

VICTORIA



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL.



SESSION.

1869.

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VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1869,

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

By Authority:

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AT THE OPENING OF THE SIXTEENTH SESSION OF PARLIAMENT.

| Names arranged in the Order of Retirement. | Elected at— | | Remarks. |
|--|-------------------|-------------------|---|
| | Nomination. | Polling. | |
| CENTRAL PROVINCE : | | | |
| Thomas Turner a'Beckett | 19th Sept., 1868 | ... | Retired by rotation and was re-elected. |
| James Graham | 20th Sept., 1866. | | |
| John Pascoe Fawkner | 20th Sept., 1864. | | |
| John O'Shanassy | 26th Feb., 1868. | | |
| George Ward Cole | 20th Sept., 1860. | | |
| SOUTH PROVINCE : | | | |
| John Pinney Bear | ... | 3rd Oct., 1868 | Retired by rotation and was re-elected. |
| W. A. C. a'Beckett | ... | 16th Sept., 1868 | Elected instead of the Hon. John Sherwin, deceased. |
| William Henry Pettett | ... | 3rd Oct., 1864. | |
| W. J. T. Clarke | ... | 29th Sept., 1862. | |
| William Degraives | 18th Sept., 1860. | | |
| SOUTH-WESTERN PROVINCE : | | | |
| Caleb Joshua Jenner | 29th Sept., 1868 | ... | Retired by rotation and was re-elected. |
| Thomas Learmonth | ... | 11th Oct., 1866. | |
| Robert Culbertson Hope | ... | 23rd April, 1867. | |
| James Henty | 27th Sept., 1862. | | |
| John McCrae | 9th Feb., 1869 | ... | Accepted an office of profit and was re-elected. |
| WESTERN PROVINCE : | | | |
| Robert Simson | 6th Oct., 1868 | ... | Elected instead of the Hon. C. Sladen, who retired by rotation. The Hon. C. Sladen had previously accepted an office of profit and had been re-elected on the 15th May, 1868. |
| Stephen George Henty | 6th Oct., 1866. | | |
| James Ford Strachan | ... | 8th Aug., 1866. | |
| Neil Black | 6th Oct., 1862. | | |
| Sir James Frederick Palmer | 5th Oct., 1860. | | |
| NORTH-WESTERN PROVINCE : | | | |
| Francis Robertson | ... | 2nd Nov., 1868 | Elected instead of the Hon. D. E. Wilkie, who retired by rotation. |
| Alexander Fraser | 19th Oct., 1866. | | |
| Nicholas Fitzgerald | ... | 2nd Nov., 1864. | |
| William Campbell | ... | 1st Nov., 1862. | |
| William Henry Fancourt Mitchell | 13th Jan., 1862. | | |
| EASTERN PROVINCE : | | | |
| Benjamin Williams | ... | 24th Oct., 1868 | Retired by rotation and was re-elected. |
| Robert Stirling Anderson | 10th Oct., 1866. | | |
| Henry Morgan Murphy | ... | 24th Oct., 1864. | |
| Robert Turnbull | 14th Dec., 1863. | | |
| William Highett | 5th Oct., 1860. | | |

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- ” 2. Import, Export, and Shipping Returns, &c., for year 1868.
- 16th Feb. 3. Address of Condolence on Assassination of the late President of the United States.—
Communication from the Department of State at Washington.
- ” 4. Blackwood—County Courts.—Order in Council (25th January, 1869).
- ” 5. Mortlake—County Courts.—Order in Council (16th November, 1868).
- ” 6. Bairnsdale—County Courts.—Order in Council (1st February, 1869).
- ” 7. Wardens—General Rules for Proceedings before (30th December, 1868).
- ” 8. Rushworth—Mining on Portion of Camp Reserve authorized.—Order in Council (11th
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- ” 9. Mineral Leases—Alteration of Regulations relating to.—Order in Council (9th November,
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- ” 10. Gold Mining Leases—Alteration of Regulations relating to.—Order in Council (9th
November, 1868).
- ” 11. Mining Tenements—Fees for Surveys of.—Beechworth District (23rd November, 1868).
- ” 12. Victorian Volunteer Force.—Regulations in respect of Allowances rescinded (31st
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- ” 13. Mining Surveyors and Registrars—Reports of, for quarter ending 31st December, 1868.
- ” 14. Bairnsdale—County Court.—Order in Council (1st February, 1869).
- 23rd Feb. 15. Paying or compensating Members of the Legislature.—Report of Royal Commission (8th
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- ” 16. Statistics of the Colony of Victoria for the Year 1867.—Part V.—Finance, &c. Part VI.—
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- 2nd Mar. 17. Steiglitz Division.—Polling Places.—Order in Council (15th February, 1869).
- ” 18. Donnelly's Creek Division.—Additional Polling Places.—Order in Council (1st February,
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- ” 19. Sandhurst Mining District.—Additional Polling Places for certain Divisions.—Order in
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- ” 20. Mining Surveyors and Registrars—Reports of, for quarter ending 30th September, 1868.
- ” 21. Hospitals for Insane—Report of Inspector of Asylums on (4th February, 1869).
- ” 22. Official Agents.—Regulations for (25th January, 1869).
- ” 23. Schedule D.—Statement of Expenditure (1866 and 1867).
- 9th Mar. 24. Victoria Volunteer Force—Regulation respecting (22nd February, 1869).
- ” 25. Paying or compensating Members of the Legislature.—Additional papers.
- 16th Mar. 26. Mansfield County Court.—Order in Council (1st March, 1869).
- 7th April. 27. Message from His Excellency the Governor, transmitting Despatch from the Right
Honorable the Secretary of State, announcing Her Majesty's pleasure with respect to
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- ” 28. Warrenheip and Bungaree Reservoirs Site excepted from Mining Operations.—Order in
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- ” 29. Schedule D to 18 and 19 Vic. cap. 55—Statement of Expenditure under, on account of the
year 1868.
- ” 30. Health Officer's Report for year ending 31st December, 1868.
- ” 31. Walhalla, County Court and Court of Mines at.—Order in Council (15th March, 1869).
- ” 32. Water Supply, Victorian—
Statement of Expenditure, 1868, out of Water Works Loan, 1865.—No. 287.
Estimate of Proposed Expenditure in Castlemaine and Sandhurst Districts and Town
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Statement of Application of Moneys during 1868, out of Loan, No. 332, *Public Works
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Draft of Bill, and Schedule thereto, for applying Money raised under the *Public
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- 15th April. 33. Electric Telegraph.—Report and Appendices for the year 1868.
- ” 34. Post Office Department.—Report for the year 1868.
- ” 35. Paying or compensating Members of the Legislature.—Further papers in connection with
Report of Royal Commission.
- ” 36. Castlemaine—Mining operations authorized on excepted lands at.—Order in Council (22nd
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- 5th May. 37. Bright—County Court to be holden at.—Order in Council (26th April, 1869).
- ” 38. Bright—Court of Mines, Beechworth District—to be holden at.—Order in Council (26th April, 1869).
- ” 39. Gippsland Mining District—Polling Places for.—Order in Council (12th April, 1869).
- ” 40. Races, Drains, Dams, and Reservoirs—Regulations respecting Licences to cut.—Order in Council (12th April, 1869).
- ” 41. Ballarat—Powers, &c., of Officers in Mining District of.—Order in Council (12th April, 1869).
- ” 42. Ratepayers’ Rolls.—Return to an Order of the Council.
- 19th May 43. Education—Seventh Report of Board of (1868).
- ” 44. Telegraphic Communication between Europe and Australia.—Letter with Enclosures, from Agent-General (25th February, 1869).
- ” 45. Mining Surveyors’ and Registrars’ Reports.—Quarter ending 31st March, 1869.
- ” 46. Ratepayers’ Rolls.—Further Return to an Order of the Council.
- 2nd June. 47. Land Act 1862, and Amending Land Act 1865.—Report of Proceedings under, to 31st December, 1868.
- ” 48. Industrial Schools.—Report of Inspector (1868).
- ” 49. Post Office Savings Bank.—Statement of Accounts for year ending 31st December, 1868.
- 8th June. 50. Sanatory Station.—Report of Chief Medical Officer for the year 1868.
- ” 51. St. Kilda Volunteer Artillery Corps.—Additional Rules (17, 18).
- ” 52. Public Works Loan Act 1868—Estimates of Works under.—Executed and to be executed to end of year 1869.
- ” 53. Water Supply Department.—Regulation respecting Public Accounts (13th May, 1869).
- 10th June. 54. Railway Loan Act 1868, 32 Vic. No. 331.—Statement of Application of Moneys for Works and Purposes under, during 1868.
- ” 55. Railway Loan Act, 32 Vic. No. 331.—Estimate by the Board of Land and Works of Expenditure to be incurred for purposes of Railway Construction during 1869.
- 22nd June. 56. Beechworth Court of Mines, to be holden at Mansfield.—Order in Council (7th June, 1869).
- ” 57. Statistics of Victoria.—Population (1868).
- 29th June. 58. Daylesford—Mining Operations on Reserved Lands authorised at.—Order in Council (31st May, 1869).
- ” 59. Victorian and Tasmanian Intercolonial Electric Telegraph Service.—Reduction of Charges (31st May, 1869).
- 6th July. 60. St. Andrew’s Court of Mines discontinued.—Order in Council (29th June, 1869).
- ” 61. Castlemaine District Court of Mines to be holden at Heidelberg.—Order in Council (29th June, 1869).
- ” 62. Railways, Victorian.—Report of Board of Land and Works for year ending 31st December, 1868.
- ” 63. Privilege, Papers relating to.
- 7th July. 64. Yackandandah Public Reservoir Reserve.—Erection of Quartz Crushing Mill authorized upon.—Order in Council (21st June, 1869).
- ” 65. Public Accounts—H.M.C.S. *Victoria*—Regulation respecting (14th June, 1869).
- ” 66. Observatory.—Fifth Report of Board of Visitors.
- 13th July. 67. Mineral Statistics of Victoria, 1868.
- ” 68. Mining Registrars, Ballarat Mining District—Fees of.—Order in Council (21st June, 1869).
- ” 69. Yackandandah Public Reservoir Reserve at Back Creek—Erection of Quartz Crushing Mill authorized upon.—Order in Council (21st June, 1869).
- 20th July. 70. Education—Seventh Report of Board of, 1868.—Appendices.
- ” 71. Statistics of Victoria.—Part II.—Accumulation, 1868.
- ” 72. Agent-General—Copy of General Instructions to (17th July, 1869).
- ” 73. Emigration Commissioners—Copy of Letter appointing (17th July, 1869).
- ” 74. Friendly Societies, Registered—formed or dissolved in 1868.
- ” 75. Map of Shires and Road Districts in the Colony.
- ” 76. Return showing the Shires and Road Districts now existing, with their Areas and amount of Tolls collected therein during the financial year 1868.
- 21st July. 77. Botanist and Director of Botanic Garden.—Report of (14th September, 1868).
- 3rd Aug. 78. Scab Act Inspectors, &c.—Return to an Order of the Council.
- ” 79. Aborigines in Victoria.—Sixth Report of Central Board appointed to watch over (10th June, 1869).
- 4th Aug. 80. Victorian and Tasmanian Intercolonial Telegraph Service.—Reduction of Charges (31st May, 1869).
- 5th Aug. 81. University of Melbourne.—Report (year ending 31st May, 1869).
- 11th Aug. 82. Mining Surveyors’ and Registrars’ Reports.—Quarter ending 30th June, 1869.
- ” 83. Chief Medical Officer.—Return of Diseases in Establishments (1868).
- 17th Aug. 84. Water Supply.—Estimate of Expenditure in lieu of the Estimate which was printed by Order of the Legislative Assembly on the 18th March, 1869 (Castlemaine, Sandhurst, Geelong, and Ballarat).
- 25th Aug. 85. Pilot Board of Victoria.—Accounts for the years ending 31st August, 1867, and 31st August, 1868.
- 26th Aug. 86. Castlemaine and Gippsland Mining Boards—Order in Council, determining Number of Members of (16th August, 1869).
- ” 87. Castlemaine and Gippsland Mining Districts—Divisions of.—Order in Council (16th August, 1869).
- 31st Aug. 88. Castlemaine and Gippsland Mining Districts.—Polling Places.—Order in Council (16th August, 1869).
- ” 89. Castlemaine and Gippsland Mining Divisions altered.—Order in Council (16th August, 1869).

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- 31st Aug. 90. Castlemaine and Gippsland Mining Districts altered.—Order in Council (16th August, 1869).
 „ 91. Castlemaine and Gippsland Mining Boards—Number of Members of.—Order in Council (16th August, 1869).
- 9th Sept. 92. Daylesford—Mining Operations on Reserved Lands authorized at.—Order in Council (23rd August, 1869).
 „ 93. Gippsland Mining District—Mining Officers' Powers and Duties.—Order in Council (23rd August, 1869).
- 19th Oct. 94. Williamstown Workshops.—Report of Board (4th October, 1869).
 „ 95. Statistics of Victoria, 1868—
 Part III.—Interchange.
 Part IV.—Finance, &c.
 Part V.—Law, Crime, &c.
 Part VI.—Vital Statistics, &c.
- „ 96. County Courts Rules and Orders (*County Court Statute* 1869).
- 20th Oct. 97. Savings Banks.—Returns for the year ending 30th June, 1869.
 „ 98. Gippsland Mining District.—Additional Polling Places.—Order in Council (30th August, 1869).
 „ 99. Daylesford—Mining Operations authorized within Reserved Lands at.—Order in Council (23rd August, 1869).
 „ 100. Fees in Courts of Mines.—Order in Council (15th September, 1869).
- 3rd Nov. 101. Mining Surveyors' and Registrars' Reports for Quarter ending 30th September, 1869.
 „ 102. Back Creek, Amherst—Mining Operations authorized in Reserved Lands at.—Order in Council (18th October, 1869).
- 11th Nov. 103. Victorian Railway.—Schedule of Proposed Expenditure upon North-Eastern Railway during ensuing Twelve Months.
 „ 104. Clunes Court of Mines, Ballarat District, to be holden at.—Order in Council (1st November, 1869).
- 16th Nov. 105. Hospitals for Insane.—Return (to 30th June, 1869).
 „ 106. Castlemaine District.—Mining Operations authorized within Reserved Lands.—Order in Council (25th October, 1869).
 „ 107. John Morphet's Selection.—Return to an Order of the Council.
- 24th Nov. 108. Drafting Bills.—Return to an Order of the Council.
- 25th Nov. 109. Castlemaine—Mining Operations on Reserved Lands at, authorized.—Order in Council (10th November, 1869).
- 9th Dec. 110. Maldon.—Mining Operations authorized on Camp Reserve.—Order in Council (22nd November, 1869).
 „ 111. Public Accounts—General Regulation respecting (15th November, 1869).
- 14th Dec. 112. Alfred Graving Dock, Williamstown.—Statement of Expenditure to 28th September, 1869.
- 16th Dec. 113. Technological Commission—Further Report of (11th November, 1869).
- 24th Dec. 114. Education—General Regulations of Board of (September, 1869).
 „ 115. Education—General Regulations of Board of (December, 1869).
 „ 116. Castlemaine and Gippsland Mining Districts—Divisions of.—Order in Council (13th December, 1869).
 „ 117. Castlemaine and Gippsland Mining Districts—Alteration of.—Order in Council (13th December, 1869).
 „ 118. Castlemaine and Gippsland Mining Boards—Number of Members of.—Order in Council (13th December, 1869).
 „ 119. Castlemaine and Gippsland Mining Districts—Polling Places for.—Order in Council (13th December, 1869).
- 28th Dec. 120. Wardens—Proceedings before.—General Rule (27th December, 1869).



VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1869.

| No. | SHORT TITLES OF BILLS. | By whom and when initiated. | | PROGRESS. | | | | | | | | | | | | | | | | REMARKS | |
|-----|---|-----------------------------------|--------------------|----------------|-----------------|-------------|-------------|-------------------------------------|-------------------------------------|------------------------------------|----------------|-------------|-------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|---|-----------------|--|------------|--|
| | | | | First Reading. | Second Reading. | Committal. | Report. | Re-committal. | Report after Re-committal. | Adoption of Report. | Third Reading. | Passing. | Sent to Legislative Assembly. | Returned from Legislative Assembly. | | Amendments considered. | Re-transmitted to Legislative Assembly. | Assent. | Publication in the Government Gazette. | | Number of Act. |
| 1 | Privileges of Parliament Bill | Honorable J. McCrae | 1869. 11th Feb. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | 1869. .. | .. | Lapsed. |
| 2 | Consolidated Revenue Bill (1) .. | Message from Legislative Assembly | 2nd March | 2nd March | 2nd March | 2nd March | 2nd March | .. | .. | 2nd March | 2nd March | 2nd March | .. | .. | .. | .. | .. | .. | 2nd March | 5th March | CCCXXXVI. |
| 3 | Abattoirs Bill | Message from Legislative Assembly | 15th April | 15th April | 22nd April | 22nd April | 6th July | 25th Nov. | 25th Nov. | 25th Nov. | 1st Dec. | 1st Dec. | 1st Dec. | 22nd Dec. | .. | .. | .. | .. | 29th Dec. | 31st Dec. | CCCLVI. |
| 4 | Consolidated Revenue Bill (2) .. | Message from Legislative Assembly | 19th May | 19th May | 19th May | 19th May | 19th May | .. | .. | 19th May | 19th May | 19th May | .. | .. | .. | .. | .. | .. | 20th May | 21st May | CCCXXXVII. |
| 5 | County Courts Law Amendment Bill .. | Message from Legislative Assembly | 2nd June | 2nd June | 8th June | 8th June | 15th June | 15th June 22nd June | 15th June 22nd June | 29th June | 29th June | 29th June | 29th June | .. | 17th Aug. .. | 18th Aug. .. | 18th Aug. .. | 18th Aug. .. | 9th Sept. | 10th Sept. | CCCXLV. |
| 6 | Local Government Act Amendment Bill | Message from Legislative Assembly | 8th June | 8th June | 29th June | 29th June | 25th Aug. | 25th Aug. 25th Nov. 1st Dec. | 25th Aug. 25th Nov. 1st Dec. | 1st Sept. 25th Nov. 1st Dec. | 2nd Dec. | 2nd Dec. | 2nd Dec. | .. | 22nd Dec. 23rd Dec. .. | 23rd Dec. 23rd Dec. .. | 23rd Dec. 23rd Dec. .. | 29th Dec. | 31st Dec. | CCCLVIII. | |
| 7 | Fisheries Act Amendment Bill .. | Honorable A. Fraser | 9th June | 9th June | 7th July | 7th July | 3rd Aug. | 18th Aug. | 18th Aug. | 25th Aug. | 25th Aug. | 25th Aug. | 25th Aug. | .. | .. | .. | .. | .. | .. | .. | Not returned from Assembly. |
| 8 | Coroners Statute 1865 Amendment Bill | Message from Legislative Assembly | 10th June | 10th June | 22nd June | 22nd June | 22nd June | 29th June | 29th June | 6th July | 6th July | 6th July | 6th July | 20th July | .. | .. | .. | .. | 19th Aug. | 27th Aug. | CCCXXXVIII. |
| 9 | Lands Compensation Bill | Message from Legislative Assembly | 21st July | 21st July | 27th July | 27th July | 28th July | 3rd Aug. 4th Aug. | 3rd Aug. 4th Aug. | 4th Aug. | 4th Aug. | 4th Aug. | 4th Aug. | 17th Aug. | .. | .. | .. | .. | 31st Aug. | 3rd Sept. | CCCXLIV. |
| 10 | Scab Bill | Message from Legislative Assembly | 21st July | 21st July | 9th Sept. | 9th Sept. | 19th Oct. | 19th Oct. 20th Oct. 26th Oct. | 19th Oct. 20th Oct. 26th Oct. | 26th Oct. | 26th Oct. | 26th Oct. | 26th Oct. | .. | 1st Dec. 22nd Dec. | 2nd Dec. 23rd Dec. | 2nd Dec. .. | .. | .. | .. | Laid aside, 23rd December, 1869. |
| 11 | Consolidated Revenue Bill (3) .. | Message from Legislative Assembly | 17th Aug. | 17th Aug. | 18th Aug. | 18th Aug. | 18th Aug. | .. | .. | 18th Aug. | 18th Aug. | 18th Aug. | .. | .. | .. | .. | .. | .. | 19th Aug. | 27th Aug. | CCCXXXIX. |
| 12 | Legal Proceedings Facility Bill .. | Honorable J. McCrae | 17th Aug. | 17th Aug. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | Discharged from Notice Paper 14th September, 1869. |
| 13 | Land Laws Amendment Bill | Message from Legislative Assembly | 25th Aug. | 25th Aug. | 2nd Nov. | 2nd Nov. | 11th Nov. | 24th Nov. 1st Dec. | 24th Nov. 1st Dec. | 1st Dec. | 2nd Dec. | 2nd Dec. | 2nd Dec. | .. | 22nd Dec. 28th Dec. 28th Dec. | 22nd Dec. 28th Dec. 28th Dec. | 22nd Dec. 28th Dec. .. | 29th Dec. | 31st Dec. | CCCLX. | |
| 14 | Public Works Loan Appropriation Bill | Message from Legislative Assembly | 25th Aug. | 25th Aug. | 25th Aug. | 25th Aug. | 25th Aug. | .. | .. | 25th Aug. | 25th Aug. | 25th Aug. | .. | .. | .. | .. | .. | .. | 31st Aug. | 3rd Sept. | CCCXL. |
| 15 | Railway Loan Appropriation Bill .. | Message from Legislative Assembly | 25th Aug. | 25th Aug. | 25th Aug. | 25th Aug. | 25th Aug. | .. | .. | 25th Aug. | 25th Aug. | 25th Aug. | .. | .. | .. | .. | .. | .. | 31st Aug. | 3rd Sept. | CCCXLI. |
| 16 | Lunacy Statute Amendment Bill .. | Message from Legislative Assembly | 25th Aug. | 25th Aug. | 26th Aug. | 26th Aug. | 26th Aug. | .. | .. | 26th Aug. | 26th Aug. | 26th Aug. | .. | .. | .. | .. | .. | .. | 31st Aug. | 3rd Sept. | CCCXLII. |
| 17 | Criminal Law and Practice Amendment Bill | Message from Legislative Assembly | 25th Aug. | 25th Aug. | 26th Aug. | 26th Aug. | 26th Aug. | .. | .. | 26th Aug. | 26th Aug. | 26th Aug. | 26th Aug. | 31st Aug. | .. | .. | .. | .. | 31st Aug. | 3rd Sept. | CCCXLIII. |
| 18 | Insolvency Law Amendment Bill .. | Message from Legislative Assembly | 26th Aug. | 26th Aug. | 20th Oct. | 20th Oct. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | Discharged from Notice Paper 11th November, 1869. |
| 19 | Aboriginal Natives Protection Bill .. | Message from Legislative Assembly | 26th Aug. | 26th Aug. | 31st Aug. | 31st Aug. | 31st Aug. | .. | .. | 9th Sept. | 9th Sept. | 9th Sept. | 9th Sept. | .. | 21st Oct. | 27th Oct. | .. | .. | 11th Nov. | 12th Nov. | CCCXLIX. |
| 20 | Mining Companies Act 1864 Amendment Bill | Message from Legislative Assembly | 21st Sept. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | Discharged from Notice Paper 19th October, 1869. |
| 21 | Waterworks Commission Bill | Message from Legislative Assembly | 21st Sept. | 19th Oct. | 21st Oct. | 21st Oct. | 21st Oct. | .. | .. | 21st Oct. | 21st Oct. | 21st Oct. | .. | .. | .. | .. | .. | .. | 11th Nov. | 12th Nov. | CCCXLVII. |
| 22 | Customs Laws Amendment Bill .. | Message from Legislative Assembly | 20th Oct. | 20th Oct. | 21st Oct. | 21st Oct. | 21st Oct. | .. | .. | 21st Oct. | 21st Oct. | 21st Oct. | .. | .. | .. | .. | .. | .. | 11th Nov. | 12th Nov. | CCCXLVI. |
| 23 | Essendon and Upper Murray Railway Construction Bill | Message from Legislative Assembly | 26th Oct. | 26th Oct. | 27th Oct. | 27th Oct. | 27th Oct. | .. | .. | 27th Oct. | 27th Oct. | 27th Oct. | .. | .. | .. | .. | .. | .. | 11th Nov. | 12th Nov. | CCCXLVIII. |
| 24 | Copyright Protection Bill | Message from Legislative Assembly | 27th Oct. | 27th Oct. | 2nd Nov. | 2nd Nov. | 2nd Nov. | .. | .. | 2nd Nov. | 2nd Nov. | 2nd Nov. | .. | .. | .. | .. | .. | .. | 11th Nov. | 12th Nov. | CCCL. |
| 25 | Compensation to Members of Parliament Bill | Message from Legislative Assembly | 2nd Nov. | 2nd Nov. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | Second reading negatived 1st December, 1869. |
| 26 | Mining Companies Act 1864 Amendment | Message from Legislative Assembly | 3rd Nov. | 3rd Nov. | 11th Nov. | 11th Nov. | 18th Nov. | 18th Nov. 25th Nov. 1st Dec. | 18th Nov. 25th Nov. 1st Dec. | 1st Dec. | 1st Dec. | 1st Dec. | 1st Dec. | 16th Dec. | .. | .. | .. | .. | 29th Dec. | 31st Dec. | CCCLIV. |
| | | | | | | | | | | | | | | | | | | | 29th Dec. | 31st Dec. | CCCLV. |

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 11TH FEBRUARY, 1869.

Pursuant to Proclamation the Council met.

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

PROCLAMATION

By His Excellency the Honorable SIR JOHN HENRY THOMAS MANNERS SUTTON, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.

WHEREAS by *The Constitution Act* it is amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria and, subject to the limitation therein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he may think fit; and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly, by Proclamation or otherwise, whenever he shall deem it expedient: And whereas the said Legislative Council and Legislative Assembly, called "The Parliament of Victoria," now stand prorogued until Tuesday, the twenty-sixth day of January instant, and it is expedient to fix the time for holding the next Session thereof: Now therefore I, the Governor of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation further prorogue the said Parliament of Victoria from Tuesday, the twenty-sixth day of January instant, until Thursday, the eleventh day of the ensuing month of February; and I do hereby fix Thursday, the eleventh day of February aforesaid, as the time for the commencement and holding of the next Session of the said Council and Assembly, called the Parliament of Victoria, for the despatch of business, at Two 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, at Melbourne, this twenty-first day of January, in the year of our Lord One thousand eight hundred and sixty-nine, and in the thirty-second year of Her Majesty's reign.

(L.S.)

J. H. T. MANNERS SUTTON.

By His Excellency's Command,

J. McCULLOCH,

Chief Secretary.

GOD SAVE THE QUEEN!

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

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I have called you together for the transaction of business as early as the preparation of the measures to be submitted to you would allow.

During the recess considerable retrenchments have been effected, thereby rendering available a larger proportion of the revenue for works of public utility.

The works already undertaken for water supply have been a subject of anxious consideration and careful scrutiny. An investigation into their condition, method, and cost of construction has been instituted by my advisers. The result of the enquiry, so far as it has proceeded, will be laid before you. Further investigation is necessary; but meanwhile there exists no reason for delaying the completion of these important works.

The successful issue in the colony of the loan for the construction of public works is highly satisfactory. There can be no better proof of confidence in the resources and credit of the country, as well as in the scheme to which the money is to be applied, and of the growing wealth and prosperity of the people. The debentures issued under the authority of the enactment of last session for raising a loan for railway purposes have been transmitted to London, and there is reason to hope that the negotiation will be successful.

I am happy to be able to congratulate you on the general prosperity of the country. The harvest is abundant, the yield of gold is increasing, the financial and commercial condition of the Colony is sound, and there are undoubted indications of industrial progress.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates for the year will be submitted to you. They have been prepared, after a careful reconstruction of departments, with a view of diminishing the expenditure thereon without impairing the efficiency of the public service.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

Further legislation for the control and disposal of the waste lands of the Crown is necessary. A measure will be laid before you for the purpose of extending the beneficial operation of the existing laws, in so far as they relate to agricultural settlement and for determining the conditions of pastoral occupation.

You will be invited to consider the question of communication with Europe by the establishment of a postal and passenger service *viâ* the Cape of Good Hope, which will be an important element for your consideration in connexion with the immigration regulations to be laid before you when the necessary information shall have been obtained from the Agent-General.

Measures will be submitted for the inspection of mines, and the enforcement of due care in mining operations ; for amendment of the laws relating to mining companies and mining property, whereby the regulations under which auriferous lands may be acquired shall be simplified ; for effecting better arrangements for defraying the cost of draining quartz reefs, and for legalizing contracts between miners and the holders of private property.

Experience in the working of municipal institutions, which have conduced so greatly to our social progress, has shown the direction in which they may be amended and improved. Your attention will be directed to measures for an amendment of the Laws relating to Local Government.

A laudable disposition has been shown by some districts to prosecute for themselves remunerative public works. You will, I am sure, readily afford every facility for the development of local enterprise and the encouragement of a spirit of self-reliance. A measure with this intention will be submitted to you for enabling local bodies to undertake such works with the assistance of the State.

Bills will be submitted to you for the amendment of the law of insolvency, for conferring upon county courts a limited equitable and ecclesiastical jurisdiction, for the amendment of the criminal law, for the collection of crown fees by stamps, for imposing a succession and probate duty, and for the regulation of the police force.

A measure for the amendment of the "*Wines Beer and Spirits Sale Statute 1864*" will be submitted to you.

You will also be invited to amend the Laws relating to Diseases in Animals, Impounding, Fencing, and Abattoirs.

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

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

His Excellency the Governor left the Council Chamber.

The President took the Chair.

The President read the Prayer.

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

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

" Forty-six acres of land with dwelling-house thereon, known as ' Burwood Hill,' in the parish of Hawthorn ; also a dwelling-house, formerly occupied as a lodge, in the same parish and on the above land ; also three houses in Victoria parade, in the city of Melbourne.

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

" (1.) Burwood Hill, at £300 per annum. (2.) Dwelling-house, at £55 per annum. (3.) Houses in Victoria Parade, at £70 per annum each.

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

" J. F. PALMER."

NEW MEMBERS.—The President announced to the Council that Writs for the election of Members of the Legislative Council had been returned to His Excellency the Governor, and had been transmitted to the custody of the Clerk of the Council, showing the election of—

The Honorable J. P. Bear for the South Province (re-elected after retirement by rotation).

The Honorable C. J. Jenner for the South-Western Province (re-elected after retirement by rotation).

The Honorable Robert Simson for the Western Province (in room of the Honorable C. Sladen, retired by rotation).

The Honorable B. Williams for the Eastern Province (re-elected after retirement by rotation).

The Honorable Francis Robertson for the North-Western Province (in room of the Honorable Dr. Wilkie, retired by rotation).

NEW MEMBER.—The President announced to the Council that he had issued a Writ for the election of a Member of the Legislative Council, in the room of the Honorable J. McCrae, who had accepted an office of profit under the Crown, and that the Writ had been returned to him showing the re-election of the Honorable John McCrae.

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

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

To the Honorable SIR JAMES FREDERICK PALMER, Knight, President of the Legislative Council of Our Colony of Victoria.

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

WITNESS Our trusty and well-beloved Sir HENRY BARKLY, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of Our Colony of Victoria, and Vice-Admiral of the same, at Melbourne, this sixth day of November, One thousand eight hundred and sixty-two, and in the twenty-sixth year of Our reign.

(L.S.)

HENRY BARKLY.

By His Excellency's Command,

J. MOORE.

Entered on Record by me, in Register of Patents, Book 12,
Page 90, this sixth day of November, One thousand eight
hundred and sixty-two.

J. MOORE.

The Honorables J. McCrae, J. P. Bear, R. Simson, B. Williams, C. J. Jenner, and F. Robertson, being severally introduced, took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

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

"One half acre of land situated in the City of Melbourne, at the corner of Lonsdale and Stephen street, with the buildings thereon; and also houses in Collins street.

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

"Lonsdale and Stephen st., rated over £300 per annum.

"Collins street, rated at £200 per annum.

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

"JOHN McCRAE."

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

"The house, homestead, and land, known as Moorabbin, in the borough of Brighton.

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

"No. 545, West Brighton, brick and stone house, &c., gross annual value £500, full nett annual value £460.

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

"J. P. BEAR."

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

follow :—Five thousand four hundred and twenty-three acres of freehold lands. And I further declare that such of the said lands and tenements as are situate in the municipal district of the shire of Ripon are rated in the rate-books of such municipal district as follows :—

| No. on the Rate. | Description of Rateable Property. | Situation. | Riding of Shire. | Electoral District and Division thereof in which Property is situated. | Full net Annual Value. |
|------------------|-----------------------------------|--------------|------------------|--|------------------------|
| 475 | 5,423 acres ... | Brewster ... | North ... | Ripon and Hampden, Raglan ... | £813 10 0 |

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

“ROBERT SIMSON.”

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

, county or reputed county of

the description of which lands and tenements are as follow :—

- “No. 1. Land and tenements, Bay street, Sandridge.
- “No. 2. Land and tenements, Ballarat West.
- “No. 3. Land and tenements, Market square, Sandhurst.
- “No. 4. Land and tenement, St. Kilda east.
- “No. 5. Land and tenement, St. Kilda, Acland street.
- “No. 6. Land and tenement, Queen street, Melbourne.
- “No. 7. Land and tenement, White Hills, Sandhurst.
- “No. 8. Land and tenement, Heidelberg.

“Land in Eltham, Dandenong, and Cranbourne.

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

- “No. 1, rated, municipal district, Sandridge, at £280 per annum.
- “No. 2, rated, municipal district, Ballarat West, at £96 per annum.
- “No. 3, rated, municipal district, Sandhurst, at £120 per annum.
- “No. 4, rated, municipal district, St. Kilda, Acland street, £150 per annum.
- “No. 5, rated, municipal district, St. Kilda, Carlisle street.
- “No. 6, rated, municipal district, Melbourne, at £50 per annum.
- “No. 7, rated, municipal district, Heidelberg.
- “Lands in Eltham, Dandenong, and Cranbourne.

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

“BENJ. WILLIAMS,”

“In compliance with the provisions of the Act 32 Victoria No. 334, I, CALEB JOSHUA JENNER, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Six hundred and ten pounds sterling money, above all charges and incumbrances affecting the same : and further, that the lands and tenements out of which such qualification arises are situate in the parishes of Melbourne, Ballarat, Keelbundora, in the county or reputed county of Bourke and Grenville, the description of which lands and tenements are as follow :—

- “66 feet frontage to George street, East Melbourne, by a depth of 165 feet, on which are erected three houses.
- “42 feet frontage to Armstrong street, Ballarat, by a depth of 165 feet, on which is erected a stone warehouse.
- “42 acres of land fronting the Heidelberg road, on which is erected a family residence and other improvements.

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

- “No. 1. House, lately occupied by Miss Sutherland, rated at £100 per annum.
- “No. 2. House, occupied by Mr. Rogers, rated at £100 per annum, No. 1580 on roll.
- “No. 3. House, occupied by Mr. Topp, rated at £100 per annum, situated in La Trobe ward, county of Bourke.
- “Store, occupied by Messrs. Cook Brothers, rated at £130 per annum, parish of Ballarat, county of Grenville.
- “42 acres of land, occupied by C. J. Jenner, rated at £180 per annum, parish of Keelbundora, county of Bourke.

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

“C. J. JENNER.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANCIS ROBERTSON, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of five thousand pounds sterling money, above all charges and incumbrances affecting the same : and further, that the lands

and tenements out of which such qualification arises are situate in the parish of Newham, in the counties or reputed counties of Bourke and Dalhousie; and in the parish of Edgecomb, in the county or reputed county of Dalhousie; and in the parishes of Maribyrnong and Doutta-galla, in the county or reputed county of Bourke, the description of which such lands and tenements are as follow:—

“Allotments Nos. 2, 3, 4, 24, 25, 27, 28, of section 1, and allotment No. 16 of section 3, in the parish of Newham, and portions 13 and 14 in the parish of Edgecomb, and section 18 in the parish of Maribyrnong, and portion C of section 13, in the parish of Doutta-galla.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Woodend, Newham, and Rochford road board, the Kyneton shire, the Keilor district road board, and the borough of Essendon and Flemington, are rated in the rate-books of such municipal districts respectively as follows:—

“1300 acres of land, occupied by Mr. A. Strawhorn; net annual value, £207.

“208 acres of land, occupied by Mr. L. Wiseman; net annual value, £62 10s.

“285 acres of land, occupied by Mr. A. Strawhorn; net annual value, £100.

“640 acres of land, with licensed house, occupied by Mr. Alexander Furlong; net annual value, £127.

“House and land, occupied by F. Robertson; net annual value, £100.

“House and land, occupied by W. Blundell; net annual value, £57.

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

“FRANCIS ROBERTSON.”

DECLARATIONS OF MEMBERS.—The Honorables W. H. F. Mitchell, R. Turnbull, A. Fraser, H. M. Murphy, R. S. Anderson, N. Fitzgerald, W. H. Pettett, W. J. T. Clarke, J. O'Shanassy, J. Graham, W. Campbell, J. P. Fawcner, W. Degraives, R. C. Hope, and W. Highett delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HENRY FANCOURT MITCHELL, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements, in the Colony of Victoria, of the full value of two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: and further that the lands and tenements out of which such qualification arises are situate in the parish of Emberton, in the county or reputed county of Dalhousie, the description of which lands and tenements are as follow:—Two thousand three hundred and fifty acres of the Barfold estate. And I further declare that such of the said lands and tenements as are situate in the municipal district of Metcalfe are rated in the rate-books of such municipal district as follows:—No. 103, South riding, occupier, W. H. F. Mitchell; owner, ditto; Barfold estate, in Emberton, 4700 acres; full net annual value £1500, on half of which I qualify: And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“W. H. F. MITCHELL.”

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

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

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

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

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

“In the rate-books of the shire of Alberton at one hundred pounds sterling per annum.

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

“ROBERT TURNBULL.”

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

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

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

"No. 3. Part allotment, parish of Prahran, County of Bourke, having a frontage to Chapel street of 115 feet by a depth of 90 feet to Inkerman street.

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

"No. 1, rated in the rate-book of the District of St. Kilda at two hundred and twenty-five pounds sterling (£225).

"No. 2, rated in the rate-book of the district of St. Kilda at thirty pounds sterling (£30).

"No. 3, rated in the rate-book of the district of St. Kilda at twelve pounds sterling (£12).

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

"ALEX. FRASER."

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

"No. 1. Merchant's store, being 65, Flinder's street east.

"No. 2. Merchant's store, being No. 67, Flinder's street east.

"No. 3. Dwelling-house, garden, and paddock, situate in South Yarra.

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

"No. 1, rated at £70.

"No. 2, rated at £180.

"No. 3, rated at £170.

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

"H. M. MURPHY."

"In compliance with the provisions of the Act to alter the qualifications of Members and Electors of the Legislative Council, Victoria, No. 334, I, ROBERT STIRLING ANDERSON, do declare and testify that I am duly seized at law or in equity of an estate of freehold, for my own use and benefit, in lands or tenements in the Colony of Victoria, of the annual value of two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same : and further, that the lands and tenements out of which such qualification arises are situate in the parishes of South Melbourne, Holden, and Boroondara, in the county of Bourke, the description of which lands and tenements are as follow :—

"Allotment 18 of section 2, South Melbourne, at Emerald Hill.

"Allotments 1, 2, and 3, of the parish of Holden, in the shire of Bulla, less two acres three roods and twenty-nine perches out of allotment 3.

"Part of portion No. 81 in the parish of Boroondara.

"And I further declare that such of the said land and tenements as are situate in the municipal districts of Emerald Hill, Bulla, and Kew, are rated in the rate-books of such municipal districts respectively as follows :

| No. on the Roll. | Name of Person rated. | Occupation. | Name of Owner. | Name of Street. | Description of Property. | Electoral District and Division. | Gross Annual Value. | Full Net Annual Value. |
|------------------|---------------------------|-------------|-------------------------|-----------------|-----------------------------|----------------------------------|---------------------|------------------------|
| 179 | Sedgfield, W. S. | Solicitor | Hon. R. S. Anderson | Cecil street | Seven rooms, bath room, &c. | Emerald Hill | £ 90 | £ 75 |
| 144 | Anderson, R. S. | Solicitor | Anderson, R. S. | .. | Vineyard, &c. | West Bourke, The Gap | 120 | 100 |
| 162 | Anderson, Robert Stirling | Solicitor | The occupier | Cotham road | House and grounds | South Bourke, Boroondara A. | 170 | 153 |
| 164 | Kerferd, George Briscoe | Barrister | Anderson, R. S. | Cotham road | House | South Bourke, Boroondara A | 40 | 36 |

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

"ROBT. S. ANDERSON,

"Melbourne, 11th day of February, 1869."

