highly inexpedient and dangerous to the best interests of the Colony, that the Ministry, or any of them, should be permitted to abandon their duties on a prolonged absence from the Colony.

ORDERS OF THE DAY :—

1. INVENTORS' RIGHTS PROTECTION BILL.—To be read a second time.
2. APPROPRIATION BILL.—To be read a second time.
3. TRANSFER OF REAL ESTATE BILL.—To be read a second time.
4. PUBLIC HEALTH LAWS AMENDMENT BILL.—To be read a second time.
5. INSOLVENCY STATUTE 1865 AMENDMENT BILL.—To be read a second time.

MEETINGS OF SELECT COMMITTEES.

Tuesday, 22nd May.

CONSTITUTION—At half-past two o'clock.

UNCOLLECTED CUSTOMS DUTIES—At three o'clock.

IMMIGRATION ACT—At three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 22ND MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

UNCOLLECTED CUSTOMS DUTIES.—The Honorable H. M. Murphy, as Chairman of the Select Committee appointed on the 17th instant, “to prepare an Address to the Officer Administering the Government, submitting to him that large sums due to Her Majesty, on account of tea, sugar, opium, and gold remain uncollected, to the serious loss of the revenue; and praying him to take this matter into his consideration,” brought up the Address prepared by the Select Committee.

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

To His Excellency Brigadier-General GEORGE JACKSON CAREY, Companion of the Most Honorable Order of the Bath, Commanding Her Majesty's troops in the Australian Colonies, and Officer Administering the Government of the Colony of Victoria, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg to submit to Your Excellency's consideration the following facts: That, during the months of January, February, and March, last year, various sums, amounting to £35,000 and upwards, due to Her Majesty on account of duties upon tea, sugar, opium, and gold, were omitted to be collected by the officer appointed by Parliament for that purpose. Bonds, however, were taken for that amount, which, so far as the Council is aware, have never yet been enforced. A further sum of £63,000 and upwards, due to Her Majesty on account of similar duties, was omitted to be collected between the dates of 11th October and 28th November, 1865, for which neither bonds nor other securities have been taken; both the above amounts involving a loss to the revenue of nearly £100,000, through remission of duties totally unauthorised by law. We therefore deem it to be our imperative duty to beg Your Excellency's attention to this serious infraction of the law of the land on the part of the Government of this Colony, feeling well assured that Your Excellency will direct such steps to be taken as in your wisdom and judgment may seem expedient to carry out the law of the land.

The Honorable H. M. Murphy moved, That the Address be adopted, and be sent to His Excellency the Officer Administering the Government.

Question—put and passed.

IMMIGRATION ACT NO. 175.—The Honorable R. S. Anderson, as Chairman of the Select Committee appointed on the 21st instant, to prepare an Address to be “presented to the Officer Administering the Government, respectfully requesting that he will take such steps as may be necessary to give effect to the provisions of the Immigration Act No. 175,” brought up the Address prepared by the Committee, as follows :—

To His Excellency Brigadier-General GEORGE JACKSON CAREY, Companion of the Most Honorable Order of the Bath, Commanding Her Majesty's Troops in the Australian Colonies, and Officer Administering the Government of the Colony of Victoria, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria in Parliament assembled, desire to bring the following matter under the attention of Your Excellency.

That, by the 38th clause of the Land Act 1862, it is provided, that one-fourth of the net moneys arising in each year from the sale or leasing of lands, or from licences for the use thereof, should be appropriated for the purposes of assisted immigration into Victoria.

That, by the Immigration Act No. 175, provision was made for giving effect to such appropriation.

That, up to the present time, no Immigration Agents or other officers have been appointed to carry out the law; and large sums of money which have been annually available for immigration purposes, although specially appropriated to that object, remain unexpended.

We, therefore, pray Your Excellency to take such steps in the matter as to Your Excellency may appear necessary.

The Honorable R. S. Anderson moved, That the Address be now adopted.

Debate ensued.

Question—put and passed.

CONSTITUTION OF LEGISLATIVE COUNCIL.—The Honorable W. H. F. Mitchell, as Chairman of the Select Committee, appointed on the 24th ultimo, to take into consideration “the subject of altering and amending the Constitution” of the Council, brought up a Progress Report prepared by the Committee.

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

The Select Committee of your Honorable House, appointed on the 24th of April, to whom was referred the subject of altering and amending the Constitution of the Legislative Council, have met six times, viz. : on the 1st, 2nd, 8th, 15th, 16th, and 22nd instant; but, in the absence of Returns ordered on the 13th March last, and in consequence of the intended early prorogation of Parliament, they have been unable to deal fully with the question submitted to them.

Your Committee, however, deem it their duty to report the progress they have made. They have agreed to recommend—

1st. That the qualification of Electors should be reduced one half, and that in determining the value of an Elector’s property, it should be shown that it was rated on the Roll of a Borough, Shire, or Road Board, at not less than £50 a year.

2nd. That any tenant rated at not less than £50 a year should be entitled to vote.

3rd. That the qualification of Members should be reduced to £3000 in lands and tenements; and that, in determining the value of a Member’s qualification, he should be required to show that it is unencumbered, and rated at not less than £300 a year; and that a Member no longer possessing a qualification should vacate his seat.

Your Committee regret that they have not been able to approach the consideration of the important questions as to increasing the number of members, and re-distributing the Provinces; but they do not doubt that these and other matters, as well as those to which your Committee have applied their recommendations in this report, will receive early attention during the next Session of Parliament.

The Honorable W. H. F. Mitchell moved, That the Report be received and printed.

Question—put and passed.

PAPER.—The Honorable H. Miller laid on the Table the following Paper:—

Diseases, 1865—Report of Chief Medical Officer on.

Ordered to lie on the Table.

ABSENCE OF MINISTERS FROM THE COLONY.—The Honorable H. M. Murphy, in accordance with notice, moved, That, in the opinion of this House, it is highly inexpedient and dangerous to the best interests of the Colony, that the Ministry, or any of them, should be permitted to abandon their duties on a prolonged absence from the Colony.

Debate ensued.

Motion, by leave, withdrawn.

INVENTORS’ RIGHTS PROTECTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable H. Miller moved, That the Report of the Committee be now adopted.

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

The Honorable H. Miller moved, That the title of the Bill be, “*An Act to protect the Rights of Inventors of Articles exhibited at the Intercolonial Exhibition, and at divers Local Exhibitions in Victoria, in the Year One thousand eight hundred and sixty-six.*”

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the other Orders of the Day:—

“*Appropriation Bill*”—to be read a second time.

TRANSFER OF REAL ESTATE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable H. Miller moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable H. Miller moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

Amendment moved by the Honorable J. P. Fawkner, That the word “now” be omitted with a view to add the word “to-morrow” after the word “time.”

Debate ensued.

Question—That the word “now,” proposed to be omitted, stand part of the question—put and passed.