"In compliance with the provisions of the Act, 32 Victoria, No. 334, I, NICHOLAS FITZGERALD, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the value of two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : and further, that the lands and tenements out of which such qualification arises are situate in the parish of Castlemaine, in the county or reputed county of Talbot, the description of which lands and tenements are as follow :— Houses and land and business premises situated in Castlemaine. And I further declare that such of the said lands and tenements as are situate in the municipal district of Castlemaine are rated in the rate-books of such municipal district as follows : at; over the sum of two hundred and fifty pounds per annum. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

"N. FITZGERALD."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HENRY PETTETT, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full annual value of three hundred pounds sterling money, above all charges and incumbrances affecting the same: and further, that the lands and tenements out of which such qualification arises are situate in the parish of Hawthorn, St. Kilda, Ararat, in the county or reputed county of the description of which lands and tenements are as follow:—

"Terrick Terrick, Hawthorn, Southern Province.

"Clermont House, St. Kilda, Central Province.

"Murrura, Shire of Ararat, County of Ripon.

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

| | | | | | | | | |
|--------------------------|-----|-----|-----|-----|----|------|---|---|
| "Hawthorn | ... | ... | ... | ... | .. | £150 | 0 | 0 |
| "St. Kilda | ... | ... | ... | ... | .. | 100 | 0 | 0 |
| "Mummura, Ararat over... | ... | ... | ... | ... | .. | 50 | 0 | 0 |

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

"W. H. PETTETT."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM JOHN TURNER CLARKE, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria, of the value of five thousand pounds sterling money, above all charges and incumbrances affecting the same: and further, that the lands and tenements out of which such qualification arises are situate in the parish of Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—House and land in Collins-street, in the City of Melbourne. And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne are rated in the rate books of such municipal district as follows:—over five hundred pounds. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

"WM. J. T. CLARKE."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN O'SHANASSY, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: and further that the lands and tenements out of which such qualification arises are situated in the parish of Boroondara, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—Forty-six acres and three roods of land in Boroondara, on which my private residence stands. And I further declare that such of the said lands and tenements as are situated in the municipal district of Boroondara, are rated in the rate-books of such municipal district as follow:—At Three hundred pounds per year. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council of the Colony of Victoria.

"JOHN O'SHANASSY."

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

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

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

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

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

"JAS. GRAHAM."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM CAMPBELL, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: and further, that the lands and tenements out of which such qualification arises are situate in the parishes of Echuca South and Echuca North, county unnamed, the description of

which lands and tenements are as follow :—Eleven thousand five hundred acres, more or less, viz., Allotments 1a to 52a, 54a to 106a, 108a to 120a, with other allotments adjacent : And I further declare that such of the said lands and tenements as are situate in the municipal district of the Road Board of Echuca are rated in the rate-books of such municipal district as follows, viz. :—The amount of rate paid thereon in the month of November, 1868,—Twenty-eight pounds fifteen shillings, being sixpence in the pound on the annual value of (£1150) Eleven hundred and fifty pounds. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“W. CAMPBELL.”

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

“Freehold premises in Flinders-street, Melbourne ; and in Smith-street, Collingwood ; and in Collins-street, Melbourne ; are of the annual value of upwards of five hundred pounds.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Melbourne and Collingwood are rated in the rate-books of such municipal districts respectively as follows :—At Two hundred and fifty pounds and upwards.

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

“JOHN PASCOE FAWKNER.”

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

“No. 1, Merchant's bonding and free store, being No. 69, Flinders street east.

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

“No. 1, rated at over three hundred pounds per annum.

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

“WM. DEGRAVES.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, R. C. HOPE, do declare and testify that I am duly seized at law or in equity of an estate of freehold, for my own use and benefit in lands or tenements in the colony of Victoria, of the annual value of four hundred pounds sterling money, above all charges and incumbrances affecting the same : and further, that the lands and tenements out of which such qualification arises are situate in the parishes of Gheringhap and Moorpanyal, in the county or reputed county of Grant, the description of which lands and tenements are as follow :—One hundred and fifty acres with mile fronting the Moorabool road at Batesford, and two hundred and fifty acres with dwelling house and vineyard also fronting river at Batesford. And I further declare that such of the said lands and tenements as are situate in the municipal districts of Corio and Gheringhap are rated in the rate-books of such municipal districts respectively as follows :—Gheringhap, £100 ; Corio, £200. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“R. C. HOPE.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HIGHETT, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit, in lands or tenements in the Colony of Victoria, of the annual value of three hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same : and further, that the lands and tenements out of which such qualification arises are situate in the parish of Richmond, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—House and land, Bridge-road, Richmond. And I further declare that the said lands and tenements are situate in the municipal district of Richmond and rated in the ratebooks of such municipal district as follows :—No. 1, £350 nett, house and land, Bridge-road, North Ward, Richmond. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a member of the Legislative Council of the Colony of Victoria.

“WILLIAM HIGHETT.”

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President reported His Excellency's Speech.

PAPERS.—The Honorable J. McCrae laid on the Table the following papers :—

1. Victoria Volunteer Force.—Bacchus Marsh Troop of the Prince of Wales Light Horse.—Regulation 16th November, 1868.

2. Import, Export, and Shipping Returns, &c., for year 1868.

Ordered severally to lie on the Table.

PRIVILEGES OF PARLIAMENT BILL.—The Honorable J. McCrae, with leave of the Council, moved, without notice, for leave to bring in a Bill to protect the Privileges of Parliament.

Question—put and passed.

Bill brought in, and on the motion of the Honorable J. M'Crae, read a first time.

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 Robert Stirling Anderson,
The Honorable Nicholas Fitzgerald,
The Honorable Alexander Fraser,
The Honorable James Graham,
The Honorable William Highett,
The Honorable John McCrae, and
The Honorable Robert Turnbull,

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

J. F. PALMER,

President of the Legislative Council.

Given under my hand this eleventh day of February, 1869.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Honorable J. McCrae moved, That the Speech of His Excellency the Governor be taken into consideration on Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable J. McCrae moved, That the House at its rising adjourn until four o'clock on Tuesday next.

Question—put and passed.

The Council adjourned at ten minutes to three o'clock until four o'clock on Tuesday the 16th instant.

NOTICES OF MOTION.

TUESDAY, 16TH FEBRUARY, 1869.

NOTICES OF MOTION—

1. The Hon. J. McCRAE: To move, That the House do take into consideration the Speech of His Excellency the Governor.
2. The Hon. J. McCRAE: To move, That Tuesday, Wednesday, and Thursday be the days on which the Council shall meet for the despatch of business during the present Session, and that four o'clock be the hour of meeting on each day; and that on Wednesday in each week the transaction of Government business take precedence of all other business.
3. The Hon. J. McCRAE: To move, That the Honorables the President, W. Campbell, T. T. a'Beckett, W. Highett, H. M. Murphy, and the Mover, be appointed a Select Committee on the Standing Orders of the House.
4. The Hon. J. McCRAE: To move, That the Honorables The President, J. O'Shanassy, R. C. Hope, J. P. Fawcner, and W. H. F. Mitchell be Members of the Joint Committee of both Houses to manage the Library.
5. The Hon. J. McCRAE: To move, That the Honorables R. S. Anderson, A. Fraser, J. Henty, J. Graham, and F. Robertson be appointed a Printing Committee, and that papers presented to the House be referred to the said Committee for report.
6. The Hon. J. McCRAE: To move, That the Honorables J. P. Bear, R. Turnbull, C. J. Jenner, R. S. Anderson, and W. H. Pettett be members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.
7. The Hon. J. McCRAE: To move, That the Honorables the President, S. G. Henty, G. W. Cole, N. Fitzgerald, and W. Degraives, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.
8. The Hon. W. HIGHETT: To move, That there be laid upon the Table of the House a copy of the rate-payer's roll for the City of Melbourne, the Town of Geelong, and of all boroughs, shires, and road districts.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 16TH FEBRUARY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

EXPENSES OF LEGISLATIVE COUNCIL.—The President laid on the Table a communication from the Under-Secretary on the subject of the expenses of the Legislative Council.

ADDRESS OF CONDOLENCE ON ASSASSINATION OF THE LATE PRESIDENT OF THE UNITED STATES.—The President read to the Council, and laid on the Table, the following communication from the Department of State, Washington :—

Department of State,
Washington, December 10th, 1867.

To the Legislative Council of Victoria, Australia.

Pursuant to the provisions of a Resolution of the Congress of the United States, approved March 2nd, 1867, a copy of which is hereunto annexed, I transmit a copy of a volume, which you will please accept from this Government as a testimonial of the grateful appreciation by the people of the generous expressions of condolence and sympathy in the late National Bereavement which were communicated in so touching a manner by the Legislative Council of Victoria to the Department of State of the United States.

WILL. H. SEWARD.

PAPERS.—The Honorable J. McCrae laid on the Table the following papers :—

1. Blackwood.—County Courts.—Order in Council (25th January, 1869).
2. Mortlake.—County Courts.—Order in Council (16th November, 1868).
3. Bairnsdale.—County Courts.—Order in Council (1st February, 1869).
4. Wardens.—General Rules for proceedings before (30th December, 1868).
5. Rushworth.—Mining on portion of Camp Reserve authorized.—Order in Council (11th November, 1868).
6. Mineral Leases—Alteration of Regulations relating to.—Order in Council (9th November, 1868).
7. Gold Mining Leases—Alteration of Regulations relating to.—Order in Council (9th November, 1868).
8. Mining Tenements—Fees for Surveys of.—Beechworth District (23rd November, 1868).
9. Victorian Volunteer Force—Regulations in respect of allowances rescinded (31st December, 1868).
10. Mining Surveyors and Registrars—Reports of, for quarter ending 31st December, 1868.

Ordered severally to lie on the Table.

DECLARATIONS OF MEMBERS.—The Honorables T. T. a'Beckett, W. A. C. a'Beckett, G. W. Cole, and J. Henty, delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria No. 334, as hereunder set forth :—

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

- “ 1. Part of allotment nineteen, block fourteen, city of Melbourne, having a frontage of seventy-three feet eight inches to Little Collins street, by a depth varying from thirty-seven feet six inches to forty-seven feet six inches, with the buildings and offices erected thereon, and known as Cottenham Chambers and the Bishop's Registry.
- “ 2. Portion one hundred and thirty-nine, allotment B, part of portion one hundred and thirty-nine allotment A, and part of portion one hundred and forty-four, allotment B, all in the parish of Prabran, being in the whole ten acres, a little more or less ; bounded on the east by the Melbourne and Hobson's Bay Railway, and having a frontage to the Alma road, East St. Kilda, of about six hundred and fifty feet, together with the dwelling-house, offices, and out-buildings erected thereon.
- “ 3. Portion of lot 5, block 3 of Dendy's special survey, Moorabbin, consisting of one acre and a-half, having a frontage to Well street and Church street, Brighton, with the dwelling-house, offices, out-buildings, and cottage erected thereon.

- "4. Part of portion No. 27, parish of Jika Jika, being the corner of Bridge road and Church street, Richmond, having a frontage of one hundred and two feet to the former and of sixty-six feet to the latter, with the hotel known as the Vine, and the shop and other buildings and out-offices erected thereon.
- "5. Part of allotment B, portion of 69, parish of Prahran, county of Bourke, forming the corner of the Brighton road and Wellington street, St. Kilda, having a frontage of forty feet to the former and one hundred and eight feet to the latter, with the shops and out-buildings erected thereon.
- "6. Ninety-four acres of land, more or less, part of section 6 A, parish of Woornyalook, in the county of Grant.
- "7. Thirty acres of land, being part of Crown portion 154, parish of Jika Jika.
- "8. Portion No. 1, parish of Moorabbin, consisting of six acres, more or less, less about three-quarters of an acre.
- "9. Twenty-eight acres of land, part of portion No. 24, parish of Moorabbin.

"And I further declare that such of the said lands and tenements as are situate in the city of Melbourne, and described under No. 1, are rated in the city rate-book at the nett annual value of £400.

"Such as are situate in the borough of St. Kilda, and are described under Nos. 2 and 5, are rated in the rate-book of the borough of St. Kilda at the nett annual value of £315.

"Such as are situate in the borough of Brighton, and described under No. 3, are rated in the rate-books of the borough of Brighton at the nett annual value of £109.

"Such as are situate in the borough of Richmond, and described under No. 4, are rated in the books of the borough of Richmond at the nett annual value of £100.

"Such as are situate in the parish of Pentridge, and described under No. 7, are rated in the books of the road board at the nett annual value of £28.

"Such as are situate in the parish of Moorabbin, and described under No. 8, are rated in the books of the Moorabbin road board at the nett annual value of £7.

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

"Melbourne, 16th February, 1869."

"THOS. T. A'BECKETT.

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

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

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

"3. Seventy acres of land and dwelling-house, known as the Grange, parish of Narree Warren, county of Mornington.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of the city of Melbourne and the shire of Berwick, are rated in the rate-books of such municipal district [or districts respectively] as follows:—

"1, over £250 per annum; 2, over £100 per annum; 3, at £100 per annum.

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

"W. A. C. A'BECKETT."

"In compliance with the provisions of the Act 32 Victoria No. 334, I, GEORGE WARD COLE, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: and further, that the lands and tenements out of which such qualification arises are situate in the parish of Jika Jika, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—Allotment 4 of section 2, fronting Flinders and Little Flinders street, with bonded stores, houses, &c., &c. And I further declare that such of the said lands and tenements as are situate in the municipal district of _____ are rated in the rate-books of such municipal district [or districts respectively] as follows:—

Cole's Bonded Stores, Flinders street, at over £350 per annum. And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

"GEORGE WARD COLE."

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

"One thousand eight hundred and eighty-four acres of land, with buildings and improvements thereon, comprising section 24, part of sections 34 and 35, part of sections 20 and 21, Dunced.

"Part of sections 3-8, Paraparap.

"Three allotments, with stores and buildings thereon, situated in Brougham place, in the town of Geelong.

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

| | |
|------------------------|------|
| Barrabool | £306 |
| Town of Geelong | 100 |
| | £406 |

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

“JAS. HENTY.”

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable J. McCrae presented to the Council, by command of His Excellency, the following Message from His Excellency the Governor:—
J. H. T. MANNERS SUTTON,

Governor.

The Governor transmits to the Legislative Council a copy of a Despatch which he has received from the Secretary of State, acknowledging receipt of Addresses to the Queen from the Legislative Council and Legislative Assembly of Victoria on the preservation of the life and restoration to health of His Royal Highness the Duke of Edinburgh.

Government Offices,
Melbourne, 11th February, 1869.

Victoria, No. 81.
SIR,

Downing street, 14th August, 1868.

I have to acknowledge the receipt of your Despatch No. 88, of 20th June, enclosing congratulatory Addresses to the Queen, which were agreed to by the Legislative Council and the Legislative Assembly of Victoria on the occasion of the preservation of the life and restoration to health of His Royal Highness the Duke of Edinburgh.

I have had the honor to lay these Addresses before the Queen, and I am commanded to instruct you to assure the Legislative Council and the Legislative Assembly that Her Majesty has received with much gratification this expression of their loyal sentiments.

I have, &c.,

Governor the Honorable
Sir J. H. T. Manners Sutton, K.C.B.,
&c., &c., &c.

(Signed)

BUCKINGHAM AND CHANDOS.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Honorable J. McCrae moved, That the House do take into consideration the Speech of His Excellency the Governor.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That a Committee be appointed to prepare an Address to His Excellency the Governor, in reply to His Excellency's Speech delivered to the Parliament, and that such Committee consist of the Honorables A. Fraser, J. Graham, C. J. Jenner, J. P. Fawcner, J. Henty, W. Highett, F. Robertson, and the mover.

Question—put and passed.

The Committee withdrew to prepare the Address.

The Honorable W. A. C. a'Beckett brought up the Address prepared by the Committee, and moved that the same be read.

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

To His Excellency the Honorable SIR JOHN HENRY THOMAS MANNERS SUTTON, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:

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

We thank Your Excellency for having called us together for the transaction of business as early as the preparation of the measures to be submitted to us would allow.

We are glad to learn that during the recess considerable retrenchments have been effected, thereby rendering available a larger proportion of the revenue for works of public utility.

We are conscious that the works already undertaken for water supply have been a subject of anxious consideration, and we are glad to know that they have been subjected to careful scrutiny and investigation by Your Excellency's advisers. We shall await the result of the enquiry which Your Excellency has been pleased to order to be laid before us; meanwhile we are glad to be informed that there exists no reason for delaying the completion of these important works.

We receive with much satisfaction the announcement of the successful issue in the colony of the loan for the construction of public works, and we concur in the opinion expressed by Your Excellency that there can be no better proof of confidence in the resources and credit of the country, as well as in the scheme to which the money is to be applied, and of the growing wealth and prosperity of the people. We also coincide in the opinion that there is reason to hope the negotiation of the railway loan in London will be successful.

We receive with satisfaction Your Excellency's congratulations on the general prosperity of the country—that the harvest is abundant, the yield of gold increasing, the financial and commercial conditions of the colony sound, and that there are undoubted indications of industrial progress.

We concur with Your Excellency that further legislation for the control and disposal of the waste lands of the Crown is necessary. We shall give our best consideration to the measure which will be laid before us for the purpose of extending the beneficial operation of the existing laws, in so far as they relate to agricultural settlement, and for determining the conditions of pastoral occupation.

We shall also carefully consider the question of communication with Europe, of the establishment of a postal and passenger service *viâ* the Cape of Good Hope, which will be an important

element for our consideration in connexion with the immigration regulations which Your Excellency has informed us will be laid before us when the necessary information shall have been obtained from the Agent-General.

The measures to be submitted for the inspection of Mines, and the enforcement of due care in Mining Operations; for amendment of the Laws relating to Mining Properties and Mining Companies, whereby the regulations under which auriferous lands may be acquired shall be simplified; for effecting better arrangements for defraying the costs of draining Mines on Quartz Reefs, and for legalizing Contracts between Miners and the Holders of Private Property, will all of them receive our earnest attention.

Our attention will be cheerfully given to the measures for an amendment of the Laws relating to Local Government which experience in the working of the municipal institutions has suggested.

We learn with satisfaction that a laudable disposition has been shown by some districts to prosecute for themselves remunerative public works. We shall readily afford every facility for the development of local enterprise and the encouragement of a spirit of self-reliance. The measure to be submitted to us for enabling local bodies to undertake such works with the assistance of the State will meet with our careful consideration.

We shall also be prepared to consider the Bills to be submitted to us for the amendment of the Law of Insolvency, for conferring upon County Courts a limited equitable and ecclesiastical jurisdiction, for the amendment of the Criminal Law, for the collection of Crown Fees by Stamps, for imposing a Succession and Probate Duty, and for the regulation of the Police Force, and likewise the measure for the amendment of "The Wines Beer and Spirits Sale Statute 1864."

We shall further be prepared to consider the amendment of the Laws relating to Diseases in Animals, Impounding, Fencing, and Abattoirs.

We join Your Excellency in trusting that our deliberations may, under the blessing of Divine Providence, conduce to the permanent prosperity and happiness of the people.

The Honorable W. A. C. a'Beckett moved, That the House do agree with the Address.

Debate ensued.

Question—put and passed.

The Honorable J. McCrae moved, That the Address be presented to His Excellency the Governor to-morrow at three o'clock.

Question—put and passed.

The Honorable J. McCrae moved, That the Address be presented by the President and such Members of the House as may desire to accompany him.

Question—put and passed.

PAPER.—The Honorable J. McCrae presented to the Council the following paper:—

Bairnsdale.—County Court.—Order in Council (1st February, 1869).

Ordered to lie on the Table.

DAYS OF BUSINESS.—The Honorable J. McCrae, in accordance with notice, moved, That Tuesday, Wednesday, and Thursday be the days on which the Council shall meet for the despatch of business during the present Session, and that four o'clock be the hour of meeting on each day; and that on Wednesday in each week the transaction of Government business take precedence of all other business.

Question—put and passed.

STANDING ORDERS SELECT COMMITTEE.—The Honorable J. McCrae, in accordance with notice, moved, That the Honorables the President, W. Campbell, T. T. a'Beckett, W. Highett, H. M. Murphy, and the Mover, be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

LIBRARY COMMITTEE (JOINT).—The Honorable J. McCrae, in accordance with notice, moved, That the Honorables the President, J. O'Shanassy, R. C. Hope, J. P. Fawcner, and W. H. F. Mitchell, be Members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

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

Question—put and passed.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable J. McCrae, in accordance with notice, moved, That the Honorables J. P. Bear, R. Turnbull, C. J. Jenner, R. S. Anderson, and W. H. Pettett, be Members of the Joint Committee of both Houses to manage the Refreshment Rooms and Stables.

Question—put and passed.

PARLIAMENT BUILDINGS SELECT COMMITTEE (JOINT).—The Honorable J. McCrae, in accordance with notice, moved, That the Honorables the President, S. G. Henty, G. W. Cole, N. Fitzgerald, and W. Degraives, be Members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

RATEPAYERS ROLLS.—The Honorable W. Highett, in accordance with notice, moved, That there be laid upon the Table of the House a copy of the ratepayers' roll for the City of Melbourne, the Town of Geelong, and of all boroughs, shires, and road districts.

Question—put and passed.

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

Question—put and passed.

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

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 23RD FEBRUARY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REPLY OF GOVERNOR TO ADDRESS.—The President announced to the Council that the Address to His Excellency the Governor in reply to his Speech opening the Parliament had been presented in accordance with the resolution of the House, and that His Excellency had been pleased to make thereto the following reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL—

It affords me much gratification to receive this loyal Address, and I look forward with confidence to the results of your deliberations on the important business which will be submitted for your consideration.

J. H. T. MANNERS SUTTON.

Government Offices,
Melbourne, 17th February, 1869.

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

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

“In compliance with the provisions of the Act 32 Victoria No. 334, I, JAMES FORD STRACHAN, do declare and testify that I am seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of five thousand pounds sterling money above all charges and incumbrances affecting the same : and further, that the lands and tenements out of which such qualification arises are situated in the parish of Corio, in the county or reputed county of Grant, the description of which lands and tenements are as follow :— Offices and stores situated in Moorabool street and Corio terrace. And I further declare that such of the said lands and tenements as are situate in the municipal district of Geelong are rated in the rate-books of such municipal district as follows :—More than £250 annual value.

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

“JAMES F. STRACHAN.”

PAPER.—The Honorable J. McCrae, by command of His Excellency the Governor, laid on the Table the following paper :—

Paying or Compensating Members of the Legislature.—Report of Royal Commission (8th February, 1869).

Ordered to lie on the Table.

PAPER.—The Honorable J. McCrae laid on the Table the following paper :—

Statistics of the Colony of Victoria for the Year 1867—

Part V.—Finance, &c.

Part VI.—Vital Statistics, &c.

Part VII.—Production.

Part VIII.—Religious, Moral, and Intellectual Progress.

Ordered to lie on the Table.

ADJOURNMENT.—The Honorable J. McCrae, 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 four o'clock until four o'clock on Tuesday the 2nd proximo.

NOTICE OF MOTION.

TUESDAY, 2ND MARCH, 1869.

1. The Hon. W. HIGHETT: To ask the honorable member representing the Government, When the Return to an order of the House made on the 10th of September, 1868, for certain information regarding the issue of free railway passes will be laid on the Table.

NOTICE OF MOTION—

1. The Hon. W. HIGHETT: To move, That the letter of the Chief Secretary, laid on the Table of the House on the 16th instant, requesting the Council to aid the Government in the measures being taken for the reduction of the Public Expenditure, 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.

TUESDAY, 2ND MARCH, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

LETTER FROM SOLICITOR OF NATHANIEL LEVI.—The President informed the Council that he had received a letter from the Solicitor for Mr. Nathaniel Levi, applying for the return of the sum of One hundred pounds, deposited by him on lodging a Petition against the return of the Hon. W. A. C. a'Beckett, in September last.

The Honorable J. McCrae moved, That the question be referred to the Committee of Elections and Qualifications.

Question—put and passed.

SWEARING OF MEMBERS OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorables A. Fraser, J. Graham, W. Highett, J. McCrae, and R. Turnbull, were sworn at the table by the Clerk, as Members of the Elections and Qualifications Committee, in the manner prescribed by the Electoral Act of 1856.

EXPENSES OF LEGISLATIVE COUNCIL.—The Honorable W. Highett, in accordance with notice, moved, That the letter of the Chief Secretary, laid on the table of the House on the 16th February, requesting the Council to aid the Government in the measures being taken for the reduction of the Public Expenditure, be now taken into consideration.

Question—put and passed.

The Honorable W. Highett moved, That the subject be referred to a Select Committee, consisting of the Honorables the President, J. McCrae, J. O'Shanassy, W. H. F. Mitchell, W. Campbell, J. P. Fawkner, H. M. Murphy, A. Fraser, J. P. Bear, and the Mover; and that such Committee have power to call for persons and papers, and to sit during any adjournments of the House.

Question—put and passed.

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

“In compliance with the provisions of the Act 32 Victoria No. 334, I, NEIL BLACK, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of two hundred and fifty pounds sterling money above all charges and incumbrances affecting the same: and further, that the lands and tenements out of which such qualification arises are situate in the parish of Terang, in the county or reputed county of Hampden, the description of which lands and tenements are as follow:—Freehold estate of upwards of twelve thousand acres. And I further declare that such of the said lands and tenements as are situate in the municipal district of the Shire of Hampden, are rated in the rate-books of such municipal district as follows:—Over two hundred and fifty pounds sterling.

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

“NEIL BLACK.”

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 Thirty-six thousand four hundred and eighty-five pounds twelve shillings and five pence to the service of the year One thousand eight hundred and sixty-eight, and the sum of Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-nine,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 2nd March, 1869.

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

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

The Honorable J. McCrae moved, That the Honorable J. Henty be Chairman of Committees of this House during the evening.

Question—put and passed.

The Honorable J. McCrae 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 the Committee reported that the Committee had gone through the Bill, and had agreed to the same without amendment.

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

Question—put and passed.

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

Amendment moved by the Honorable W. H. F. Mitchell, That the following words be inserted in the question after the word "Bill":—"notwithstanding its Preamble, against which this House protests, on the ground that it is not in accordance with the Form of Preamble settled and agreed upon by and between Committees of the two Houses met in conference in April, 1866, on the subject of the differences between the two Houses with reference to a Bill then before the Legislative Council, intituled '*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties*,' and subsequently confirmed by both Houses—"

Debate ensued.

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

Council divided.

Contents, 11
The Hon. W. H. F. Mitchell
W. Campbell
N. Fitzgerald
R. Turnbull
J. Graham
W. Highett
Dr. Hope
J. P. Fawcner
J. F. Strachan
R. Simson
N. Black (*Teller*).

Not Contents, 8.
The Hon. J. McCrae
W. H. Pettett
H. M. Murphy
F. Robertson
J. Henty
A. Fraser
W. Degraives
W. A. C. a'Beckett (*Teller*).

The question was therefore passed.

Question—That this Bill, notwithstanding its Preamble, against which this House protests on the ground that it is not in accordance with the Form of Preamble settled and agreed upon by and between Committees of the two Houses, met in conference in April, 1866, on the subject of the differences between the two Houses, with reference to a Bill then before the Legislative Council, intituled "*An Act for granting to Her Majesty certain duties of Customs and for altering certain other duties*," and subsequently confirmed by both Houses, be now read a third time—put and passed.

The Honorable J. McCrae moved, That the Bill do now pass.

Question—put and passed.

The Honorable J. McCrae moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Thirty-six thousand four hundred and eighty-five pounds twelve shillings and five pence to the service of the year One thousand eight hundred and sixty-eight, and the sum of Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-nine.*"

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.

ROYAL ASSENT TO A BILL.—The President informed the Council that he had received a communication from the Private Secretary to His Excellency the Governor, announcing His Excellency's intention to proceed to the Legislative Council Chamber this day, at a quarter past five o'clock, to assent, in Her Majesty's name, to a certain Bill passed by the Legislative Council and the Legislative Assembly.

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

1. Steiglitz Division Polling Places.—Order in Council (15th February, 1869).
2. Donnelly's Creek Division—Additional Polling Places.—Order in Council (1st February, 1869).
3. Sandhurst Mining District—Additional Polling Places for certain divisions.—Order in Council (25th January, 1869).
4. Mining Surveyors and Registrars.—Reports of, for quarter ending 30th September, 1868.
5. Hospitals for Insane.—Report of Inspector of Asylums on (4th February, 1869).

Ordered severally to lie on the Table.

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

1. Official Agents, Regulations for. 25th January, 1869.
2. Schedule D, Statement of Expenditure. 1866 and 1867.

Ordered severally to lie on the Table.

SWEARING IN OF MEMBER OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable N. Fitzgerald was sworn at the Table by the Clerk as a Member of the Committee of Elections and Qualifications.

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

Question—put and passed.

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

ROYAL ASSENT TO A BILL.—His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to assent in Her Majesty's name to the following Bill—

“An Act to apply out of the Consolidated Revenue the sum of Thirty-six thousand four hundred and eighty-five pounds twelve shillings and five pence to the service of the year One thousand eight hundred and sixty-eight, and the sum of Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-nine.”

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

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

“J. H. T. MANNERS SUTTON,
“Governor.”

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

The Council adjourned at half-past five o'clock until four o'clock on Tuesday, the 9th instant.

NOTICES OF MOTION.

TUESDAY, 9TH MARCH, 1869.

NOTICE OF MOTION—

1. The Hon. ROBERT TURNBULL: To move, That the Honorable W. H. F. Mitchell be elected Chairman of Committees.
2. The Hon. JAMES HENTY: To move, That the Honorable Dr. Hope be Chairman of Committees of this House.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 9th March—

COUNCIL EXPENSES—at two o'clock.

REFRESHMENT ROOMS (JOINT)—at half-past three o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 9TH MARCH, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION—SOUTH PROVINCE ELECTION.—The President laid before the Council a Petition signed by Nathaniel Levi, of Collins-street, West Melbourne, setting forth that the Petitioner is advised, and believes, that by reason of William Arthur Callandar a'Beckett being unqualified to be elected as Member of the House, the Petitioner is entitled to be declared duly elected as Member for the South Province, and to have his name inserted in the Writ in the place of the said William Arthur Callandar a'Beckett, and praying that the case of the Petitioner may be referred to a Committee of the Council duly authorized to receive, enquire into, and report upon the same according to law, and further praying, that in the event of the said Committee reporting that the said William Arthur Callandar a'Beckett was not at the time of the election possessed of the necessary qualification to entitle him to be so elected, that the Legislative Council will be pleased to declare the returning officer's return void, as respects the said William Arthur Callandar a'Beckett, and to amend the said return to the Writ by taking out the name of the said William Arthur Callandar a'Beckett, and inserting in its place the name of the Petitioner, and to declare the Petitioner duly elected as a Member of the Legislative Council for the South Province.

PETITION OF NATHANIEL LEVI.—The Honorable W. Highett moved, That the Petition of Nathaniel Levi be referred to the Elections and Qualifications Committee.

Question—put and passed.

SWEARING IN OF MEMBER OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable R. S. Anderson was sworn at the Table by the Clerk as a Member of the Committee of Elections and Qualifications.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President appointed the time and place of the first meeting of the Committee to be at ten o'clock in the forenoon on Thursday, the eleventh of March, in the South Committee Room.

PAPER.—The Honorable J. McCrae laid on the Table the following Paper:—

Victoria Volunteer Force—Regulation respecting (22nd February, 1869).

Ordered to lie on the Table.

PAPER.—The Honorable J. McCrae, by command of His Excellency the Governor, laid on the Table the following Paper:—

Paying or Compensating Members of the Legislature. Additional Papers.

Ordered to lie on the Table.

LIBRARY COMMITTEE (JOINT).—The Honorable John O'Shanassy, with leave of the Council, moved, without notice, That the Members of the Council who are Members of the Joint Committee to manage the Library have power to sit during any adjournments of the House.

Question—put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable W. Highett, with leave of the Council, moved, without notice, That the Elections and Qualifications Committee have power to sit during any adjournments of the House.

Question—put and passed.

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

Question—put and passed.

CHAIRMAN OF COMMITTEES.—The Honorable R. Turnbull, in accordance with notice, moved, That the Honorable W. H. F. Mitchell be elected Chairman of Committees.

Debate ensued.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Tuesday, the 16th instant.

MEETINGS
OF
SELECT COMMITTEES.

Thursday, 11th March.

ELECTIONS AND QUALIFICATIONS COMMITTEE—at ten o'clock.

Tuesday, 16th March.

COUNCIL EXPENSES—at two o'clock.

REFRESHMENT ROOMS (JOINT)—at half-past three o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 16TH MARCH, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable J. McCrae laid on the Table the following Paper:—
Mansfield County Court—Order in Council, 1st March, 1869.

Ordered to lie on the Table.

RAILWAY FREE PASSES.—The Honorable J. McCrae laid on the Table a Return to an Order of the Council made on the 10th September, 1868.

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

Question—put and passed.

The Council adjourned at half-past four o'clock until four o'clock on Thursday, the 18th instant.

MEETINGS

OF

SELECT COMMITTEES.

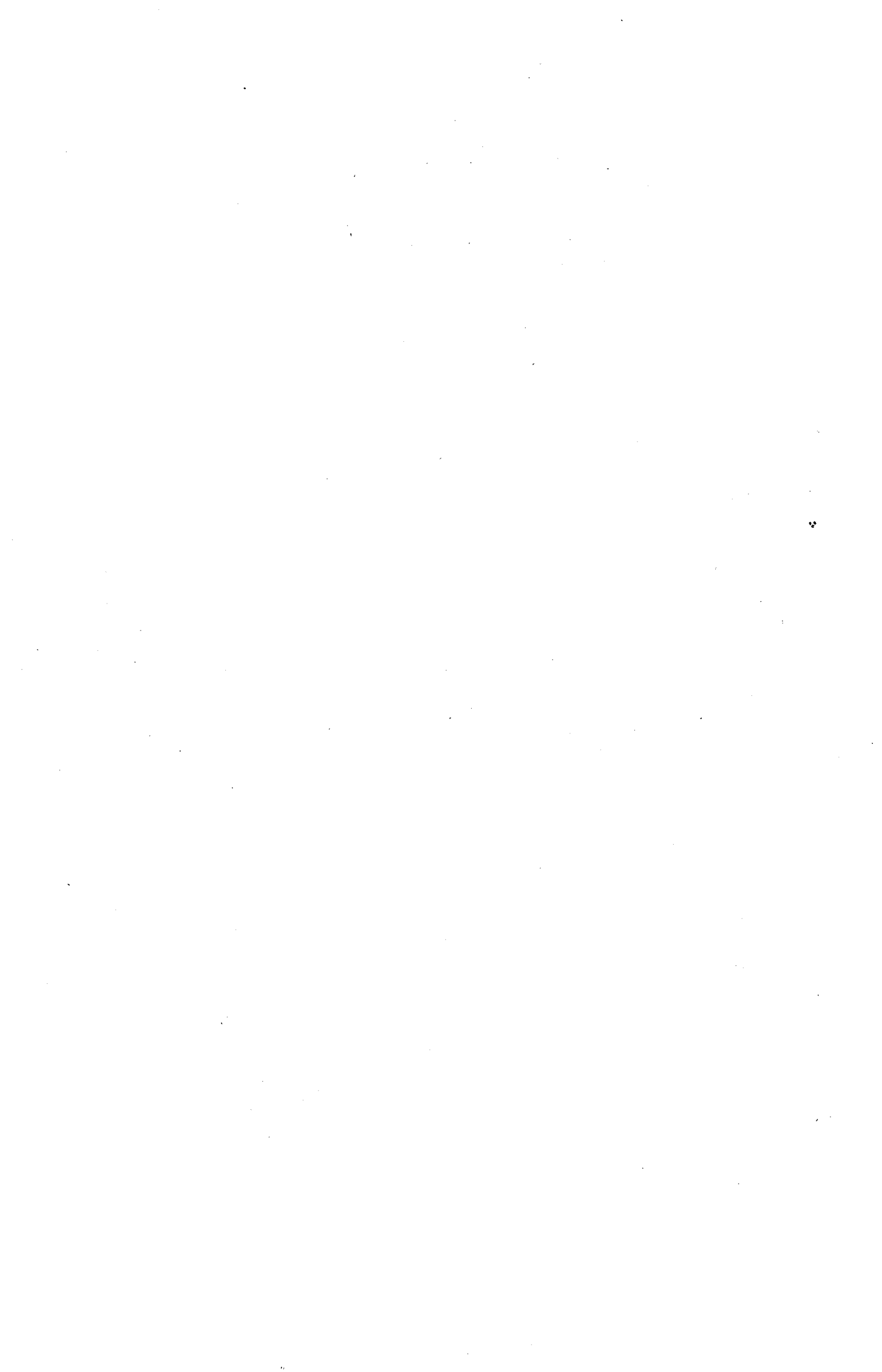
Wednesday, 17th March.

ELECTIONS AND QUALIFICATIONS COMMITTEE—at eleven o'clock.

Tuesday, 23rd March.

COUNCIL EXPENSES—at two o'clock.

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



Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

THURSDAY, 18TH MARCH, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, STEPHEN GEORGE HENTY, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of five hundred pounds sterling money above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Portland, in the county or reputed county of Normanby, the description of which lands and tenements are as follow:—Freehold land at Portland. And I further declare that such of the said lands and tenements as are situate in the municipal district of Portland, are rated in the rate-books of such municipal district as follows:—

| | |
|-----------------------------|------|
| Richmond Cottage, on sec. 4 | £120 |
| Stores and offices | 275 |
| Wool stores | 100 |
| Dacomb's Cottage | 103 |
| Two iron cottages, each £25 | 50 |
| Dr. Brewer's Cottage | 40 |
| Vacant allotments | 5 |
| Allotments let | 50 |
| | £743 |

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

“S. G. HENTY.”

PETITION.—The Honorable J. McCrae presented to the Council a Petition signed by William Witt and others, styling themselves inhabitants of Chiltern, praying the Council to aid them in such manner as the Council may approve in carrying out the important work of supplying the district of Chiltern with water.

Petition received.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the Elections and Qualifications Committee be empowered to adjourn until Wednesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable J. McCrae, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Wednesday, the 7th of April.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Wednesday, the 7th proximo.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 23rd March.

COUNCIL EXPENSES—at two o'clock.

Wednesday, 24th March.

ELECTIONS AND QUALIFICATIONS COMMITTEE—at half-past ten o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 7TH APRIL, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

RESIGNATION OF MEMBER.—HONORABLE T. LEARMONTH.—The President announced to the Council that he had received the following letter from the Honorable T. Learmonth, to whom leave of absence was granted by the Council on the 8th September, 1868:—

The Honorable
The President of the Legislative Council.

Park Hall, by Linlithgow,
Scotland, 21st January, 1869.

SIR,

Having obtained leave of absence for twelve months, from September last, and finding that I cannot return to Victoria within that period, I beg to place in your hands my resignation of my seat for the South-Western Province.

I have the honor to be, Sir,
Your obedient servant,

T. LIVINGSTONE LEARMONTH.

ISSUE OF WRIT FOR NEW MEMBER.—The President announced that a Writ for the election of a new member for the South-Western Province would be issued forthwith.

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

J. H. T. MANNERS SUTTON,
Governor.

The Governor transmits to the Legislative Council a Copy of a Despatch from the Secretary of State announcing Her Majesty's pleasure with respect to the precedence accorded to Bishops and other Ecclesiastical Dignitaries.

Government Offices,
Melbourne, 7th April, 1869.

(Despatch enclosed—Victoria No. 12, 26th January, 1869.)

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

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

1. Warrenheip and Bungaree Reservoir Site excepted from Mining Operations.—Order in Council.
2. Schedule D to 18 and 19 Vic., cap. 55, Statement of Expenditure under, on account of the Year 1868.
3. Health Officer's Report for Year ending 31st December, 1868.

Ordered severally to lie on the Table.

PAPERS.—The Honorable J. McCrae laid on the Council Table the following Papers:—

1. Walhalla, County Court and Court of Mines at.—Orders in Council (15th March, 1869).
2. Water Supply, Victorian—
Statement of Expenditure, 1868, out of Water Works Loan, 1865, No. 287.
Estimate of proposed expenditure in Castlemaine and Sandhurst Districts and Town of Geelong, and for completion of works at Ballarat.
Statement of application of monies during 1868, out of Loan No. 332, *Public Works Loan Act*, 1868.
Draft of Bill and Schedule thereto, for applying money raised under the *Public Works Loan Act*, 1868, for Salaries, Wages, and Contingencies.

Ordered severally to lie on the Table.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable A. Fraser, in the absence of the Chairman of the Committee of Elections and Qualifications, brought up the Report of the Committee, and moved that the same be printed.

Question—put and passed.

The resolutions determined upon by the Committee were read at the Table by the Clerk, as follows:—

That the sitting member, W. A. C. a'Beckett, was duly elected a Member of the Legislative Council of Victoria.

That the sum of One hundred pounds, lodged by the Petitioner in the last Session of Parliament with the Petition then presented, be returned to him.

That the sum of One hundred pounds, lodged by the Petitioner in the present Session of Parliament, less the sum of (£14 10s.) Fourteen pounds ten shillings, for the expense of attending and taking notes of evidence, be returned to the Petitioner.

ADJOURNMENT.—The Honorable J. McCrae, with leave of the Council, moved, without notice, That the House at its rising this day adjourn till Thursday the 15th instant.

Question—put and passed.

EXPENSES OF LEGISLATIVE COUNCIL—REPORT OF SELECT COMMITTEE.—The Honorable W. Highett brought up the Report of the Select Committee, to which was referred, on the 2nd ultimo, a letter from the Chief Secretary on the Expenses of the Legislative Council, and moved, That the same be printed.

Question—put and passed.

RAILWAY FREE PASSES.—The Honorable W. Highett, with leave of the Council, moved, without notice,

That the Return laid on the Table on the 16th ultimo be printed.

Debate ensued.

Motion, by leave, withdrawn.

The Council adjourned at a quarter to five o'clock until four o'clock on Thursday the 15th instant.

NOTICES OF MOTION.

THURSDAY, 15TH APRIL, 1869.

1. The Hon. W. A. C. a'BECKETT: To ask the Commissioner of Public Works, Whether it is the intention of the Government to prosecute John Fergusson.

NOTICES OF MOTION—

1. The Hon. W. HIGHETT: To move, That the return to an Order of the House, laid on the Council Table on the 16th March last, respecting Railway Free Passes, be printed.
2. The Hon. W. HIGHETT: To move, That the report of the Select Committee on the Expenses of the Legislative Council be now taken into consideration.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 15TH APRIL, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable J. McCrae, by command of His Excellency the Governor, laid on the Table the following papers :—

1. Electric Telegraph.—Report and Appendices, for the Year 1868.
2. Post Office Department.—Report for the Year 1868.

Ordered severally to lie on the Table.

RAILWAY FREE PASSES.—The Honorable W. Highett, in accordance with notice, moved, That the Return to the Order of the House, laid on the Council Table on the 16th March last, respecting Railway Free Passes, be printed.

Debate ensued.

Question—put and passed.

EXPENSES OF LEGISLATIVE COUNCIL.—The Honorable W. Highett, in accordance with notice, moved, That the Report of the Select Committee on the Expenses of the Legislative Council be now adopted.

Debate ensued.

Question—put and passed.

PAPER.—The Honorable J. McCrae, by command of His Excellency the Governor, laid on the Table the following Paper :—

Paying or Compensating Members of the Legislature.—Further Papers in connection with Report of Royal Commission.

Ordered to lie on the Table.

PAPER.—The Honorable J. McCrae laid on the Table the following paper :—

Castlemaine—Mining Operations authorized on excepted lands at.—Order in Council. 22nd March, 1869.

Ordered to lie on the Table.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Laws relating to Abattoirs and the Slaughtering of Cattle,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY
Speaker.

Legislative Assembly Chambers,
Melbourne, 15th April, 1869.

ABATTOIRS BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Thursday the 22nd instant.

ORDER OF THE DAY AND NOTICE OF MOTION.

THURSDAY, 22ND APRIL, 1869.

ORDER OF THE DAY—

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

TUESDAY, 27TH APRIL.

NOTICE OF MOTION—

1. The Hon. W. A. C. A'BECKETT: To move for leave to bring in a Bill to vest the trial of Election Petitions in the Judges of the Supreme Court.

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

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THURSDAY, 22ND APRIL, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

RETURN OF WRIT.—The President announced to the Council that a Writ issued by him for the election of a new Member for the South Western Province in the place of the Honorable Thomas Learmonth, resigned, had been returned to him, and that the Returning Officer had certified that Philip Russell, of Carngham, was duly elected in pursuance of the Writ.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, PHILIP RUSSELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of five hundred pounds sterling money above all charges and incumbrances affecting the same: And further that the lands and tenements out of which such qualification arises are situate in the parishes of Skipton, Nanimia and Enuc, in the counties of Hampden and Ripon, the description of which lands and tenements are as follow :—All those pieces or parcels of land situate in the parish of Skipton and county of Hampden being allotments one, two, three, four, five, six, seven, eight, eleven, twelve, thirteen, fourteen, and eighteen of section three; also all those other pieces of land, being allotments two, three, and four of section ten A; also, allotments two and three of section twelve, situate in the said parish of Skipton and county of Hampden; also, all those pieces of land situate in the parish of Nanimia and county of Ripon, and being allotments one hundred and twenty-three to one hundred and thirty-two, and allotment one hundred and thirty-five, subdivision A, of allotments one hundred and thirty-three, one hundred and thirty-four, and one hundred and thirty-six; and also, subdivision A, allotments one hundred and forty-one to one hundred and forty-four, both inclusive; also, allotment four of same subdivision, section eight; and also, all those pieces of land situate in the parish of Enuc, and being allotments one, two, and three, and section seven, and allotment one of section eight, subdivision A; and which said pieces of land contain in the aggregate three thousand eight hundred and forty-three acres three roods and twenty-nine perches or thereabouts. And I further declare that such of the said lands and tenements as are situate in the municipal district of the shire of Ripon are rated in the rate-books of such municipal district as follows :—Over two hundred and fifty pounds.

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

“PHILIP RUSSELL.”

REFRESHMENT ROOMS COMMITTEE (JOINT).—FIRST REPORT.—The Honorable R. S. Anderson brought up a Report from the Joint Committee of both Houses of Parliament appointed to manage the Refreshment Rooms and Stables.

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

The Select Committee appointed by both Houses of Parliament to manage the Refreshment Rooms and Stables have the honor to submit the following Report :—

(1.) The application of Mrs. Drew (widow of Mr. Drew, late stablekeeper) for a gratuity, being brought under consideration, it was found that, on the 26th August, 1868, the Joint Committee of last session passed a resolution recommending that the sum of one hundred pounds (£100) be paid to her, which recommendation your Committee begs to endorse.

(2.) That the strangers' room be appropriated to gentlemen employed in reporting, and other persons necessarily attending the proceedings of Parliament; but that during the sittings of the House no strangers, unless the reporters, be admitted.

(3.) That in future the stables be kept exclusively for the convenience of members and ex-members of Parliament, and the officers thereof.

Committee-room (Library),
14th April, 1869.

The Honorable R. S. Anderson moved, That the Report be now adopted.
Question—put and passed.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

Debate ensued.

The Honorable J. McCrae, with leave of the Council, altered the motion by substituting “Wednesday week” for “Wednesday next.”

Question—That the House at its rising this day adjourn until Wednesday week—put and passed.

The Council adjourned at ten minutes to five o'clock until four o'clock on Wednesday the 5th proximo.

ORDER OF THE DAY.

WEDNESDAY, 5TH MAY, 1869.

Government Business.

ORDER OF THE DAY—

1. ABATTOIRS BILL—To be further considered in Committee.

General Business.

NOTICE OF MOTION :—

1. The Hon. W. A. C. A'BECKETT: To move for leave to bring in a Bill to vest the trial of Election Petitions in the Judges of the Supreme Court.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 5TH MAY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

RETURNING OFFICER (SOUTH PROVINCE) LETTER FROM.—The President informed the Council that the Clerk of the Council had received a letter from the Returning Officer for the South Province, requesting that, for the purpose of being used in giving evidence in a case—the *Queen v. J. K. Trainor*—the appointment and declaration of J. K. Trainor, as Deputy Returning Officer, and the appointment and declaration of S. P. Simmonds, substitute for the Returning Officer at an election held on the 8th October, 1868, may be handed to him.

The President informed the Council that the voting papers were separately made up, and sealed, and would not be interfered with, if the request were complied with.

The Honorable J. McCrae moved, That the request be complied with.

Question—put and passed.

PAPERS.—The Honorable J. McCrae laid on the Table the following papers :—

1. Bright—County Court to be holden at.—Order in Council, 26th April, 1869.
2. Bright—Court of Mines, Beechworth District—to be holden at.—Order in Council, 26th April, 1869.
3. Gippsland Mining District—Polling Places for.—Order in Council, 12th April, 1869.
4. Races, Drains, Dams, and Reservoirs—Regulations respecting Licences to cut.—Order in Council, 12th April, 1869.
5. Ballarat—Powers, &c., of Officers in Mining District of.—Order in Council, 12th April, 1869.

Ordered severally to lie on the Table.

RATEPAYERS' ROLLS.—The Honorable J. McCrae laid on the Table a Part Return to an Order of the Council, made on the 16th February last.

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

Debate ensued.

Motion, by leave, withdrawn.

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

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

Ordered.

ELECTION PETITIONS.—The Honorable W. A. C. a'Beckett, in accordance with notice, moved for leave to bring in a Bill to vest the trial of Election Petitions in the Judges of the Supreme Court.

Debate ensued.

Motion, by leave, withdrawn.

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

Question—put and passed.

The Council adjourned at five minutes to five o'clock until four o'clock on Wednesday the 19th instant.

ORDER OF THE DAY.

WEDNESDAY, 19TH MAY, 1869.

Government Business.

ORDER OF THE DAY—

1. **ABATTOIRS BILL**—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 19TH MAY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Education—Seventh Report of Board of—1868.

Ordered to lie on the Table.

PAPERS.—The Honorable J. McCrae laid on the Table the following papers :—

1. Telegraphic Communication between Europe and Australia.—Letter, with enclosures, from Agent-General (25th February, 1869).
2. Yan Yean Water Supply.—Cash Sheet and Balance Sheet, 1868.
3. Mining Surveyors' and Registrars' Reports.—Quarter ending 31st March, 1869.

Ordered severally to lie on the Table.

RATEPAYERS' ROLLS.—The Honorable J. McCrae laid on the Table a further Return to an Order of the Council, made on the 16th February last.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 26th instant :—
"Abattoirs Bill"—To be further considered in Committee.

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 Five hundred thousand pounds to the service of the Year One thousand eight hundred and sixty-nine,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 19th May, 1869.

CONSOLIDATED REVENUE BILL (2).—The Honorable J. McCrae moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable J. McCrae moved, That the report be now adopted.

Question—put and passed.

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

Amendment moved by the Honorable W. H. F. Mitchell, that the following words be inserted in the question after the word "Bill"—"notwithstanding its Preamble, against which this House protests, on the ground that it is not in accordance with the form of Preamble settled and agreed upon by and between Committees of the two Houses met in Conference in April, 1866, on the subject of the differences between the two Houses with reference to a Bill then before the Legislative Council, intituled '*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*' and subsequently confirmed by both Houses".

Debate ensued.

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

Question—That the Bill, notwithstanding its Preamble, against which this House protests, on the ground that it is not in accordance with the form of Preamble settled and agreed upon by and between Committees of the two Houses met in Conference in April, 1866, on the subject of the differences between the two Houses with reference to a Bill then before the Legislative Council, intituled "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" and subsequently confirmed by both Houses, be now read a third time—put and passed.

Bill read a third time.

The Honorable J. McCrae moved, That the Bill do now pass.

Question—put and passed.

The Honorable J. McCrae moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Five hundred thousand pounds to the service of the Year One thousand eight hundred and sixty-nine.*"

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 five o'clock until four o'clock on Thursday the 20th instant.

ORDER OF THE DAY.

THURSDAY, 20TH MAY, 1869.

1. The Hon. P. RUSSELL: To ask the Honorable the Commissioner of Public Works, If an answer has been sent by the Honorable the Commissioner of Lands and Survey to a letter from Mr. Philip Russell, dated 4th March, 1869.

WEDNESDAY, 26TH MAY.

Government Business.

ORDER OF THE DAY—

1. ABATTOIRS BILL—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 20TH MAY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO A BILL.—The President informed the Council that he had received a communication from the Private Secretary to His Excellency the Governor, announcing His Excellency's intention to proceed to the Legislative Council this day, at half-past four o'clock, to assent, in Her Majesty's name, to a certain Bill passed by the Legislative Council and the Legislative Assembly.

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

ROYAL ASSENT TO A BILL.—His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to assent in Her Majesty's name to the following Bill—

“An Act to apply out of the Consolidated Revenue the sum of Five hundred thousand pounds to the Service of the year One thousand eight hundred and sixty-nine.”

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

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

“J. H. T. MANNERS SUTTON,
“Governor.”

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Wednesday the 26th instant.

ORDER OF THE DAY.

WEDNESDAY, 26TH MAY, 1869.

Government Business.

ORDER OF THE DAY—

1. **ABATTOIRS BILL**—To be further considered in Committee.

MEETING
OF
SELECT COMMITTEE.

Wednesday, 26th May.

PRINTING—at half-past three o'clock.

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

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WEDNESDAY, 26TH MAY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 9th proximo :—

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

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

Question—put and passed.

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

Question—put and passed.

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

ORDER OF THE DAY.

WEDNESDAY, 9TH JUNE, 1869.

Government Business.

ORDER OF THE DAY—

1. ABATTOIRS BILL—To be further considered in Committee.

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

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WEDNESDAY, 2ND JUNE, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Land Act 1862, and Amending Land Act 1865—Report of Proceedings under, to 31st December, 1868.
2. Industrial Schools.—Report of Inspector (1868.)
3. Post Office Savings Bank.—Statement of Accounts for Year ending 31st December, 1868.

Ordered severally to lie on the Table.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend and consolidate the Laws relating to County Courts, and to confer on said Courts a limited jurisdiction in Equity, Insolvency, Probate, and Administration,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 2nd June, 1869.

COUNTY COURTS LAW AMENDMENT BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

ADJOURNMENT.—The Honorable J. McCrae, 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-five minutes to five o'clock until four o'clock on Tuesday, the 8th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 8TH JUNE, 1869.

ORDER OF THE DAY:—

1. COUNTY COURTS LAW AMENDMENT BILL—To be read a second time.

WEDNESDAY, 9TH JUNE.

Government Business.

ORDER OF THE DAY:—

1. ABATTOIRS BILL—To be further considered in Committee.

General Business.

NOTICE OF MOTION:—

1. The Hon. A. FRASER: To move for leave to introduce a Bill to amend the present Act for the preservation of the River Fisheries of the Colony.

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

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TUESDAY, 8TH JUNE, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Sanatory Station.—Report of Chief Medical Officer for Year 1868.
2. St. Kilda Volunteer Artillery Corps.—Additional Rules (17, 18).

Ordered severally to lie on the Table.

PAPERS.—The Honorable J. McCrea laid on the Table—

1. Public Works Loan Act 1868—Estimates of Works under, executed and to be executed to end of Year 1869.
2. Water Supply Department.—Regulation respecting Public Accounts, 13th May, 1869.

Ordered severally to lie on the Table.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. McCrae moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend and consolidate the Law relating to Road Districts and Shires,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY.

Legislative Assembly Chamber,
Melbourne, 8th June, 1869.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time this day week.

Question—put and passed.

Bill read a first time.

The Council adjourned at twenty-five minutes past five o'clock until four o'clock on Wednesday, the 9th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 9TH JUNE, 1869.

Government Business.

ORDER OF THE DAY:—

1. ABATTOIRS BILL—To be further considered in Committee.
2. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.

General Business.

NOTICE OF MOTION:—

1. The Hon. A. FRASER: To move for leave to introduce a Bill to amend the present Act for the preservation of the River Fisheries of the Colony.
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TUESDAY, 15TH JUNE.

ORDER OF THE DAY:—

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 9TH JUNE, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable A. Fraser presented a Petition signed by Richard Richardson and others, styling themselves Councillors and Ratepayers of the Shire Council of Creswick, praying that no clause may be carried in the Local Government Act Amendment Bill for the purpose of abolishing Tolls.

Petition received.

The Honorable A. Fraser moved, That the Petition be referred to any Committee of the whole Council to which the Local Government Act Amendment Bill may be referred.

Question—put and passed.

PETITION.—The Honorable T. T. a'Beckett presented a Petition signed by James Scott and others, styling themselves Attorneys of the Supreme Court of the Colony of Victoria, praying that the 35th and 37th Clauses of the County Court Law Amendment Bill may not be passed into law.

Petition received.

The Honorable T. T. a'Beckett moved, That the Petition be referred to the Committee of the whole Council on the County Court Law Amendment Bill.

Question—put and passed.

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

The Chairman of Committees reported progress and asked leave to sit again this day week.

Ordered.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee being read, the President left the Chair.

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

Ordered.

FISHERIES ACT AMENDMENT BILL.—The Honorable A. Fraser, in accordance with notice, moved, That leave be given to introduce a Bill to amend the present Act for the Preservation of the River Fisheries of the Colony.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable A. Fraser, read a first time, ordered to be printed, and read a second time on the 23rd instant.

The Council adjourned at five minutes past six o'clock until four o'clock on Thursday, the 10th instant.

ORDERS OF THE DAY.

THURSDAY, 10TH JUNE, 1869.

ORDER OF THE DAY:—

1. **COUNTY COURTS LAW AMENDMENT BILL.**—To be further considered in Committee.

TUESDAY, 15TH JUNE.

ORDER OF THE DAY:—

1. **LOCAL GOVERNMENT ACT AMENDMENT BILL.**—To be read a second time.

WEDNESDAY, 16TH JUNE.

Government Business.

ORDER OF THE DAY:—

1. **ABATTOIRS BILL.**—To be further considered in Committee.

WEDNESDAY, 23RD JUNE.

General Business.

ORDER OF THE DAY:—

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

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



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THURSDAY, 10TH JUNE, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable J. McCrae laid on the Table the following papers :—

1. Railway Loan Act 1868—32 Vic. No. 331—Statement of application of moneys, for Works and Purposes under, during 1868.
2. Railway Loan Act—32 Vic. No. 331.—Estimate by Board of Land and Works of Expenditure to be incurred for purposes of Railway Construction during 1869.

Ordered severally to lie on the Table.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee being read, the President left the Chair.

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

Ordered.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the 'Coroners Statute 1865,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 10th June, 1869.

FRANS. MURPHY,
Speaker.

CORONERS STATUTE 1865 AMENDMENT BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.

Question—put and passed.

Bill read a first time.

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

ORDERS OF THE DAY.

TUESDAY, 15TH JUNE, 1869.

1. The Hon. J. O'SHANASSY: To ask the Honorable the Commissioner of Public Works, If he has any objection to get prepared a short schedule descriptive of the changes proposed to be made in the existing law by the Local Government and Municipal Bills, now before this House; and if not, if he will circulate such a schedule for the information of this House before such measures are considered.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a second time.
2. COUNTY COURTS LAW AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 16TH JUNE.

Government Business.

ORDERS OF THE DAY :—

1. ABATTOIRS BILL.—To be further considered in Committee.
2. CORONERS STATUTE 1865 AMENDMENT BILL.—To be read a second time.

WEDNESDAY, 23RD JUNE.

General Business.

ORDER OF THE DAY :—

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

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

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TUESDAY, 15TH JUNE, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 16th instant :—
“*Local Government Act Amendment Bill*”—To be read a second time.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee being read, the President left the Chair.

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

The Honorable J. McCrae moved, That the Bill be now re-committed for the further consideration of clauses 9, 56, 74, 105, and on the eleventh Schedule.

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with further amendments.

The Honorable J. McCrae moved, That the adoption of the Report of the Committee be made an Order of the Day for this day week.

Question—put and passed.

POSTPONEMENT.—The Honorable J. McCrae moved, That all the business set down on the paper for intermediate days be postponed until Tuesday next.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at twenty minutes to seven o'clock until four o'clock on Tuesday, the 22nd instant.

ORDERS OF THE DAY.

TUESDAY, 22ND JUNE, 1869.

ORDERS OF THE DAY:—

1. COUNTY COURTS LAW AMENDMENT BILL.—Adoption of Report.
2. ABATTOIRS BILL.—To be further considered in Committee.
3. CORONERS STATUTE 1865 AMENDMENT BILL.—To be read a second time.
4. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a second time.

WEDNESDAY, 23RD JUNE.

General Business.

ORDER OF THE DAY:—

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

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



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TUESDAY, 22ND JUNE, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable C. J. Jenner presented a Petition signed by E. Steinfield and others, styling himself Mayor of Ballarat East, and by others, praying that the clause abolishing the tolls in the year 1872 may be excised from the *Local Government Act Amendment Bill* now before the Council.
Petition received.

The Petition was read at the Table by the Clerk.

The Honorable C. J. Jenner moved, That the Petition be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

PETITION.—The Honorable W. H. F. Mitchell presented a Petition signed by James Logan, President of the Shire of Tullaroop, and under the corporate seal thereof, praying that certain amendments may be made in the *Local Government Act Amendment Bill* now before the House.

Petition received.

The Honorable W. H. F. Mitchell moved, That the Petition be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

PETITION.—The Honorable W. Highett presented a petition signed by S. D. Bird, styling himself President of the Medical Society of Victoria, and by others, praying that a certain amendment may be made in the *Coroners Statute 1865 Amendment Bill*.

Petition received.

The Honorable W. Highett moved, That the Petition be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

PAPER.—The Honorable J. McCrae laid on the Table the following Paper:—

Beechworth Court of Mines, to be holden at Mansfield.—Order in Council (7th June, 1869).

Ordered to lie on the Table.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council being called on, The Honorable J. McCrae moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on the 35th clause.

Debate ensued.

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with a further amendment.

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

Question—put and passed.

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

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

Ordered.

CORONERS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. McCrae moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable J. McCrae 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 T. T. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Ordered.

PETITION.—The Honorable W. H. Pettett presented a Petition from the Nunawading District Board, and under the seal thereof, praying that the Council will disallow the clauses in the *Local Government Act Amendment Bill* which refer to the abolition of Tolls.

Petition received.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 29th instant :—

“*Local Government Act Amendment Bill*”—To be read a second time.

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

Statistics of Victoria.—Population.—1868.

Ordered to lie on the Table.

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

Question—put and passed.

POSTPONEMENT.—The Honorable J. McCrae moved, That all business set down for intermediate days be postponed until Tuesday next.

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 29TH JUNE, 1869.

1. The Hon. F. ROBERTSON: To ask the Honorable the Commissioner of Public Works, If he will inform this House whether the Minister of Justice is aware that certain of their Honors the Judges of the County Courts and Courts of Mines now reside beyond or out of their respective districts within which they respectively exercise jurisdiction, and what (if any) provision is made for the performance of Chamber and other business of urgency that judges may be called upon to hear.

ORDERS OF THE DAY :—

1. ABATTOIRS BILL.—To be further considered in Committee.
2. CORONERS STATUTE 1865 AMENDMENT BILL.—Adoption of Report.
3. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a second time.
4. COUNTY COURTS LAW AMENDMENT BILL.—Adoption of Report.

WEDNESDAY, 7TH JULY, 1869.

General Business.

ORDER OF THE DAY :—

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 29TH JUNE, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Daylesford—Mining Operations on Reserved Lands authorized at.—Order in Council (31st May, 1869).
2. Victorian and Tasmanian Intercolonial Electric Telegraph Service.—Reduction of Charges (31st May, 1869).

Ordered severally to lie on the Table.

LIBRARY COMMITTEE (JOINT) REPORT.—The Honorable W. H. F. Mitchell brought up a Report from the Joint Committee of both Houses of Parliament appointed to manage the Library.

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

The Joint Committee of the Library have the honor to report as follows:—

An application having been made by the Committee of the Mechanics' Institute at Ballarat for the loan—for the purposes of an Exhibition of Fine Arts, to be opened there on the 21st proximo—of the paintings, &c., belonging to the Parliament Library (at present lent to the Trustees of the Melbourne Public Library); and your Committee, not feeling justified in complying with such a request, beg leave to refer the question for the consideration of both Houses of Parliament.

Committee-room,
24th June, 1869.

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

Question—put and passed.

PETITION.—The Honorable J. P. Bear presented a Petition, signed by James Robertson and others, styling themselves severally Chairman and Members of the Keilor District Road Board, praying that the 324th clause of the *Local Government Act Amendment Bill* may be rejected by the Council.

Petition received.

The Honorable J. P. Bear moved, That the Petition be referred to the Committee of the whole Council to which the *Local Government Act Amendment Bill* may be referred.

Question—put and passed.

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

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

CORONERS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, The Honorable J. McCrae moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with a further amendment.

The Honorable J. McCrae moved, That the adoption of the Report be made an Order of the Day for to-morrow.

Question—put and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. McCrae moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, The Honorable J. McCrae moved that the Report be now adopted.

Question—put and passed.

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

The Honorable J. McCrae moved, That the title of the Bill be “*An Act to amend and consolidate the Laws relating to County Courts, and to confer on said Courts a limited jurisdiction in Equity, Probate, and Administration.*”

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 with an amended title, and desiring their concurrence therewith.

ADJOURNMENT.—The Honorable J. McCrae, 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-five minutes to seven o'clock until four o'clock on Tuesday, the 6th proximo.

ORDERS OF THE DAY.

TUESDAY, 6TH JULY, 1869.

ORDERS OF THE DAY:—

1. ABATTOIRS BILL.—To be further considered in Committee.
2. CORONERS STATUTE 1865 AMENDMENT BILL.—Adoption of Report.

WEDNESDAY, 7TH JULY.

Government Business.

ORDER OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY:—

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 6TH JULY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable J. McCrae presented to the Council the following Papers:—

1. St. Andrew's Court of Mines discontinued.—Order in Council (29th June, 1869).
2. Castlemaine District Court of Mines to be holden at Heidelberg.—Order in Council (29th June, 1869).

Ordered severally to lie on the Table.

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

1. Railways, Victorian.—Report of Board of Land and Works for Year ending 31st December, 1868.
2. Privilege, Papers relating to.

Ordered severally to lie on the Table.

PETITION.—The Honorable J. O'Shanassy presented a Petition, signed by J. B. Hughes, praying that certain provisions may be embodied in any Bill to be passed for eradicating the disease called Scab in Sheep. Petition received.

PETITION.—The Honorable W. H. F. Mitchell presented a Petition from the Bet-Bet Shire Council, and under the corporate seal thereof, praying that certain amendments may be made in the *Local Government Act Amendment Bill*.

Petition received.

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

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

The Honorable J. McCrae moved, That the adoption of the Report of the Committee be made an Order of the Day for this day fortnight.

Question—put and passed.

CORONERS STATUTE 1865 AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. McCrae moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable J. McCrae moved, That the title of the Bill be "*An Act to amend the Coroners Statute 1865.*"

Question—put and passed.

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

The Council adjourned at a quarter to five o'clock until four o'clock on Wednesday, the 7th instant.

ORDERS OF THE DAY.

WEDNESDAY, 7TH JULY, 1869.

Government Business.

ORDER OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY:—

1. FISHERIES ACT AMENDMENT BILL.—To be read a second time.
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TUESDAY, 20TH JULY.

ORDER OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 7TH JULY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable J. McCrae laid upon the Table the following Papers:—

1. Yackandandah Public Reservoir Reserve—Erection of Quartz Crushing Mill authorized upon.—Order in Council (21st June, 1869).

2. Public Accounts—H.M.C.S. *Victoria*—Regulation respecting (14th June, 1869).

Ordered severally to lie on the Table.

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

Observatory.—Fifth Report of Board of Visitors.

Ordered to lie on the Table.

PETITION.—The Honorable T. T. a'Beckett presented to the Council a Petition, signed by George Portbury, and others, styling themselves Fishermen of Sandridge, praying that certain amendments may be made in the "*Fisheries Act Amendment Bill.*"

Petition received.

The Honorable T. T. a'Beckett moved, That the Petition be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the next Order of the Day.

"*Local Government Act Amendment Bill*"—To be further considered in Committee.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee being read, the President left the Chair.

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

Ordered.

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

Question—put and passed.

The Council adjourned at five minutes to six o'clock until four o'clock on Tuesday the 13th instant.

ORDERS OF THE DAY.

WEDNESDAY, 14TH JULY, 1869.

Government Business.

ORDER OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY:—

1. FISHERIES ACT AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 20TH JULY.

ORDER OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.

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

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TUESDAY, 13TH JULY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Mineral Statistics of Victoria (1868).
2. Mining Registrars, Ballarat Mining District—Fees of.—Order in Council (21st June, 1869).
3. Yackandandah Public Reservoir Reserve at Back Creek—Erection of Quartz Crushing Mill authorized upon.—Order in Council (21st June, 1869).

Ordered severally to lie on the Table.

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

Question—put and passed.

POSTPONEMENTS.—The Honorable J. McCrae moved—That all business set down for intermediate days be postponed until Tuesday next.

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 20TH JULY, 1869.

1. ABATTOIRS BILL.—Adoption of Report.
2. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.
3. FISHERIES ACT AMENDMENT BILL.—To be further considered in Committee.

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

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TUESDAY, 20TH JULY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Education—Seventh Report of Board of, 1868.—Appendices.
2. Statistics of Victoria.—Part 2.—Accumulation, 1868.
3. Agent General—Copy of General Instructions to (17th July, 1869).
4. Emigration Commissioners—Copy of letter appointing (17th July, 1869).
5. Friendly Societies, Registered—formed or dissolved in 1868.

Ordered severally to lie on the Table.

PAPERS.—The Honorable J. McCrae laid on the Table the following papers :—

1. Map of the Shires and Road Districts in the Colony.
2. Return showing the Shires and Road Districts now existing, with their areas and amount of tolls collected therein during the financial year 1868.

Ordered severally to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 3rd proximo.

“*Abattoirs Bill*”—Adoption of Report.

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

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

Ordered.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Coroners Statute 1865,*” and acquaint them that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th July, 1869.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 22nd instant :—

“*Fisheries Act Amendment Bill*—To be further considered in Committee.”

The Council adjourned at twenty minutes to seven o'clock until four o'clock on Wednesday the 21st instant.

ORDERS OF THE DAY.

WEDNESDAY, 21ST JULY, 1869.

Government Business.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

THURSDAY, 22ND JULY.

ORDER OF THE DAY :—

1. FISHERIES ACT AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 3RD AUGUST.

ORDER OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 21ST JULY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Botanist and Director of Botanic Garden—Report of (14th September, 1868).

Ordered to lie on the Table.

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

The Chairman of Committees reported progress, and asked leave to sit again on Wednesday next.
Ordered.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to provide for the mode of procedure in taking and determining the Compensation to be paid for Lands required by the State for Public Works,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st July, 1869.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act for the prevention of the Scab in Sheep,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st July, 1869.

SCAB BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Debate ensued.

Question—put and passed.

Bill read a first time.

LANDS COMPENSATION BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

POSTPONEMENT.—The Honorable A. Fraser moved, That the following Order of the Day be postponed from Thursday, the 22nd instant, to Thursday, the 29th instant—

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

Ordered.

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

ORDERS OF THE DAY.

TUESDAY, 27TH JULY, 1869.

ORDERS OF THE DAY :—

1. SCAB BILL.—To be read a second time.
2. LANDS COMPENSATION BILL.—To be read a second time.

WEDNESDAY, 28TH JULY.

Government Business.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

THURSDAY, 29TH JULY.

ORDER OF THE DAY :—

1. FISHERIES ACT AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 3RD AUGUST.

ORDER OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 27TH JULY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable N. Black presented a Petition, signed by James Winter and others, praying that the system of a Local Directory may be embodied in the Scab Bill.
Petition received.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 28th instant :—
“*Scab Bill*”—To be read a second time.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at five minutes past five o'clock until four o'clock on Wednesday the 28th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 28TH JULY, 1869.

Government Business.

ORDERS OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.
2. SCAB BILL.—To be read a second time.
3. LANDS COMPENSATION BILL.—To be further considered in Committee.

General Business.

NOTICE OF MOTION:—

1. The Hon. J. F. STRACHAN : To move, That there be laid upon the Table of this House a return of the number of Inspectors now employed under the existing Scab Act, their districts, and the annual amount of salaries paid to such Inspectors ; the other expenses under the Act ; the number of sheep within the respective districts of each Inspector.

THURSDAY, 29TH JULY.

ORDER OF THE DAY:—

1. FISHERIES ACT AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 3RD AUGUST.

ORDER OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.

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

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OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 28TH JULY, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable Dr. Hope presented a Petition from the Shire Council of Bannockburn, and under the corporate seal thereof, praying that Tolls may not be abolished.

Petition received.

The Honorable Dr. Hope moved, That the Petition be referred to the Committee on the Local Government Act Amendment Bill.

Question—put and passed.

PETITION.—The Honorable P. Russell presented a similar Petition from the Shire Council of Grenville.

Petition received.

The Honorable P. Russell moved, That the Petition be referred to the Committee on the Local Government Act Amendment Bill.

Question—put and passed.

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

“Local Government Act Amendment Bill”—To be further considered in Committee.

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

Amendment moved by the Honorable N. Black, That all the words after the word “be” be omitted, with a view to insert the words, “referred to a Select Committee, consisting of the Honorables J. O’Shanassy, R. Simson, P. Russell, W. Campbell, W. H. Pettett, W. Highett, W. H. F. Mitchell, and the Mover, and that the Committee have power to call for persons and papers.”

Question—put and passed.

The Honorable N. Black moved, That the Select Committee have power to sit during all adjournments of the House.

Question—put and passed.

LANDS COMPENSATION 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 an amendment.

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

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 4th proximo :—

“Local Government Act Amendment Bill”—To be further considered in Committee.

SCAB ACT INSPECTORS, ETC.—The Honorable W. Campbell, in the absence of the Honorable J. F. Strachan, moved, That there be laid upon the Table of this House a Return of the number of Inspectors now employed under the existing Scab Act, their districts, and the annual amount of salaries paid to such Inspectors; the other expenses under the Act; the number of sheep within the respective districts of each Inspector.

Debate ensued.

Question—put and passed.

SCAB BILL SELECT COMMITTEE.—The Honorable W. Highett, with leave of the Council, in the absence and on behalf of the Honorable N. Black, moved, without notice, That the Honorable F. Robertson be added to the Select Committee on the Scab Bill.

Question—put and passed.

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

Question—put and passed.

POSTPONEMENT.—The Honorable A. Fraser moved, That the Order of the Day set down for Thursday, the 29th instant, be set down for Tuesday next, then to take precedence.

Question—put and passed.

The Council adjourned at half-past five o’clock until four o’clock on Tuesday the 3rd proximo.

NOTICE OF MOTION AND ORDERS OF THE DAY.

 TUESDAY, 3RD AUGUST, 1869.

NOTICE OF MOTION :—

1. The Hon. W. HIGHETT: To move, That there be laid upon the Table of this House, as revised in October next, copies of the General Roll and Ratepayers' Roll of persons entitled to vote for Members of the Legislative Council; also copies of the General Roll and Ratepayers' Roll so revised of persons entitled to vote for Members of the Legislative Assembly, and that copies be furnished to each Member of this House.

ORDERS OF THE DAY :—

1. FISHERIES ACT AMENDMENT BILL.—To be further considered in Committee.
2. ABATTOIRS BILL.—Adoption of Report.
3. LANDS COMPENSATION BILL.—Adoption of Report.

 WEDNESDAY, 4TH AUGUST.
Government Business.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

MEETING
OF
SELECT COMMITTEE.

Thursday, 29th July.

SCAB BILL—at 2 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 3RD AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PICTURES IN THE LIBRARY.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the pictures in the Library be lent to the Ballarat Mechanics' Institute for their Fine Arts Exhibition, on condition that the committee of said institute give a guarantee for their safe return.

Debate ensued.

Question—put.

Council divided.

Contents, 6.

The Hon. C. J. Jenner
P. Russell
B. Williams
H. M. Murphy
J. McCrae
W. H. Pettett (*Teller*).

Not-Contents, 11.

The Hon. J. O'Shanassy
T. T. a'Beckett
W. Campbell
J. Graham
R. Simson
N. Black
W. Highett
A. Fraser
R. Turnbull
W. Degraives
W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

SCAB ACT INSPECTORS, &c.—The Honorable J. McCrae laid on the Table a Return to an Order of the Council made on the 28th ultimo.

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

Aborigines in Victoria—Sixth Report of Central Board appointed to watch over. (10th June, 1869.)

Ordered to lie on the Table.

GENERAL ROLL AND RATEPAYERS' ROLL.—The Honorable W. Highett, in accordance with notice, moved, That there be laid upon the Table of this House, as revised in October next, copies of the General Roll and Ratepayers' Roll of Persons entitled to vote for Members of the Legislative Council; also copies of the General Roll and Ratepayers' Roll, so revised, of Persons entitled to vote for Members of the Legislative Assembly; and that copies be furnished to each Member of this House.

Debate ensued.

Question—put.

Council divided.

Contents, 5.

The Hon. J. P. Bear
J. O'Shanassy
W. Highett
B. Williams
W. H. F. Mitchell (*Teller*).

Not-Contents, 11.

The Hon. J. McCrae
C. J. Jenner
H. M. Murphy
W. Campbell
J. Graham
R. Simson
A. Fraser
P. Russell
R. Turnbull
W. Degraives
W. H. Pettett (*Teller*).

The question was therefore negatived.

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

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

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

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 17th instant :—

“ *Abattoirs Bill* ”—Adoption of Report.

LANDS COMPENSATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable J. McCrae moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 4TH AUGUST, 1869.

Government Business.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.
2. LANDS COMPENSATION BILL.—Adoption of Report.

General Business.

NOTICES OF MOTION :—

1. The Hon. NEIL BLACK : To move, That the Petitions respecting the Scab Bill be referred to the Select Committee to which the Scab Bill was referred.
2. The Hon. C. J. JENNER : To move, That the Report of the Library Committee on the subject of the loan of the National Pictures be taken into consideration.

TUESDAY, 10TH AUGUST.

1. The Hon. C. J. JENNER : To ask the Honorable the Commissioner, If it is his intention to dispose of the Government Offices at the west end of the city, and erect more suitable buildings near the Parliament Houses and Treasury.

WEDNESDAY, 11TH AUGUST.

General Business.

ORDER OF THE DAY :—

1. FISHERIES BILL.—Adoption of Report.

TUESDAY, 17TH AUGUST.

ORDER OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Wednesday, 4th August.

SCAB BILL—at 11 o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable J. McCrae, by command of His Excellency the Governor, laid on the Table the following Paper:—

Victorian and Tasmanian Intercolonial Telegraph Service.—Reduction of Charges. (31st May, 1869.)

Ordered to lie on the Table.

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

“*Local Government Act Amendment Bill*”—To be further considered in Committee.

LANDS COMPENSATION 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. McCrae moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

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

The Honorable J. McCrae 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 J. McCrae, was read a third time and *passed*.

The Honorable J. McCrae moved, That the title of the Bill be “*An Act to provide for the mode of procedure in taking and determining the Compensation to be paid for Lands required by the State for Public Works.*”

Question—put and passed.

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

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

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

Ordered.

PETITIONS RELATING TO SCAB BILL.—The Honorable N. Black, in accordance with notice, moved, That the Petitions respecting the Scab Bill be referred to the Select Committee to which the Scab Bill was referred.

Debate ensued.

Question—put and passed.

LIBRARY COMMITTEE (JOINT) REPORT.—The Honorable C. J. Jenner, in accordance with notice, moved, That the Report of the Library Committee on the subject of the loan of the National Pictures be taken into consideration.