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

Bill read a third time.

The Honorable H. Miller moved, That the title of the Bill be, “*An Act to simplify the Title to and the dealing with Estates in Land.*”

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled, “*An Act to protect the Rights of Inventors of Articles exhibited at the Intercolonial Exhibition and at divers local Exhibitions in Victoria, in the Year One thousand eight hundred and sixty-six,*” and acquaint the Legislative Council that they have agreed to the amendment made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd May, 1866.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

INSOLVENCY STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. S. Anderson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable R. S. Anderson moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. S. Anderson moved, That the Report of the Committee be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable R. S. Anderson, was read a third time and passed.

The Honorable R. S. Anderson moved, That the following be the title of the Bill, "*An Act to amend and explain the Insolvency Statute 1865 and for other Purposes.*"

Question put and passed.

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

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

Question—put and passed.

Bill read a second time.

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

Amendment moved by the Honorable T. H. Fellows, That the word "now" be omitted, with a view to insert the words "on Tuesday next," after the word "Council."

Debate ensued.

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

<p style="text-align: center;">Contents, 6.</p> <p>The Hon. H. Miller C. J. Jenner J. McCrae A. Fraser W. Degraives W. H. Pettett (<i>Teller</i>).</p>	<p style="text-align: center;">Not Contents, 12.</p> <p>The Hon. T. H. Fellows W. H. F. Mitchell Dr. Wilkie H. M. Murphy J. P. Fawkner W. Highett J. F. Strachan R. S. Anderson R. Turnbull J. P. Bear W. Campbell C. Sladen (<i>Teller</i>).</p>
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The question was therefore negatived.

Amendment moved by the Honorable W. Campbell, That the word "to-morrow" be added after the word "Council" instead of the words "on Tuesday next," proposed to be added. Council divided.

<p style="text-align: center;">Contents, 9.</p> <p>The Hon. H. Miller J. McCrae C. J. Jenner W. Campbell W. Degraives A. Fraser R. Turnbull J. P. Bear W. H. Pettett (<i>Teller</i>).</p>	<p style="text-align: center;">Not Contents, 9.</p> <p>The Hon. T. H. Fellows J. F. Strachan Dr. Wilkie W. H. F. Mitchell W. Highett J. P. Fawkner H. M. Murphy R. S. Anderson C. Sladen (<i>Teller</i>).</p>
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The President declared that, in order to give the fullest time for consideration, he gave his voice with the Not Contents.

Question—That the Bill be considered in Committee of the whole Council on Tuesday next—put and passed.

PAPER.—The Honorable H. Miller laid on the Table the following paper—
Aborigines—Central Board, Fifth Report of (30th April, 1866).

Ordered to lie on the Table.

PUBLIC HEALTH LAW AMENDMENT BILL.—The Honorable H. Miller moved, That the further consideration of this Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned at ten o'clock until four o'clock on Wednesday, the 23rd instant.

ORDERS OF THE DAY.

WEDNESDAY, 23RD MAY, 1866.

Government Business.

ORDER OF THE DAY:—

1. PUBLIC HEALTH LAW AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 29TH MAY.

ORDER OF THE DAY:—

1. APPROPRIATION BILL.—To be considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable H. Miller laid on the Table the following paper—
Yackandandah, Watershed—Mining Operations at.—Order in Council (14th May, 1866.)
Ordered to lie on the Table.

PUBLIC HEALTH LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported, that the Committee had gone through the Bill, and had agreed to the same with amendments. The Honorable H. Miller moved, That the Report of the Committee be now adopted. Question—put and passed. The Honorable H. Miller moved, That the third reading of the Bill be made an Order of the Day for Tuesday next. Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council, that a Bill has been forwarded to the Legislative Council as the Bill passed by the Legislative Assembly, intituled, "*An Act to amend and explain the Insolvency Statute 1865 and for other Purposes,*" which was not the Bill passed by the Legislative Assembly.

The Legislative Assembly now transmit to the Legislative Council a Bill, intituled, "*An Act to amend and explain the Insolvency Statute 1865 and for other Purposes,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd May, 1866.

INSOLVENCY STATUTE 1865 AMENDMENT BILL (2).—The Honorable R. S. Anderson moved, That this Bill, now brought from the Legislative Assembly, be read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. S. Anderson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable R. S. Anderson moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. S. Anderson moved, That the Report of the Committee be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable R. S. Anderson, was read a third time, and passed.

The Honorable R. S. Anderson moved, That the following be the title of the Bill, "*An Act to amend and explain the Insolvency Statute 1865 and for other Purposes.*"

Question—put and passed.

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

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

Question—put and passed.

The Council adjourned at six o'clock until four o'clock on Tuesday, the 29th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 29TH MAY, 1866.

1. The Hon. W. HULL: To ask, Why the order of the House of the 20th February, for the production of certain papers with respect to leasing swamps under the Land Act of 1865, has not yet been complied with; and whether such papers will be furnished before the prorogation of Parliament.
2. The Hon. J. F. STRACHAN: To ask, Whether any, and if any, what steps have been taken to satisfy the judgments against the Crown in the cases of Stevenson, Ecroyd, and Dalgety, and, if not, whether it is the intention of the Government to see that the necessary steps are taken for complying with the judgments and orders of the Supreme Court in those cases.
3. The Hon. J. McCRAE: To ask the Honorable Member representing the Government, What steps have been taken by the Government, and what progress made, towards establishing a Branch of the Mint in the Colony.

NOTICE OF MOTION:—

1. The Hon. C. SLADEN: *Contingent* upon The Hon. J. F. Strachan's question not being satisfactorily answered, to move the following Address to His Excellency the Officer Administering the Government:—

That in the year 1865 judgments against the Queen were obtained by several of Her Majesty's subjects for the recovery of moneys which they had been compelled to pay as duties of customs, alleged to be due from them.

Some of those judgments still remain unsatisfied, to the great detriment of the persons in whose favor they have been given.

We therefore pray that Your Excellency will take such steps as to Your Excellency may seem fit, for giving effect to the judgments and orders of the Supreme Court.

ORDERS OF THE DAY:—

1. APPROPRIATION BILL.—To be considered in Committee.
2. PUBLIC HEALTH LAW AMENDMENT BILL.—To be read a third time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PRINTING COMMITTEE.—FIRST REPORT.—The Honorable J. P. Fawcner, as Chairman of the Printing Committee, brought up the First Report of the Committee, and moved that the same be adopted and printed.

Question:—put and passed.

MESSAGE FROM HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT.—The Honorable H. Miller presented to the Council the following Message from His Excellency the Officer Administering the Government.

The Message was read at the Table by the Clerk.

GEORGE J. CAREY,

Officer Administering the Government.

The Officer Administering the Government acknowledges the Address of the Legislative Council, submitting to his consideration certain facts relating to Duties of Customs omitted to be collected by the Officer said to be appointed by Parliament for that purpose, and begging his attention to an alleged serious infraction of the law of the land on the part of the Government of this Colony.

The Officer Administering the Government desires to remind the Legislative Council that the Advisers of the Crown, although not appointed by Parliament, are responsible to Parliament for their executive acts, and for any omission or infraction of their duty in the performance of those Acts. He is informed that the subject referred to in the Address of the Legislative Council is at present engaging the attention of that Branch of the Legislature which is charged by law with the care and control of the public finances, and that a Select Committee has been appointed by that House to consider the question of the Bonds now in course of collection.

Government Offices,

Melbourne, 29th May, 1866.

MESSAGE FROM HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT.—The Honorable H. Miller presented to the Council the following Message from His Excellency the Officer Administering the Government.

The Message was read at the table by the Clerk.

GEORGE J. CAREY,

Officer Administering the Government.

The Officer Administering the Government acknowledges the Address of the Legislative Council, bringing under his attention the provisions of the law relating to Immigration, and the appropriation of public moneys in furtherance of Immigration.

It is enacted, by the 38th section of the Land Act 1862, that the Governor-in-Council may from time to time make regulations for promoting and directing assisted Immigration, and that such regulations shall be first submitted to both Houses of Parliament. It is further enacted, by the 15th section of Act No. 195, that the Governor-in-Council may make regulations for the conduct of emigration to Victoria, and for the

nomination of Immigrants by persons resident therein, and for the distribution of any funds which may be available for the purposes of Immigration; and that no action shall be taken upon any such regulation until the same has been laid before Parliament.

The Officer Administering the Government begs to remind the Legislative Council that Regulations, intended to secure for Victoria a suitable class of Immigrants, and so to moderate the amount of Immigration as to prevent any disturbance of the natural relations between labor and capital, have been framed under these authorities, and have received the sanction of both Houses of Parliament.

The Officer Administering the Government is informed that all moneys available for Immigration purposes, under the provisions of the Land Act 1862, and as directed by the regulations, have been fully expended, without restriction, for those purposes.

Government Offices,
Melbourne, 29th May, 1866.

SWAMPS, APPLICATIONS FOR.—The Honorable H. Miller laid on the Table a Return to an Order of the Council made on the 20th February, 1866.

ELECTORAL ACT AMENDMENT BILL.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to amend the *Electoral Act*, 1865.

Question—put and passed.

Bill brought in and, on the motion of the Honorable T. H. Fellows, read a first time.

The Honorable W. H. F. Mitchell moved, that the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable T. H. Fellows moved, That the report of the Committee be now adopted.

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the Title of the Bill be "*An Act to amend the Electoral Act*, 1865."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Bill be sent to the Legislative Assembly, with a Message desiring their concurrence therewith.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill entitled, "*An Act to amend and explain the Insolvency Statute 1865 and for other Purposes*," and acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council in this Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th May, 1866.

PAPER.—The Honorable H. Miller laid on the Table the following paper:—

Fees in County Courts. Fees in Courts of Mines.—Orders in Council (14th May, 1866).

Ordered to lie on the Table.

APPROPRIATION BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable H. Miller moved, That the Bill be now committed.

Debate ensued.

Question—put and passed.

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

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

The Honorable H. Miller moved, That the Report of the Committee be now adopted.

Amendment moved by the Honorable T. H. Fellows, That all the words after the word "That" be omitted with a view to insert the words "the adoption of the Report of the Committee be made an Order of the Day for to morrow."

Debate ensued.

Question—That the words proposed to be omitted stand part of the question—put.
Council divided.

Contents, 9.
The Hon. H. Miller
G. W. Cole
C. J. Jenner
J. McCrae
W. Campbell
J. Henty
A. Fraser
W. Degraives
W. H. Pettett (*Teller*).

Not Contents, 13.
The Hon. T. H. Fellows
W. H. F. Mitchell
J. P. Bear
Dr. Wilkie
H. M. Murphy
B. Williams
R. S. Anderson
W. Hull
W. Highett
J. F. Strachan
R. Turnbull
J. P. Fawkner
W. J. T. Clarke (*Teller*).

The question was therefore negatived.

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

Question—That the adoption of the Report of the Committee be made an Order of the Day for to morrow—put and passed.

PUBLIC HEALTH LAW AMENDMENT BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable H. Miller, was read a third time and *passed*.

The Honorable H. Miller moved, That the Title of the Bill be "*An Act to amend the Law relating to Public Health.*"

Question—put and passed.

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

The Council adjourned at a quarter past six o'clock until four o'clock on Wednesday, the 30th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 30TH MAY, 1866.

Government Business.

ORDERS OF THE DAY :—

1. APPROPRIATION BILL.—Adoption of Report.

General Business.

NOTICES OF MOTION :—

1. The Hon. R. S. ANDERSON : To move, That there be laid upon the Table of this House a Return showing the amount realized from the sale, leasing, and occupation of Crown Lands during the last four years, distinguishing each year.

The net proceeds each year.

The amount expended for immigration purposes during each of those years, distinguishing the amounts expended for free and assisted immigration.

2. The Hon. C. SLADEN : To move the following Address to His Excellency the Officer Administering the Government :—

That, in the year 1865, judgments against the Queen were obtained by several of Her Majesty's subjects for the recovery of moneys which they had been compelled to pay as duties of customs, alleged to be due from them.

Some of those judgments still remain unsatisfied, to the great detriment of the persons in whose favor they have been given.

We therefore pray that Your Excellency will take such steps as to Your Excellency may seem fit, for giving effect to the judgments and orders of the Supreme Court.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

APPROPRIATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. F. Strachan moved, That the Order of the Day be postponed until to-morrow.

Debate ensued.

Question—put.

Council divided.

	Contents, 12.
The Hon.	S. G. Henty
	B. Williams
	H. M. Murphy
	Dr. Wilkie
	N. Fitzgerald
	W. Highett
	R. S. Anderson
	T. H. Fellows
	R. Turnbull
	J. F. Strachan
	J. P. Bear
	W. H. F. Mitchell (<i>Teller</i>).

	Not Contents, 8.
The Hon.	W. H. Pettett
	H. Miller
	W. Campbell
	G. W. Cole
	W. Degraives
	A. Fraser
	C. J. Jenner
	J. McCrae (<i>Teller</i>).

The question was therefore passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to simplify the Title to, and dealing with, Estates in Land,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, that they have disagreed to others of the said amendments, and agreed to one amendment with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th May, 1866.

TRANSFER OF REAL ESTATE BILL.—The Honorable H. Miller moved, That the Council do not insist on their amendment in clause 5, with which the Legislative Assembly have disagreed.

Question—put and passed.

The Honorable H. Miller moved, That the Council agree to the amendments made by the Legislative Assembly on the amendments made by the Council in clause 7 of the Bill, as follows:—

Leave out "not"

Leave out "one last appointed to his office," and insert "senior solicitor"

Leave out all words after "chief" and insert "examiner":

The amendment, as amended, to be inserted after the word "titles" in line 1 of the clause.