Debate ensued.

Amendment moved by the Honorable W. H. F. Mitchell, That all the words after the word “That” be omitted, with a view to insert instead thereof the following words—“the Report be referred back to the Joint Library Committee, with a recommendation that they take the responsibility of determining whether the application from Ballarat should be granted.”

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

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

Question—That the Report be referred back to the Joint Library Committee, with a recommendation that they take the responsibility of determining whether the application from Ballarat should be granted—put and passed.

LEAVE OF ABSENCE TO HON. S. G. HENTY.—The Honorable J. McCrae, with leave of the Council, moved, without notice, That leave of absence be granted to the Honorable S. G. Henty during the remainder of the Session.

Question—put and passed.

The Council adjourned at six o'clock until four o'clock on Thursday the 5th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 5TH AUGUST, 1869.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 10TH AUGUST.

1. The Hon. C. J. JENNER : To ask the Honorable the Commissioner, If it is his intention to dispose of the Government Offices at the west end of the city, and erect more suitable buildings near the Parliament Houses and Treasury.

NOTICE OF MOTION :—

1. The Hon. J. McCRAE : To move for leave to introduce a Bill to cheapen and facilitate the conduct of Legal Proceedings.

WEDNESDAY, 11TH AUGUST.

General Business.

ORDER OF THE DAY :—

1. FISHERIES BILL.—Adoption of Report.

TUESDAY, 17TH AUGUST.

ORDER OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Thursday, 5th August.

SCAB BILL—at 2 o'clock.

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

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LEGISLATIVE COUNCIL.

THURSDAY, 5TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

University of Melbourne.—Report (year ending 31st May, 1869).

Ordered to lie on the Table.

LIBRARY COMMITTEE (JOINT) FURTHER REPORT.—The Honorable J. O'Shanassy brought up a Further Report from the Joint Committee of both Houses of Parliament appointed to manage the Library.

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

Further Report of the Joint Library Committee :—

The Committee have further considered the propriety of lending the Pictures belonging to the Parliament Library to the Ballarat and Sandhurst Fine Arts Exhibitions, and have resolved—

That, in the opinion of the Committee, it is not expedient to part with the custody of these Pictures.

The Honorable J. O'Shanassy moved, That the Report be received.

Question—put and passed.

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

The Chairman of Committees reported that a point had arisen in Committee on which he had been desired to ask for the ruling of the President, viz. :—

Whether it was competent for the Committee to consider new clauses before the clauses in the Bill had been considered,—

the Chairman having ruled that it was not so competent, the Council and its Committees being bound by the Rules and Orders of the House of Commons of the Imperial Parliament.

The President ruled that the decision of the Chairman of Committees was correct.

The Honorable J. McCrae, with leave of the Council, moved, without notice, That so much of the Standing Orders be suspended as prevents the insertion of new clauses in Committee before the original clauses of the Bill have been considered.

Question—put and passed.

The Honorable J. McCrae moved, That the *Local Government Act Amendment Bill* be now considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at a quarter to six o'clock until four o'clock on Tuesday the 10th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 10TH AUGUST, 1869.

1. The Hon. C. J. JENNER : To ask the Honorable the Commissioner, If it is his intention to dispose of the Government Offices at the west end of the city, and erect more suitable buildings near the Parliament Houses and Treasury.

NOTICE OF MOTION :—

1. The Hon. J. McCRAE : To move for leave to introduce a Bill to cheapen and facilitate the conduct of Legal Proceedings.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 11TH AUGUST, 1869.

General Business.

ORDER OF THE DAY:—

1. FISHERIES BILL.—Adoption of Report.
-

TUESDAY, 17TH AUGUST.

ORDER OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 10TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

The Chairman of Committees reported progress, and asked leave to sit again this day week.
Ordered.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 11TH AUGUST, 1869.

General Business.

ORDER OF THE DAY:—

1. FISHERIES BILL.—Adoption of Report.
-

TUESDAY, 17TH AUGUST.

NOTICE OF MOTION:—

1. The Hon. J. McCRAE: To move, For leave to introduce a Bill to cheapen and facilitate the conduct of Legal Proceedings.

ORDERS OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.
2. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

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

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LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable Dr. Hope presented a Petition signed by A. M. Campbell, styling himself President of the Shire of Bellarine, praying that the existing provisions respecting tolls may not be altered by the *Local Government Act Amendment Bill*.
Petition received.

PETITION.—The Honorable Dr. Hope presented a Petition signed by A. M. Campbell, styling himself President of the Shire Council of Bellarine, praying that the *Local Government Act Amendment Bill* may be passed speedily.
Petition received.

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

1. Mining Surveyors' and Registrars' Reports.—Quarter ending 30th June, 1869.
2. Chief Medical Officer.—Return of Diseases in Establishments, 1868.

Ordered severally to lie on the Table.

ABSENCE, LEAVE OF, TO HON. J. P. BEAR.—The Honorable W. Highett, with leave of the Council, moved, without notice, That leave of absence for one year be given to the Honorable J. P. Bear.

Debate ensued.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 18th instant.
“*Fisheries Bill*”—Adoption of Report.

ADJOURNMENT.—The Honorable J. McCrae, 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-five minutes to five o'clock until four o'clock on Tuesday the 17th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 17TH AUGUST, 1869.

NOTICE OF MOTION:—

1. The Hon. J. McCRAE: To move, For leave to introduce a Bill to cheapen and facilitate the conduct of Legal Proceedings.

ORDERS OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.
2. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 18TH AUGUST.

General Business.

ORDER OF THE DAY:—

1. FISHERIES BILL.—Adoption of Report.

MEETING
OF
SELECT COMMITTEE.

Friday, 13th August.

SCAB BILL—At two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

TUESDAY, 17TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable J. McCrae presented to the Council the following Paper :—

Water Supply—Estimate of Expenditure, in lieu of the Estimate which was printed by order of the Legislative Assembly on the 18th March, 1869, (Castlemaine, Sandhurst, Geelong, and Ballarat).

Ordered to lie on the Table.

PETITION.—The Honorable R. Simson presented a Petition, signed by George Cook, styling himself Chairman of a Committee of Conference of Shire Councils and Road Boards, praying that certain amendments may be made in the Local Government Act Amendment Bill, and that the Bill may be passed into law.

Petition received.

The Honorable R. Simson moved, That the Petition be referred to the Committee on the Bill.

Question—put and passed.

PETITION.—The Honorable W. Highett presented a Petition from the District Board of Moorabbin, and under the seal thereof, praying that the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable W. Highett, referred to the Committee on the Bill.

PETITION.—The Honorable W. Campbell presented a Petition, signed by Colin A. Watt, styling himself President of the Shire Council of Glenlyon, praying that Tolls may not be abolished by the Local Government Act Amendment Bill.

Petition received, and, on the motion of the Honorable W. Campbell, referred to the Committee on the Bill.

PETITION.—The Honorable P. Russell presented a Petition from the Shire Council of Grenville, and under the seal thereof, urging objections to the seventh clause of the Local Government Act Amendment Bill, as introduced in the original Bill.

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

PETITION.—The Honorable R. Turnbull presented a Petition, signed by Edward Blake and others, styling themselves President and Councillors of the Shire Council of Ballan, praying that the Local Government Act Amendment Bill may be passed unimpaired into law.

Petition received, and, on the motion of the Honorable R. Turnbull, referred to the Committee on the Bill.

PETITION.—The Honorable A. Fraser presented a Petition from the Campbell's Creek Road District Board, and under the seal thereof, praying that the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable A. Fraser, referred to the Committee on the Bill.

PETITION.—The Honorable W. Degraives presented a similar Petition, signed by G. Studley and others, styling themselves Chairman and Members of the Heidelberg Road District.

Petition received, and, on the motion of the Honorable W. Degraives, referred to the Committee on the Bill.

PETITION.—The Honorable W. Degraives presented a Petition, signed by Thomas Armstrong, styling himself Chairman of the Eltham District Road Board, praying that, with the exception of the provision for abolishing tolls, the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable W. Degraives, referred to the Committee on the Bill.

PETITION.—The Honorable W. A. C. a'Beckett presented a similar Petition, signed by R. Birney, styling himself Chairman of the Lancefield District Road Board.

Petition received, and, on the motion of the Honorable W. A. C. a'Beckett, referred to the Committee on the Bill.

PETITION.—The Honorable W. A. C. a'Beckett presented a Petition, signed by B. C. Porter, styling himself Chairman of the Melton District Road Board, praying that the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable W. A. C. a'Beckett, referred to the Committee on the Bill.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to provide for the Mode of Procedure in taking and determining the Compensation to be paid for Lands required by the State for Public Works,*" and acquaint them that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th August, 1869.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend and consolidate the Laws relating to County Courts, and to confer on said Courts a limited jurisdiction in Equity, Insolvency, Probate, and Administration,*" and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, have disagreed to one of the said amendments, and have agreed to others of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 17th August, 1869.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

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

Legislative Assembly Chamber,
Melbourne, 17th August, 1869.

FRANS. MURPHY,
Speaker.

COUNTY COURTS LAW AMENDMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable J. McCrae moved, That the Message from the Legislative Assembly with this Bill be taken into consideration this day after the disposal of the Orders of the Day.

Debate ensued.

Amendment moved by the Honorable R. S. Anderson, That all the words after "consideration" be omitted, with a view to insert "to-morrow" instead thereof.

Debate ensued.

The Honorable J. McCrae, with leave of the Council, amended his motion.

Question—That the Message from the Legislative Assembly with this Bill be taken into consideration to-morrow—put and passed.

CONSOLIDATED REVENUE BILL (3).—The Honorable J. McCrae moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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

Debate ensued.

Objection being taken to the motion on a point of order, the President ruled that under the Standing Orders the second reading ought to be set down for a future day, if objection be made to the immediate motion.

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

Question—put and passed.

PETITION.—The Honorable J. McCrae presented a Petition from the Connewarre Road Board District, and under the seal thereof, praying that the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable J. McCrae, referred to the Committee on the Bill.

PETITION.—The Honorable J. McCrae presented a Petition signed by E. Tatham, styling himself Chairman of the Templestowe District Road Board, praying that, with the exception of the provision for abolishing tolls, the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable J. McCrae, referred to the Committee on the Bill.

LEGAL PROCEEDINGS FACILITY BILL.—The Honorable J. McCrae, in accordance with notice, moved, That leave be given to introduce a Bill to cheapen and facilitate the conduct of Legal Proceedings.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable J. McCrae, read a first time, and ordered to be printed and read a second time on Tuesday, the 31st instant.

PETITION.—The Honorable W. A. C. a'Beckett presented a Petition signed, by R. Watkin and others, styling themselves Chairman and members of the Kangerong District Road Board, and praying that the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable W. A. C. a'Beckett, referred to the Committee on the Bill.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 31st August :—
 “*Abattoirs Bill*”—Adoption of Report.

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

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

The Council adjourned at a quarter to six o'clock until four o'clock on Wednesday the 18th instant.

ORDERS OF THE DAY.

WEDNESDAY, 18TH AUGUST, 1869.

Government Business.

ORDERS OF THE DAY:—

1. COUNTY COURTS LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
2. CONSOLIDATED REVENUE BILL (3).—To be read a second time.
3. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY:—

1. FISHERIES BILL.—Adoption of Report.

TUESDAY, 31ST AUGUST.

ORDERS OF THE DAY:—

1. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
2. ABATTOIRS BILL.—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Wednesday, 18th August.

SCAB BILL—At two o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 18TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. McCrae presented a Petition, signed by W. and S. Gardiner and others, styling themselves merchants and traders in the City of Melbourne, praying that the County Courts Law Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable J. McCrae, ordered to be taken into consideration with the Message from the Legislative Assembly with the Bill.

PETITION.—The Honorable N. Fitzgerald presented a Petition from the District Board of Echuca, and under the seal thereof, praying that the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable N. Fitzgerald, referred to the Committee on the Bill.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition, signed by Daniel Coyle and others, styling themselves Chairman and Members of the Fryers District Board.

Petition received, and, on the motion of the Honorable N. Fitzgerald, referred to the Committee on the Bill.

PETITION.—The Honorable W. H. Pettett presented a Petition, signed by W. Grover and others, styling themselves Chairman and Members of the Mount Eliza District Road Board, praying that, with the exception of the provision for the abolition of Tolls, the Local Government Act Amendment Bill may be passed into law.

Petition received, and, on the motion of the Honorable W. H. Pettett, referred to the Committee on the Bill.

COUNTY COURTS LAW AMENDMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable J. McCrae moved, That the Message be now considered.

Question—put and passed.

The Honorable W. Highett moved, That the Council do insist on their amendment in Clause 9 of the Bill as follows:—

Clause 9, line 8 (at end of Clause), insert “Provided always that no more than nine such persons shall hold the office of judge of a County Court under this Act unless addresses praying for a greater number and specifying such number shall from time to time be presented to the Governor by the Legislative Council and Legislative Assembly: Provided also that no judge shall be liable to be removed from office unless upon an address to the Governor from both Houses of the Legislature.”

Debate ensued.

Motion, by leave, withdrawn.

The Honorable J. McCrae moved, That the Council do not insist on their amendment as far as the words “Legislative Assembly” inclusive, as follows:—

“Provided always that no more than nine such persons shall hold the office of judge of a County Court under this Act unless addresses praying for a greater number and specifying such number shall from time to time be presented to the Governor by the Legislative Council and Legislative Assembly.”

Debate ensued.

Amendment moved by the Honorable W. Highett, That the word “not” be omitted from the question.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on their amendment as far as the words “Legislative Assembly,” inclusive—put and passed.

The Honorable J. McCrae moved, That the Council do not insist on their amendments as follows:—

“Provided also that no judge shall be liable to be removed from office unless upon an address to the Governor from both Houses of the Legislature.”

Question—put and passed.

The Honorable J. McCrae moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Council in clause 22, line 26:—viz., to add the word “or” thereto.

Question—put and passed.

The Honorable J. McCrae moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Council in clause 125, line 14:—viz., to omit "five" and insert "three."

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council insist on one amendment; do not insist on another amendment; and have agreed to amendments on other amendments.

CONSOLIDATED REVENUE BILL (3).—The Order of the Day for the second reading of this Bill being read, the Honorable J. McCrae moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable J. McCrae moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Six hundred thousand pounds to the service of the year One thousand eight hundred and sixty-nine.*"

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.

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

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

Ordered.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor to the effect, that it is His Excellency's intention to proceed to the Legislative Council Chamber, on Thursday, the 19th instant, 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.

FISHERIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable A. Fraser moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

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

The Honorable A. Fraser moved, That the adoption of the Report of the Committee be made an Order of the Day for this day week.

Question—put and passed.

The Council adjourned at half-past six o'clock until four o'clock on Thursday the 19th instant.

ORDERS OF THE DAY.

WEDNESDAY, 25TH AUGUST, 1869.

General Business.

ORDERS OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.
2. FISHERIES BILL.—Adoption of Report.

TUESDAY, 31ST AUGUST.

ORDERS OF THE DAY:—

1. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
2. ABATTOIRS BILL.—Adoption of Report.

MEETING OF SELECT COMMITTEE.

Thursday, 19th August.

SCAB BILL—At half-past ten o'clock.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 19TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable F. Robertson presented a Petition, signed by James Peters and others, styling themselves respectively Chairman and Members of the Woodend, Newham, and Rochford District Board, praying that the Local Government Act Amendment Bill may be passed with its provisions unimpaired.

Petition received.

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to assent, in Her Majesty's name, to the following Bills :—

“*An Act to amend the Coroners Statute 1865.*”

“*An Act to apply out of the Consolidated Revenue the sum of Six hundred thousand pounds to the service of the year One thousand eight hundred and sixty-nine.*”

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.

“J. H. T. MANNERS SUTTON,
“Governor.”

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Wednesday the 25th instant.

ORDERS OF THE DAY.

WEDNESDAY, 25TH AUGUST, 1869.

General Business.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be further considered in Committee.
2. FISHERIES BILL.—Adoption of Report.

TUESDAY, 31ST AUGUST.

ORDERS OF THE DAY :—

1. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
2. ABATTOIRS BILL.—Adoption of Report.

MEETING
OF
SELECT COMMITTEE.

Friday, 20th August.

SCAB BILL—at two o'clock.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by G. A. Hall, styling himself President of the Buninyong Shire Council, praying that, with the exception of the clauses which effect the abolition of tolls, the Local Government Act Amendment Bill may be passed.

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

PETITION.—The Honorable R. S. Anderson presented a Petition from the Rutherglen District Board, and under the seal thereof, praying that the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable R. S. Anderson, referred to the Committee on the Bill.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition from the Pyalong District Board, and under the seal thereof.

Petition received, and, on the motion of the Honorable N. Fitzgerald, referred to the Committee on the Bill.

PETITION.—The Honorable A. Fraser presented a Petition, signed by W. V. Glover and others, styling themselves severally Chairman and Members of the Broadford District Board, praying that, with the exception of the clauses which effect the abolition of tolls, the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable A. Fraser, referred to the Committee on the Bill.

PETITION.—The Honorable W. Highett presented a Petition, signed by J. P. Rowe and others, styling themselves severally President and Councillors of the Shire of Mansfield, praying that the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable W. Highett, referred to the Committee on the Bill.

PETITION.—The Honorable A. Fraser presented a Petition from the Shire Council of Maldon, and under the seal thereof, praying that, with the exception of the clauses which will effect the abolition of tolls, the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable A. Fraser, referred to the Committee on the Bill.

PETITION.—The Honorable A. Fraser presented a Petition, signed by Hamlet Fletcher and others, styling themselves severally President and Councillors of the Shire of Avoca, praying that the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable A. Fraser, referred to the Committee on the Bill.

PETITION.—The Honorable W. H. Pettett presented a Petition from the Upper Plenty or Morang District Board, and under the seal thereof, praying that, with the exception of the clauses which effect the abolition of tolls, the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable W. H. Pettett, referred to the Committee on the Bill.

PETITION.—The Honorable W. H. Pettett presented a Petition from the District Road Board of Boroondara, and under the seal thereof, praying that certain amendments may be made in the Local Government Act Amendment Bill, and that the Bill may not be passed with the clause for the abolition of tolls.

Petition received, and, on the motion of the Honorable W. H. Pettett, referred to the Committee on the Bill.

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

Pilot Board of Victoria.—Accounts (for the years ending 31st August, 1867, and 31st August, 1868).

Ordered to lie on the Table.

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

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

The Honorable J. O'Shanassy moved, That the Bill be now re-committed.

Question—put and passed.

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

The President left the Chair.

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

The Honorable J. O'Shanassy moved, That the adoption of the Report be made an Order of the Day for this day week.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands.*"

Also a Bill, intituled "*An Act to sanction the Issue and Expenditure of certain Sums from the 'Public Works Loan Account' for Salaries, Wages, and Contingencies for the service of the Years One thousand eight hundred and sixty-eight and One thousand eight hundred and sixty-nine.*"

Also a Bill, intituled "*An Act to sanction the Issue and Application of certain Sums of Money from the 'Railway Loan Account' for Salaries, Wages, and Contingencies for the service of the Year One thousand eight hundred and sixty-nine.*"

Also a Bill, intituled "*An Act to amend 'The Lunacy Statute.'*"

And a Bill, intituled "*An Act to amend the Law relating to Crimes and the Practice in Criminal Courts;*"—with which several Bills they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th August, 1869.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council the accompanying communication from the Clerk of the Parliaments, calling attention to a clerical error in the Bill, intituled "*An Act to provide for the mode of procedure in taking and determining the compensation to be paid for Lands required by the State for Public Works,*" and acquaint the Legislative Council that the Legislative Assembly have agreed that such error be corrected by the exclusion of the word "shall" after the word "obtain" in the last line but one of the 35th Clause of the Bill, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th August, 1869.

SIR,

Parliament Houses,
Melbourne, 19th August, 1869.

In conformity with the 21st Joint Standing Order of both Houses of Parliament, I do myself the honor to report that the following clerical error has been discovered in the Bill intituled "*An Act to provide for the mode of procedure in taking and determining the compensation to be paid for Lands required by the State for Public Works*":—viz., the inclusion of the word "shall" after the word "obtain" in the last line but one of the 35th clause of the Bill.

I have the honor to be,

Sir,

Your most obedient servant,

G. W. RUSDEN,
Clerk of the Parliaments.

The Honorable
The Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend and consolidate the Laws relating to County Courts, and to confer on said Courts a limited Jurisdiction in Equity, Insolvency, Probate, and Administration,*" and acquaint the Legislative Council that the Legislative Assembly do not now insist in disagreeing with the amendment insisted on by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 19th August, 1869.

MR. PRESIDENT,

The Legislative Assembly transmit the accompanying communication from the Clerk of the Parliaments, calling attention to certain clerical errors in the Bill, intituled "*An Act to amend and consolidate the Laws relating to County Courts, and to confer on said Courts a limited jurisdiction in Equity, Probate, and Administration,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments suggested by the Clerk of the Parliaments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th August, 1869.

Parliament Houses,
Melbourne, 25th August, 1869.

SIR,

In compliance with the 21st Joint Standing Order of both Houses of Parliament, I do myself the honor to report that the following clerical errors have been discovered in the Bill intituled "*An Act to amend and consolidate the Laws relating to County Courts, and to confer on said Courts a limited Jurisdiction in Equity, Probate, and Administration*":—

In line 5 of Clause 14, the word "died" is used where the word "dead" is required.

In line 4 of Clause 27, the word "Registrar" is inserted erroneously.

In line 5 of Clause 30, the word "Registrar" is inserted where the word "Registrar's" is required.

In Clauses 32 and 33, the commencing word "That" is erroneously inserted.

In Clause 66, the "Statute of Evidence 1864" is in two places cited as the "Statute of Evidence 1866."

In line 5 of Clause 82, a word or words to govern the words "may stay the execution" should be inserted.

In line 1 of Clause 103, the words "shall be pending" (as they occur in the English Statute cited in the margin) have been erroneously omitted.

In line 3 of Clause 117, the word "or" has been erroneously inserted instead of the word "in" before the words "any matter or cause."

In the Sixth Schedule, the word "specialities" has been twice erroneously inserted where the word "specialties" is required.

I have the honor to be,

Sir,

Your most obedient servant,

G. W. RUSDEN,
Clerk of the Parliaments.

To the Honorable
The Speaker.

LAND LAWS AMENDMENT BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time this day week.

Debate ensued.

Amendment moved by the Honorable J. F. Strachan, That the words "this day week" be omitted, with a view to insert the words "on Tuesday week" instead thereof.

Debate ensued.

The Honorable J. McCrae, with leave of the Council, amended his motion.

Question—That this Bill be now read a first time, printed, and read a second time on Tuesday week—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable J. McCrae moved, That the title of the Bill be, "*An Act to sanction the issue and expentiture of certain sums from the 'Public Works Loan Account' for Salaries, Wages, and Contingencies for the service of the Years One thousand eight hundred and sixty-eight and One thousand eight hundred and sixty-nine.*"

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.

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

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable J. McCrae moved, That the title of the Bill be, "*An Act to sanction the issue and application of certain sums of money from the 'Railway Loan Account' for Salaries, Wages, and Contingencies for the service of the Year One thousand eight hundred and sixty-nine.*"

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.

LANDS COMPENSATION BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable J. McCrae moved, That the Council do agree with the Legislative Assembly in correcting the clerical error reported to have been discovered in this Bill.

Question—put and passed.

COUNTY COURTS LAW AMENDMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable J. McCrae moved, That the Council do agree with the Legislative Assembly in correcting the clerical errors reported to have been discovered in this Bill.

The errors, as reported, were severally read at the Table by the Clerk.

Question—That the Council do agree with the Legislative Assembly in correcting the clerical errors reported to have been discovered in this Bill—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed with the Legislative Assembly in correcting the clerical errors reported to have been discovered in the Lands Compensation Bill and in the County Courts Law Amendment Bill.

CRIMINAL LAW AND PRACTICE AMENDMENT BILL.—The Honorable J. McCrae 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.

LUNACY STATUTE AMENDMENT BILL.—The Honorable J. McCrae 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.

FISHERIES BILL.—The Order of the Day for the adoption of the Report on this Bill being read, the Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman 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 "*The Fisheries Act 1869.*"

Question—put and passed.

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

The Council adjourned at seven o'clock until four o'clock on Thursday, the 26th instant.

ORDERS OF THE DAY.

THURSDAY, 26TH AUGUST, 1869.

ORDERS OF THE DAY:—

1. CRIMINAL LAW AND PRACTICE AMENDMENT BILL.—To be read a second time.
2. LUNACY STATUTE AMENDMENT BILL.—To be read a second time.

TUESDAY, 31ST AUGUST.

ORDERS OF THE DAY:—

1. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
2. ABATTOIRS BILL.—Adoption of Report.

WEDNESDAY, 1ST SEPTEMBER.

General Business.

ORDER OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—Adoption of Report.

TUESDAY, 7TH SEPTEMBER.

ORDER OF THE DAY:—

1. LAND LAWS AMENDMENT 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, 26TH AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Castlemaine and Gippsland Mining Boards—Order in Council determining number of members of (16th August, 1869).
2. Castlemaine and Gippsland Mining Districts—Divisions of.—Order in Council (16th August, 1869).

Ordered severally to lie on the Table.

PETITIONS.—The Honorable W. A. C. a'Beckett presented Petitions from Thomas Henty and others, styling themselves severally President and Councillors of the Shire Council of Berwick—and from the Dandenong Road District Board, under the seal thereof—praying that, with the exception of the clauses which effect the abolition of tolls, the Local Government Act Amendment Bill may be passed.

The Honorable W. A. C. a'Beckett presented Petitions from J. W. Beitnell and others, styling themselves severally Chairman and Members of the Greensborough District Road Board, and from James Rea, praying that the Local Government Act Amendment Bill may be passed.

Petitions received, and, on the motion of the Honorable W. A. C. a'Beckett, referred to the Committee on the Bill.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber on Tuesday next, 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.

CRIMINAL LAW AND PRACTICE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. McCrae moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable J. McCrae moved, That the Report 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 J. McCrae, was read a third time and *passed*.

The Honorable J. McCrae moved, That the title of the Bill be "*An Act to amend the Law relating to Crimes and the Practice in Criminal Courts.*"

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 with an amendment, and desiring their concurrence therewith.

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 amend the Law relating to Insolvents and their Estates.*"

Also a Bill, intituled "*An Act to provide for the protection and management of the Aboriginal Natives of Victoria;*"—with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 26th August, 1869.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending certain amendments in the Bill, intituled "*An Act to amend and consolidate the Laws relating to County Courts, and to confer on said Courts a limited jurisdiction in Equity, Probate, and Administration,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments, and desire the concurrence therein of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber.
Melbourne, 26th August, 1869.

J. H. T. MANNERS SUTTON,
Governor.

Message No. 15.

In pursuance of the thirty-sixth Section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill, "intituled "*An Act to amend and consolidate the Laws relating to County Courts, and to confer on said Courts a limited Jurisdiction in Equity, Probate, and Administration,*" that has been presented to him for Her Majesty's assent:—

- Clause 30, line 14 (page 10), omit "and."
- Clause 35, last line but one, substitute the word "registrar," for "clerk."
- Clause 94, line 5, substitute "Statute" for "Act."
- Clause 99, lines 11 and 16 (page 30), substitute "Statute" for "Act."
- Clause 113, line 3, after the second word "of" insert "or rule for."
- " line 12, insert "or rule for" before the word "administration."
- " line 16, insert "or rule for" before the word "administration."
- " line 16, before the word "effects" insert "estate and."
- " last line but one, after the word "orders" insert "or decrees."
- Clause 114, line 2, insert "or rule for" before the word "administration."
- " line 13, after the word "of" insert "or rule for."
- " line 14, substitute "theretofore" for "heretofore."
- " last line but two, after "decree" insert "or order."
- Clause 116, lines 3, 12, and 20, after the words "letters of" insert the words "or rule for."
- " line 8, after the word "decree" insert "or order."
- Schedule V, after the word "least" insert "within."
- Schedule X, strike out "five" before the word "shillings."

Government Offices,
Melbourne, 26th August, 1869.

INSOLVENCY LAW AMENDMENT BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time this day fortnight.

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

ABORIGINAL NATIVES PROTECTION BILL.—The Honorable J. McCrae moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

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

COUNTY COURTS LAW AMENDMENT BILL.—AMENDMENTS RECOMMENDED BY HIS EXCELLENCY THE GOVERNOR.—The Honorable J. McCrae moved, That the Council do agree with the Legislative Assembly in making the amendments recommended by His Excellency the Governor in this Bill.

The amendments were read severally at the Table by the Clerk.

Question—That the Council do agree with the Legislative Assembly in making the amendments recommended by His Excellency the Governor in this Bill—put and passed.

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

LUNACY STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. McCrae moved, That this Bill be now read a first time.

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

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable J. McCrae moved, That the title of the Bill be "*An Act to amend the Lunacy Statute.*"

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 quarter past five o'clock until four o'clock on Tuesday, the 31st instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 31ST AUGUST, 1869.

ORDERS OF THE DAY:—

1. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
 2. ABATTOIRS BILL.—Adoption of Report.
 3. ABORIGINAL NATIVES PROTECTION BILL.—To be read a second time.
-

WEDNESDAY, 1ST SEPTEMBER.

General Business.

NOTICE OF MOTION:—

1. The Hon. W. H. F. MITCHELL : To move, For a Return of the number of persons who, having obtained land, or promises of land, under the 42nd clause of the Land Act now in force, have had their selections disallowed.
 - (2.) The number of persons who, upon subsequent representations, have had their disallowed selections confirmed.
 - (3.) The number of persons, if any, who have had such confirmed selections again disallowed.

ORDER OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—Adoption of Report.
-

TUESDAY, 7TH SEPTEMBER.

ORDER OF THE DAY:—

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

THURSDAY, 9TH SEPTEMBER.

ORDER OF THE DAY:—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 31st AUGUST, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by John Atkins and others, styling themselves Barristers of the Supreme Court, urging objections against the Bill to cheapen and facilitate the conduct of Legal Proceedings, and praying that the Bill may not become law.

Petition received, and, on the motion of the Honorable J. O'Shanassy, ordered to be printed.

PETITION.—The Honorable A. Fraser presented a Petition from the Shire of Creswick, and under the seal thereof, praying that, with the exception of the Clause abolishing Tolls, the Local Government Bill may be passed.

Petition received, and, on the motion of the Honorable A. Fraser, referred to the Committee on the Bill.

PETITION.—The Honorable J. McCrae presented a similar Petition signed by J. Peterkin and others, styling themselves, severally, Chairman and Members of the Alexandra District Board.

Petition received, and, on the motion of the Honorable J. McCrae, referred to the Committee on the Local Government Bill.

PETITION.—The Honorable J. McCrae presented a Petition, signed by J. B. Morris and others, styling themselves Ratepayers of the Road District of Alexandra.

Petition received, and, on the motion of the Honorable J. McCrae, referred to the Committee on the Local Government Bill.

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

1. Castlemaine and Gippsland Mining Districts.—Polling Places.—Order in Council (16th August, 1869).
2. Castlemaine and Gippsland Mining Divisions Altered.—Order in Council (16th August, 1869).
3. Castlemaine and Gippsland Mining Districts Altered.—Order in Council (16th August, 1869).
4. Castlemaine and Gippsland Mining Boards—Number of Members of.—Order in Council (16th August, 1869.)

Ordered severally to lie on the Table.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill, intituled "*An Act to amend the Law relating to Crimes and the Practice in Criminal Courts;*" and acquaint the Legislative Council that they agree to the amendment made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 31st August, 1869.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending an amendment to be made in a Bill, intituled "*An Act to provide for the mode of procedure in taking and determining the Compensation to be paid for Lands required by the State for Public Works;*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendment.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
31st August, 1869.

J. H. T. MANNERS SUTTON,
Governor.

In pursuance of the thirty-sixth Section of the Constitution Act the Governor transmits to the Legislative Assembly the following amendment, which he recommends to be made in the Bill, intituled "*An Act to provide for the mode of procedure in taking and determining the Compensation to be paid for Lands required by the State for Public Works,*" that has been presented to him for Her Majesty's assent:—

Clause 70, line 2, page 21, omit the words "it or them."

Government Offices,
Melbourne, 30th August, 1869.

LANDS COMPENSATION BILL.—AMENDMENT RECOMMENDED BY HIS EXCELLENCY THE GOVERNOR.—The Honorable J. McCrae moved, That the Council do agree with the Legislative Assembly in making the amendment recommended by His Excellency the Governor in this Bill.

The amendment was read at the table by the Clerk.

Question—That the Council do agree with the Legislative Assembly in making the amendment recommended by His Excellency the Governor in this Bill—put and passed.

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

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to assent, in Her Majesty's name, to the following Bills :—

“ *An Act to sanction the issue and expenditure of certain sums from the ‘Public Works Loan Account,’ for Salaries, Wages, and Contingencies for the service of the years One thousand eight hundred and sixty-eight and One thousand eight hundred and sixty-nine.*”

“ *An Act to sanction the issue and application of certain sums of money from the ‘Railway Loan Account’ for Salaries, Wages, and Contingencies for the service of the year One thousand eight hundred and sixty-nine.*”

“ *An Act to amend the Lunacy Statute.*”

“ *An Act to amend the Law relating to Crimes and the Practice in Criminal Courts.*”

“ *An Act to provide for the Mode of Procedure in taking and determining the Compensation to be paid for Lands required by the State for Public Works.*”

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.

“J. H. T. MANNERS SUTTON,
“Governor.”

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 14th proximo :—

“ *Legal Proceedings Facility Bill*”—To be read a second time.

“ *Abattoirs Bill*”—Adoption of Report.

ABORIGINAL NATIVES PROTECTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. McCrae moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

The Council adjourned at ten minutes to six o'clock until four o'clock on Wednesday, the 1st proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 1ST SEPTEMBER, 1869.

1. The Hon. J. O'SHANASSY : To ask the Honorable the Commissioner of Public Works, When he purposes to bring before the House the Bill relating to Municipal Corporations.

General Business.

NOTICE OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move, For a Return of the number of persons who, having obtained land, or promises of land, under the 42nd clause of the Land Act now in force, have had their selections disallowed.
 - (2.) The number of persons who, upon subsequent representations, have had their disallowed selections confirmed.
 - (3.) The number of persons, if any, who have had such confirmed selections again disallowed.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—Adoption of Report.

TUESDAY, 7TH SEPTEMBER.

1. The Hon. J. O'SHANASSY : To move that a return be laid upon the Table of this House, showing—
- (1.) The whole cost of drafting Bills for Parliament since the Constitution Act came into operation to the 31st of August, 1869, distinguishing the names of the persons employed as draftsmen, the titles of the Bills drawn, and the sums paid for each Bill.
 - (2.) The cost of consolidating the Statutes, distinguishing the amounts paid to draftsmen from the whole cost, the list of the persons employed, and the sums paid to each person.
 - (3.) A copy of the scale of fees allowed by the Law Department for the drafting of Bills.
 - (4.) A list of the Bills drafted solely by the respective Law Officers since the Constitution Act came into operation.

ORDERS OF THE DAY :—

1. LAND LAWS AMENDMENT BILL.—To be read a second time.
2. ABORIGINAL NATIVES PROTECTION BILL.—Adoption of Report.

THURSDAY, 9TH SEPTEMBER.

ORDER OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.

TUESDAY, 14TH SEPTEMBER.

ORDERS OF THE DAY :—

1. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
2. ABATTOIRS BILL.—Adoption of Report.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 1st September.

SCAB BILL—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, 1ST SEPTEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable R. S. Anderson presented a Petition from the Goulburn Valley Road District Board, and under the Seal thereof, praying that, with the exception of the clauses which effect the abolition of tolls, the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable R. S. Anderson, referred to the Committee on the Bill.

PETITION.—The Honorable J. McCrae presented a similar Petition, signed by P. O'Keefe, styling himself Acting-Chairman of the Meredith District Road Board.

Petition received, and, on the motion of the Honorable J. McCrae, referred to the Committee on the Bill.

PETITION.—The Honorable J. Graham presented a Petition, signed by E. Dunn, styling himself Chairman of the Broadmeadows District Board, praying that the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable J. Graham, referred to the Committee on the Bill.

LAND SELECTIONS ALLOWED AND DISALLOWED.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That there be laid on the Table of the House—

(1.) A Return of the number of persons who, having obtained land, or promises of land, under the 42nd clause of the Land Act now in force, have had their selections disallowed.

(2.) The number of persons who, upon subsequent representations, have had their disallowed selections confirmed.

(3.) The number of persons, if any, who have had such confirmed selections again disallowed.

Debate ensued.

Question—put and passed.

SCAB BILL.—REPORT OF SELECT COMMITTEE.—The Honorable N. Black, as Chairman of the Select Committee to which was referred, on the 28th July, the Bill, intituled "*An Act for the Prevention of the Scab in Sheep*," brought up the Report and Proceedings of the Committee, and moved, That the same be received, printed, and taken into consideration on Tuesday next.

Debate ensued.

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

Debate ensued.

Amendment, by leave, withdrawn.

Question—That the Report and Proceedings be received, printed, and taken into consideration on Tuesday next—put and passed.

SCAB BILL.—The Honorable J. McCrae, with leave of the Council, moved, without notice, That the second reading of this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. O'Shanassy moved, That the Report be now adopted.

Debate ensued.

Question—put and passed.

The Honorable J. O'Shanassy moved, That the third reading of the Bill be made an Order of the Day for this day fortnight.

Question—put and passed.

PETITION.—The Honorable N. Fitzgerald presented a Petition from the Borough of Castlemaine, and under the Seal thereof, praying that the Local Government Act Amendment Bill may be passed.

Petition received.

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

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 7TH SEPTEMBER, 1869.

1. The Hon. J. O'SHANASSY : To move that a return be laid upon the Table of this House, showing—
- (1.) The whole cost of drafting Bills for Parliament since the Constitution Act came into operation to the 31st of August, 1869, distinguishing the names of the persons employed as draftsmen, the titles of the Bills drawn, and the sums paid for each Bill.
 - (2.) The cost of consolidating the Statutes, distinguishing the amounts paid to draftsmen from the whole cost, the list of the persons employed, and the sums paid to each person.
 - (3.) A copy of the scale of fees allowed by the Law Department for the drafting of Bills.
 - (4.) A list of the Bills drafted solely by the respective Law Officers since the Constitution Act came into operation.

ORDERS OF THE DAY :—

1. LAND LAWS AMENDMENT BILL.—To be read a second time.
 2. ABORIGINAL NATIVES PROTECTION BILL.—Adoption of Report.
 3. SCAB BILL—REPORT OF SELECT COMMITTEE.—To be taken into consideration.
 4. SCAB BILL.—To be read a second time.
-

THURSDAY, 9TH SEPTEMBER.

ORDER OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
-

TUESDAY, 14TH SEPTEMBER.

ORDERS OF THE DAY :—

1. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
 2. ABATTOIRS BILL.—Adoption of Report.
-

WEDNESDAY, 15TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT 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, 7TH SEPTEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

DECEASE OF THE HONORABLE J. P. FAWKNER.—The Honorable J. McCrae moved, That, as a mark of respect for the memory of the Honorable J. P. Fawkner, now deceased, the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

POSTPONEMENT.—The Honorable J. McCrae moved, That all the business set down for this day be postponed until Thursday next.

Question—put and passed.

The Council adjourned at twenty-five minutes past four o'clock until four o'clock on Thursday the 9th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 9TH SEPTEMBER.

1. The Hon. J. O'SHANASSY : To move that a return be laid upon the Table of this House, showing—
 - (1.) The whole cost of drafting Bills for Parliament since the Constitution Act came into operation to the 31st of August, 1869, distinguishing the names of the persons employed as draftsmen, the titles of the Bills drawn, and the sums paid for each Bill.
 - (2.) The cost of consolidating the Statutes, distinguishing the amounts paid to draftsmen from the whole cost, the list of the persons employed, and the sums paid to each person.
 - (3.) A copy of the scale of fees allowed by the Law Department for the drafting of Bills.
 - (4.) A list of the Bills drafted solely by the respective Law Officers since the Constitution Act came into operation.