Question—put and passed.

The Honorable H. Miller moved, That the Council do not insist on their amendments in clauses 33 and 125, with which the Legislative Assembly have disagreed.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council do not insist on their amendments with which the Legislative Assembly have not agreed; and that they have agreed to the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in clause 7 of the Bill.

LAND AND IMMIGRATION RETURNS.—The Honorable R. S. Anderson, in accordance with *amended* notice, moved, That there be laid upon the Table of this House a Return showing the amount realized from the sale, leasing, and occupation of Crown Lands during the last four years, distinguishing each year.

The net proceeds each year.

The amount expended for immigration purposes during each of those years, distinguishing the amounts expended for free and assisted immigration, and giving credit for all deposits received from nominators.

Debate ensued.

Question—put and passed.

The Council adjourned at ten minutes past five o'clock until four o'clock on Thursday, the 31st instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 31ST MAY, 1866.

ORDER OF THE DAY:—

1. APPROPRIATION BILL.—Adoption of Report.

TUESDAY, 5TH JUNE.

NOTICE OF MOTION:—

1. The Hon. H. M. MURPHY: To move, That the Message from His Excellency the Officer Administering the Government, relating to unpaid duties, be now taken into consideration.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 31ST MAY, 1866.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

APPROPRIATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. Miller moved, That the Report of the Committee be now adopted.

Debate ensued.

Question—put and passed.

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

The Honorable H. Miller moved, That the title of the Bill be "*An Act to apply a sum out of the Consolidated Revenue to the service of the year One thousand eight hundred and sixty-six and to appropriate the Supplies granted in this Session of Parliament and for other purposes.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled, "*An Act to amend the Law relating to Public Health,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, that they have disagreed to others of the said amendments, and have agreed to one of the said amendments with an amendment, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 31st May, 1866.

PAPER.—The Honorable H. Miller laid on the table the following paper:—

Amending Land Act 1865, and Land Act 1862 (Report of proceedings up to 31st December, 1865).

Ordered to lie on the table.

PUBLIC HEALTH LAW AMENDMENT BILL.—The Honorable H. Miller moved, That the consideration of the disagreement of the Legislative Assembly with the amendments made by the Council in clause 1 of the Bill be postponed until after the consideration of the remainder of the amendments.

Debate ensued.

The Honorable J. P. Fawkner moved, That the debate be adjourned until Tuesday next.

Debate ensued.

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

Council divided.

Contents, 9.
The Hon. T. H. Fellows
J. F. Strachan
N. Fitzgerald
J. P. Fawkner
J. P. Bear
H. M. Murphy
R. S. Anderson
W. J. T. Clarke
B. Williams (*Teller*).

Not Contents, 9.
The Hon. H. Miller
W. H. Pettett
C. J. Jenner
G. W. Cole
W. Degraives
Dr. Wilkie
R. Turnbull
A. Fraser
J. McCrae (*Teller*).

The President declared that, in order to give the fullest time for consideration, he gave his voice with the Contents.

The question was therefore passed.

ROYAL ASSENT TO BILLS.—The Honorable H. Miller presented to the President a communication from the Private Secretary of His Excellency the Governor, announcing that it is His Excellency's intention to proceed to the Legislative Council Chamber on Friday, the 1st day of June, at half-past four o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and the Legislative Assembly.

SUSPENSION OF STANDING ORDER XXIV.—The Honorable H. Miller moved, That Standing Order No. XXIV. be suspended, with a view to moving the adjournment of the House until to-morrow.

Debate ensued.

Question—put.

A division being called for, and notice being taken that there was not a quorum of members present, the President counted the House, and, there not being a quorum, adjourned the Council to the next sitting day.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 5TH JUNE, 1866.

NOTICE OF MOTION:—

1. The Hon. H. M. MURPHY : To move, That the Message from His Excellency the Officer Administering the Government, relating to unpaid duties, be now taken into consideration.

ORDER OF THE DAY:—

1. PUBLIC HEALTH LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 1ST JUNE, 1866.

APPROACH OF HIS EXCELLENCY THE OFFICER ADMINISTERING THE GOVERNMENT.—The approach of His Excellency the Officer Administering the Government was announced by the Usher.

ROYAL ASSENT TO BILLS.—His Excellency the Officer Administering the Government came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber; who being come, with their Speaker, he, after a speech to His Excellency, delivered the Appropriation Bill to the Clerk, who brought it to the table.

His Excellency was then pleased to assent, in Her Majesty's name, to the following Bills:—

- “An Act to apply a Sum out of the Consolidated Revenue to the Service of the year One thousand eight hundred and sixty-six, and to appropriate the Supplies granted in this Session of Parliament, and for other Purposes.”*
- “An Act to remove Doubts Concerning the Law relating to the Grant of Land Certificates to Volunteers.”*
- “An Act to alter the Style and Title of the Australasian Fire and Life Insurance Company, and for other Purposes.”*
- “An Act to amend the Law relating to the Post Office.”*
- “An Act to protect the Rights of Inventors of Articles exhibited at the Inter-colonial Exhibition, and at divers Local Exhibitions in Victoria, in the year One thousand eight hundred and sixty-six.”*
- “An Act to amend and explain the ‘Insolvency Statute 1865,’ and for other Purposes.”*
- “An Act to simplify the Title to, and the dealing with, Estates in Land.”*

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

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

“G. J. CAREY,
“Officer Administering the Government.”

The Clerk of the Parliaments delivered to Mr. Speaker a Schedule of the Acts assented to.

His Excellency was then pleased to speak as follows:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I am glad to be able to release you from your legislative labors, after a session which has not been unusually protracted. Nevertheless the measures which, within the past few weeks, have become law are not unimportant, and must have a sensible effect on the interests and future progress of the country.

A Bill for the appropriation of the votes of the Assembly for the year 1865 has become law, and thus the final sanction of the Legislature has been given to the exceptional, but, in the opinions of my advisers and of the Assembly, the necessary expenditure in the past year for the upholding of the various establishments of the colony.

I am happy to be able to inform you that my advisers continue to receive the most favorable reports of the uninterrupted beneficial operation of the Amending Land Act of the year 1865. Throughout the various agricultural areas which have been opened to selection, large quantities of land have passed into the hands of the farming class of our fellow colonists, and in every district evidence is afforded of the increasing occupation of the country, by a settled and industrious population.

The new Tariff is also now in full operation, and, as yet, has not been followed by any of those injurious consequences to our commerce which were so confidently predicted by the opponents of that measure.

You will be gratified to learn that the Act for the Establishment of Post Office Savings Banks is still working most beneficially. Affording, as these institutions do, the means for the industrious and provident portion of our community placing the smallest savings in perfect security, the spirit of thrift is generated, and diffused by these facilities; and the deposits are steadily increasing in amount from week to week.