ORDERS OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
2. LAND LAWS AMENDMENT BILL.—To be read a second time.
3. ABORIGINAL NATIVES PROTECTION BILL.—Adoption of Report.
4. SCAB BILL—REPORT OF SELECT COMMITTEE.—To be taken into consideration.
5. SCAB BILL.—To be read a second time.

TUESDAY, 14TH SEPTEMBER.

ORDERS OF THE DAY :—

1. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
2. ABATTOIRS BILL.—Adoption of Report.

WEDNESDAY, 15TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT 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.

THURSDAY, 9TH SEPTEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO A BILL.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber this day, at half-past four o'clock, to assent, in Her Majesty's name, to a certain Bill passed by the Legislative Council and Legislative Assembly.

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

ROYAL ASSENT TO A BILL.—His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to assent, in Her Majesty's name, to the following Bill:—

"An Act to amend and consolidate the Laws relating to County Courts and to confer on said Courts a limited jurisdiction in Equity, Probate, and Administration."

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

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

"J. H. T. MANNERS SUTTON,
"Governor."

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

PETITION.—The Honorable W. H. F. Mitchell presented a Petition from the Shire Council of Kyneton, praying that the Council will adhere to the amendments made by the Council in the Local Government Act Amendment Bill.

The Petition was read at the Table by the Clerk.

Petition received, and, on the motion of the Honorable W. H. F. Mitchell, referred to the Committee of the whole Council on the Bill.

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

J. H. T. MANNERS SUTTON,

Governor.

The Governor feels gratification in transmitting to the Legislative Council a copy of a Despatch which he has received from the Secretary of State, announcing Her Majesty's gracious recognition of the reception given in Victoria to His Royal Highness the Duke of Edinburgh during his recent visit to this part of Her Majesty's dominions.

Government Offices,
Melbourne, August, 1869.

(COPY.)

VICTORIA.

No. 60.

SIR,

Downing-street,

16th July, 1869.

The Queen has heard from His Royal Highness the Duke of Edinburgh of the great cordiality and loyalty with which he has been received in Her Majesty's Australian Colonies, and She is anxious to express Her strong sense of the feeling displayed in this reception, which the Duke is most desirous that She should recognise.

Her Majesty commands you therefore to convey to the people of Victoria Her warm acknowledgments of the kind reception which has been given to His Royal Highness, and of their hearty and unanimous loyalty to Her Person and Throne.

I have the honor to be,

Sir,

Your most obedient humble servant,

(Signed)

GRANVILLE.

Governor

Sir J. H. T. Manners Sutton, K.C.B.

&c., &c., &c.

The Message, with its enclosure, was read at the Table by the Clerk.

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

1. Daylesford—Mining Operations on Reserved Lands authorized at.—Order in Council (23rd August, 1869).
2. Gippsland Mining District.—Mining Officers' Powers and Duties.—Order in Council (23rd August, 1869).

Ordered severally to lie on the Table.

PAPER.—The Honorable J. McCrae laid on the Table the following paper :—

Yan Yean Water Supply—Report of Government Analytical Chemist on the Water of (30th August, 1869).

Ordered to lie on the Table.

PETITION.—The Honorable R. S. Anderson presented a Petition from the Shire Council of Beechworth, and under the Seal thereof, on the subject of the Local Government Bill.

Petition received, and, on the motion of the Honorable R. S. Anderson, referred to the Committee on the Bill.

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by F. W. Armytage and others, styling themselves severally President and Members of the Shire Council of Corio, praying that, with the exception of the clauses which would effect the abolition of tolls, the Local Government Act Amendment Bill may be passed.

Petition received.

PETITION.—The Honorable N. Black presented a Petition from the Shire Council of Hampden, and under the Seal thereof, praying that certain amendments may be made in the Local Government Act Amendment Bill.

Petition received, and, on the motion of the Honorable N. Black, referred to the Committee on the Bill.

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by J. D. Morison and others, styling themselves Chairman and Members of the Seymour District Road Board, praying that the Local Government Act Amendment Bill may not be passed without certain of the amendments made therein by the Council.

Petition received, and, on the motion of the Honorable R. S. Anderson, referred to the Committee on the Bill.

PETITION.—The Honorable F. Robertson presented a Petition, signed by C. Shrive and others, styling themselves Chairman and Members of the District Board of North Harrow, praying that the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable F. Robertson, ordered to be taken into consideration on the third reading of the Bill.

PETITION.—The Honorable W. Degraeves presented a similar Petition, signed by G. Grant and others, styling themselves Chairman and Members of the Bacchus Marsh and Maddingley District Board.

Petition received.

PETITION.—The Honorable W. H. Pettett presented a Petition, signed by J. Robertson and others, styling themselves Chairman and Members of the Donnybrook and Wallan-Wallan District Board, praying that the Local Government Act Amendment Bill may be passed, with the exception of the clauses which would effect the abolition of Tolls.

Petition received.

PETITION.—The Honorable F. Robertson presented a Petition from the Yandoit and Franklin District Board, and under the seal thereof, praying that the Local Government Act Amendment Bill may be passed without amendment.

The Petition was read at the Table by the Clerk.

Petition received.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by T. U. Ryder and others, styling themselves persons who are interested in station property, or who desire that consideration should be extended to the pastoral tenant of the Crown, praying for consideration of the condition of the said pastoral tenants.

The Petition was read at the Table by the Clerk.

Petition received, and, on the motion of the Honorable T. T. a'Beckett, ordered to be printed, together with the analysis and classification of the signatures.

DRAFTING BILLS.—The Honorable J. O'Shanassy, in accordance with notice, moved, That there be laid upon the Table of this House, a Return showing—

- (1.) The whole cost of drafting Bills for Parliament since the Constitution Act came into operation to the 31st of August, 1869, distinguishing the names of the persons employed as draftsmen, the titles of the Bills drawn, and the sums paid for each Bill.
- (2.) The cost of consolidating the Statutes, distinguishing the amounts paid to draftsmen from the whole cost, the list of the persons employed, and the sums paid to each person.
- (3.) A copy of the scale of fees allowed by the Law Department for the drafting of Bills.
- (4.) A list of the Bills drafted solely by the respective Law Officers since the Constitution Act came into operation.

Debate ensued.

Question—put and passed.

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

“*Insolvency Law Amendment Bill*”—To be read a second time, Thursday, 16th instant.

“*Land Laws Amendment Bill*”—To be read a second time, Tuesday, 14th instant.

ABORIGINAL NATIVES PROTECTION 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. McCrae moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable J. McCrae moved, That the title of the Bill be “*An Act to provide for the Protection and Management of the Aboriginal Natives of Victoria.*”

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.

SCAB BILL.—REPORT OF SELECT COMMITTEE.—The Order of the Day for the consideration of the Report of the Select Committee on the Scab Bill being read, the Honorable N. Black moved, That the Report be now adopted.

Debate ensued.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at ten minutes to seven o'clock until four o'clock on Tuesday the 14th instant.

ORDERS OF THE DAY.

TUESDAY, 14TH SEPTEMBER, 1869.

ORDERS OF THE DAY :—

1. LAND LAWS AMENDMENT BILL.—To be read a second time.
2. LEGAL PROCEEDINGS FACILITY BILL.—To be read a second time.
3. ABATTOIRS BILL.—Adoption of Report.
4. SCAB BILL.—To be further considered in Committee.

WEDNESDAY, 15TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.

THURSDAY, 16TH SEPTEMBER.

ORDER OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 14TH SEPTEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable R. Simson presented a Petition from the Shire Council of Ripon, and under the Seal thereof, praying that the Local Government Act Amendment Bill may be passed, with the exception of the Clauses which would effect the abolition of Tolls.

Petition received, and, on the motion of the Honorable R. Simson, ordered to be taken into consideration in connection with the Bill.

LAND LAWS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. Highett moved, That the Order of the Day be postponed until to-morrow week.

Debate ensued.

Amendment moved by the Honorable T. T. a'Beckett, That the word "week" be omitted from the question.

Debate ensued.

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

Council divided.

Contents, 12.
The Hon. W. H. F. Mitchell
P. Russell
W. Campbell
J. F. Strachan
W. Highett
Dr. Hope
R. Simson
J. O'Shanassy
N. Fitzgerald
W. H. Pettett
J. Graham
B. Williams (*Teller*).

Not Contents, 9.
The Hon. T. T. a'Beckett
N. Black
G. W. Cole
H. M. Murphy
F. Robertson
A. Fraser
W. Degraives
R. Turnbull
J. McCrae (*Teller*).

The question was therefore passed.

Question—That the Order of the Day be postponed until to-morrow week—put and passed.

LEGAL PROCEEDINGS FACILITY BILL.—The Honorable J. McCrae moved, That the Order of the Day for the second reading of this Bill be discharged.

Question—put and passed.

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

"*Abattoirs Bill*"—Adoption of Report.

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

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

Ordered.

PETITION.—The Honorable W. A. C. a'Beckett presented a Petition, signed by G. Miller and others, styling themselves Acting Chairman and Members of the Gisborne (United) Road District, and praying that the Local Government Act Amendment Bill may be passed.

Petition received, and, on the motion of the Honorable W. A. C. a'Beckett, ordered to be taken into consideration in connection with the Bill.

The Council adjourned at five minutes to five o'clock until four o'clock on Wednesday the 15th instant.

ORDERS OF THE DAY.

WEDNESDAY, 15TH SEPTEMBER, 1869.

Government Business.

ORDER OF THE DAY:—

1. SCAB BILL.—To be further considered in Committee.

General Business.

ORDER OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
-

THURSDAY, 16TH SEPTEMBER.

ORDER OF THE DAY:—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
-

WEDNESDAY, 22ND SEPTEMBER.

Government Business.

ORDER OF THE DAY:—

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

TUESDAY, 28TH SEPTEMBER.

ORDER OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 15TH SEPTEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENT OF BUSINESS.—The Honorable J. McCrae moved, That the business on the Paper for this day be postponed until to-morrow.

Debate ensued.

Question—put and negatived.

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

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

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday the 16th instant :—

“*Local Government Act Amendment Bill*”—To be read a third time.

The Council adjourned at a quarter to seven o'clock until four o'clock on Thursday the 16th instant.

ORDERS OF THE DAY.

THURSDAY, 16TH SEPTEMBER, 1869.

ORDERS OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.
2. SCAB BILL.—To be further considered in Committee.
3. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.

WEDNESDAY, 22ND SEPTEMBER.

Government Business.

ORDER OF THE DAY :—

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

TUESDAY, 28TH SEPTEMBER.

ORDER OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 16TH SEPTEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 21st instant :—

“*Insolvency Law Amendment Bill*”—To be read a second time.

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

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

ADJOURNMENT.—The Honorable J. McCrae moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Tuesday the 21st instant.

ORDERS OF THE DAY.

TUESDAY, 21ST SEPTEMBER, 1869.

ORDERS OF THE DAY :—

1. *INSOLVENCY LAW AMENDMENT BILL*.—To be read a second time.
 2. *SCAB BILL*.—To be further considered in Committee.
 3. *LOCAL GOVERNMENT ACT AMENDMENT BILL*.—To be read a third time.
-

WEDNESDAY, 22ND SEPTEMBER.

Government Business.

ORDER OF THE DAY :—

1. *LAND LAWS AMENDMENT BILL*.—To be read a second time.
-

TUESDAY, 28TH SEPTEMBER.

ORDER OF THE DAY :—

1. *ABATTOIRS BILL*.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 21ST SEPTEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Tuesday the 19th October next.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 19th proximo :—

“*Insolvency Law Amendment Bill*”—To be read a second time.

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 amend the Mining Companies Limited Liability Act 1864*,” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st September, 1869.

Mr. President,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled “*An Act for better carrying out the Waterworks Act 1865*,” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st September, 1869.

MINING COMPANIES ACT 1864.—The Honorable J. O’Shanassy moved, That this House, having under its consideration the question of the forfeiture of mining shares, is of opinion that, in view of the large interests involved, no action at law or suit in equity should be commenced, or, if commenced, should be proceeded with, in respect to any declaration of forfeiture made or purporting to have been made under rules of any company registered under Act No. 228, until further legislative action.

Question—put and passed.

POSTPONEMENT OF BUSINESS.—The Honorable R. S. Anderson moved, That all the business set down for this day and for intermediate days be postponed until Tuesday, the 19th proximo.

Question—put and passed.

The Council adjourned at a quarter past six o’clock until four o’clock on Tuesday the 19th proximo.

ORDERS OF THE DAY.

TUESDAY, 19TH OCTOBER, 1869.

ORDERS OF THE DAY :—

1. *INSOLVENCY LAW AMENDMENT BILL*.—To be read a second time.
2. *SCAB BILL*.—To be further considered in Committee.
3. *LOCAL GOVERNMENT ACT AMENDMENT BILL*.—To be read a third time.
4. *LAND LAWS AMENDMENT BILL*.—To be read a second time.
5. *ABATTOIRS BILL*.—Adoption of Report.
6. *MINING COMPANIES ACT 1864 AMENDMENT BILL*.—Consideration of Message from Legislative Assembly.
7. *WATERWORKS COMMISSION BILL*.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH OCTOBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

RETURN OF WRIT.—The President announced to the Council that the Writ for the election of a Member for the Central Province in the room of the Honorable J. P. Fawcner, deceased, had been returned to him, and that the Returning Officer had certified that Henry Sallows Walsh had been duly elected in pursuance of the Writ.

The President also announced to the Council that he had received a letter from the Returning Officer for the Central Province, stating that a paper, signifying the withdrawal of one of the candidates for election for the Central Province was in some degree irregular when presented to him.

The Letter was read at the Table by the Clerk.

LETTER OF RETURNING OFFICER.—The Honorable C. J. Jenner moved, That the Letter of the Returning Officer be referred to the Elections and Qualifications Committee.

Question—put and passed.

PETITION.—The Honorable F. Robertson presented a Petition, signed by W. Fenton, praying that the Local Government Bill may be passed with its provisions unimpaired.

Petition received, and, on the motion of the Honorable F. Robertson, ordered to be taken into consideration with the Bill.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, Henry Sallows Walsh, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria, of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further that the lands and tenements out of which such qualification arises are situate in the parishes of Hawthorn and St. Kilda, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—House and sixteen acres of land, Hawthorn; house and land, Victoria road, Hawthorn; land in Vale and Greeves streets, St. Kilda.

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

| Municipal District. | Situation or other description. | Amount at which rated, net. |
|---------------------|---------------------------------|-----------------------------|
| Hawthorn | Power street | £ 150 0 0 |
| Hawthorn | Victoria road | 80 0 0 |
| St. Kilda | Vale and Greeves streets | 30 0 0 |
| | | £260 0 0 |

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

“HENRY S. WALSH.”

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

1. Williamstown Workshops.—Report of Board (4th October, 1869).
2. Statistics of Victoria, 1868—
 - Part III.—Interchange.
 - Part IV.—Finance, &c.
 - Part V.—Law, Crime, &c.
 - Part VI.—Vital Statistics, &c.

Ordered severally to lie on the Table.

PAPER.—The Honorable C. J. Jenner laid on the Table the following paper—

County Courts, Rules and Orders (County Court Statute, 1869).

Ordered to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 20th instant :—

“*Insolvency Law Amendment Bill*”—To be read a second time.

SCAB BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being called on, the President left the Chair.

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

The Honorable J. O'Shanassy moved, That the Bill be now re-committed on clauses 22, 24, 32, 59, and K.

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with further amendments.

The Honorable J. O'Shanassy moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Ordered.

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

“*Local Government Act Amendment Bill*”—To be read a third time,—26th instant.

“*Land Laws Amendment Bill*”—To be read a second time,—26th instant.

“*Abattoirs Bill*”—Adoption of Report,—27th instant.

MINING COMPANIES ACT 1864 AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being called on, the Honorable C. J. Jenner moved, That the Order of the Day be discharged.

Question—put and passed.

WATERWORKS COMMISSION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

PETITION.—The Honorable R. Simson presented a Petition, signed by James Robertson and others, styling themselves respectively President and Councillors of the Shire Council of Lexton, praying that the Local Government Act Amendment Bill may be passed, with the exception of the clauses which would effect the abolition of Tolls.

Petition received.

The Council adjourned at ten minutes to six o'clock until four o'clock on Wednesday the 20th instant.

ORDERS OF THE DAY.

WEDNESDAY, 20TH OCTOBER, 1869.

1. The Hon. A. FRASER : To ask, Whether the present Government, pending the question of the new Land Bill, will carry out the regulations of reservations, &c., as marked in *red* and otherwise on the various maps issued by the late Government, showing where selections could be made under the 42nd clause.
2. The Hon. W. CAMPBELL : To ask, Whether any steps are being taken to repair the breach in the cofferdam at Malmsbury.

ORDER OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be read a second time.

General Business.

ORDER OF THE DAY :—

1. SCAB BILL.—Adoption of report.

THURSDAY, 21ST OCTOBER.

ORDER OF THE DAY:—

1. WATERWORKS COMMISSION BILL.—To be read a second time.

TUESDAY, 26TH OCTOBER.

ORDERS OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
2. LAND LAWS AMENDMENT BILL.—To be read a second time.

WEDNESDAY, 27TH OCTOBER.

ORDER OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.

MEETINGS
OF
SELECT COMMITTEES.

Tuesday, 26th October.

REFRESHMENT ROOMS—at three o'clock.

Wednesday, 27th October.

ELECTIONS AND QUALIFICATIONS COMMITTEE—at two o'clock.

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

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OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH OCTOBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Savings Banks.—Returns for the year ending 30th June, 1869.

Ordered to lie on the Table.

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

1. Gippsland Mining District.—Additional Polling Places.—Order in Council (30th August, 1869).

2. Daylesford—Mining operations authorized within reserved lands at.—Order in Council (23rd August, 1869).

3. Fees in Courts of Mines.—Order in Council (15th September, 1869).

Ordered severally to lie on the Table.

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

“*Insolvency Law Amendment Bill*”—To be read a second time.

SCAB 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. O’Shanassy moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on Clauses 14, 15, and 19, and on Clause D.

Question—put and passed.

Question—That the Bill be now re-committed on Clauses 14, 15, and 19, and on Clause D—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with further amendments.

The Honorable J. O’Shanassy moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again on Tuesday next.

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend the Laws relating to the Customs,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th October, 1869.

CUSTOMS LAWS AMENDMENT BILL.—The Honorable C. J. Jenner 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.

The Council adjourned at ten minutes to five o'clock until four o'clock on Thursday the 21st instant.

ORDERS OF THE DAY.

THURSDAY, 21ST OCTOBER, 1869.

ORDERS OF THE DAY :—

1. WATERWORKS COMMISSION BILL.—To be read a second time.
2. CUSTOMS LAWS AMENDMENT BILL.—To be read a second time.

TUESDAY, 26TH OCTOBER.

1. The Hon. W. A. C. A'BECKETT : To ask the honorable member representing the Government, Whether the Government intend to make such alterations in the Tariff as will make it more protective to colonial industries.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
2. LAND LAWS AMENDMENT BILL.—To be read a second time.
3. SCAB BILL.—Adoption of report.
4. INSOLVENCY LAW AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 27TH OCTOBER.

ORDER OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.

MEETINGS OF SELECT COMMITTEES.

Tuesday, 26th October.

REFRESHMENT ROOMS—at three o'clock.

Wednesday, 27th October.

ELECTIONS AND QUALIFICATIONS COMMITTEE—at two o'clock.

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

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LEGISLATIVE COUNCIL.

THURSDAY, 21st OCTOBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Debate ensued.

Question—put and passed,

Bill read a second time.

The Honorable W. Highett moved, That the Honorable A. Fraser do act as Chairman of Committees of the whole Council this day, in the absence of the Chairman of Committees.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Waterworks Commission 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 Acting-Chairman of Committees reported, That the Committee had gone through the Bill, and had agreed to the same without amendment.

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

Question—put and passed.

The President having reported, That the Acting-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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the Title of the Bill be "*An Act for better carrying out the Waterworks Act 1865.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the Protection and Management of the Aboriginal Natives of Victoria,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments made by the Legislative Council in this Bill, and that they have made an amendment consequent on one of the amendments made by the Legislative Council, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st October, 1869.

ABORIGINAL NATIVES PROTECTION BILL.—The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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

Question—put and passed.

Bill read a second time.

The Honorable C. J. Jenner 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 Acting-Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same without amendment.

The President having reported, That the Acting-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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to amend the Laws relating to the Customs.*"

Question—put and passed.

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

The Council adjourned at ten minutes to five o'clock until four o'clock on Tuesday the 26th instant.

ORDERS OF THE DAY.

TUESDAY, 26TH OCTOBER, 1869.

1. The Hon. W. A. C. A'BECKETT : To ask the honorable member representing the Government, Whether the Government intend to make such alterations in the Tariff as will make it more protective to colonial industries.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
2. LAND LAWS AMENDMENT BILL.—To be read a second time.
3. SCAB BILL.—Adoption of report.
4. INSOLVENCY LAW AMENDMENT BILL.—To be further considered in Committee.
5. ABORIGINAL NATIVES PROTECTION BILL.—Consideration of Message from Legislative Assembly.

WEDNESDAY, 27TH OCTOBER.

ORDER OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.

MEETINGS OF SELECT COMMITTEES.

Tuesday, 26th October.

REFRESHMENT ROOMS—at three o'clock.

Wednesday, 27th October.

ELECTIONS AND QUALIFICATIONS COMMITTEE—at two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 26TH OCTOBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable C. J. Jenner laid on the Table the following Paper :—

Schedule of proposed expenditure on North-Eastern Railway during 1869.

Ordered to lie on the Table.

POSTPONEMENT.—The following Orders of the Day were severally postponed until Tuesday the 2nd proximo :—

“*Local Government Act Amendment Bill*”—To be read a third time.

“*Land Laws Amendment Bill*”—To be read a second time.

SCAB 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 N. Black moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on clauses A and B.

Debate ensued.

Question—put and passed.

Question—That the Bill be now re-committed on clauses A and B—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill without further amendment.

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

Debate ensued.

The Honorable H. M. Murphy moved, That all the words after the word “That” be omitted, with a view to insert the following words instead thereof, “the Bill be now re-committed with a view to the insertion of a new clause.”

Debate ensued.

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

Question—That the Report be now adopted—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 R. Simson, was read a third time and *passed*.

The Honorable R. Simson moved, That the Title of the Bill be “*An Act for the Prevention of Scab in Sheep.*”

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 transmit to the Legislative Council a Bill intituled “*An Act to authorize the construction of a Main Trunk Line of Railway from Essendon to the Upper Murray at Belvoir,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 26th October, 1869.

ESSENDON AND UPPER MURRAY RAILWAY CONSTRUCTION BILL.—The Honorable C. J. Jenner 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 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 progress, and asked leave to sit again to-morrow.

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 27th instant :—

“*Aboriginal Natives Protection Bill*”—Consideration of Message from Legislative Assembly.

The Council adjourned at ten minutes past seven o'clock until four o'clock on Wednesday the 27th instant.

ORDERS OF THE DAY.

WEDNESDAY, 27TH OCTOBER, 1869.

ORDERS OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.
 2. ESSENDON AND UPPER MURRAY RAILWAY CONSTRUCTION BILL.—To be read a second time.
 3. INSOLVENCY LAW AMENDMENT BILL.—To be further considered in Committee.
 4. ABORIGINAL NATIVES PROTECTION BILL.—Consideration of Message from Legislative Assembly.
-

TUESDAY, 2ND NOVEMBER.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
 2. LAND LAWS AMENDMENT BILL.—To be read a second time.
-

MEETING
OF
SELECT COMMITTEE.

Wednesday, 27th October.

ELECTIONS AND QUALIFICATIONS COMMITTEE—at two o'clock.

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

No. 51.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH OCTOBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 3rd proximo :—
 “*Abattoirs Bill*”—Adoption of Report.

ESSENDON AND UPPER MURRAY RAILWAY CONSTRUCTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable C. J. Jenner 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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be “*An Act to authorize the construction of a Main Trunk Line of Railway from Essendon to the Upper Murray at Belvoir.*”

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 secure to Proprietors of Designs for Articles and Works of Manufacture and Art, and to Proprietors of Works of Literature and Fine Art, the Copyright of such Designs and Works for a limited period,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 27th October, 1869.

COPYRIGHT PROTECTION BILL.—The Honorable C. J. Jenner moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Debate ensued.

The Honorable C. J. Jenner, with leave of the Council, amended his motion by substituting the words “*on Tuesday next*” for the word “*to-morrow.*”

Question—That this Bill be now read a first time, printed, and read a second time on Tuesday next—put and passed.

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

J. H. T. MANNERS SUTTON,
Governor.

The Governor transmits to the Legislative Council a Copy of a Despatch which he has received from the Secretary of State respecting the retention of the Imperial Troops now stationed in Victoria.
Government Offices,
Melbourne, 26th October, 1869.

(COPY.)

VICTORIA.

No. 57.

SIR,

Downing street,
16th July, 1869.

I have to acknowledge the receipt of your Despatches, No. 55, of 25th March, and No. 87, of 20th May, respecting the retention of the Imperial Troops now stationed in Victoria.

Her Majesty's Government are by no means surprised that the Victorian Ministry have decided not to retain the Imperial Troops in the Colony, except on the conditions laid down in the Memorandum of the Chief Secretary, enclosed in your Despatch No. 55, of 25th March. But those conditions, from an Imperial point of view, are not such as Her Majesty's Government could properly accede to; and, connecting this decision of the Colony of Victoria with the recent removal of Her Majesty's troops from Queensland, they anticipate that it will be requisite, after the conclusion of the present year, to withdraw the infantry and artillery now in Australia.

Her Majesty's Government have not thought it right to adopt any definite conclusion on the subject before receiving more complete information as to the wishes of the Australian Colonies generally. But I have thought it best at once to place you thus far in possession of their views and expectations.

I have, &c.,
(Signed) GRANVILLE.

Governor

Sir J. H. T. Manners Sutton, K.C.B.
&c. &c. &c.

J. H. T. MANNERS SUTTON,
Governor.

The Governor transmits to the Legislative Council a Copy of a Despatch which he has this day received from the Secretary of State, respecting a proposal of a Committee of Colonists in England to hold a Conference in London of Representatives duly authorized by Colonial Governments.

Government Offices,
Melbourne, 26th October, 1869.

(COPY.)

VICTORIA.

CIRCULAR.

SIR,

Downing street,
8th September, 1869.

I have received a copy of a letter purporting to be addressed, on behalf of a committee appointed by a meeting of influential Colonists, to the Colonial Secretaries or Governments of the Colonies named in the margin.

This letter appears to be prompted by a dissatisfaction with the policy of the Home Government and with the present mode of administering Colonial affairs; and, as a means of effecting such changes as may appear desirable, it suggests a Conference in London of Colonial Representatives duly authorized by their respective Governments.

It is not necessary for me to point out to you in what respects the description given in this letter of the present policy of Her Majesty's Government is inaccurate.

With regard to the practical suggestion which it conveys, Her Majesty's Government, while reserving its own right to consider, from an Imperial point of view, matters affecting Imperial interests, will always be most anxious to ascertain and ready to consider the wishes and interests of the Colonies of the British Empire. They have no jealousy of the collective action of any of the Colonies in furtherance of their wishes and interests. On the contrary, they have every desire to encourage such combined action. Nor should I have thought it necessary to make any observation on the present proposal, had it not been officially communicated to myself, as Secretary of State, and to the various Governments concerned.

With the exception of the three gentlemen who signed the letter, I do not know who were present at the meeting held in the Rooms of the Royal Colonial Society, or the names of the committee who have issued this circular. I am unable, therefore, to estimate the weight which your Ministers will attach to their recommendations. Independently, however, of the consideration that the project assumes at the outset an attitude of antagonism to Her Majesty's Government, my opinion is, that it is not in itself calculated to answer its purpose.

In the first place, the attempt to cover by one arrangement all the principal Colonies enjoying Representative Governments appears to me injudicious. The questions which most seriously affect individual Colonies in relation to the mother country have often, in their nature and treatment, little connection with those which arise in others, nor, as far as I am aware, is there anything in the mode of transacting business between the British and Colonial Governments which, under their generally cordial relations, obstructs negotiation or calls for any practical improvement in their means of communication.

As a general rule, it appears to me that the wishes of the Colonists are likely to be more faithfully and effectually brought before the Home Government by the local Ministers, who are in immediate contact with the communities which they represent, and through the Governor, who is

New South Wales.
South Australia.
New Zealand.
Tasmania.
Victoria. ☞
Queensland.
Canada.
Cape of Good
Hope.
Natal.
Mauritius.

responsible to Her Majesty for furnishing all requisite information, than by a body of gentlemen resident in London, acting in pursuance of their own views, or of mere written instructions, under influences not always identical with those which are paramount in the Colony, and without the guarantee which their recommendations may derive from having passed through the Governor's hands.

It will be obvious to you, that these objections to a standing representation of the Colonial Empire in London have no relation to the appointment of several or collective agencies on the system now in force, which I believe completely answers its purpose.

You will communicate this Despatch to your Government.

I have, &c.,

(Signed) GRANVILLE.

Governor

The Honorable

Sir J. H. T. Manners Sutton, K.C.B.

&c., &c., &c.

The Despatches were read at the Table by the Clerk.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 3rd proximo :—
“*Insolvency Law Amendment Bill*”—To be further considered in Committee.

ABORIGINAL NATIVES PROTECTION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the Council do agree to the consequential amendment made by the Legislative Assembly in the amendments made by the Legislative Council in Clause 4 of the Bill, viz., to omit, in line six, the words “and such teachers and matrons.”

Question—put and passed.

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

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

Question—put and passed.

The Council adjourned at twenty-five minutes past five o'clock until four o'clock on Tuesday the 2nd proximo.

ORDERS OF THE DAY.

TUESDAY, 2ND NOVEMBER, 1869.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
2. LAND LAWS AMENDMENT BILL.—To be read a second time.
3. COPYRIGHT PROTECTION BILL.—To be read a second time.

WEDNESDAY, 3RD NOVEMBER.

ORDERS OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.
2. INSOLVENCY LAW AMENDMENT BILL.—To be further considered in Committee.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 2nd November.

ELECTIONS AND QUALIFICATIONS—at half-past three o'clock.
PRINTING—at quarter to four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 2ND NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PRINTING COMMITTEE.—SECOND REPORT.—The Honorable R. S. Anderson brought up the Second Report of the Printing Committee, and moved, That the same be received, adopted, and printed.
Question—put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable R. S. Anderson brought up a Report from the Elections and Qualifications Committee, to which Committee was referred on the 19th ultimo a letter from the Returning Officer of the Central Province.
The Report was read at the Table by the Clerk.
The Honorable R. S. Anderson moved, That the Report be received and adopted, and be printed, together with the Proceedings of the Committee.
Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 10th instant :—
“*Local Government Act Amendment Bill*”—To be read a third time.

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

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

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

Debate resumed.

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

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmits to the Legislative Council a Bill intituled “*An Act for Compensating Members of Parliament*,” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker..

Legislative Assembly Chamber,
Melbourne, 28th October, 1869.

COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—The Honorable C. J. Jenner moved, That this Bill be now read a first time, printed, and read a second time to-morrow week.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

The Honorable C. J. Jenner 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 C. J. Jenner 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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to secure to Proprietors of Designs for Articles and Works of Manufacture and Art, and to Proprietors of Works of Literature and Fine Art, the Copyright of such Designs and Works for a limited period.*"

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 nine o'clock until four o'clock on Wednesday the 3rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 3RD NOVEMBER, 1869.

NOTICE OF MOTION:—

1. The Hon. C. J. JENNER: To move, That on Wednesday, the 17th of November instant, the House be called.

ORDERS OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.
2. INSOLVENCY LAW AMENDMENT BILL.—To be further considered in Committee.
3. LAND LAWS AMENDMENT BILL.—To be further considered in Committee.

WEDNESDAY, 10TH NOVEMBER.

ORDERS OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
2. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Tuesday, 9th November.

REFRESHMENT ROOMS—at half-past three o'clock.

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

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Mining Surveyors' and Registrars' Reports for Quarter ending 30th September, 1869.
2. Back Creek, Amherst—Mining operations authorized in reserved lands at.—Order in Council, 18th October, 1869.

Ordered severally to lie on the Table.

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

“*Abattoirs Bill*”—Adoption of Report—10th instant.

“*Insolvency Law Amendment Bill*”—To be further considered in Committee—11th instant.

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

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend the Mining Companies Limited Liability Act 1864, and for other purposes,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 3rd November, 1869.

MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—The Honorable C. J. Jenner moved, That this Bill be now read a first time, printed, and read a second time this day week.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

The Council adjourned at five minutes to ten o'clock until four o'clock on Wednesday the 10th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 10TH NOVEMBER, 1869.

NOTICE OF MOTION:—

1. The Hon. R. SIMSON: To move, That there be laid on the Table of this House a Return of the Electors in each Province, as enrolled in October, 1869, in the following form:—

| Name of Province. | On Ratepayers' Roll. | On General Roll. | Total. |
|-------------------|----------------------|------------------|--------|
| | | | |

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
2. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.
3. ABATTOIRS BILL.—Adoption of Report.
4. LAND LAWS AMENDMENT BILL.—To be further considered in Committee.
5. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—To be read a second time.

THURSDAY, 11TH NOVEMBER.

ORDER OF THE DAY :—

1. INSOLVENCY LAW AMENDMENT BILL.—To be further considered in Committee.
-

MEETING
OF
SELECT COMMITTEE.

Tuesday, 9th November.

REFRESHMENT ROOMS—at half-past three o'clock.

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

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LEGISLATIVE COUNCIL.

WEDNESDAY, 10TH NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTORS IN PROVINCES.—The Honorable R. Simson, in accordance with notice, moved, That there be laid on the Table of this House a Return of the Electors in each Province, as enrolled in October, 1869, in the following form :—

| Name of Province. | On Ratepayers' Roll. | On General Roll. | Total. |
|-------------------|----------------------|------------------|--------|
| | | | |

Question—put and passed.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, informing him that it is His Excellency's intention to proceed to the Legislative Council Chamber on Thursday the 11th instant, to assent, in Her Majesty's name, at half-past four o'clock, to certain Bills passed by the Legislative Council and the Legislative Assembly.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by H. S. Shaw, praying that a certain date may be altered in the "*Mining Companies Act 1864 Amendment Bill.*"
Petition received, and, on the motion of the Honorable T. T. a'Beckett, referred to the Committee to which the Bill may be referred.

PETITION.—The Honorable F. Robertson presented a Petition, signed by Edward Stubbs and others, styling themselves miners and others resident at Maryborough and in its vicinity, praying that certain changes may be made in the third clause of the "*Mining Companies Act 1864 Amendment Bill.*"
Petition received, and, on the motion of the Honorable F. Robertson, referred to the Committee to which the Bill may be referred.

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

- "*Local Government Act Amendment Bill*"—To be read a third time—16th instant.
- "*Compensation to Members of Parliament Bill*"—To be read a second time—16th instant.
- "*Abattoirs Bill*"—Adoption of Report—18th instant.

LAND LAWS AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.
The Chairman of Committees reported progress, and asked leave to sit again to-morrow.
Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday the 11th instant :—
"*Mining Companies Act 1864 Amendment Bill*"—To be read a second time.

The Council adjourned at five minutes to eleven o'clock until four o'clock on Thursday the 11th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 11TH NOVEMBER, 1869.

The Hon. P. RUSSELL : To move, That all letters and documents connected with John Morphet's selection under the 42nd section of *The Amending Land Act 1865*, for the occupation of certain land in the parish of Haddon, be laid on the Table of this House.

ORDERS OF THE DAY:—

1. INSOLVENCY LAW AMENDMENT BILL.—To be further considered in Committee.
 2. LAND LAWS AMENDMENT BILL.—To be further considered in Committee.
 3. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—To be read a second time.
-

TUESDAY, 16TH NOVEMBER.

ORDERS OF THE DAY:—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
 2. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.
-

THURSDAY, 18TH NOVEMBER.

ORDER OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 11TH NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Victorian Railways.—Schedule of proposed Expenditure upon North-Eastern Railway during ensuing twelve months.
2. Clunes, Court of Mines (Ballarat District) to be holden at.—Order in Council (1st November, 1869).

Ordered severally to lie on the Table.

PETITION.—The Honorable W. Campbell presented a Petition, signed by J. C. House and others, praying that certain amendments may be made in the "*Land Laws Amendment Bill*." Petition received.

PETITION.—The Honorable F. Robertson presented a Petition, signed by David Scott and others, styling themselves ratepayers of a subdivision of the Franklin and Yandoit Road Board, praying that a certain alteration may be made in the "*Local Government Act Amendment Bill*." Petition received, and, on the motion of the Honorable F. Robertson, ordered to be taken into consideration with the Bill.

JOHN MORPHET'S SELECTION.—The Honorable P. Russell, in accordance with notice, moved, That all letters and documents connected with John Morphet's selection under the 42nd section of "*The Amending Land Act 1865*," for the occupation of certain land in the parish of Haddon, be laid on the Table of this House.

Question—put and passed.

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, His Excellency was pleased to assent in Her Majesty's name to the following Bills :—

"*An Act to amend the Laws relating to the Customs.*"

"*An Act for better carrying out the Waterworks Act 1865.*"

"*An Act to authorize the construction of a Main Trunk Line of Railway from Essendon to the Upper Murray at Belvoir.*"

"*An Act to provide for the protection and management of the Aboriginal Natives of Victoria.*"

"*An Act to secure to Proprietors of Designs for Articles and Works of Manufacture and Art, and to Proprietors of Works of Literature and Fine Art, the Copyright of such Designs and Works for a limited period.*"

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.

"J. H. T. MANNERS SUTTON,
"Governor."

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

INSOLVENCY LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council was discharged, on the motion of the Honorable C. J. Jenner.

LAND LAWS 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 C. J. Jenner moved, That the adoption of the Report of the Committee be made an Order of the Day for Wednesday next.

Question—put and passed.

MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at five minutes past six o'clock until four o'clock on Tuesday the 16th instant.

ORDERS OF THE DAY.

TUESDAY, 16TH NOVEMBER, 1869.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
 2. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.
 3. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—To be further considered in Committee.
-

WEDNESDAY, 17TH NOVEMBER.

ORDER OF THE DAY :—

1. LAND LAWS AMENDMENT BILL.—Adoption of Report.
-

THURSDAY, 18TH NOVEMBER.

ORDER OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 16TH NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Hospitals for the Insane.—Return (to 30th June, 1869).
2. Castlemaine District.—Mining Operations authorized within reserved lands.—Order in Council (25th October, 1869).

Ordered severally to lie on the Table.

JOHN MORPHET'S SELECTION.—The Honorable C. J. Jenner laid on the Table a Return to the Order of the Council made on the 11th instant.

PETITION.—The Honorable Dr. Hope presented to the Council a Petition, signed by Joseph Rippin and others, styling themselves respectively President and Members of the Bannockburn Shire Council, and praying that the Local Government Act Amendment Bill may be passed.
Petition received.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 17th instant :—
“*Local Government Act Amendment Bill*”—To be read a third time.

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

Debate ensued.

Amendment moved by The Honorable J. O'Shanassy, That the word “now” be omitted, with a view to add the words, “on the occasion of a Call of the House to consider the question,” after the word “time.”

Debate ensued.

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

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

Question—That the Bill be read a second time on the occasion of a Call of the House to consider the question—put and passed.

MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

The Council adjourned at a quarter to six o'clock until four o'clock on Wednesday, the 17th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 17TH NOVEMBER, 1869.

NOTICE OF MOTION :—

1. The Hon. J. O'SHANASSY : To move, That there be a Call of the House to consider the “Compensation to Members of Parliament Bill.”

ORDERS OF THE DAY :—

1. LAND LAWS AMENDMENT BILL.—Adoption of Report.
2. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.

THURSDAY, 18TH NOVEMBER.

ORDERS OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.
 2. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—To be further considered in Committee.
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WEDNESDAY, 1ST DECEMBER.

ORDER OF THE DAY :—

Contingent on Motion for Call of the House being carried :—

1. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 17TH NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President having, by letter, informed the Clerk of the Council that he was prevented by indisposition from attending in his place, the Clerk informed the Council accordingly.

The Chairman of Committees took the Chair as Deputy President.

The Deputy President read the Prayer.

ELECTORS IN PROVINCES.—The Honorable C. J. Jenner laid on the Table a Return to an Order of the Council made on the 10th instant.