A Bill for the reduction of our postal rates has become law, which will take effect from the 1st of August next.

The powers conferred upon the Government, by the Act for providing a general system of water supply to the colony, are being energetically acted upon by my advisers. Surveys have been effected in various extensive districts, and contracts have been entered into for performance of several most important works, which will be commenced forthwith. It is a necessary and interesting characteristic of the legislation of a young country like that of Victoria, the capabilities of which are but in a nascent state, that it shall aim at the future development of the colony, whilst providing merely for the exigencies of the present time; and I think you may look back with pride on the enactment of a measure which, having regard to the probable future benefits it is calculated to confer on all the leading interests of the country, is certainly second to none on the Statute book of the Victorian Parliament.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I thank you on behalf of Her Majesty for the liberality with which, by your votes, you have provided for the public service of the present year.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

In accordance with a recommendation of the Legislative Assembly, a member of the Government has proceeded to England for the purpose of carrying out the negotiations relating to our Defences and other important subjects of public policy with Her Majesty's Government in England. The Honorable Mr. Verdon, the Treasurer, has been deputed by my advisers for the purpose of carrying out this object, and it is expected that his mission may be completed, and that he may be able to return to the colony within a few months.

I now release you from your duties; and in Her Majesty's name declare this Parliament to be prorogued to Thursday the 12th day of July next, and it is hereby prorogued accordingly.

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

His Excellency the Officer Administering the Government left the Council Chamber.

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

SELECT COMMITTEES.

APPOINTED DURING THE (SECOND) SESSION OF 1866.

No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 12th April, 1866.

The Hon. William Campbell
Thomas Howard Fellows
William Highett

The Hon. Henry Miller
William H. F. Mitchell
Charles Sladen
Robert Turnbull.

No. 2.—COMMITTEE TO CONFER WITH COMMITTEE OF LEGISLATIVE ASSEMBLY.

Appointed 12th April, 1866.

The Hon. C. Sladen
W. Highett
W. H. F. Mitchell
W. Campbell

The Hon. J. F. Strachan
J. P. Bear
A. Fraser (*Mover*).

No. 3.—STANDING ORDERS.

Appointed 12th April, 1866.

The Hon. The President
T. H. Fellows
C. Sladen

The Hon. J. F. Strachan
H. Miller (*Mover*).

No. 4.—LIBRARY (JOINT).

Appointed 12th April, 1866.

The Hon. The President
J. Henty
C. Sladen

The Hon. W. Hull
J. P. Bear.

No. 5.—PRINTING.

Appointed 12th April, 1866.

The Hon. J. P. Fawcner
W. Campbell
C. J. Jenner

The Hon. J. Lowe
J. McCrae.

No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 12th April, 1866.

The Hon. W. Highett
N. Fitzgerald
A. Fraser

The Hon. W. H. Pettett
H. Miller (*Mover*).

No. 7.—PARLIAMENT BUILDINGS (JOINT).

Appointed 12th April, 1866.

The Hon. The President
W. Degraves
W. Taylor

The Hon. G. W. Cole
R. Turnbull.

No. 8.—CONSTITUTION OF LEGISLATIVE COUNCIL.

Appointed 24th April, 1866.

The Hon. W. H. F. Mitchell	The Hon. T. H. Fellows
J. Lowe	W. Degraives
H. Miller	H. M. Murphy
C. Sladen	J. P. Fawkner
A. Fraser	W. Highett (<i>Mover</i>).

No. 9.—REPLY OF HER MAJESTY TO ADDRESS OF COUNCIL.

Appointed 2nd May, 1866.

The Hon. H. Miller	The Hon. W. Campbell
W. Degraives	C. Sladen (<i>Mover</i>).
T. H. Fellows	
W. H. F. Mitchell	

No. 10.—UNCOLLECTED TEA, SUGAR, OPIUM, AND GOLD DUTIES.

Appointed (by Ballot) 17th May, 1866.

The Hon. H. M. Murphy (<i>Mover</i>)	The Hon. Dr. Wilkie
R. S. Anderson	H. Miller.
W. Highett	

VICTORIA.

LEGISLATIVE COUNCIL.

(2ND) SESSION 1866.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

MONDAY, 21ST MAY, 1866.

No. 1.—POST OFFICE LAW AMENDMENT BILL.—Clause 9.—Every copy of a paper containing any public news or occurrences or any remarks or observations thereon or upon any political matter or containing only or principally advertisements and printed for sale or for gratuitous distribution may be sent by post as an inland or foreign newspaper within the meaning of this Act if it shall be periodically published in parts or numbers at intervals not exceeding one month and every such part or number shall be deemed to be a separate newspaper within the meaning aforesaid.

Motion made and question put—That this clause be postponed.—(*Hon. H. M. Murphy.*)

Committee divided.

Contents, 3.

The Hon. H. M. Murphy
J. P. Fawkner
B. Williams (*Teller.*)

Not Contents, 16.

The Hon. W. H. F. Mitchell
W. Campbell
The President
H. Miller
W. J. T. Clarke
W. Degraives
W. H. Pettett
C. J. Jenner
J. McCrae
J. F. Strachan
R. Turnbull
A. Fraser
J. P. Bear
W. Highett
G. W. Cole
C. Sladen (*Teller.*)

TUESDAY, 22ND MAY, 1866.

NO. 2.—TRANSFER OF REAL ESTATE BILL.—Clause 6.—In case of illness or absence the Governor in Council may appoint a person to act as the deputy of the Commissioner of Titles during such illness or absence and such deputy while acting under such appointment shall have all the powers and perform all the duties of the Commissioner of Titles.

Motion made and question put—That this clause be postponed.—(*Hon. W. Highett.*)

Committee divided.

Contents, 5.

The Hon. W. Hull
H. M. Murphy
W. H. F. Mitchell
J. P. Fawcner
W. Highett (*Teller*).

Not Contents, 14.

The Hon. J. Lowe
G. W. Cole
H. Miller
W. J. T. Clarke
W. Campbell
C. J. Jenner
R. S. Anderson
W. Degraives
J. F. Strachan
R. Turnbull
T. H. Fellows
C. Sladen
A. Fraser
W. H. Pettett (*Teller*).

1866.
[SECOND SESSION.]

VICTORIA.

UNPAID CUSTOMS DUTIES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE J. P. FAWKNER.—2ND MAY, 1866.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE H. MILLER 15TH MAY, 1866,
AND ORDERED BY THE COUNCIL TO BE PRINTED 29TH MAY, 1866.

A RETURN, showing what amount, if any, of the bonds given for unpaid duties have been recovered, and what steps have been taken to redeem the pledge on behalf of their recovery given by the Honorable Member representing the Government. Also, What opinions have been given by the Law Officers, or other barristers, touching the recovery of the unpaid duties of £62,000, and the cases submitted upon which such opinions have been evoked.

Memorandum in reply to an Order of the Honorable the Legislative Council, dated 2nd May, 1866, relative to unpaid Customs Duties.

No amount has been recovered under the Bonds for unpaid duties, nor will any actions be proceeded with pending the result of inquiry by a Committee of the Legislative Assembly about to be appointed to investigate and report upon the subject.

Written opinions regarding the £62,000 have not been obtained from the Crown Law Officers.

By Authority : JOHN FERRES, Government Printer, Melbourne.

1866.
[SECOND SESSION.]

VICTORIA.

PROGRESS REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

CONSTITUTION OF LEGISLATIVE COUNCIL;

TOGETHER WITH THE PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 22ND MAY, 1866.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 24TH APRIL, 1866.

CONSTITUTION OF LEGISLATIVE COUNCIL.—The Honorable W. Highett, in the absence and on behalf of the Honorable W. H. F. Mitchell, moved, That the subject of altering and amending the Constitution of this House be referred to a Select Committee of ten members, with power to call for witnesses and papers, and that the Committee have power to sit during adjournment of the House.

Debate ensued.

Question—put and passed.

The Honorable W. Highett, in accordance with *amended contingent* notice, moved, That the Select Committee consist of the Honorables W. H. F. Mitchell, J. Lowe, H. Miller, C. Sladen, A. Fraser, T. H. Fellows, W. Degraives, H. M. Murphy, J. P. Fawkner, and the mover.

Question—put and passed.

TUESDAY, 22ND MAY, 1866.

CONSTITUTION OF LEGISLATIVE COUNCIL.—The Honorable W. H. F. Mitchell, as Chairman of the Select Committee appointed on the 24th ultimo, to take into consideration “the subject of altering and amending the Constitution of the Council,” brought up a Progress Report prepared by the Committee.

The Report was read at the table by the Clerk.

The Honorable W. H. F. Mitchell moved, That the Report be received and printed.

Question—put and passed.

PROGRESS REPORT.

THE SELECT COMMITTEE of your Honorable House, appointed on the 24th of April, to whom was referred the subject of altering and amending the Constitution of the Legislative Council, have met six times, viz. : on the 1st, 2nd, 8th, 15th, 16th, and 22nd instant ; but, in the absence of returns ordered on the 13th March last, and in consequence of the intended early prorogation of Parliament, they have been unable to deal fully with the question submitted to them.

Your Committee, however, deem it their duty to report the progress they have made.

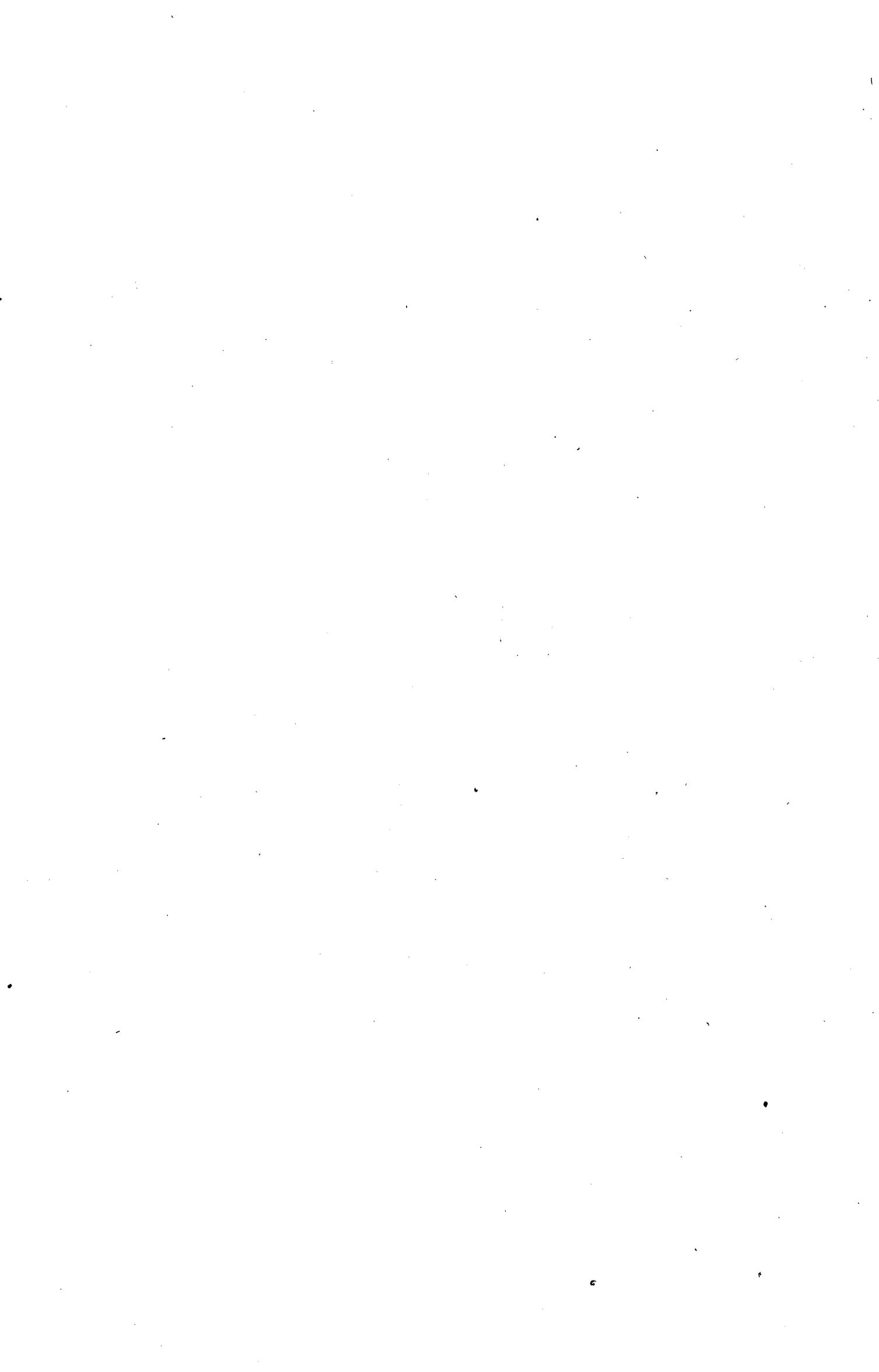
They have agreed to recommend—

- 1st. That the qualification of Electors should be reduced one half; and that, in determining the value of an Elector's property, it should be shown that it was rated on the Roll of a Borough, Shire, or Road Board, at not less than £50 a year.
- 2nd. That any tenant rated at not less than £50 a year should be entitled to vote.
- 3rd. That the qualification of Members should be reduced to £3000 in lands and tenements; and that, in determining the value of a Member's qualification, he should be required to show that it is unencumbered, and rated at not less than £300 a year; and that a Member no longer possessing a qualification should vacate his seat.