PETITION.—The Honorable J. Graham presented a Petition, signed by Colin Campbell and others, styling themselves pastoral tenants of the Crown, praying that certain amendments may be made in the Land Laws Amendment Bill.

The Petition was read at the Table by the Clerk.

Petition received, and, on the motion of the Honorable J. Graham, referred to the Committee on the Bill.

PETITION.—The Honorable N. Fitzgerald presented a Petition, signed by C. Tolstrup and others, styling themselves occupiers of land within the District of Campbell's Creek, praying that a certain amendment may be made in the Land Laws Amendment Bill.

Petition received.

ELECTORS IN PROVINCES.—The Honorable R. Simson, with leave of the Council, moved, without notice, That the Return laid upon the Table of the House this day be printed.

Question—put and passed.

CALL OF THE HOUSE.—The Honorable J. O'Shanassy, in accordance with notice, moved, That there be a Call of the House to consider the Compensation to Members of Parliament Bill.

Question—put and passed.

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

“*Land Laws Amendment Bill*”—Adoption of Report—23rd instant.

“*Local Government Act Amendment Bill*”—To be read a third time—18th instant.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to provide for the collection by means of Stamps of Fees payable in the several Courts of Law and Equity and Departments of the Public Service,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th November, 1869.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend and consolidate the Laws relating to Municipal Corporations,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th November, 1869.

STAMPS BILL.—The Honorable C. J. Jenner moved, That this Bill be now read a first time and printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—The Honorable C. J. Jenner moved, That this Bill be now read a first time, and printed, and that the second reading be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

The Council adjourned at a quarter to five o'clock until four o'clock on Thursday the 18th instant.

ORDERS OF THE DAY.

THURSDAY, 18TH NOVEMBER, 1869.

ORDERS OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.
2. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—To be further considered in Committee.
3. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
4. MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—To be read a second time.

TUESDAY, 23RD NOVEMBER.

ORDERS OF THE DAY:—

1. LAND LAWS AMENDMENT BILL.—Adoption of Report.
2. STAMPS BILL.—To be read a second time.

WEDNESDAY, 1ST DECEMBER.

ORDER OF THE DAY:—

1. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 18TH NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President having, by letter, informed the Clerk of the Council that he was prevented by indisposition from attending in his place, the Clerk informed the House accordingly.

The Chairman of Committees took the Chair as Deputy President.

The Deputy President read the Prayer.

PETITION.—The Honorable C. J. Jenner presented a Petition from the Borough Council of Fitz Roy, and under the Corporate Seal thereof, praying that the Municipal Corporations Law Amendment Bill may be passed during the present Session.

Petition received.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the Honorable A. Fraser act as Chairman of Committees of the whole Council this day.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 24th instant :—
“*Abattoirs Bill*”—Adoption of Report.

MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Deputy President left the Chair.

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

The Honorable C. J. Jenner moved, That the Bill be now re-committed on Clauses 1, 2, and 3.

Question—put and passed.

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

The Deputy President left the Chair.

The Acting-Chairman of Committees reported that the Committee had gone through Clauses 1, 2, and 3 of the Bill, and had agreed to them with further amendments.

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

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Deputy 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 concerning Claims to Dower affecting certain Lands for the time being subject to the provisions of ‘The Transfer of Land Statute’ and for other purposes,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 17th November, 1869.

DOWER BILL.—The Honorable C. J. Jenner moved, That this Bill be now read a first time, and printed and that the second reading of the Bill be made an Order of the Day for Wednesday next.

Question—put and passed.

Bill read a first time.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 24th instant :—
“*Local Government Act Amendment Bill*”—To be read a third time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The Deputy President left the Chair.

The Acting-Chairman of Committees reported progress and asked leave for the Committee to sit again on Tuesday next.

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled “*An Act to provide for the Abolition of State Aid to Religion,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 18th November, 1869.

FRANS. MURPHY,
Speaker.

STATE AID TO RELIGION ABOLITION BILL.—The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

The Council adjourned at a quarter past eleven o'clock until four o'clock on Tuesday the 23rd instant.

ORDERS OF THE DAY.

TUESDAY, 23RD NOVEMBER, 1869.

ORDERS OF THE DAY :—

1. LAND LAWS AMENDMENT BILL.—Adoption of Report.
2. STAMPS BILL.—To be read a second time.
3. MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—To be further considered in Committee.
4. STATE AID TO RELIGION ABOLITION BILL.—Consideration of Message from Legislative Assembly.

WEDNESDAY, 24TH NOVEMBER.

ORDERS OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.
2. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—Adoption of Report.
3. DOWER BILL.—To be read a second time.
4. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.

WEDNESDAY, 1ST DECEMBER.

ORDERS OF THE DAY :—

1. CALL OF THE HOUSE.
2. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD NOVEMBER, 1869.

The President took the Chair at the expiration of half an hour after the time appointed for the meeting of the Council, and a quorum not being present, adjourned the Council, without question put, to the next sitting day, Wednesday, the 24th instant.

ORDERS OF THE DAY.

WEDNESDAY, 24TH NOVEMBER, 1869.

ORDERS OF THE DAY:—

1. ABATTOIRS BILL.—Adoption of Report.
 2. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—Adoption of Report.
 3. DOWER BILL.—To be read a second time.
 4. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
 5. LAND LAWS AMENDMENT BILL.—Adoption of Report.
 6. STAMPS BILL.—To be read a second time.
 7. MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—To be further considered in Committee.
 8. STATE AID TO RELIGION ABOLITION BILL.—Consideration of Message from Legislative Assembly.
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WEDNESDAY, 1ST DECEMBER.

ORDERS OF THE DAY:—

1. CALL OF THE HOUSE.
2. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 24TH NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

DRAFTING BILLS.—The Honorable C. J. Jenner laid on the Table a Return to an Order of the Council made on the 9th September, 1869.

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by Isaac New, praying that the State Aid to Religion Abolition Bill may be passed.

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

PETITION.—The Honorable J. O'Shanassy presented a Petition, signed by G. Harker and others, styling themselves Justices of the Peace for the Colony of Victoria, praying that the provision in the Municipal Corporations Law Amendment Bill for granting precedence to Mayors of Boroughs may not be passed.

Petition received, and, on the motion of the Honorable J. O'Shanassy, referred to the Committee on the Bill.

PETITION.—The Honorable J. O'Shanassy presented a Petition, signed by W. H. Waters and others, styling themselves shareholders in the Mammoth Mining Company (limited), praying that their legal rights may not be taken away by any provision in the Mining Companies Act 1864 Amendment Bill.

The Petition was read at the Table by the Clerk.

Petition received, and, on the motion of the Honorable J. O'Shanassy, referred to the Committee on the Bill.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by John Firth and others, styling themselves members of the United Church of England and Ireland, residing in and about Kensington, Drysdale, Bellarine, and Port Henry, praying that no alteration may be made in the law by which aid is given by the State for Religious purposes.

The Petition was read at the Table by the Clerk.

Petition received, and, on the motion of the Honorable T. T. a'Beckett, referred to the Committee of the whole Council to which the Bill may be referred.

PETITION.—The Honorable T. T. a'Beckett presented a Petition from the Borough of East Collingwood, and under the corporate seal thereof, praying that the Municipal Corporations Law Amendment Bill may be passed.

Petition received.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, that the Honorable A. Fraser, in the absence of the Chairman of Committees, do act as Chairman of Committees of the whole Council this day.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Thursday, the 25th instant:—

“*Abattoirs Bill*”—Adoption of Report.

“*Mining Companies Act 1864 Amendment Bill (2)*”—Adoption of Report.

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

“*Local Government Act Amendment Bill*”—To be read a third time.

LAND LAWS AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable C. J. Jenner moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

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

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

Amendment moved by the Honorable T. T. a'Beckett, That the word "to-morrow" be omitted, with a view to insert the words "on Tuesday next."

Debate ensued.

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

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

Question—That the adoption of the Report be made an Order of the Day for Tuesday next—put and passed.

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

Question—put and passed.

Bill read a second time.

The Honorable C. J. Jenner 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 Acting Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with amendments.

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

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Thursday the 25th instant :—

"Municipal Corporations Law Amendment Bill"—To be further considered in Committee.

"State Aid to Religion Abolition Bill"—Consideration of Message from Legislative Assembly.

The Council adjourned at twenty minutes past eleven o'clock until four o'clock on Thursday, the 25th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 25TH NOVEMBER, 1869.

NOTICES OF MOTION :—

The Hon. W. A. C. A'BECKETT: To ask the Hon. C. J. Jenner, Whether the Commission of the Peace in force previously to 1st January, 1869, has been cancelled; and, if so, by what Order in Council, or by what authority it was accomplished.

The Hon. T. T. A'BECKETT: To move, For a Return showing the quantity of Crown Land promised, granted, or reserved for the different religious denominations entitled to receive a portion of the grant, applicable under the 53rd section of the Constitution Act, to the advancement of the Christian Government; distinguishing the gross amount allotted separately to each denomination, and the locality and quantity of each separate allotment.

ORDERS OF THE DAY :—

1. ABATTOIRS BILL.—Adoption of Report.
2. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—Adoption of Report.
3. DOWER BILL.—To be read a second time.
4. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
5. STAMPS BILL.—Adoption of Report.
6. MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—To be further considered in Committee.
7. STATE AID TO RELIGION ABOLITION BILL.—Consideration of Message from Legislative Assembly.

TUESDAY, 30TH NOVEMBER.

ORDER OF THE DAY :—

1. LAND LAWS AMENDMENT BILL.—Adoption of Report.

WEDNESDAY, 1ST DECEMBER.

ORDERS OF THE DAY :—

1. CALL OF THE HOUSE.
2. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 25TH NOVEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Castlemaine—Mining operations on reserved lands at, authorized.—Order in Council (10th November, 1869).

Ordered to lie on the Table.

CROWN LANDS GRANTED TO RELIGIOUS DENOMINATIONS.—The Honorable T. T. a'Beckett, in accordance with notice, moved, That there be laid on the Table of the House a Return showing the quantity of Crown Land promised, granted, or reserved for the different religious denominations entitled to receive a portion of the grant, applicable under the 53rd section of the Constitution Act, to the advancement of the Christian Religion; distinguishing the gross amount allotted separately to each denomination, and the locality and quantity of each separate allotment.

Question—put and passed.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by G. P. Despard and others, on the subject of the State Aid to Religion Abolition Bill.

Petition received.

ABATTOIRS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable C. J. Jenner moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on Clauses 1 to 11 inclusive.

Question—put and passed.

Question—That the Bill be now re-committed on Clauses 1 to 11 inclusive—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with further amendments.

The Honorable C. J. Jenner moved, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Tuesday the 30th instant.

MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable C. J. Jenner moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on the 3rd Clause.

Question—put and passed.

Question—That the Bill be now re-committed on the 3rd Clause—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with further amendments.

The Honorable C. J. Jenner moved, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Tuesday the 30th instant.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Order of the Day for the third reading of this Bill being called on, the Honorable C. J. Jenner moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

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

The Honorable C. J. Jenner moved, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday, the 1st proximo.

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

Question—put and passed.

STAMPS 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 C. J. Jenner moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to provide for the collection by means of Stamps of Fees payable in the several Courts of Law and Equity and Departments of the Public Service.*"

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.

MUNICIPAL CORPORATIONS 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 C. J. Jenner moved, That the adoption of the Report of the Committee be made an Order of the Day for Wednesday next.

Question—put and passed.

STATE AID TO RELIGION ABOLITION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a first time and printed, and that the second reading be made an Order of the Day for Wednesday next.

Question—put and passed.

Bill read a first time.

BUSINESS PAPER.—The Honorable C. J. Jenner moved, That the Business previously set down for Tuesday next be set down for Wednesday next.

Question—put and passed.

The Council adjourned at twenty minutes to eleven o'clock until four o'clock on Wednesday the 1st proximo.

ORDERS OF THE DAY.

WEDNESDAY, 1ST DECEMBER, 1869.

The Hon. W. A. C. A'BECKETT: To ask the Hon. C. J. Jenner, Whether the Commission of the Peace in force previously to 1st January, 1869, has been cancelled; and, if so, by what Order in Council, or by what authority it was accomplished.

ORDERS OF THE DAY:—

1. CALL OF THE HOUSE.
2. COMPENSATION TO MEMBERS OF PARLIAMENT BILL.—To be read a second time.
3. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
4. MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—Adoption of Report.
5. STATE AID TO RELIGION ABOLITION BILL.—To be read a second time.
6. LAND LAWS AMENDMENT BILL.—Adoption of Report.
7. ABATTOIRS BILL.—To be read a third time.
8. MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—To be read a third time.
9. DOWER BILL.—To be further considered in Committee.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 1st DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by R. Walker and others, styling themselves members of the Synod of the United Presbyterian Church of Victoria, praying that the State Aid to Religion Abolition Bill may be passed.

The Petition was read at the Table by the Clerk.

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

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by M. Branigan and others, styling themselves members of the Roman Catholic body residing in the district of Kilmore, praying that the State Aid to Religion Abolition Bill may not be passed.

Petition received, and, on the motion of the Honorable R. S. Anderson, referred to the Committee of the whole Council to which the Bill may be referred.

PETITIONS.—The Honorable N. Fitzgerald presented a similar Petition, signed by R. S. Fennelly and others, styling themselves members of the Roman Catholic Church in the districts of Carisbrook and Maryborough, and a similar Petition from the district of Castlemaine.

Petitions received, and, on the motion of the Honorable N. Fitzgerald, referred to the Committee of the whole Council to which the Bill may be referred.

PETITION.—The Honorable C. J. Jenner presented a Petition, signed by C. Tait, styling himself Mayor of the Borough of Smythesdale, praying that the Municipal Corporations Law Amendment Bill may be passed.

Petition received.

PETITIONS.—The Honorable W. H. F. Mitchell presented Petitions from Kyneton, and from Inverleigh and the neighborhood thereof, praying that the State Aid to Religion Abolition Bill may not be passed.

Petitions received, and, on the motion of the Honorable W. H. F. Mitchell, referred to the Committee of the whole Council to which the Bill may be referred.

PETITION.—The Honorable G. W. Cole presented a similar Petition from the District of Ballarat.

Petition received, and, on the motion of the Honorable G. W. Cole, referred to the Committee of the whole Council to which the Bill may be referred.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by R. Cummins and others, styling themselves members of the United Church of England and Ireland connected with the congregation of St. Paul's, Ballarat, praying that the State Aid to Religion Abolition Bill may not be passed.

The Petition was read at the Table by the Clerk.

Petition received, and, on the motion of the Honorable T. T. a'Beckett referred to the Committee of the whole Council to which the Bill may be referred.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by H. Williamson and others, styling themselves members of the United Church of England and Ireland resident in and about Castlemaine, praying that the Council will refuse to assent to the Bill for abolishing State Aid to Religion.

Petition received, and, on the motion of the Honorable T. T. a'Beckett, referred to the Committee of the whole Council to which the Bill may be referred.

PETITIONS.—The Honorable T. T. a'Beckett presented similar Petitions from Avoca, Blackwood, Birregurra, Broadmeadows, Bulla and Keilor, Camperdown, Carisbrook, Chewton, Chiltern, Creswick, Daylesford, Dunolly, Eaglehawk, Emerald Hill, Gisborne, Heathcote, Highton and the Barrabool Hills, Kangaroo Flat, Kingston, Spring Hill and Smeaton, Learmonth, Linton, Little Bendigo, Brown Hill and Warrenheip, Mansfield, Melbourne (St. James's), Mornington, Mortlake, Northcote, Portland, Prahran, Sebastopol, Seymour and Avenel, Springs, Steiglitz, St. Kilda (Christ Church), Taradale and Malmsbury, Walhalla (Gippsland), Wehla and Lilliput, White Hills Epsom Huntly and Bendigo, Williamstown, Yackandandah.

Petitions received, and, on the motion of the Honorable T. T. a'Beckett, referred to the Committee of the whole Council to which the State Aid to Religion Abolition Bill may be referred.

PETITION.—The Honorable J. O'Shanassy presented a Petition, signed by J. A. Goold and others, styling themselves Bishop, Clergy, and Laity of the Roman Catholic Church residing in Melbourne, praying that the Council will reject any proposal which has for its object the alteration of the Constitution Act with regard to State Aid to Religion.

The Petition was read at the Table by the Clerk.

Petition received, and, on the motion of the Honorable J. O'Shanassy, referred to the Committee of the whole Council to which the Bill may be referred.

PETITION.—The Honorable T. T. a'Beckett presented a Petition, signed by C. Melbourne, styling himself Bishop of Melbourne, praying that if the grant of State Aid to Religion be abolished regard may be given to circumstances alleged in the Petition.

The Petition was read at the Table by the Clerk.

Petition received, and, on the motion of the Honorable T. T. a'Beckett, referred to the Committee of the whole Council to which the Bill may be referred.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill, intituled "*An Act for the Prevention of the Scab in Sheep,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, have disagreed to others of the said amendments, and have agreed to some of the amendments with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 1st December, 1869.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to sanction the issue and application of a certain sum of money from the 'Railway Loan Account' for Salaries, Wages, and Contingencies, for the service of the Year One thousand eight hundred and sixty-nine,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 1st December, 1869.

RAILWAY LOAN APPROPRIATION BILL.—The Honorable C. J. Jenner moved, That this Bill be now read a first time and printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

SCAB BILL.—The Honorable C. J. Jenner moved, That the Message from the Legislative Assembly with this Bill be taken into consideration to-morrow.

Debate ensued.

Question—put and passed.

CALL OF THE HOUSE.—The Order of the Day for a Call of the House being called on, the names of the Members of the House were called over by the Clerk, by direction of the President, in alphabetical order.

The Honorables J. P. Bear and S. G. Henty were absent by permission of the House.

All other Members of the House appeared in their places.

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

Debate ensued.

Question—put and negatived.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the next Order of the Day :—

"*Local Government Act Amendment Bill*"—To be read a third time.

"*Municipal Corporations Law Amendment Bill*"—Adoption of Report.

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

Debate ensued.

Question—put.

Council divided.

Contents, 8.
The Hon. C. J. Jenner
W. H. Pettett
W. A. C. a'Beckett
R. Turnbull
A. Fraser
P. Russell
Dr. Hope
J. McCrae (*Teller*).

Not Contents, 14.
The Hon. W. J. T. Clarke
J. O'Shanassy
T. T. a'Beckett
N. Black
N. Fitzgerald
W. Campbell
J. Graham
W. Degraives
W. Highett
J. F. Strachan
H. S. Walsh
B. Williams
H. M. Murphy
W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

At a quarter to seven o'clock the Council adjourned during pleasure.

At a quarter to eight o'clock the President resumed the Chair.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Order of the Day for the third reading of this Bill being called on, the Honorable C. J. Jenner moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday the 2nd instant.

MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable C. J. Jenner moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the day for Thursday the 2nd instant.

LAND LAWS AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable C. J. Jenner moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

The President left the Chair.

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

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

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday the 2nd instant.

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

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to amend the Laws relating to Abattoirs and the Slaughtering of Cattle.*"

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.

MINING COMPANIES ACT 1864 AMENDMENT BILL (2).—The Order of the Day for the third reading of this Bill being called on, the Honorable C. J. Jenner moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-committed—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with a further amendment.

The Honorable C. J. Jenner 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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to amend the Mining Companies Limited Liability Act 1864, and for other purposes.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Thursday the 2nd instant :—

"*Dower Bill*"—To be further considered in Committee.

The Council adjourned at a quarter to eleven o'clock until four o'clock on Thursday the 2nd instant.

ORDERS OF THE DAY.

THURSDAY, 2ND DECEMBER, 1869.

The Hon. P. RUSSELL: To ask, If it is the case that certain sheep, belonging to a Mr. Brown, were destroyed recently at the Richardson Bridge, by the order of Mr. Inspector Allan.

ORDERS OF THE DAY:—

1. RAILWAY LOAN APPROPRIATION BILL.—To be read a second time.
2. SCAB BILL.—Consideration of Message from the Legislative Assembly.
3. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a third time.
4. MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—To be read a third time.
5. LAND LAWS AMENDMENT BILL.—To be read a third time.
6. DOWER BILL.—To be further considered in Committee.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 2ND DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Question—put and passed.

Bill read a second time.

The Honorable C. J. Jenner 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 C. J. Jenner moved, That the Report of the Committee be now adopted.

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

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to sanction the issue and application of a certain sum of money from 'The Railway Loan Account' for Salaries Wages and Contingencies for the service of the Year One thousand eight hundred and sixty-nine.*"

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.

SCAB BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable W. Highett moved, That the Council do insist on their several amendments in the Bill, with the exception of the amendment to omit clause 32; and that the Council do not insist on the amendment to omit clause 32.

Debate ensued.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council do not insist on the amendment to omit clause 32, and do insist on their other amendments in the Bill.

LOCAL GOVERNMENT ACT 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 the Committee of the whole Council, the Bill, on the motion of the Honorable C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to amend and consolidate the Law relating to Road Districts and Shires.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 7th instant:—

"*Municipal Corporations Law Amendment Bill*"—To be read a third time.

LAND LAWS 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 the Committee of the whole Council, the Bill, on the motion of the Honorable C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands.*"

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.

DOWER 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 C. J. Jenner 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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be “*An Act concerning Claims to Dower affecting certain Lands for the time being subject to the provisions of the ‘Transfer of Land Statute’ 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.

The Council adjourned at ten minutes past five o'clock until four o'clock on Tuesday the 7th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 7TH DECEMBER, 1869.

ORDER OF THE DAY:—

1. MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—To be read a third time.

WEDNESDAY, 8TH DECEMBER.

NOTICE OF MOTION:—

The Hon. T. T. A'BECKETT : To move, That, in the opinion of this House, it is desirable that any Bill that may hereafter be introduced, which by the 60th clause of the Constitution Act is required to be assented to on the second and third readings, with the concurrence of an absolute majority of both Houses of the Legislature, or any Bill providing for the compensation of members of either House, be initiated upon the basis of resolutions previously considered and agreed to by both Houses ;

And, *contingent* on such motion being carried, to move for leave to bring in a Bill to give effect thereto.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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TUESDAY, 7TH DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MUNICIPAL CORPORATIONS 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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to amend and consolidate the Laws relating to Municipal Corporations.*"

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.

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

Question—put and passed.

BUSINESS PAPER.—The Honorable C. J. Jenner moved, That all business set down for Wednesday next be set down for Thursday next.

Question—put and passed.

The Council adjourned at twenty-five minutes to five o'clock until four o'clock on Thursday the 9th instant.

NOTICE OF MOTION.

THURSDAY, 9TH DECEMBER, 1869.

NOTICE OF MOTION:—

The Hon. T. T. A'BECKETT: To move, That, in the opinion of this House, it is desirable that any Bill that may hereafter be introduced, which by the 60th clause of the Constitution Act is required to be assented to on the second and third readings, with the concurrence of an absolute majority of both Houses of the Legislature, or any Bill providing for the compensation of members of either House, be initiated upon the basis of resolutions previously considered and agreed to by both Houses;

And, *contingent* on such motion being carried, to move for leave to bring in a Bill to give effect thereto.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

THURSDAY, 9TH DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Maldon.—Mining operations authorized on Camp Reserve.—Order in Council (22nd November, 1869).

Ordered to lie on the Table.

PAPER.—The Honorable C. J. Jenner laid on the Table the following paper :—

Public Accounts—General Regulation respecting (15th November, 1869).

Ordered to lie on the Table.

BILLS DEALING WITH CONSTITUTION ACT, ETC.—The Honorable T. T. a'Beckett, in accordance with *amended* notice, moved, That, in the opinion of this House, it is desirable that any Bill that may hereafter be introduced, which, by the 60th clause of the Constitution Act, is required to be assented to, on the second and third readings, with the concurrence of an absolute majority of both Houses of the Legislature; or any Bill directly affecting Members of either House, which, by the Constitution Act, the Legislative Council would be precluded from altering in Committee, be initiated upon the basis of resolutions previously considered and agreed to by both Houses.

Debate ensued.

Motion, by leave, withdrawn.

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.



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LEGISLATIVE COUNCIL.

TUESDAY, 14TH DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable C. J. Jenner laid on the Table the following paper :—

Alfred Graving Dock, Williamstown.—Statement of Expenditure to 28th September, 1869.

Ordered to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled “ *An Act to provide for the incorporation and government of the Public Library, Museum, and National Gallery of Victoria,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th December, 1869.

PUBLIC LIBRARY AND MUSEUM BILL.—The Honorable C. J. Jenner moved, That the Bill be now read a first time and be printed, and that the second reading be made an Order of the Day for Thursday next.

Question—put and passed.

Bill read' a first time.

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

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Thursday the 16th instant.

ORDER OF THE DAY.

THURSDAY, 16TH DECEMBER 1869.

ORDER OF THE DAY:—

1. PUBLIC LIBRARY AND MUSEUM BILL.—To be read a second time.

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



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LEGISLATIVE COUNCIL.

THURSDAY, 16TH DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Technological Commission—Further Report of (11th November, 1869).

Ordered to lie on the Table.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable C. J. Jenner moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable C. J. Jenner moved, That the third reading of the Bill be made an Order of the Day for Wednesday 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 return to the Legislative Council a Bill, intituled "*An Act to amend the Mining Companies Limited Liability Act 1864, and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th December, 1869.

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

Question—put and passed.

The Council adjourned at a quarter to five o'clock until four o'clock on Wednesday, the 22nd instant.

ORDER OF THE DAY.

WEDNESDAY, 22ND DECEMBER, 1869.

ORDER OF THE DAY :—

1. PUBLIC LIBRARY AND MUSEUM 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.

WEDNESDAY, 22ND DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PUBLIC LIBRARY AND MUSEUM 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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be "*An Act to provide for the incorporation and government of the Public Library, Museums, and National Gallery of Victoria.*"

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 with an amended title, and desiring their concurrence therewith.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to provide for the Collection by means of Stamps of Fees payable in the several Courts of Law and Equity and Departments of the Public Service,*" and acquaint the Legislative Council that the Legislative Assembly have agreed with the amendments made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1869.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments in this Bill, have disagreed with the alterations made by the Legislative Council in the clauses relating to appropriation, on the ground that such alterations are an infringement of the privileges of the Legislative Assembly; that the Legislative Assembly have disagreed with others of the said amendments and have agreed with two of the said amendments, with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1869.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend the Laws relating to Abattoirs and the Slaughtering of Cattle,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to all the amendments made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1869.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend and consolidate the Laws relating to Municipal Corporations,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, 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, 22nd December, 1869.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend and consolidate the law relating to Road Districts and Shires,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, have disagreed with others of the said amendments, and have agreed to others of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1869.

FRANS. MURPHY,
Speaker.

LAND LAWS AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the Council do now consider the Message from the Legislative Assembly with this Bill.

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on the amendment to insert (in clause 1) "*Part VI.—Determination of disputes regarding Crown lands.*"

Amendment moved by the Honorable W. Highett, That the Council do insist on the amendment.

Debate ensued.

Question—That the word "*not,*" proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on the amendment—put.

Council divided.

Contents, 13.

The Hon. J. O'Shanassy
W. H. Pettett
W. H. F. Mitchell
N. Black
J. F. Strachan
W. Campbell
B. Williams
Dr. Hope
R. Simson
N. Fitzgerald
W. Highett
H. S. Walsh
R. S. Anderson (*Teller*).

Not Contents, 9.

The Hon. C. J. Jenner
G. W. Cole
T. T. a'Beckett
F. Robertson
A. Fraser
J. McCrae
J. Henty
W. Degraives
W. A. C. a'Beckett (*Teller*).

The question was therefore passed.

The Honorable C. J. Jenner moved, That the Council do insist on the other amendments made in clause 1 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on the following amendment:—

Clause 2, line 21, after CCXXXVII. insert "*except the 38th section of the first-mentioned Act, which section shall be read as part of this Act and with reference thereto.*"

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on the amendments to leave out all the words from "*and*" to "*Act*" inclusive in lines 30 to 35 of clause 2 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Legislative Council at the end of clause 2, viz., to omit the words "*promised or set apart*" and insert "*permanently reserved.*"

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 17 of clause 3 of the Bill.

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on the amendment in clause 3, line 28, to leave out "*six hundred and forty*" and insert "*three hundred and twenty.*"

Debate ensued.

Amendment moved by the Honorable W. A. C. a'Beckett, That the Council do not insist on the amendment.

Debate ensued.

Question—That the word "*not*" proposed to be inserted be so inserted—put and negatived.

Question—That the Council do insist on the amendment—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on the amendment to leave out "*half*" and insert "*quarter of a*" in line 29 of clause 3 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 42 of clause 6 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in clause 6, to leave out "*to be vested in the Board of Education,*" and insert "*colleges, places of public worship, dwelling houses for the ministers of any religious denomination.*"

Amendment moved by the Honorable J. O'Shanassy, That the Council do insist on the amendment.

Debate ensued.

Question—That the word "*not,*" proposed to be omitted, stand part of the question—put.

Council divided.

Contents, 4.
The Hon. C. J. Jenner
J. McCrae
A. Fraser
W. A. C. a'Beckett (*Teller*).

Not Contents, 13.
The Hon. N. Black
W. H. F. Mitchell
J. O'Shanassy
W. Campbell
N. Fitzgerald
R. Simson
W. Degraives
Dr. Hope
W. Highett
J. F. Strachan
H. S. Walsh
R. S. Anderson
W. H. Pettett (*Teller*).

The question was therefore negatived.

Question—That the Council do insist on the amendment—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendments in clauses 7, 10, and 12 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment in clause 14 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on the insertion of a new clause after clause 14 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do agree to the amendment made by the Legislative Assembly on the amendment made by the Council in clause A, viz.: insert "or" after "town," and omit "or village."

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 44 of clause 16.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendments in clause 18 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 27 of clause 19 of the Bill.

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on the amendment to insert in clause 19 "a Crown grant upon payment of fourteen shillings for each acre or fractional part of an acre or otherwise he may obtain."

The Honorable W. Campbell moved, That the Council do not insist on the amendment.

Debate ensued.

Question—That the word "not" proposed to be inserted be so inserted—put.

Council divided.

Contents, 7.
The Hon. W. Campbell
A. Fraser
W. A. C. a'Beckett
W. Degraives
F. Robertson
J. McCrae
T. T. a'Beckett (*Teller*).

Not Contents, 10.
The Hon. R. S. Anderson
C. J. Jenner
W. H. F. Mitchell
J. O'Shanassy
R. Simson
N. Fitzgerald
Dr. Hope
W. Highett
J. F. Strachan
W. H. Pettett (*Teller*).

The question was therefore negatived.

Question—That the Council do insist on the amendment—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendments in lines 9 and 10 of clause 19.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendments in lines 21, 25, and 29, of clause 19.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment in line 37 of clause 20 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 40 of clause 20.

Question—put and passed.

On the motion of the Honorable C. J. Jenner the amendments of the Council in lines 13 and 14 of clause 20, and in line 35 of clause 21, were severally insisted on.

On the motion of the Honorable C. J. Jenner the amendment of the Council in line 42 of clause 21 was not insisted on.

- On the motion of the Honorable C. J. Jenner the amendments of the Council to leave out clause 22, and in line 16 of clause 23, were severally insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in line 47 of clause 26 was not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clauses 27 and 28 were severally insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in line 29 of clause 29 was not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clause 30, and in lines 28, 34, and 49 of clause 32, were severally insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in page 14, line 1 of clause 32, was not insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in line 2 of clause 32, was insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in lines 9 and 12 of clause 33, were severally not insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in line 14 of clause 34, was insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clauses 36, 37, 38, and 39, were not insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in line 41 of clause 42, was insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council to add words to clause 42, and the amendments in clauses 45, 47, 48, 49, 51, and 52, were not insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in line 28 of clause 54, was insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in line 34 of clause 54, and in lines 37, 39, 10, and 15 of clause 55, and in line 26 of clause 57, were not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in lines 27 and 28 of clause 57 were insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clauses 58, 60, and 61, were not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clauses 64 and 65, and to insert clause B, were insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in clause 66 was not insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in clause 72 was insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in lines 12, 15, and 29, of clause 73, were not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in line 30 of clause 73, to omit clause 74, and in line 28 of clause 77, were insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clauses 78 and 82 were not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in the Bill from clause 83 to the end of clause T inclusive were insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clauses 89 and 90 were not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clause 94 were insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clauses 96 and 97 were not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council to omit clauses 98 and 99 were insisted on.
- On the motion of the Honorable C. J. Jenner the amendment of the Council in clause 100 was not insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in clauses 102 and 104 were insisted on.
- On the motion of the Honorable C. J. Jenner the amendments of the Council in line 3 of clause 107, and line 9 of clause 108, were not insisted on.
- On the motion of the Honorable C. J. Jenner the remaining amendments in clause 108 and clause 110, and in the Schedules to the Bill, were insisted on.
- Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council do not insist on some of their amendments, do insist on other amendments, and have agreed to certain amendments made by the Legislative Assembly on amendments made by the Legislative Council in the Bill.

MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council, "*An Act to provide for the incorporation and government of the Public Library Museums and National Gallery of Victoria,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to all the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1869.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for the prevention of Scab in Sheep,*" and acquaint the Legislative Council that the Legislative Assembly insist in disagreeing to some of the amendments made in this Bill by the Legislative Council, that they do not insist in disagreeing to others of the said amendments, and that they have agreed to others, with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
22nd December, 1869.

FRANS. MURPHY,
Speaker.

SCAB BILL.—The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

SESSIONAL ORDERS SUSPENDED.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That so much of the Sessional Orders be suspended as makes four o'clock the hour of meeting.

Question—put and passed.

ADJOURNMENT.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until two o'clock to-morrow.

Question—put and passed.

The Council adjourned at eleven o'clock until two o'clock on Thursday the 23rd instant.

ORDERS OF THE DAY.

THURSDAY, 23RD DECEMBER, 1869.

ORDERS OF THE DAY :—

1. MUNICIPAL CORPORATIONS LAW AMENDMENT BILL—Consideration of Message from Legislative Assembly.
2. LOCAL GOVERNMENT ACT AMENDMENT BILL—Consideration of Message from Legislative Assembly.
3. SCAB BILL—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 69.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 23RD DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the amendments made by the Legislative Assembly in the Bill be now taken into consideration.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 46 of clause 2.

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do agree to the amendment made by the Legislative Assembly to insert the words “and buildings connected therewith” in the amendment made by the Council after line 4 in clause 2 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 9 of clause 7 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment to leave out “fifty” and insert “twenty-five” in line 6 of clause 47.

Debate ensued.

Amendment moved by the Honorable R. S. Anderson, That the Council do insist on their amendment.

Debate ensued.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

• Question—That the Council do insist on their amendment—put and passed.

The amendments of the Council in line 7 of clause 47 were read and insisted on.

The amendments of the Council in line 8 of clause 47 were read and insisted on.

The amendment of the Council in line 9 of clause 47 was read and insisted on.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 20 of clause 47.

Amendment moved by the Honorable W. H. F. Mitchell, That the Council do insist on their amendment.

Debate ensued.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on their amendment in line 20 of clause 47—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 24 of clause 115 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in clause 118, line 3 (page 34) in the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 7 of clause 118 of the Bill.

Amendment moved by the Honorable R. Simson, That the Council do insist on their amendment.

Debate ensued.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on their amendment in line 7 of clause 118 of the Bill—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 38 of clause 147 of the Bill.

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 40 of clause 147 of the Bill.

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 10, clause 209 of the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 47, clause 251 of the Bill.

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 12, clause 350 of the Bill.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council do not insist on some of their amendments, and do insist on other amendments in the Bill, and desiring their concurrence therewith.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the amendments made by the Legislative Assembly in the Bill be now taken into consideration.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in line 34 of clause 2 of the Bill.

Debate ensued.

Question—put and passed.

On the motion of the Honorable C. J. Jenner, the amendment made by the Legislative Assembly on the amendment made by the Legislative Council after line 38 of clause 2 was agreed to.

The amendment of the Council in line 22 of clause 7, to insert “until they are altered, in pursuance of the provisions of this Act,” was read and not insisted on.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment in line 22 of clause 7, to insert “and road districts respectively.”

Debate ensued.

Amendment moved by the Honorable T. T. a’Beckett, That the Council do not insist on their amendment.

Debate ensued.

Question—That the word “not,” proposed to be inserted, be so inserted—put and negatived.

Question—That the Council do insist on their amendment in line 22 of clause 7 to insert “and road districts respectively”—put.

Council divided.

Contents, 12.

The Hon. W. H. F. Mitchell
N. Black
R. S. Anderson
J. O’Shanassy
R. Simson
J. F. Strachan
W. Highett
Dr. Hope
H. S. Walsh
W. H. Pettett
C. J. Jenner
R. Graham (*Teller*).

Not Contents, 8.

The Hon. W. Campbell
G. W. Cole
J. McCrae
F. Robertson
W. A. C. a’Beckett
W. Degraes
A. Fraser
T. T. a’Beckett (*Teller*).

The question was therefore passed.

The amendments made by the Council in clauses 7 to 263 inclusive were insisted on.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in clause 264 of the Bill.

Question—put and passed.

The remaining amendments made by the Council in the Bill were insisted on.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council do not insist on some of their amendments, and have agreed to an amendment on an amendment, and do insist on other amendments, and desiring their concurrence therewith.

SCAB BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the amendments made by the Legislative Assembly in the Bill be now taken into consideration.

The Council adjourned during pleasure.

At half-past four o’clock the President resumed the Chair.

The Honorable N. Black moved, That the Bill be laid aside.

Debate ensued.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council the accompanying communication from the Clerk of the Parliaments, calling attention to a clerical error in the Bill intituled "*An Act to provide for the collection by means of Stamps of Fees payable in the several Courts of Law and Equity and Departments of the Public Service,*" and acquaint the Legislative Council that the Legislative Assembly have agreed that such error be corrected by the insertion of the word "person" in the fifteenth line of the nineteenth clause of the Bill after the word "such," with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 23rd December, 1869.

FRANS. MURPHY,
Speaker.

Parliament Houses,
22nd December, 1869.

SIR,

In conformity with the 21st Standing Order of both Houses of Parliament, I do myself the honor to report that the following clerical error has been discovered in the Stamps Bill, viz. :—the word "person" has been omitted in the fifteenth line of the nineteenth clause of the Bill, after the word "such,"

I have the honor to be,

Sir,

Your most obedient servant,
G. W. RUSDEN,
Clerk of the Parliaments.

STAMPS BILL.—The Honorable C. J. Jenner moved, That the Council do agree with the Legislative Assembly as to the correction of the clerical error reported to have been discovered in the Bill.

Question—put and passed.

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

At twenty minutes to five o'clock the President left the Chair.

At eight o'clock the President resumed the Chair.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend and consolidate the Law relating to Road Districts and Shires,*" and acquaint the Legislative Council that the Legislative Assembly still insist upon disagreeing to some of the amendments made by the Legislative Council in this Bill, and do not insist in disagreeing to others of the said amendments.

Legislative Assembly Chamber,
Melbourne, 23rd December, 1869.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend and consolidate the Laws relating to Municipal Institutions,*" and acquaint the Legislative Council that the Legislative Assembly still insist upon disagreeing to some of the amendments made by the Legislative Council in this Bill, and do not insist in disagreeing to others of the said amendments.

Legislative Assembly Chamber,
Melbourne, 23rd December, 1869.

FRANS. MURPHY,
Speaker.

MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the Council do insist on their amendments in lines 6, 7, 8, and 9 of clause 47 of the Bill.

Debate ensued.

Question—put and passed.

The Honorable T. T. a'Beckett moved, That this House, in returning to the Assembly the Bill with a Message stating that it insists upon its amendments, forward with such Message a statement of its reasons for so insisting.

Question—put and passed.

The Honorable T. T. a'Beckett moved, That the Honorables C. J. Jenner, J. O'Shanassy, R. S. Anderson, and the Mover, be appointed a Select Committee to draw up such reasons.

Question—put and passed.

The Select Committee retired to draw up such reasons.

The Honorable T. T. a'Beckett brought up the reasons, which were read at the Table as follows :—

Because the said amendments, while extending the right of voting beyond that conferred by section 44 of the Municipal Act 184 to all ratepayers below ten pounds annual value, preserve the balance of voting power among ratepayers in the equitable manner provided by the existing law.