Your Committee regret that they have not been able to approach the consideration of the important questions as to increasing the number of members, and re-distributing the Provinces; but they do not doubt that these and other matters, as well as those to which your Committee have applied their recommendations in this report, will receive early attention during the next Session of Parliament.

W. H. F. MITCHELL,
Chairman.

Committee Room,
22nd May, 1866.



PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 1ST MAY, 1866.

Members present :

The Honorables W. Highett, J. P. Fawcner, W. H. F. Mitchell, J. Lowe, H. Miller, H. M. Murphy, C. Sladen, and A. Fraser.

On the proposition of the Honorable W. Highett, it was resolved that the Honorable W. H. F. Mitchell be Chairman of the Committee.
Committee deliberated.

Committee adjourned till 2:30 p.m. on Wednesday, 2nd instant.

WEDNESDAY, 2ND MAY, 1866.

Members present :

The Hon. W. H. F. Mitchell (in the chair),

The Honorables W. Degraives, W. Highett, C. Sladen, J. P. Fawcner, A. Fraser, and T. H. Fellows.

The Honorable A. Fraser moved, That the qualification under Clause 5 of the Electoral Statute be reduced to one-half of the present qualification.

The Honorable C. Sladen moved an amendment, That the qualification under Clause 5 of the Electoral Statute be reduced to one-quarter of the present qualification.

Amendment—put and lost.

Content.
The Hon. C. Sladen.

Not Content.
The Hon. W. Degraives
W. Highett
J. P. Fawcner
A. Fraser
T. H. Fellows.

Original resolution—put and passed.

The Honorable T. H. Fellows moved, That no property in any city, town, borough, shire, or road district, be deemed of sufficient value unless rated at the amount named.

Question—put and passed.

The Honorable T. H. Fellows moved, That, with regard to gross value, property be not deemed of sufficient value unless the same shall be rated at an amount equal to or greater than £10 per cent. of the value.

Question—put and passed.

Committee adjourned, and ordered to be summoned for the next day of meeting of the Council.

TUESDAY, 8TH MAY, 1866.

Members present :

The Hon. W. H. F. Mitchell (in the chair),

The Honorables C. Sladen, H. Miller, J. P. Fawcner, W. Highett, J. Lowe, A. Fraser, and H. M. Murphy.

The Honorable J. P. Fawcner moved, That all persons included in a rate-payers roll, and rated at not less than Fifty pounds per annum, shall be entitled to vote for the Legislative Council.

Question—put and passed.

The Honorable Henry Miller withdrew.

The Honorable J. P. Fawcner moved, That the qualification of Members of Council be reduced to £2500.

The Honorable W. Highett moved, as an amendment, That the qualification of Members of Council be £4000; such qualification to continue in force during the whole term for which elected: Provided, that upon any Member parting with his qualification, or any part thereof, he may, upon making a fresh declaration, be allowed to substitute other property in lieu of that parted with.

Committee deliberated.

Committee adjourned, and ordered to be summoned for the next day of meeting of the Council.

TUESDAY, 15TH MAY, 1866.

Members present :

The Hon. W. Highett (in the chair),
The Honorables A. Fraser, H. M. Murphy, J. P. Fawkner, and H. Miller.

Committee deliberated on the questions proposed at the previous meeting, *i.e.*, That the qualification of members of Council be reduced to £2500, and, That the qualification of members of Council be £4000 (the chairman agreeing to put the remainder of his proposition separately).

Question—That the qualification of members of Council be £4000—put and lost.

Content.	Not Content.
The Hon. W. Highett	The Hon. A. Fraser
H. M. Murphy.	J. P. Fawkner
	H. Miller.

Question—That the qualification of members of Council be reduced to £2500—put and passed.

Moved by the Chairman—That such qualification continue in force during the whole term for which the member shall be elected, provided that, upon any member parting with his qualification, or any part thereof, he may, upon making a fresh declaration, be allowed to substitute other property in lieu of that parted with.

Committee deliberated.

Proposition withdrawn, and the following substituted by the Chairman—That such qualification continue in force during the whole term for which the member shall be elected, provided that, upon any member parting with his qualification, or any part thereof, he shall be disqualified; but that he may, upon making a fresh declaration, be allowed to substitute other property in lieu of that parted with.

Question—put and passed.

Committee adjourned.

WEDNESDAY, 16TH MAY, 1866.

Members present :

The Hon. W. H. F. Mitchell (in the chair),
The Honorables W. Highett and W. Degraives.

Committee adjourned till Tuesday, 22ND instant, at 2:30.

TUESDAY, 22ND MAY, 1866.

Members present :

The Honorable W. H. F. Mitchell (in the chair),
The Honorables H. M. Murphy, C. Sladen, W. Degraives, J. P. Fawkner, W. Highett,
A. Fraser, and J. Lowe.

The Honorable W. Highett moved, That a Progress Report be brought up.

Question—put and passed.

Draft Report submitted by the Chairman.

Paragraph 1 read and agreed to as follows:—

The Select Committee of your Honorable House, appointed on the 24th of April, to whom was referred the subject of altering and amending the Constitution of the Legislative Council, have met six times, *viz.* : on the 1st, 2nd, 8th, 15th, 16th, and 22nd instant; but in the absence of returns ordered on the 13th March last, and in consequence of the intended early prorogation of Parliament, they have been unable to deal fully with the question submitted to them.

Paragraph 2 read and agreed to as follows:—

Your Committee, however, deem it their duty to report the progress they have made.
They have agreed to recommend—

Paragraph 3 read and agreed to as follows:—

1st. That the qualification of Electors should be reduced one-half, and that in determining the value of an Elector's property, it should be shown that it was rated on the Roll of a Borough, Shire, or Road Board, at not less than £50 a-year.

Paragraph 4 read and agreed to as follows:—

2nd. That any tenant rated at not less than £50 a year should be entitled to vote.

Paragraph 5 read as follows:—

3rd. That the qualification of Members should be reduced to £ in lands and tenements; and that in determining the value of a Member's qualification, he should be required to show that it is unencumbered, and rated at not less than £300 a-year; and that a Member no longer possessing a qualification should vacate his seat.

Moved by the Honorable J. P. Fawcner, That the blank be filled in with the figures £2500.
 Amendment moved by the Honorable C. Sladen, That the blank be filled in with the figures £3000.

Question—That the blank be filled in with the figures £2500—put.

Content.	Not Content.
The Hon. J. Lowe	The Hon. C. Sladen
A. Fraser	H. M. Murphy
J. P. Fawcner.	W. Highett
	W. Degraves.

The question was therefore negatived.

Question—That the blank be filled in with the figures £3000—put.

Content.	Not Content.
The Hon. J. Lowe	The Hon. W. Highett
A. Fraser	W. Degraves.
J. P. Fawcner	
C. Sladen	
H. M. Murphy.	

The question was therefore passed.

Paragraph 5 put and passed.

Paragraph 6 read and agreed to as follows :—

Your Committee regret that they have not been able to approach the consideration of the important questions as to increasing the number of members, and re-distributing the Provinces; but they do not doubt that these and other matters, as well as those to which your Committee have applied their recommendations in this report, will receive early attention during the next Session of Parliament.

Chairman ordered to report to the House accordingly.

1866.
[SECOND SESSION.]

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND
ORDERED BY THE COUNCIL TO BE PRINTED 29TH MAY, 1866.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report as appears by such Table :—

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Electric Telegraph.—Report of General Superintendent for year ending 31st December, 1865.	11th April, 1866.	... ..	No order made.
Neglected and Criminal Children Act, 1864.—Report on Female Reformatory School, Abbotsford (8th January, 1866)	"	"
Volunteer Force Regulations (26th March, 1866)	"	"
Health Officer, Acting—Report of (1865)	12th April, 1866	... ..	"
Post Office Department.—Report to 31st December, 1865	24th April, 1866	... ..	"
Post Office Savings Banks.—Account of deposits received and paid, and expenses incurred (1865)	"	"
Mines—Courts of—General Rules for (6th April, 1866)	24th April, 1866	... ..	"
Victorian Railways.—Report of Board of Land and Works (1865)	"	"
Minute by the Governor, announcing relief from his duties as Representative of the Queen, with Despatches and Papers	1st May, 1866	By Command	"
Minute by the Governor, putting the Chief Secretary in possession of Correspondence between His Excellency the Governor and the Honorable T. H. Fellows	"	"	"
Minute by the Chief Secretary in reply to preceding	"	"
Conditions of Reward for discovering Gold Fields (1866)	"	"
Mineral Statistics, Victoria (1865)	"	"
Lands sold and leased under provisions of certain sections of the Land Act, 1862, from 1st July to 31st December, 1864, and from 1st January to 30th June, 1865	2nd May, 1866	... ..	"
Education Board of.—Fourth Report (for year 1865)	"	"
Mining Surveyors and Registrars, Reports of (Quarter ending 31st March, 1866)	15th May, 1866	... ..	"

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Swamp, West Melbourne—Conditions of proposed lease of portion of, to Mr. Francis Brown	15th May, 1866	... ..	* Recommended to be printed, unless so ordered by the Legislative Assembly.
Swamp, Koo-Wee-Rup—Conditions of proposed lease of, to Messrs. Graham Berry and Thomas Kennedy Lowry	"	* Recommended to be printed, with lithographed plan, unless so ordered by the Legislative Assembly.
Swamp, Tootgarook—Conditions of proposed lease of, to Mr. Thomas Creighton	"	* "
Unpaid Custom Duties.—Return to Order of Council	Hon. J. P. Fawkner, 2nd May, 1866	"	... ..	Recommended to be printed.
Railways, Victorian.—Report of Board of Land and Works (1865)	"	No order made.
Defences of the Colony.—Despatch from the Right Honorable the Secretary of State for the Colonies (No. 30, 26th March, 1866)	17th May, 1866	By Command	"
Diseases, 1865.—Report of Chief Medical Officer on	22nd May, 1866	... ..	"
Aborigines—Central Board—Fifth Report of (30th April, 1866)	"	"
Yackandandah Water Shed—Mining Operations at.—Order in Council (14th May, 1866)	23rd May, 1866	... ..	"

* These Papers have been printed by order of the Assembly.

JOHN P. FAWKNER,
Legislative Council Chambers, Chairman.
Melbourne, 29th May, 1866.

1866.

[SECOND SESSION.]

VICTORIA.

PETITION.

POLLUTION OF THE YARRA.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 21st MAY, 1866.

To THE HONORABLE THE LEGISLATIVE COUNCIL OF VICTORIA, ETC., ETC., ETC.

The Petition of the Mayor, Aldermen, Councillors, and Citizens of the City of Melbourne—

SHOWETH :

That your Petitioners have observed with regret that the portion of the Public Health Laws Amendment Bill which provides against the further pollution of the River Yarra has been struck out of the said Bill, during the progress thereof through the honorable the Legislative Assembly, for the ostensible purpose of allowing the establishment of manufactories on the river bank, and of permitting them to discharge their refuse into the river.

That your Petitioners beg to point out that a diametrically opposite course is, as the result of long experience, being adopted in the mother country, where sewage and foul matter are being carefully excluded from the rivers; and the most effective means are being adopted for restoring the streams to purity.

That sanitary experience having proved such a course necessary in England, where streams are numerous and water abundant, it is manifestly much more necessary in respect to the Yarra, which is the only river of importance in this part of Victoria.

That, if for no other reason than the fact that a considerable suburban population are dependent upon the Yarra for water for domestic use, and that such may at any time be the case with the inhabitants of the entire city, in the event of interruption of the supply from Yan Yean, your Petitioners submit that the river should be kept in such a condition of purity, as to admit of its waters being available for domestic consumption.

That, as your Petitioners are informed and believe, the proposal to pollute the river is popular only in certain suburbs of the city, from a desire to increase the rating, the number of the working population, and the municipal importance of those places; but your Petitioners submit that the preservation of human life and health is of more importance than the increase of pecuniary profit to individuals, or of municipal weight to corporations; that the water supply from Yan Yean is sufficient for a far larger number of manufactories than have yet been established, and that sites can be obtained for such works in localities not draining into the River Yarra above Melbourne.

That it would be unjust to those manufacturers who take their supplies of water from Yan Yean, and are taxed therefor, that others should be permitted, by making use of the River Yarra, to evade such taxation.

That your Petitioners would further point out, that manufactories may be established on the banks of the Yarra, and the water of the river be utilized without polluting the river, if an efficient system of underground drainage be constructed, a work which will be greatly simplified by the system now about to be adopted, of removing night-soil and house refuse without the agency of sewers.

That your Petitioners beg to appeal to the reports from the General Board of Health of England, and other like documents, printed by authority of the Imperial Parliament, in illustration of the terrible consequences which have attended the drinking of polluted water, and the breathing of the atmosphere poisoned by the evaporation thereof; and your Petitioners earnestly look to your honorable House for protection against the like dreadful calamities.

Your Petitioners, therefore, pray that your honorable House will be pleased to restore to the said Bill the portions thereof so struck out, and to insist upon their retention therein, or that otherwise the said Bill may be rejected, whereby the existing law forbidding the further pollution of the River Yarra will remain in force.

And your Petitioners will ever pray.

WM. BAYLES,
Mayor.

E. G. FITZGIBBON,
Town Clerk.



By Authority : JOHN FERRIS, Government Printer, Melbourne.



VICTORIA, VOTES & PROCEEDINGS OF THE EXECUTIVE COUNCIL, 2ND SESS: 1866.