The Honorable T. T. a'Beckett moved, That the Council do adopt the reasons.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message setting forth the above reasons.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the Council do insist on their amendments in clause 57 of this Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendments in clause 170 of the Bill.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council do not insist on their amendments in clause 170, and do insist on their amendments in clause 57 of the Bill, because the said amendments, while extending the right of voting beyond that conferred by section 45 of the *Local Government Act* No. 176 to all ratepayers below ten pounds annual value, preserve the balance of voting power among ratepayers in the equitable manner provided by the existing law.

The Council adjourned during pleasure.

At ten o'clock the President resumed the Chair.

DAYS OF MEETING.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the Sessional Order as to the days of meeting be suspended.

Debate ensued.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

The Council adjourned at a quarter to twelve o'clock until half-past four o'clock on Friday the 24th instant.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 24TH DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable C. J. Jenner, by command of His Excellency the Governor, laid on the Table the following Papers:—

1. Education—General Regulations of Board of (September, 1869).
2. Education—General Regulations of Board of (December, 1869).
3. Castlemaine and Gippsland Mining Districts—Divisions of.—Order in Council (13th December, 1869).
4. Castlemaine and Gippsland Mining Districts—Alteration of.—Order in Council (13th December, 1869).
5. Castlemaine and Gippsland Mining Boards—Number of members of.—Order in Council (13th December, 1869).
6. Castlemaine and Gippsland Mining Districts—Polling Places for.—Order in Council (13th December, 1869).

Ordered severally to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have appointed a Committee of six members to confer with a Committee of a like number of members of the Legislative Council on the amendments in the Crown Lands Bill insisted on by the Legislative Council, and request the Legislative Council to appoint a Committee of that House to confer with the Committee of the Legislative Assembly.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 24th December, 1869.

LAND LAWS AMENDMENT BILL.—The Honorable C. J. Jenner moved, That a Committee of six members be appointed to confer with the Committee of like number appointed by the Legislative Assembly on all points at issue between the two Houses in this Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Committee consist of the Honorables J. O'Shanassy, R. Simson, W. Highett, W. H. F. Mitchell, R. S. Anderson, and the Mover; and that five o'clock this day, in the Library, be the time and place of meeting.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have appointed a Committee of six members to confer with the Committee of the Legislative Assembly, and that the Council have empowered the Committee to sit at five o'clock this day in the Library.

The Council adjourned during pleasure.

At eight o'clock the President resumed the Chair.

The Council adjourned during pleasure.

SATURDAY (CHRISTMAS DAY), 25TH DECEMBER, 1869.

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

The Honorable C. J. Jenner brought up the Report of the Select Committee appointed to confer with a Committee of six Members of the Assembly on all points at issue between the two Houses in the Land Laws Amendment Bill.

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

The Committee appointed to confer with a committee of six members of the Legislative Assembly on all points at issue between the two Houses on the Bill intituled "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands,*" have the honor to report, that they met the Committee of the Legislative Assembly and considered at great length the various points at issue between the two Houses in the Bill.

Your Committee agreed to recommend that the amendment made by the Council, in line 30 of clause 2, should be waived by the Council.

On the amendments of the Council in clause 3, lines 28 and 29, in clause 18, line 10, and in clause 20, line 37, the Committee of the Assembly agreed to recommend that the Assembly should waive their disagreement.

On the amendments in clause 14, line 29, and clause 108, line 22, your Committee agreed to recommend that the Council should waive their amendments, on condition that they receive the assurance of the Government that a Bill will be brought in at the commencement of the next session to provide a civil remedy for any one aggrieved by the action of the Minister of Lands or otherwise under the Bill, and that the following be added to one of the clauses of the Bill as a proviso by the Legislative Assembly: "But where any woolshed, sheepwash, cattle yard, drafting yard, reservoir, tank, dam, well, or other improvement has, prior to the commencement of this Act, been made, or shall with the consent of the Board hereafter be made, on any Crown Land held under a license for pastoral purposes, the land on which such improvements are made and adjoining thereto shall, notwithstanding anything contained in this Act, or in any such rule, regulation, or order, be reserved for the exclusive occupation of the pastoral licensee of such lands, to the extent of one acre for every one pound expended on such improvements, so that the land to be reserved as last aforesaid shall not exceed on any one run six hundred and forty acres; and such improvements shall be valued in the manner hereinafter provided in Part II of this Act."

Your Committee agreed to recommend that the Council should waive their amendments in line 9 of clause 18, line 13 of clause 18, line 14 of clause 20, line 16 of clause 22, line 18 of clause 28, line 4 of clause 30, line 10 of clause 30, line 14 of clause 30 (page 13), line 14 of clause 34, line 1 of clause 64 (page 21), line 28 of clause 77, and in clauses C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, and S, as well as in the Schedules to the Bill; and that the Council should agree to the amendment on amendment made by the Assembly in clause 57, line 28.

The Committee of the Legislative Assembly agreed to recommend that the Assembly should waive their amendments in clause 6, line 1, in clause 20, line 13, in clause 21, line 35, in lines 34 and 40 of clause 32, in clause 32, line 2 (page 14), in clause 73, line 30, and in clause 104, line 9.

It was mutually agreed to recommend that the following alterations should be made :—

That in clause 22 the words "one of whom shall be a police magistrate" be inserted after the word "justices" where required.

That the Council should agree to the amendment to leave out the words "whether he has or has not resided on such allotment" in clause 32.

That, on the waiving of the amendment to insert the new clause B by the Council, it be understood that, in the Bill to be brought in by the Government in the next session, provision will be made for an appeal for licensees.

That the Assembly should omit from clause 74 the words "who shall alone judge and determine," and the words "and no claim at law or in equity under such license shall be pleadable in any court against such forfeiture and revocation," and alter the word "but" to "and," and the words "of the conditions" to the word "condition," and should omit the word "conclusive;" and should agree to the amendment of the Council in line 12 of clause 83; and should agree to omit the proviso in clause 98; and should agree also to the amendments of the Council in clause 108, line 22, and in clause 110, line 36; and should recommend the substitution of the words "Governor in Council" for the words "Legislative Assembly," in clause 42, line 41.

On clause 99 your Committee agreed to recommend that the Council should waive their amendment.

Your Committee have pleasure in stating that the two Committees were unanimous in making the foregoing recommendations.

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

Question—put and passed.

The Council adjourned at twenty minutes to one o'clock until four o'clock on Tuesday the 28th instant.

ORDER OF THE DAY.

TUESDAY, 28TH DECEMBER, 1869.

ORDER OF THE DAY:—

1. CONFERENCE COMMITTEE (LAND BILL).—Consideration of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 28TH DECEMBER, 1869.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM LEGISLATIVE ASSEMBLY.—The President announced 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 and consolidate the Laws relating to the Sale and Occupation of Crown Lands,*" and acquaint the Legislative Council that the Legislative Assembly do still insist in disagreeing to some of the amendments made by the Legislative Council in this Bill, and do not now insist in disagreeing to others of the said amendments, and have agreed to others of the said amendments, with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 24th December, 1869.

FRANS. MURPHY,
Speaker.

PAPER.—The Honorable C. J. Jenner laid on the Table the following paper :—

Wardens—Proceedings before.—General Rule (27th December, 1869).

Ordered to lie on the Table.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That, His Excellency the Governor having received information of the death of his late brother, a Select Committee, consisting of the Honorables J. O'Shanassy, A. Fraser, W. Highett, H. S. Walsh, and the mover, be appointed to draw up an Address of sympathy for the approval of this House and for presentation to the Governor.

Question—put and passed.

The Select Committee retired to prepare the Address.

The Honorable C. J. Jenner brought up the Report of the Select Committee.

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

To His Excellency the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, Knight Commander of the Most Honorable Order of the Bath, Governor General and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.

We, Her Most Gracious Majesty's most dutiful and loyal subjects the Members of the Legislative Council in Parliament assembled, beg leave to approach Your Excellency with the assurance of our regard and esteem.

We desire to offer to Your Excellency the expression of our deep sympathy in the bereavement which Your Excellency has sustained in the death of Your Excellency's late brother ; and to express our sincere wishes for the health and happiness of Your Excellency and Lady Canterbury, and our hope that Your Excellency may long live to adorn the distinguished position in the Imperial Parliament which you have thus been called upon to assume.

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

Question—put and passed.

The Honorable C. J. Jenner moved, That the Address be presented to His Excellency to-morrow, at two o'clock, by the President.

Question—put and passed.

CONFERENCE COMMITTEE—LAND BILL.—The Order of the Day for the consideration of the Report of the Select Committee appointed to confer with a Committee of the Legislative Assembly on all points at issue between the two Houses on the Bill intituled "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands,*" being read, the Honorable C. J. Jenner moved, That the Report be now adopted.

Debate ensued.

Question—put and passed.

The Honorable C. J. Jenner moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have considered the Report of the Select Committee appointed to confer with a Committee of like number of the Legislative Assembly on all points at issue between the two Houses on the Bill,—the recommendations of which Report were unanimously agreed to by the two Committees,—and that the Legislative Council have adopted the Report.

Question—put and passed.

The Council adjourned during pleasure.

At half-past seven o'clock the Clerk informed the Council that the President was unavoidably prevented from attending in his place.

The Chairman of Committees took the Chair.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Deputy 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 considered the Report of the Committee appointed to confer with a Committee of the Legislative Council on the amendments made by the Legislative Council in the Bill, intituled "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands,*" insisted on by the Legislative Council, and that the Legislative Assembly have agreed with the recommendations contained in the said report.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th December, 1869.

LAND LAWS AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in clause 2, line 30.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendments in lines 28 and 29 of clause 3, and in clause 6, line 1 (page 5).

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendments in clause 14, line 29, and in clause 18, line 9.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment in clause 18, line 10.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in clause 18, line 13.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendments in lines 37 and 13 (page 9) of clause 20.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment, line 14 of clause 20.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendments in clause 21, line 35, and to omit clause 22, with a view to enable the Assembly to amend the said clause.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendments in clauses 23, 28, and 30.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do agree to the amendment of the Legislative Assembly to omit the words "whether he has or has not resided on such allotment" in the amendment of the Legislative Council in clause 32, line 28.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendments in clause 32, line 34, and in clause 32, line 2 (page 14).

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in clause 34, line 14.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment in line 41 of clause 42.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do agree to the amendment on an amendment as made by the Legislative Assembly in line 28 of clause 57.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendments in clause 64, and to insert new clause B.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendments in clause 73, and to omit clause 74, with a view to enable the Assembly to amend the said clause.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in clause 77, line 28.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment in clause 83, line 12.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendments to insert new clauses C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, and S, and to insert "Part VI. to become Part VII."

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment to leave out clause 98.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment to leave out clause 99.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment in clause 104, line 9.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on their amendment in clause 108, line 22.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do insist on their amendment in clause 110, line 36.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on the remainder of their amendments in the Bill.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Bill be returned to the Legislative Assembly with a Message acquainting them that, in order to carry out the recommendations of the Committees of both Houses throughout the Bill, the Legislative Council have not insisted on some amendments, and have insisted on some amendments, and have agreed to certain amendments on amendments as made by the Legislative Assembly in the Bill.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend and consolidate the Laws relating to Municipal Corporations,*" and acquaint the Legislative Council that the Legislative Assembly still insist in disagreeing to the amendment of the Legislative Council in clause 47 of this Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th December, 1869.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend and consolidate the Law relating to Road Districts and Shires,*" and acquaint the Legislative Council that the Legislative Assembly do not insist in disagreeing to the amendment of the Legislative Council in clause 57 of this Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th December, 1869.

MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the Council do not now insist on their amendments in clause 47 of this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council do not now insist on their amendments in clause 47 of the Bill.

The Council adjourned during pleasure.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Deputy 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 a sum out of the Consolidated Revenue to the service of the year One thousand eight hundred and sixty-nine and to appropriate the supplies granted in this Session of Parliament and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th December, 1869.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands,*" and acquaint the Legislative Council that the Legislative Assembly do not insist in disagreeing to some of the amendments of the Legislative Council, and have agreed to other of the said amendments, with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th December, 1869.

LAND LAWS AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the Council do not insist on the omission of clause 22, and do agree to the amendment of the Legislative Assembly to insert after the word "justices" in line 25, and also in line 27, the words "one of whom shall be a Police Magistrate."

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do agree to the amendment (on amendment) made by the Legislative Assembly to insert the words "Governor in Council" in line 41 of clause 42, instead of the words "Legislative Assembly."

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do not insist on the omission of clause 74, and do agree to the following amendments therein :—

Line 39 omit "who shall alone judge and finally determine."

Line 40 omit "of the conditions" and insert "condition."

Line 43 omit "no claim at law or in equity under such license shall be pleadable in any court against such forfeiture and revocation but"

Line 4, page 23, omit "conclusive"

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do agree to the amendment of the Legislative Assembly, to omit the proviso in clause 98.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do agree with the Assembly to insert in clause 108 the following words :—"but where any woolshed, sheepwash, cattle-yard, drafting-yard, reservoir, tank, dam, well, or other improvement, has, prior to the commencement of this Act been made, or shall with the consent of the Board hereafter be made on any Crown land held under a license for pastoral purposes, the land on which such improvements are made and adjoining thereto shall, notwithstanding anything contained in this Act, or in any such rule, regulation, or order, be reserved for the exclusive occupation of the pastoral licensee of such lands, to the extent of one acre for every One pound expended on such improvements, so that the land to be reserved, as last aforesaid, shall not exceed, on any one run, six hundred and forty acres; and such improvements shall be valued in the manner provided in Part II. of this Act; and this Act shall commence and come into operation on the first day of February, 1870."

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments on amendments made by the Legislative Assembly in clauses 22, 42, 74, 98, and 108, in the Bill.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the Honorable A. Fraser do act as Chairman of Committees of the whole Council this day.

Question—put and passed.

APPROPRIATION BILL.—The Honorable C. J. Jenner moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The Deputy President left the Chair.

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

The Honorable C. J. Jenner moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Deputy President having reported that the Acting-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 C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner 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-nine 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 Deputy President announced to the Council the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmits to the Legislative Council a letter from the Clerk of the Parliaments reporting a clerical error in the Bill intituled "*An Act to amend and consolidate the Law relating to Road Districts and Shires,*" viz., in line 1 of clause 239, the word "spending" being inserted where the word "pending" is required, and acquaint the Legislative Council that the Legislative Assembly have agreed to the correction of the said clerical error, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 28th December, 1869.

FRANS. MURPHY,
Speaker.

SIR,

Parliament Houses, 28th December, 1869.
I do myself the honor, in conformity with the Twenty-first Joint Standing Order of both Houses of Parliament, to report that the following clerical error has been discovered in the Bill intituled "*An Act to amend and consolidate the Law relating to Road Districts and Shires,*" viz.: in line 1 of clause 239 the word "spending" is inserted where the word "pending" is required.

I have the honor to be, Sir,

Your most obedient servant,

G. W. RUSDEN,
Clerk of the Parliaments.

The Honorable the Speaker.

CLERICAL ERROR.—LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the Council do agree with the Legislative Assembly in correcting the clerical error reported to have been discovered in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the correction of the error reported to have been discovered in the Bill.

ROYAL ASSENT TO BILLS.—The Deputy President announced that a communication had been received from the Private Secretary to His Excellency the Governor, informing the President that it is the intention of His Excellency to proceed to the Legislative Council Chamber on Wednesday the 29th instant, 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.

The Council adjourned at eleven o'clock until four o'clock on Wednesday the 29th instant.

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



Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 29TH DECEMBER, 1869.

The Council met in accordance with adjournment.
The President took the Chair.
The President read the Prayer.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council that, in compliance with the resolution of the Council, he had, with other Members, presented to His Excellency the Governor the Address adopted by the Council on the 28th instant; and that, His Excellency had been pleased to make thereto the following reply:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

The expression of your kindly sympathy is very gratifying to me. On Lady Canterbury's behalf, as well as on my own, I request you to accept our warmest thanks for your good wishes for our health and happiness.

CANTERBURY.

Government Offices,
Melbourne, 29th December, 1869.

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 Message from His Excellency the Governor recommending an amendment in the Bill intituled "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendment, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 29th December, 1869.

FRANS. MURPHY,
Speaker.

CANTERBURY,
Governor.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendment, which he recommends to be made in the Bill intituled "*An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands,*" that has been presented to him for Her Majesty's assent:—

Page 13, clause 31, line 22, omit the words "as exceeds the sum of two shillings per acre per annum."

Government Offices, Melbourne,
29th December, 1869.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending amendments in the Bill intituled "*An Act to amend and consolidate the Law relating to Road Districts and Shires,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th December, 1869.

CANTERBURY,
Governor.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to amend and consolidate the Law relating to Road Districts and Shires,*" that has been presented to him for Her Majesty's assent:—

Page 2, clause 1 (Part XVIII (2),) "Road Tolls, ss. 320-339," should be changed to "Road Tolls, ss. 320-338."

(Part XIX.) "Markets, ss. 340-367" should be changed to "Markets 339-366."

(Part XX.) "Miscellaneous, ss. 368-377," should be changed to "Miscellaneous, ss. 367-376."

Government Offices,
Melbourne, 28th December, 1869.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending amendments in the Bill intituled "*An Act to amend and consolidate the Law relating to Municipal Corporations,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 29th December, 1869.

FRANS. MURPHY,
Speaker.

CANTERBURY,
Governor.

In pursuance of the thirty-sixth section of the Constitution Act the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to amend and consolidate the Law relating to Municipal Corporations,*" that has been presented to Him for Her Majesty's assent:—

Page 3, line 8, omit "218," and insert "one hundred and ninety-seven."

Clause 174, lines 1 and 2, omit "One hundred and sixty-ninth," and insert "One hundred and sixty-eighth."

Clause 296, lines 7 and 8, omit "Two hundred and eighty-three to two hundred and eighty-seven," and insert "Two hundred and eighty-one to two hundred and eighty-five."

In clause 1, the references to the numbers of the clauses in the Bill should be as hereunder:—

In clause 1—

| | |
|-------------|-------------------|
| Part I | ss. 7-28. |
| Part II | (1), ss. 29-33. |
| " | (2), ss. 34-39. |
| " | (3), ss. 40-45. |
| Part III | (1), ss. 46-48. |
| " | (2), ss. 49-70. |
| " | (3), ss. 71-73. |
| Part IV | (1), ss. 74-76. |
| " | (2), ss. 77-78. |
| " | (3), ss. 79-83. |
| " | (4), ss. 84-105. |
| " | (5), ss. 106-109. |
| " | (6), ss. 110-113. |
| Part V, | ss. 114-117. |
| Part VI, | ss. 118-136. |
| Part VII, | ss. 137-138. |
| Part VIII, | ss. 139-141. |
| Part IX, | ss. 142-149. |
| Part X, | ss. 150-160. |
| Part XI, | ss. 161-166. |
| Part XII | (1), s. 167. |
| " | (2), ss. 168-173. |
| " | (3), ss. 174-178. |
| " | (4), ss. 179-183. |
| " | (5), ss. 184-194. |
| Part XIII, | ss. 195-196. |
| Part XIV | (1), s. 197. |
| " | (2), ss. 198-215. |
| " | (3), ss. 216-221. |
| " | (4), ss. 222-228. |
| " | (5), ss. 229-237. |
| " | (6), ss. 238-240. |
| Part XV, | ss. 241-270. |
| Part XVI, | ss. 271-280. |
| Part XVII | (1), ss. 281-322. |
| " | (2), ss. 323-342. |
| Part XVIII, | ss. 343-348. |
| Part XIX, | s. 349. |
| Part XX, | ss. 350-354. |
| Part XXI, | ss. 355-382. |
| Part XXII | (1), ss. 383-384. |
| " | (2), s. 385. |
| " | (3), ss. 386-388. |
| " | (4), s. 389. |
| " | (5), s. 390. |
| " | (6), s. 391. |
| " | (7), ss. 392-393. |
| " | (8), ss. 394-400. |
| " | (9), ss. 401-415. |

LAND LAWS AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the amendment recommended by His Excellency the Governor in this Bill be now taken into consideration.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do concur in making the amendment.

Question—put and passed.

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

MUNICIPAL CORPORATIONS LAW AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the amendments recommended by His Excellency the Governor in this Bill be now taken into consideration.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do concur in making the amendments.

Question—put and passed.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Honorable C. J. Jenner moved, That the amendments recommended by His Excellency the Governor in this Bill be now taken into consideration.

Question—put and passed.

The Honorable C. J. Jenner moved, That the Council do concur in making the amendments.

Question—put and passed.

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

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

ROYAL ASSENT TO BILLS.—His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber, who being come with their Speaker, 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-nine and to appropriate the Supplies granted in this Session of Parliament and for other purposes.”

“ An Act to sanction the issue and application of a certain sum of money from the ‘ Railway ‘ Loan Account’ for Salaries Wages and Contingencies for the service of the year One thousand eight hundred and sixty-nine.”

“ An Act concerning claims to Dower affecting certain lands for the time being subject to the provisions of ‘ The Transfer of Land Statute’ and for other purposes.”

“ An Act to amend the ‘ Mining Companies Limited Liability Act 1864’ and for other purposes.”

“ An Act to provide for the collection by means of Stamps of Fees payable in the several Courts of Law and Equity and departments of the Public Service.”

“ An Act to amend the Laws relating to Abattoirs and the Slaughtering of Cattle.”

“ An Act to provide for the Incorporation and Government of the Public Library Museums and National Gallery of Victoria.”

“ An Act to amend and consolidate the Law relating to Road Districts and Shires.”

“ An Act to amend and consolidate the Laws relating to Municipal Corporations.”

“ An Act to amend and consolidate the Laws relating to the Sale and Occupation of Crown Lands.”

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

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

“ CANTERBURY,
“ Governor.”

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 :

It affords me much pleasure to be able to release you from further attendance in Parliament after the labors of a session which has made such large demands on your time and attention.

The important measures which you have passed, and to which I have given Her Majesty's assent, will, I hope and believe, prove of great practical benefit. Prominent among them are the Land Act, the County Courts Statute, the North-Eastern Railway Act, the Municipal and Local Government Acts, the Act for better carrying out the Waterworks Act 1865, and the Public Library and Museum Act.

Preliminary steps have been already taken for commencing the important work of the Railway to the Upper Murray, and it will be the duty of the Government to prosecute the undertaking to completion with all convenient speed.

It would be difficult to over-estimate the advantages which must flow from the extension of our Railways in opening up the country, and bringing distant portions of the territory into easy and direct communication with each other and with the metropolis.

In response to a notice published in the colony and in London, tenders have been received for the establishment of a postal and passenger service with Great Britain by the way of the Cape of Good Hope. My advisers regard the establishment of such a line of communication as of great importance; but in the absence of Legislative authority for any expenditure for immigration, further action must be deferred until the re-assembling of Parliament.

The visit to our shores of a squadron of Her Majesty's Navy, unprecedented in the history of the colony, is an event worthy of more than passing notice. It cannot fail to foster and strengthen the community of feeling that exists between our people and their brethren in the mother country, as fellow-subjects of Her Most Gracious Majesty, while the personal observation of men capable of forming and of communicating to others intelligent and sound opinions on the condition of the people, will tend to the more accurate and more extended knowledge of the progress and resources of Victoria.

I am happy to inform you that the state of the public revenue in its various branches affords reliable proof of the general prosperity of the country. It must afford universal satisfaction to know that an abundant harvest will crown the labors of our agricultural population.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

On behalf of Her Majesty I thank you for the supplies which, with accustomed liberality, you have granted to Her Majesty for the requirements of the public service.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The necessity for providing for the service of the ensuing year will compel me to call you together again after a very brief recess; but I hope that in future years I may find it in my power to afford you a longer period for repose and for the due prosecution of your private affairs.

I now, in Her Majesty's name, declare this Parliament to be prorogued to Friday, the twenty-eighth day of January 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 Governor left the Council Chamber.

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

SELECT COMMITTEES

APPOINTED DURING THE SESSION OF 1869.

No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 11th February, 1869.

The Hon. Robert Stirling Anderson
Nicholas Fitzgerald
Alexander Fraser
James Graham

The Hon. William Highett
John McCrae
Robert Turnbull.

No. 2.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 16th February, 1869.

The Hon. A. Fraser
J. Graham
C. J. Jenner
J. P. Fawcner

The Hon. J. Henty
W. Highett
F. Robertson
W. A. C. a'Beckett (*Mover*).

No. 3.—STANDING ORDERS.

Appointed 16th February, 1869.

The Hon. The President
W. Campbell
T. T. a'Beckett

The Hon. W. Highett
H. M. Murphy
J. McCrae (*Mover*).

No. 4.—LIBRARY (JOINT).

Appointed 16th February, 1869.

The Hon. The President
J. O'Shanassy
Dr. Hope

The Hon. J. P. Fawcner
W. H. F. Mitchell.

No. 5.—PRINTING.

Appointed 16th February, 1869.

The Hon. R. S. Anderson
A. Fraser
J. Henty

The Hon. J. Graham
F. Robertson.

No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 16th February, 1869.

The Hon. J. P. Bear
R. Turnbull
C. J. Jenner

The Hon. R. S. Anderson
W. H. Pettett.

No. 7.—PARLIAMENT BUILDINGS (JOINT).

Appointed 16th February, 1869.

The Hon. The President
S. G. Henty
G. W. Cole

The Hon. N. Fitzgerald
W. Degraives.

No. 8.—EXPENSES OF LEGISLATIVE COUNCIL.

Appointed 2nd March, 1869.

The Hon. The President
J. McCrae
J. O'Shanassy
W. H. F. Mitchell
W. Campbell

The Hon. J. P. Fawkner
H. M. Murphy
A. Fraser
J. P. Bear
W. Highett (*Mover*).

No. 9.—SCAB BILL.

Appointed 28th July, 1869.

The Hon. J. O'Shanassy
R. Simson
P. Russell
W. Campbell
W. H. Pettett

The Hon. W. Highett
W. H. F. Mitchell
F. Robertson
N. Black (*Mover*).

No. 10.—LAND LAWS AMENDMENT BILL.

(To confer with a Committee of like number of the Legislative Assembly). Appointed 24th December, 1869.

The Hon. J. O'Shanassy
R. Simson
W. Highett

The Hon. W. H. F. Mitchell
R. S. Anderson
C. J. Jenner (*Mover*).

No. 11.—ADDRESS TO HIS EXCELLENCY THE GOVERNOR.

Appointed 28th December, 1869.

The Hon. J. O'Shanassy
A. Fraser
W. Highett

The Hon. H. S. Walsh
C. J. Jenner (*Mover*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1869.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

WEDNESDAY, 9TH JUNE, 1869.

No. 1.—COUNTY COURTS LAW AMENDMENT BILL.—Clause 35.—It shall be lawful for the party to any cause suit matter or proceeding under this Act, or for an attorney of the Supreme Court being an attorney acting generally in the action for such party but not an attorney retained as an advocate by such first-mentioned attorney, or for a barrister retained by or on behalf of the party on either side, to address the court and examine and cross-examine the witnesses: Provided that no attorney shall be allowed to act or appear for any person in any county court until he has caused his name to be entered in a roll or a book to be kept by the clerk for that purpose stating his place of business where papers may be served.

Motion made—That the following words be inserted at the beginning of the clause.—“*All proceedings under this Act shall be initiated and conducted in person by the plaintiff or defendant respectively, or by an attorney or the clerk of such attorney duly certified in writing under his hand, and any attorney who may certify to any person being his clerk who is not bonâ fide in his employment shall be liable to a penalty not exceeding one hundred pounds to be recovered by any person suing for the same, and in default of payment shall be liable to be imprisoned for a term not exceeding three months and*”.—(Hon. R. S. Anderson.)

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

Committee divided.

Contents, 7.
The Hon. N. Black
T. T. a'Beckett
The President
W. Highett
J. O'Shanassy
R. S. Anderson
W. A. C. a'Beckett (*Teller*).

Not Contents, 12.
The Hon. J. McCrae
W. Campbell
J. Graham
H. M. Murphy
R. Simson
J. P. Bear
R. Turnbull
A. Fraser
G. W. Cole
W. Degraes
C. J. Jenner
W. H. Pettett (*Teller*).

THURSDAY, 10TH JUNE, 1869.

No. 2.—COUNTY COURTS LAW AMENDMENT BILL.—Clause 125.—It shall be lawful for any two of the county court judges from time to time and at any time to frame rules and orders for regulating the practice and proceedings in the county court, the form of cases upon appeal to the Supreme Court, and for determining the time within which such appeal shall be prosecuted, and by such rules to provide either a separate procedure for suits under Part II. and for suits under Part III. of this Act, or by such rules to provide a procedure under which rights cognizable under Part II. and rights cognizable under Part III. may be disposed of in one and the same suit, and to frame forms of proceeding therein, and to fix the scale of fees and costs to be allowed to practitioners in the said courts, and rules and forms for keeping all registers books entries and accounts by registrars and other officers in the said courts, and for regulating the expenses to be paid to witnesses in the said courts, and from time to time to amend such rules orders and forms, and such fees costs and expenses, and such rules orders and forms and scales of costs and expenses; or amended rules orders and forms and scales of costs and expenses certified under the hands of such judges, shall be submitted to a law officer of the Crown, “*who*” if he thinks fit may publish the same as hereinafter mentioned; and the rules orders and forms and scale of costs and expenses or amended rules orders and forms shall be laid before both Houses of Parliament for thirty days and shall from the time of the said publication thereof be in force in every county court, and shall be of the same force and effect as if the same had been enacted by the Legislature and shall be unimpeachable in any court of justice; and in any case not provided for herein or by the said rules, the general principles of practice and the rules observed in the Supreme Court may be adopted and applied with such modifications as the different constitutions of the two courts may render necessary at the discretion of the county court judge before whom the proceeding is depending to all causes suits matters and proceedings in the county courts, and it shall not be necessary in any case that the facts necessary to give jurisdiction should appear by recital averment or otherwise upon any proceeding in or issuing out of any county court.

Motion made—That the following words be inserted after the word “*who*” in the fourteenth line of the above clause—“*for the purposes of this Act shall be the Attorney-General Minister of Justice or Solicitor-General*”.—(Hon. J. McCrae.)

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

Committee divided.

| | |
|---------------------------------------|--------------|
| | Contents, 6. |
| The Hon. F. Robertson | |
| J. McCrae | |
| R. Simson | |
| P. Russell | |
| C. J. Jenner | |
| W. A. C. a'Beckett (<i>Teller</i>). | |

| | |
|------------------------------------|------------------|
| | Not Contents, 8. |
| The Hon. J. P. Bear | |
| R. S. Anderson | |
| J. O'Shanassy | |
| N. Fitzgerald | |
| W. Campbell | |
| W. Highett | |
| J. Graham | |
| T. T. a'Beckett (<i>Teller</i>). | |

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1869.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 15TH JUNE, 1869.

No. 1.—COUNTY COURTS LAW AMENDMENT BILL.—Clause 9.—The Governor in Council shall appoint as many fit persons as are needed to be judges of county courts under this Act, each of whom shall be a barrister-at-law of Victoria and shall have practised as an advocate or barrister either in England Ireland Scotland Victoria or any of them for such period as shall make an aggregate of seven years; and every such person may be appointed by one commission for several courts or by several commissions for each or any number of such courts; and from time to time when any judge appointed under this Act shall be transferred die resign or be removed, another judge may be appointed in his stead.

Motion made—That the following words be inserted at the end of the clause:—“*Provided always, that no more than nine such persons shall hold the office of judge of a county court under this Act, unless addresses praying for a greater number and specifying such number shall from time to time be presented to the Governor by the Legislative Council and Legislative Assembly.*”—(Hon. W. Highett.)

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

Committee divided.

Contents, 13.
The Hon. W. Campbell
Dr. Hope
R. S. Anderson
W. Highett
W. Degraives
R. Simson
J. F. Strachan
T. T. a'Beckett
J. Graham
J. P. Bear
J. O'Shanassy
The President
N. Fitzgerald (*Teller*).

Not Contents, 8.
The Hon. F. Robertson
J. McCrae
G. W. Cole
H. M. Murphy
P. Russell
A. Fraser
W. H. Pettett
W. A. C. a'Beckett (*Teller*).

No. 2.—COUNTY COURTS LAW AMENDMENT BILL.—Clause 9.—The Governor in Council shall appoint as many fit persons as are needed to be judges of county courts under this Act, each of whom shall be a barrister-at-law of Victoria, and shall have practised as an advocate or barrister either in England Ireland Scotland Victoria or any of them for such period as shall make an aggregate of seven years; and every such person may be appointed by one commission for several courts or by several commissions for each or any number of such courts; and from time to time when any judge appointed under this Act shall be transferred die resign or be removed, another judge may be appointed in his stead: Provided always, that no more than nine such persons shall hold the office of judge of a county court under this Act, unless addresses praying for a greater number and specifying such number shall from time to time be presented to the Governor by the Legislative Council and Legislative Assembly.

Motion made—That the following words be inserted at the end of the clause:—“*Provided also that no judge shall be liable to be removed from office unless upon an address to the Governor from both Houses of the Legislature.*”—(Hon. R. S. Anderson.)

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

Committee divided.

Contents, 15.
 The Hon. R. S. Anderson
 P. Russell
 R. Simson
 T. T. a'Beckett
 J. Graham
 W. Campbell
 Dr. Hope
 W. Highett
 J. F. Strachan
 N. Fitzgerald
 J. P. Bear
 W. Degraives
 J. O'Shanassy
 The President
 W. A. C. a'Beckett (*Teller*).

Not Contents, 4.
 The Hon. J. McCrae
 G. W. Cole
 H. M. Murphy
 F. Robertson (*Teller*).

LEGISLATIVE COUNCIL.

SESSION 1869.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 22ND JUNE, 1869.

No. 1.—CORONERS STATUTE 1865 AMENDMENT BILL.—Clause 4.—If any person shall obstruct any coroner or deputy coroner or any person acting under the authority of such coroner or deputy coroner in the performance of any duty required by this or the said "*Coroners Statute 1865*," such person so offending shall be liable to a penalty not exceeding Twenty pounds.

Motion made and question put—That the above clause stand part of the Bill.—(*Hon. T. T. a'Beckett.*)

Committee divided.

Contents, 8.

The Hon. F. Robertson
W. H. Pettett
B. Williams
J. F. Strachan
J. P. Bear
T. T. a'Beckett
J. McCrae
W. A. C. a'Beckett (*Teller*).

Not Contents, 7.

The Hon. J. O'Shanassy
R. S. Anderson
W. Degraives
W. Highett
A. Fraser
R. Simson
W. Campbell (*Teller*).

LEGISLATIVE COUNCIL.

SESSION 1869.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 20TH JULY, 1869.

No. 1.—LOCAL GOVERNMENT ACT AMENDMENT BILL.—Clause 7.—The several shires and road districts constituted before the commencement of this Act by or under any Act heretofore in force and enumerated in the First Schedule hereto shall henceforward be shires by the names set against each in the said Schedule. The body corporate of every shire and of every road district hereby constituted a shire shall have and bear the name of the president councillors and ratepayers of such shire; the district board of such district and the members of the said board shall have and bear the name of the council and councillors respectively of such shire; the chairman and clerk of the said district board shall be called respectively the president and the secretary of the said shire; the subdivisions (if any) of the said district existing at the time of the commencement hereof shall be and be called ridings of the said shire; and the district-fund of the district shall be called the shire-fund of the said shire; and all contracts rights obligations and liabilities existing at the commencement of this Act, and all proceedings begun and not completed before the commencement hereof, of by or against the body corporate of every such road district shall be vested in belong and attach to and be enforced by and against the body corporate of the said shire, and be of the same force and effect to all intents and purposes with regard to the said shire as with regard to the said road “*district*.” The Governor may from time to time alter and adjust the boundaries of such shires or of such shire or borough, of of any part thereof, and may by the same or any other order within three months after such adjustment give directions with respect to all or any matters things questions liabilities differences or disputes whatsoever connected with or arising out of such adjustment, and all such directions shall have the force of law and be binding on all persons whomsoever.

Motion made—That all the words to the word “*district*” in the sixteenth line of the above clause be struck out.—(*Hon. John O’Shanassy*.)

Question—That the words proposed to be omitted stand part of the Bill—put.

Committee divided.

Contents, 8.
The Hon. T. T. a’Beckett
P. Russell
C. J. Jenner
A. Fraser
W. Degraives
W. Campbell
J. McCrae
F. Robertson (*Teller*).

Not Contents, 9.
The Hon. W. H. Pettett
J. O’Shanassy
N. Black
J. P. Bear
W. Highett
R. Simson
J. F. Strachan
N. Fitzgerald
W. A. C. a’Beckett (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1869.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

WEDNESDAY, 28TH JULY, 1869.

No. 1. LANDS COMPENSATION BILL.—Clause 64.—For the purposes of this or the special Act the occupier of land held by virtue of a miner's right or the lessee of any mining lease shall not be entitled to compensation for the value of any gold or other mineral in or under the surface of the land taken by virtue of this and the special Act, and the holder of any license from the Crown Governor or Board shall be considered as a tenant from year to "year :." Provided that no such occupier as aforesaid shall be entitled to compensation in whose license there is a condition or power enabling the Governor in Council to resume the whole or any portion of the land occupied by virtue of such license without compensation if the same shall be required for public purposes and no licensee of Crown Lands for pastoral purposes shall be entitled to compensation in respect of land held under his license taken by virtue of this or the special Act.

Motion made—That after the word "year," in the fifth line of the above clause, the following words be inserted—"Provided that whenever under this or the special Act hereinbefore referred to such occupier holding his land at the date of this Act coming into operation shall be deprived of his land so held wholly or in part whereby any expenditure incurred in erecting buildings fences and machinery sinking shafts draining of mines cutting drives and other surface or underground works or upon any other work needful to open protect and maintain any mining operations shall become wholly or in part useless in consequence of such deprivation then the occupier shall be entitled to compensation to be estimated and determined by arbitration as hereinbefore provided."—(Hon. R. S. Anderson.)

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

Committee divided.

Contents, 5.
The Hon. W. Highett
R. S. Anderson
J. O'Shanassy
N. Fitzgerald
W. Campbell (*Teller*).

Not Contents, 11.
The Hon. W. H. Pettett
J. McCrae
T. T. a'Beckett
J. Graham
R. Simson
P. Russell
A. Fraser
J. Henty
W. Degraives
J. P. Bear
W. A. C. a'Beckett (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1869.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

THURSDAY, 5TH AUGUST, 1869.

LOCAL GOVERNMENT BILL.—Proposed new Clause A.—It shall be lawful for the Governor on and after the first day of January One thousand eight hundred and seventy-one to frame and issue regulations for the uniting of two or more shires into an united shire, or uniting one or more shires with a borough in every case where the general rates of any single shire or borough does not exceed the sum of One thousand pounds or Five hundred pounds sterling respectively per annum: Provided that the yearly income from rates accruing to such shire or borough shall be based upon a rate not exceeding one shilling in the pound sterling on the net annual value of all rateable property within the jurisdiction of such shire or borough respectively, and the Governor may by such regulations or any other order within three months after their issue give directions with respect to all or any matters things questions liabilities disputes or differences whatsoever connected with or arising out of such union, and all such regulations orders or directions shall have the force of law and be binding on all persons whomsoever, and provided also that such union of shires into one shire or union of shire or shires with boroughs shall be published in the *Government Gazette*.

Motion made and question put—That Clause A stand part of the Bill.—(*Hon. J. McCrae*.)

Committee divided.

Contents, 9.

The Hon. J. McCrae
J. Henty
T. T. a'Beckett
H. M. Murphy
W. A. C. a'Beckett
A. Fraser
F. Robertson
R. Turnbull
C. J. Jenner (*Teller*).

Not Contents, 12.

The Hon. The President
J. O'Shanassy
B. Williams
N. Fitzgerald
W. Campbell
R. C. Hope
W. Highett
W. H. Pettett
J. P. Bear
J. F. Strachan
J. Graham
R. S. Anderson (*Teller*).

LEGISLATIVE COUNCIL.

SESSION 1869.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

WEDNESDAY, 3RD NOVEMBER, 1869.

No. 1.—LAND LAWS AMENDMENT BILL.—Clause 19.—Every license shall be issued by the Governor and shall contain the following conditions:—

- (I.) A condition for the payment of the fee in advance at half-yearly intervals.
- (II.) A condition that the licensee will not assign the license nor transfer his right title and interest therein or in the allotment therein described or any part thereof during the currency of such license, and that the license shall become absolutely void on assignment of such license, whether by operation of law or otherwise.
- (III.) A condition that the licensee shall within two years from the issue of such license enclose the land described in such license with a good and substantial "fence," and shall during the currency of such license cultivate at least one acre out of every ten acres thereof.
- (IV.) A condition annulling the license in case of non-payment of the fees or any of them in accordance with the conditions herein mentioned, or in case the licensee shall not within six months after the issue of the license, and thenceforward during the continuance of such license, occupy the allotment, or in case substantial and permanent improvements certified in writing under the seal of the Board or under the hands of arbitrators to be of the value of One pound for every acre and fractional part of an acre of the allotment shall not have been made on the allotment by the licensee his executors or administrators before the end of the third year from the commencement of the license, or in case of the breach or non-fulfilment of any of the conditions of the license, or of a violation of any of the provisions of this Act.
- (V.) A condition that if the licensee shall occupy the allotment during the period for not less than two years and a half, and shall fence and cultivate as herein provided and make the improvements of the nature and value in the previous condition mentioned on the allotment during the said period of three years, and shall prove to the satisfaction of the Board (to be certified under its seal) by such evidence as the Board may require that he has complied with the said conditions and with all other conditions of the said license, he shall be entitled at any time within thirty days after three years from the commencement of the license to demand and obtain from the Governor a lease of the said allotment; and every such lease shall be for a term of ten years at a rent payable half-yearly in advance of one shilling for each acre or fractional part of an acre so demised, and shall contain the usual covenant for the payment of rent and a condition for re-entry on non-payment thereof; and upon the payment of the last sum due on account of the rent so reserved, or at any time during the term upon payment of the difference between the amount of rent actually paid and the entire sum of One pound for each acre, the lessee or his representatives shall be entitled to a grant in fee of the lands leased, and every such grant shall be subject to such covenants conditions exceptions and reservations as the Governor may direct: Provided that in the case of the death of the licensee during the currency of such license it shall not be obligatory on the executors or administrators of such licensee to comply with the said condition of occupation.

And every license shall contain such other conditions and provisions not inconsistent with the provisions of this Act as the Governor shall approve of and shall direct to be inserted therein:

Provided that no such license or lease shall be deemed to give to the licensee lessee or to any assignee the right to search for or to take any metal: Provided further that before any license or lease under this Part is issued to any applicant such applicant shall make a declaration on oath before a justice in a form to be settled by the regulations that such application is made by him in conformity with and not in violation of any of the provisions of this Act.

Motion made—That, after the word "*fence*," in the ninth line of the above clause, the following words be inserted—"*and plant and maintain around and within such fence where adjoining any public road forest trees of the kind and in the manner to be prescribed in regulations to be framed for such purpose.*"—(*Hon. J. O'Shanassy.*)

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

Committee divided.

Contents, 13.
 The Hon. J. Graham
 W. A. C. a'Beckett
 H. M. Murphy
 C. J. Jenner
 W. H. Pettett
 P. Russell
 R. Simson
 N. Black
 W. Hightt
 R. C. Hope
 W. Degraives
 J. O'Shanassy
 R. S. Anderson (*Teller*).

Not Contents, 5.
 The Hon. G. W. Cole
 F. Robertson
 J. F. Strachan
 A. Fraser
 T. T. a'Beckett (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1869.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 8.

Extracted from the Minutes.

WEDNESDAY, 1ST DECEMBER, 1869.

LAND LAWS AMENDMENT BILL.—Proposed new Clause.—A1. Where any woolshed sheepwash cattle-yard drafting-yard reservoir tank dam well or other improvement has prior to the commencement of this Act been made, or shall with the consent of the Board hereafter be made on any Crown land held under a license for pastoral purposes, the land on which such improvements are made and adjoining thereto shall be reserved for the exclusive occupation of the pastoral licensee of such lands to the extent of one acre for One pound expended on such improvements to the extent of not more than three hundred and twenty acres on account of any one improvement and the Board shall cause such improvements to be valued and such reservations to be made by persons duly appointed for that purpose and any question in dispute concerning such improvements or reservations shall be decided by the Lands Court established by this Act: Provided that in the case of each run until such reservations have been made the regulations made by the Governor in Council and published in the *Government Gazette* 21st October 1868 entitled "Notice to intending Applicants under the Additional Regulations of 31st August 1868" shall remain in force.

Motion made and question put—That the above clause stand part of the Bill.—(*Hon. T. T. a'Beckett.*)
Committee divided.

Contents, 9.
The Hon. H. M. Murphy
W. Campbell
J. O'Shanassy
R. Turnbull
Dr. Hope
W. Highett
W. Degraives
N. Fitzgerald
T. T. a'Beckett (*Teller*).

Not Contents, 4.
The Hon. W. H. Pettett
J. F. Strachan
A. Fraser
C. J. Jenner (*Teller*).

VICTORIA.

RAILWAY FREE PASSES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. HIGHETT.—10TH SEPTEMBER, 1868.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE J. McCRAE, 16TH MARCH, 1869, AND ORDERED
BY THE COUNCIL TO BE PRINTED, 15TH APRIL, 1869.

RETURN showing the Names of all Persons, exclusive of Members of Parliament and Persons connected with the working of the Railways, to whom Free Passes have been issued during the present year, specifying the date on which each Pass was issued, the period for which it was made available, and the reason why it was granted; also the Money Value of each Pass, and the Aggregate Value of the whole, calculated upon the published tariff of fares.

W. H. WRIGHT, Secretary.

LIST of ANNUAL FREE PASSES, Class, issued by the SECRETARY, from 1st January to 10th September, 1868, inclusive.

| No. | Date. | Name. | From | To | Available. | Why granted. |
|-----|---------|----------------------|------------------------|-------------|----------------------------|---------------------------------------|
| 1 | Jan. 1 | Sir T. Chute ... | Any station | Any station | For the year 1868 | Commander of the Forces. |
| 2 | " 1 | Capt. Richardson ... | " | " | " | Aid de Camp to ditto. |
| 3 | " 1 | C. G. Darbyshire ... | " | " | " | Ex Engineer-in-Chief. |
| 4 | " 1 | W. Turner ... | " | " | " | Deputy Postmaster General. |
| 5 | " 1 | H. P. Bance ... | " | " | " | Inspector Postal Service. |
| 6 | " 1 | E. D. Pitman ... | " | " | " | Sub-Inspector of do. |
| 7 | " 1 | J. Guthrie ... | " | " | " | Inspector General of Customs. |
| 8 | " 1 | Dr. McCrea ... | " | " | " | Medical Inspector, Rly. Dept. |
| 9 | " 1 | H. O. Christopherson | " | " | " | Chief Engineer Water Supply. |
| 10 | " 7 | T. Finlayson ... | " | " | " | Secretary Hobson's Bay Railway Co. |
| 11 | " 7 | N. Elsdon ... | " | " | " | Engineer to ditto |
| 12 | " 7 | A. Burns... | " | " | " | Director to ditto |
| 13 | " 7 | A. Sutherland ... | " | " | " | Ditto ditto |
| 14 | " 7 | E. Cohen ... | " | " | " | Ditto ditto |
| 15 | " 7 | J. F. McGuire ... | " | " | " | Ditto ditto |
| 16 | May 22 | W. J. Clarke ... | " | " | " | Ditto ditto |
| 17 | Feb. 23 | Col. Anderson ... | " | " | " | Commander of Volunteers. |
| 18 | " 23 | J. G. Knight ... | " | " | " | Secretary Exhibition, &c. |
| 19 | " 23 | Capt. Tweedie, R.A. | Williamstown line only | " | " | Artillery Officer at Williamstown. |
| 20 | March 4 | Sir F. Smith ... | Any station | Any station | During visit to Colony | Visitor from Tasmania. |
| 21 | " 6 | N. Hanson ... | " | " | " | Visitor from South Australia. |
| 22 | " 14 | Dr. Bleasdale ... | " | " | " | Business of Exhibition, &c., &c., &c. |
| 23 | May 26 | B. Waymouth ... | " | " | For the year 1868 | Acting Postal Inspector. |
| 24 | June 30 | L. A. Bernays ... | " | " | During visit to the Colony | Visitor from Queensland. |
| 25 | July 2 | Dr. Lang... .. | " | " | " | Visitor from New South Wales. |
| 26 | " 21 | Rev. N. Matthews ... | " | " | For the year 1868 | Missionary to the Chinese. |

NOTE.—It is not possible to give the money value of these Annual Passes, as there is no record when, or how often, they are used.

VICTORIAN RAILWAYS.—List of Free Passes issued by the Secretary.

| No. | Date. | Name. | From | To | Available. | Why granted. | £ | s. | d. |
|-----|-------|-------|------|----|------------|--------------|---|----|----|
|-----|-------|-------|------|----|------------|--------------|---|----|----|

(From the 2nd to the 31st of January, 1868, inclusive.)

FIRST CLASS PASSES.

| | | | | | | | | | |
|-----|--------|-----------------------------|--------------|------------------------|--------------------|-----------------------------|---|----|---|
| 75 | Jan. 2 | Geelong Register Reporter | Geelong ... | Duck Ponds and return | 3rd instant ... | Road Board Meeting ... | 0 | 4 | 6 |
| 76 | " 3 | Geelong Advertiser Reporter | Geelong ... | Duck Ponds and return | 3rd instant ... | Road Board Meeting ... | 0 | 4 | 6 |
| 77 | " 3 | Ballarat Post Reporter | Ballarat ... | Melbourne and return | 3rd to 6th inst. | Departure of Prince Alfred | 2 | 5 | 0 |
| 78 | " 3 | Herald Reporter | Melbourne | Ballarat and return | 3rd to 4th inst. | Visit to Band of Hope Claim | 2 | 5 | 0 |
| 79 | " 3 | Age Reporter ... | Melbourne | Keilor and return | 4th to 5th inst. | Attend Public Meeting | 0 | 7 | 0 |
| 84 | " 9 | Argus Reporter ... | Melbourne | Sunbury and return | 10th instant ... | Election Meeting ... | 0 | 11 | 6 |
| 85 | " 9 | Argus Reporter ... | Melbourne | Kyneton and return | 11th to 12th inst. | Election Meeting ... | 1 | 6 | 6 |
| 86 | " 9 | Herald Reporter ... | Melbourne | Geelong and return | 10th to 12th inst. | Election Meeting ... | 0 | 19 | 0 |
| 88 | " 11 | Herald Reporter ... | Melbourne | Kyneton and return | 11th to 12th inst. | Election Meeting ... | 1 | 6 | 6 |
| 89 | " 11 | Argus Reporter ... | Melbourne | Kyneton and return | 11th to 12th inst. | Election Meeting ... | 1 | 6 | 6 |
| 90 | " 13 | Argus Reporter ... | Melbourne | Gisborne and return | 13th instant ... | Election Meeting ... | 0 | 18 | 6 |
| 91 | " 15 | Illustrated Post Reporter | Melbourne | Castlemaine and return | 13th instant ... | Election Meeting ... | 1 | 17 | 0 |
| 92 | " 15 | Age Reporter ... | Melbourne | Castlemaine and return | 18th instant ... | Report Cricket Match ... | 1 | 17 | 0 |
| 93 | " 17 | Weekly Age Reporter | Melbourne | Echuca and return | 15th to 21st inst. | For Agricultural Report | 3 | 13 | 6 |
| 94 | " 18 | Geelong Register Reporter | Geelong ... | Lethbridge and return | 18th instant ... | Election Meeting ... | 0 | 9 | 6 |
| 95 | " 18 | Age Reporter ... | Melbourne | Castlemaine and return | 18th instant ... | Cricket Match ... | 1 | 17 | 0 |
| 97 | " 18 | Geelong Register Reporter | Geelong ... | Lethbridge and return | 18th instant ... | Election Meeting ... | 0 | 9 | 6 |
| 98 | " 18 | Age Reporter ... | Melbourne | Castlemaine and return | 12th to 20th inst. | Election Meeting ... | 1 | 17 | 0 |
| 99 | " 21 | Mining Record Reporter | Melbourne | Ballarat and return | 21st to 25th inst. | Mining Report ... | 2 | 5 | 0 |
| 102 | " 27 | Geelong Advertiser | Geelong ... | Meredith and return | 29th instant ... | Road Board Meeting ... | 0 | 14 | 0 |
| 103 | " 27 | Geelong Advertiser | Geelong ... | Duck Ponds ... | 5th February ... | Road Board Meeting ... | 0 | 4 | 6 |
| 104 | " 27 | Geelong Advertiser | Geelong ... | Leigh Road ... | 11th February | Road Board Meeting ... | 0 | 6 | 6 |
| 105 | " 27 | Geelong Register | Geelong ... | Meredith ... | 29th January ... | Road Board Meeting ... | 0 | 14 | 0 |
| 106 | " 28 | Herald ... | Melbourne | Ballarat ... | 28th instant ... | Report Mining Cases ... | 2 | 5 | 0 |
| 107 | " 31 | Leader ... | Melbourne | Kyneton ... | 1st February ... | Report Sporting Matters | 1 | 6 | 6 |
| 108 | " 31 | Argus ... | Melbourne | Taradale ... | 1st February ... | Report on Viaduct | 1 | 11 | 6 |

SECOND CLASS PASSES.

| | | | | | | | | | |
|----|--------|-----------------------------|-----------|-----------------|------------------|-----------------------------|---|----|---|
| 76 | Jan. 4 | M. Adcock ... | Melbourne | Castlemaine ... | 4th or 6th Jan. | Discharged Hospital Patient | 0 | 18 | 6 |
| 77 | " 8 | Mr. and Mrs. Spillesby | Melbourne | Ballarat ... | 9th instant ... | To place child in Orphanage | 2 | 4 | 0 |
| 78 | " 9 | Mrs. Enright and child | Melbourne | Kyneton ... | 9th instant ... | Destitute person ... | 0 | 13 | 0 |
| 79 | " 20 | J. McCormick | Sandhurst | Melbourne ... | 21st instant ... | Destitute person ... | 1 | 3 | 6 |
| 80 | " 27 | Mrs. Reed and four children | Melbourne | Ballarat ... | 27th instant ... | Destitute person ... | 3 | 6 | 0 |

(From 1st February to 29th February, 1868, inclusive.)

FIRST CLASS PASSES.

| | | | | | | | | | |
|-----|--------|---------------------------|-------------|-----------------------|---------------------------|---|---|---|---|
| 109 | Feb. 1 | Geelong Register Reporter | Geelong ... | Duck Ponds and return | 5th instant ... | Road Board Meeting ... | 0 | 4 | 6 |
| 110 | " 3 | Australasian Reporter | Melbourne | Sandhurst and return | 5th, 6th, and 7th instant | Report Races ... | 2 | 7 | 0 |
| 111 | " 3 | Argus Reporter | Melbourne | Sandhurst and return | 5th, 6th, and 7th instant | Report Races ... | 2 | 7 | 0 |
| 112 | " 4 | Mr. Goodwyn ... | Melbourne | Sandhurst and return | 5th instant ... | Missionary to Aborigines | 2 | 7 | 0 |
| 113 | " 4 | Herald Reporter | Melbourne | Sandhurst and return | 5th to 6th inst. | Report Races ... | 2 | 7 | 0 |
| 114 | " 4 | Age Reporter ... | Melbourne | Sandhurst and return | 5th to 7th inst. | Report Races ... | 2 | 7 | 0 |
| 115 | " 5 | Mr. Ellis ... | Melbourne | Ballarat and return | One week ... | To collect information for Mr. Vale, M.P. | 2 | 5 | 0 |
| 116 | " 5 | Mining Record Reporter | Melbourne | Ballarat and return | 5th to 8th inst. | Mining Report ... | 2 | 5 | 0 |

VICTORIAN RAILWAYS.—List of Free Passes issued by the Secretary—*continued.*

| No. | Date. | Name. | From | To | Available. | Why granted. | £ s. d. |
|-----|--------|------------------------------------|-------------|-------------------------|-------------------------|-------------------------------|---------|
| 117 | Feb. 5 | Evening Star Reporter | Melbourne | Sandhurst and return | 5th to 7th inst. | Report Races ... | 2 7 0 |
| 119 | " 10 | Herald Reporter | Melbourne | Castlemaine and return | 10th instant ... | Election Meeting ... | 1 17 0 |
| 120 | " 10 | Geelong Register Reporter | Geelong ... | Leigh Road and return | 11th instant ... | Shire Council Meeting ... | 0 6 6 |
| 121 | " 10 | Age Reporter ... | Melbourne | Echuca and return | 11th to 17th inst. | Report on Water Supply | 3 13 6 |
| 122 | " 11 | Argus Reporter ... | Melbourne | Sunbury and return | 12th instant ... | Visit Industrial School | 0 11 6 |
| 123 | " 12 | Age Reporter ... | Melbourne | Sandhurst and return | 13th to 14th inst. | Report on Vineyards ... | 2 7 0 |
| 124 | " 14 | Age Reporter ... | Melbourne | Ballarat and return | 14th to 15th inst. | Election Meeting ... | 2 5 0 |
| 125 | " 14 | Herald Reporter... | Melbourne | Ballarat and return | 15th to 16th inst. | Election Meeting ... | 2 5 0 |
| 126 | " 15 | Geelong Register | Geelong ... | Melbourne and return | 17th to 18th inst. | Report Whelan's trial | 0 19 0 |
| 127 | " 15 | Argus ... | Melbourne | Ballarat and return | 15th to 16th inst. | Election Meeting ... | 2 5 0 |
| 129 | " 18 | Aboriginal, <i>per</i> J. T. Smith | Melbourne | Echuca and return | One month ... | By order of Commissioner | 3 13 6 |
| 130 | " 18 | Herald Reporter... | Melbourne | Ballarat and return | 20th to 23rd inst. | Election Meeting and Races | 2 5 0 |
| 131 | " 20 | Age Reporter ... | Melbourne | Ballarat and return | 20th to 21st inst. | Report Races ... | 2 5 0 |
| 132 | " 21 | Age Reporter ... | Melbourne | Sandhurst and Runnymede | 22nd to 29th inst. | Agricultural Report ... | 3 0 6 |
| 133 | " 22 | Geelong Register Reporter | Geelong ... | Melbourne and return | 24th to 25th inst. | General Sessions ... | 0 19 0 |
| 134 | " 22 | Geelong Register Reporter | Geelong ... | Meredith and return | 26th instant ... | Road Board Meeting ... | 0 14 0 |
| 135 | " 22 | Geelong Register Reporter | Geelong ... | Leigh Road and return | 27th instant ... | Quarterly Fair ... | 0 6 6 |
| 137 | " 24 | Mining Record ... | Melbourne | Ballarat and return | 24th to 28th inst. | Mining Report ... | 2 5 0 |
| 138 | " 24 | Australasian ... | Melbourne | Ballarat and return | 24th to 28th inst. | Creswick Races ... | 2 5 0 |
| 139 | " 28 | Australasian ... | Melbourne | Echuca and return | 28th inst. to 2nd March | Report Boiling Down Works | 3 13 6 |
| 140 | " 28 | Sandhurst Evening News | Sandhurst | Geelong and return | 4th to 9th Mar. | Report on Woollen Mill | 3 6 0 |
| 142 | " 29 | Herald ... | Melbourne | Ballarat and return | 29th inst., 1st March | Robbery of Mining Co., Report | 2 5 0 |

SECOND CLASS PASSES.

| | | | | | | | |
|----|---------|-----------------|-----------|---------------|------------------|----------------------|--------|
| 81 | Feb. 15 | J. Dowling ... | Melbourne | Sandhurst ... | 15th instant ... | Destitute person ... | 1 3 6 |
| 82 | " 27 | Mrs. Reison ... | Melbourne | Lal-lal ... | 27th instant ... | Destitute person ... | 0 19 6 |

(From 1st March to 31st March, 1868, inclusive.)

FIRST CLASS PASSES.

| | | | | | | | |
|-----|---------|-----------------------------|-------------|------------------------|--------------------|-------------------------------|--------|
| 143 | March 3 | Geelong Register Reporter | Geelong ... | Duck Ponds and return | 4th instant ... | Road Board Meeting ... | 0 4 6 |
| 144 | " 3 | Geelong Advertiser Reporter | Geelong ... | Duck Ponds and return | 4th instant ... | Road Board Meeting ... | 0 4 6 |
| 145 | " 3 | Geelong Advertiser Reporter | Geelong ... | Leigh Road and return | 10th instant ... | Road Board Meeting ... | 0 6 6 |
| 146 | " 3 | Geelong Advertiser Reporter | Geelong ... | Meredith and return | 25th instant ... | Com. Council Meeting ... | 0 14 0 |
| 148 | " 4 | Australasian Reporter | Melbourne | Geelong and return | 4th to 6th inst. | Report Races ... | 0 19 0 |
| 149 | " 4 | Leader Reporter | Melbourne | Geelong and return | 4th to 6th inst. | Report Races ... | 0 19 0 |
| 150 | " 4 | Herald Reporter... | Melbourne | Geelong and return | 5th to 6th inst. | Report Races ... | 0 19 0 |
| 151 | " 4 | Evening Star Reporter | Melbourne | Geelong and return | 5th to 6th inst. | Report Races ... | 0 19 0 |
| 152 | " 6 | Age Reporter ... | Melbourne | Ballarat and return | 7th to 10th inst. | Smythesdale Turf Club Meeting | 2 5 0 |
| 153 | " 10 | Geelong Register Reporter | Geelong ... | Melbourne and return | 13th instant ... | Parliamentary Debates... | 0 19 0 |
| 154 | " 10 | Lieut. Jago, R.N. | Melbourne | Any station and return | to the 1st April | H.M.S. <i>Nelson</i> ... | 5 18 6 |
| 155 | " 11 | Herald Reporter... | Melbourne | Ballarat and return | 12th to 14th inst. | Smythesdale Races ... | 2 5 0 |
| 156 | " 11 | Age Reporter ... | Melbourne | Ballarat and return | 12th to 14th inst. | Smythesdale Races ... | 2 5 0 |
| 157 | " 12 | Geelong Advertiser Reporter | Geelong ... | Leigh Road and return | 17th instant ... | Races Report ... | 0 6 6 |
| 159 | " 12 | Evening Star Reporter | Melbourne | Ballarat and return | 12th to 14th inst. | Smythesdale Races ... | 2 5 0 |
| 160 | " 14 | Herald Reporter... | Melbourne | Ballarat and return | 14th to 15th inst. | Political Meeting ... | 2 5 0 |

VICTORIAN RAILWAYS.—List of Free Passes issued by the Secretary—*continued.*

| No. | Date. | Name. | From | To | Available. | Why granted. | £ | s. | d. |
|-----|---------|---------------------------|-------------|-----------------------|--------------------|---------------------------------|---|----|----|
| 161 | Mar. 14 | Herald Reporter... | Melbourne | Sandhurst and return | 14th to 15th inst. | Indignation Meeting ... | 2 | 7 | 0 |
| 162 | " 14 | Geelong Register Reporter | Geelong ... | Melbourne and return | 17th instant ... | Parliamentary Debates... | 0 | 19 | 0 |
| 163 | " 16 | Herald Reporter... | Melbourne | Kyneton and return | 16th to 17th inst. | Report Races ... | 1 | 6 | 6 |
| 164 | " 16 | Herald Reporter... | Melbourne | Sandhurst and return | 16th to 17th inst. | Indignation Meeting ... | 2 | 7 | 0 |
| 165 | " 16 | Australasian Reporter | Melbourne | Kyneton and return | 17th instant ... | Report Races ... | 1 | 6 | 6 |
| 166 | " 16 | Argus Reporter ... | Melbourne | Kyneton and return | 17th instant ... | Report Races ... | 1 | 6 | 6 |
| 167 | " 17 | Mining Record Reporter | Melbourne | Ballarat and return | 17th to 21st inst. | Special Mining Report... | 2 | 5 | 0 |
| 168 | " 18 | Weekly Age Reporter | Melbourne | Kyneton and return | 19th instant ... | Agricultural Show ... | 1 | 6 | 6 |
| 169 | " 19 | Geelong Register Reporter | Geelong ... | Melbourne and return | 24th instant ... | Parliamentary Debates... | 0 | 19 | 0 |
| 170 | " 19 | Geelong Register Reporter | Geelong ... | Meredith and return | 25th instant ... | Road Board Meeting ... | 0 | 14 | 0 |
| 172 | " 19 | Herald Reporter... | Melbourne | Sunbury and return | 20th, 21st inst... | Visit Industrial School... | 0 | 11 | 6 |
| 173 | " 19 | Argus Reporter ... | Melbourne | Ballarat and return | 20th, 21st inst... | Horticultural Show ... | 2 | 5 | 0 |
| 174 | " 19 | Age Reporter ... | Melbourne | Ballarat and return | 20th, 21st inst... | Horticultural Show ... | 2 | 5 | 0 |
| 175 | " 20 | Capt. Standish ... | Melbourne | Racecourse and return | 21st instant ... | Racecourse Trustee ... | 0 | 3 | 6 |
| 176 | " 20 | N. Creswick ... | Melbourne | Racecourse and return | 21st instant ... | Racecourse Trustee ... | 0 | 3 | 6 |
| 177 | " 20 | C. B. Fisher ... | Melbourne | Racecourse and return | 21st instant ... | Racecourse Trustee ... | 0 | 3 | 6 |
| 178 | " 20 | J. G. Dougharty... | Melbourne | Racecourse and return | 21st instant ... | Racecourse Trustee ... | 0 | 3 | 6 |
| 179 | " 20 | J. Henderson ... | Melbourne | Racecourse and return | 21st instant ... | Racecourse Trustee ... | 0 | 3 | 6 |
| 184 | " 24 | Age Reporter ... | Melbourne | Sandhurst and return | 26th instant ... | Agricultural Show ... | 2 | 7 | 0 |
| 185 | " 25 | Argus Reporter ... | Melbourne | Sandhurst and return | 26th instant ... | Agricultural Show ... | 2 | 7 | 0 |
| 186 | " 26 | Geelong Register Reporter | Geelong ... | Melbourne and return | 31st instant ... | Parliamentary Debate ... | 0 | 19 | 0 |
| 187 | " 26 | Geelong Register Reporter | Geelong ... | Duck Ponds and return | 1st April ... | Shire Council Meeting ... | 0 | 4 | 6 |
| 188 | " 26 | Herald Reporter | Melbourne | Ballarat and return | 27th March ... | Report on Chinese Camp | 2 | 5 | 0 |
| 189 | " 27 | Age Reporter ... | Melbourne | Ballarat and return | 28th instant ... | Agricultural Show ... | 2 | 5 | 0 |
| 190 | " 30 | Geelong Advertiser | Geelong ... | Duck Ponds and return | 1st April ... | Road Board Meeting ... | 0 | 4 | 6 |
| 191 | " 31 | L. Morton ... | Melbourne | Sandhurst and return | 2nd April ... | Special Report for Australasian | 2 | 7 | 0 |

SECOND CLASS PASSES.

| | | | | | | | | | |
|----|--------|-----------------|-----------|-----------------|------------------|------------------------------|---|----|---|
| 83 | Mar. 7 | W. Evans ... | Melbourne | Castlemaine ... | 9th instant ... | By order of the Commissioner | 0 | 18 | 6 |
| 84 | " 9 | W. Smith ... | Melbourne | Keilor ... | 9th instant ... | Destitute person ... | 0 | 3 | 6 |
| 85 | " 9 | Mrs. Morgan ... | Melbourne | Sandhurst ... | 25th instant ... | Destitute person ... | 1 | 3 | 6 |

(From the 1st of April to the 30th of April, 1868, inclusive.)

FIRST CLASS PASSES.

| | | | | | | | | | |
|-----|---------|-----------------------------|--------------|-------------------------|--------------------|----------------------------|---|----|---|
| 192 | April 1 | Weekly Age Reporter | Melbourne | Geelong and return | 2nd instant ... | National Grain Show Report | 0 | 19 | 0 |
| 193 | " 1 | Herald Reporter... | Melbourne | Geelong and return | 2nd instant ... | National Grain Show Report | 0 | 19 | 0 |
| 194 | " 2 | Argus Reporter ... | Melbourne | Geelong and return | 2nd instant ... | National Grain Show Report | 0 | 19 | 0 |
| 195 | " 3 | Age Reporter ... | Melbourne | Geelong and return | 2nd instant ... | National Grain Show Report | 0 | 19 | 0 |
| 196 | " 3 | Kyneton Observer Reporter | Kyneton ... | Melbourne and return | 7th to 8th inst. | Parliamentary Debates... | 1 | 6 | 6 |
| 197 | " 6 | Geelong Register Reporter | Geelong ... | Melbourne and return | 7th instant ... | Parliamentary Debates... | 0 | 19 | 0 |
| 198 | " 8 | Kyneton Guardian Reporter | Kyneton ... | Melbourne and return | 7th instant ... | Parliamentary Debates... | 1 | 6 | 6 |
| 200 | " 8 | Age Reporter ... | Melbourne | Geelong and return | 8th instant ... | Report on Woollen Works | 0 | 19 | 0 |
| 201 | " 8 | Geelong Advertiser Reporter | Geelong ... | Little River and return | 13th instant ... | Report on Races ... | 0 | 7 | 0 |
| 202 | " 8 | Herald Reporter... | Melbourne | Geelong and return | 9th instant ... | Report on Woollen Works | 0 | 19 | 0 |
| 203 | " 9 | Ballarat Courier Reporter | Ballarat ... | Melbourne and return | 10th to 12th inst. | Report on Woollen Works | 2 | 5 | 0 |
| 205 | " 15 | Age Reporter ... | Melbourne | Sunbury and return | 16th to 20th inst. | Report on Vintage ... | 0 | 11 | 6 |

VICTORIAN RAILWAYS.—List of Free Passes issued by the Secretary—*continued.*

| No. | Date. | Name. | From | To | Available. | Why granted. | £ s. d. |
|-----|----------|--------------------------------|-------------|----------------------|---------------------|----------------------------|---------|
| 206 | April 15 | Herald Reporter... | Melbourne | Ballarat and return | 18th instant ... | Learmonth Races ... | 2 5 0 |
| 211 | " 17 | Geelong Register Reporter | Geelong ... | Melbourne and return | 20th instant ... | Political Meeting ... | 0 19 0 |
| 212 | " 18 | Geelong Register Reporter | Geelong ... | Melbourne and return | 21st instant ... | Parliamentary Debates | 0 19 0 |
| 213 | " 18 | Kyneton Observer Reporter | Kyneton ... | Melbourne and return | 21st to 22nd inst. | Parliamentary Debates | 1 6 6 |
| 214 | " 18 | Kyneton Guardian Reporter | Kyneton ... | Melbourne and return | 21st to 22nd inst. | Parliamentary Debates | 1 6 6 |
| 215 | " 21 | Secy. Rl. Reception Commission | Any station | Any station ... | 21st to 27th inst. | Service of the Commission | 5 18 6 |
| 216 | " 23 | Kyneton Observer Reporter | Kyneton ... | Melbourne and return | 23rd to 24th inst. | Parliamentary Debates... | 1 6 6 |
| 217 | " 23 | Herald Reporter... | Melbourne | Ballarat and return | 23rd to 24th inst. | Circuit Court Sittings ... | 2 5 0 |
| 218 | " 25 | Geelong Register Reporter | Geelong ... | Melbourne and return | 28th instant ... | Parliamentary Debates... | 0 19 0 |
| 219 | " 27 | Kyneton Guardian | Kyneton ... | Melbourne and return | 28th instant ... | Parliamentary Debates... | 1 6 6 |
| 223 | " 29 | Herald Reporter... | Melbourne | Sandhurst and return | 30th inst., 1st May | Circuit Court Sittings ... | 2 7 0 |

SECOND CLASS PASSES.

| | | | | | | | |
|----|----------|-----------------------|------------|---------------|--------------------|-------------------------------------|--------|
| 86 | April 17 | Evans and Son (child) | Melbourne | Sunbury ... | 18th to 19th inst. | Destitute person ... | 0 5 6 |
| 87 | " 23 | Two Aborigines .. | Echuca ... | Melbourne ... | One journey only | On application of J. T. Smith, M.P. | 1 16 0 |
| 88 | " 25 | Mrs. Tarrant ... | Melbourne | Ballarat ... | 29th inst. ... | Destitute person ... | 1 2 0 |

(From 1st May to 31st May, 1868.)

FIRST CLASS PASSES.

| | | | | | | | |
|-----|-------|---------------------------|-------------|----------------------------|--------------------|-----------------------------|--------|
| 224 | May 1 | Australian News Reporter | Melbourne | Ballarat and return | 2nd to 5th inst. | To sketch Ballarat ... | 2 5 0 |
| 225 | " 4 | Geelong Register Reporter | Geelong ... | Melbourne and return | 5th instant ... | Parliamentary Debates... | 0 19 0 |
| 230 | " 9 | Argus Reporter ... | Melbourne | Ballarat and return | 9th to 12th inst. | Report on Mines ... | 2 5 0 |
| 231 | " 13 | Argus Reporter ... | Melbourne | Ballarat and return | 14th to 16th inst. | Ballarat Races ... | 2 5 0 |
| 232 | " 14 | Australasian Reporter | Melbourne | Ballarat and return | 14th to 15th inst. | Ballarat Races ... | 2 5 0 |
| 233 | " 14 | Weekly Age Reporter | Melbourne | Sunbury and return | 14th to 15th inst. | Report on Vintage ... | 0 11 6 |
| 234 | " 14 | Age Reporter ... | Melbourne | Ballarat and return | 14th to 16th inst. | Ballarat Races ... | 2 5 0 |
| 235 | " 14 | Australasian Reporter | Melbourne | Ballarat and return | 14th to 16th inst. | Ballarat Races ... | 2 5 0 |
| 236 | " 14 | Evening Star Reporter | Melbourne | Ballarat and return | 14th to 15th inst. | Ballarat Races ... | 2 5 0 |
| 237 | " 14 | Herald Reporter... | Melbourne | Ballarat and return | 14th to 16th inst. | Ballarat Races ... | 2 5 0 |
| 238 | " 14 | Mr. and Mrs. Allen | Melbourne | Any station and return | 14th to 23rd inst. | Visitors from Tasmania | 8 0 0 |
| 239 | " 16 | Argus Reporter ... | Melbourne | Ballarat and return | 16th to 18th inst. | Report Mr. Gillies's speech | 2 5 0 |
| 240 | " 16 | Herald Reporter... | Melbourne | Ballarat and return | 16th to 18th inst. | Report Mr. Gillies's speech | 2 5 0 |
| 241 | " 18 | Herald Reporter... | Melbourne | Ballarat and return | 18th to 19th inst. | Report Mr. Jones's speech | 2 5 0 |
| 242 | " 20 | Illustrated Post Reporter | Melbourne | Geelong and return | 21st instant ... | To sketch Woollen Mills | 0 19 0 |
| 243 | " 20 | Australasian Reporter | Melbourne | Elphinstone and return | 20th instant ... | Opening of Water Works | 1 13 0 |
| 244 | " 20 | Argus Reporter ... | Melbourne | Elphinstone and return | 20th instant ... | Opening of Water Works | 1 13 0 |
| 245 | " 22 | Mr. Manners Sutton | Melbourne | Geelong and return | 22nd to 25th inst. | To attend the Governor | 0 19 0 |
| 246 | " 22 | Mr. Wadsworth ... | Melbourne | Geelong and return | 22nd to 25th inst. | To attend the Governor | 0 19 0 |
| 247 | " 23 | Age Reporter ... | Melbourne | Ballarat and return | 23rd to 26th inst. | Election Meeting ... | 2 5 0 |
| 248 | " 23 | Argus Reporter ... | Melbourne | Ballarat and return | 23rd to 26th inst. | Election Meeting ... | 2 5 0 |
| 249 | " 23 | Herald Reporter | Melbourne | Ballarat and return | 23rd to 25th inst. | Election Meeting ... | 2 5 0 |
| 250 | " 26 | Kyneton Observer Reporter | Kyneton ... | Melbourne and return | 29th to 30th inst. | Parliamentary Debates | 1 6 6 |
| 251 | " 27 | Kyneton Guardian Reporter | Kyneton ... | Melbourne and return | 29th instant ... | Parliamentary Debates | 1 6 6 |
| 252 | " 29 | Weekly Age Reporter | Melbourne | Riddell's Creek and return | 29th to 30th inst. | Report on Vineyards ... | 0 17 0 |
| 1 | " 30 | Illustrated Post Reporter | Melbourne | Geelong and return | 30th instant ... | Visit Woollen Mill ... | 0 19 0 |
| 2 | " 31 | Mining Record Reporter | Melbourne | Ballarat and return | 1st to 5th June | Special Mining Report | 2 5 0 |

VICTORIAN RAILWAYS.—List of Free Passes issued by the Secretary—*continued.*

| No. | Date. | Name. | From | To | Available. | Why granted. | £ s. d. |
|---|--------|--------------------------------|--------------|------------------------|---------------------------------|------------------------------------|---------|
| SECOND CLASS PASSES. | | | | | | | |
| 89 | May 4 | Mrs. Hegarty and four children | Melbourne | Ballarat | ... 5th instant ... | Destitute person ... | 1 2 0 |
| 90 | " 6 | Mrs. Wallis ... | Melbourne | Ballarat | ... 9th instant ... | Destitute person ... | 1 2 0 |
| (From 1st June to the 30th June, 1868.) | | | | | | | |
| FIRST CLASS PASSES. | | | | | | | |
| 3 | June 3 | Herald Reporter | Melbourne | Geelong and return | 4th June ... | Sale of Stock, Barwon Park | 0 19 0 |
| 4 | " 6 | Geelong Register Reporter | Geelong ... | Melbourne and return | 9th, 10th, 11th instant, daily | Parliamentary Debates | 2 17 0 |
| 5 | " 6 | Illustrated Post Reporter | Melbourne | Ballarat and return | 6th instant ... | Sketches at Ballarat ... | 2 5 0 |
| 6 | " 8 | Kyneton Observer Reporter | Kyneton ... | Melbourne and return | 10th to 11th inst. | Parliamentary Proceedings | 1 6 6 |
| 7 | " 12 | Evening Star Reporter | Melbourne | Ballarat and return | 12th to 17th inst. | Report Mining Legal Case | 2 5 0 |
| 8 | " 12 | Kyneton Observer Reporter | Kyneton ... | Melbourne and return | 15th to 16th inst. | Report Perjury Cases ... | 1 6 6 |
| 9 | " 13 | Geelong Register Reporter | Geelong ... | Melbourne and return | 16th, 17th, 18th instant, daily | Parliamentary Debates | 2 17 0 |
| 10 | " 13 | Lieut. Panter, R.N. | Melbourne | Any station and return | One week ... | H.M.S. <i>Nelson</i> ... | 5 18 6 |
| 11 | " 17 | Illustrated Post Reporter | Melbourne | Ballarat and return | 17th to 18th inst. | Sketch Band of Hope Works | 2 5 0 |
| 12 | " 17 | J. Meredith ... | Melbourne | Any station and return | During visit to the Colony | Visitor from Tasmania | 5 18 6 |
| 13 | " 18 | Illustrated Post Reporter | Melbourne | Ballarat and return | 18th to 21st inst. | Sketches at Ballarat ... | 2 5 0 |
| 14 | " 18 | Weekly Age Reporter | Melbourne | Echuca and return | 19th to 23rd inst. | Agricultural Report ... | 3 13 6 |
| 15 | " 19 | Illustrated Post Reporter | Melbourne | Ballarat and return | 19th to 22nd inst. | Band of Hope Works ... | 2 5 0 |
| 16 | " 20 | Age Reporter ... | Melbourne | Sandhurst and return | 20th to 29th inst. | Agricultural Report ... | 2 7 0 |
| 17 | " 20 | Geelong Register Reporter | Geelong ... | Melbourne and return | 22nd to 24th inst. | Parliamentary Debates... | 0 19 0 |
| 19 | " 21 | Herald Reporter | Melbourne | Ballarat and return | 23rd instant ... | Meeting Constitutional Association | 2 5 0 |
| 21 | " 21 | Mr. and Mrs. Wadsworth | Melbourne | Ballarat and return | 4th to 6th July | Private Secretary's Office | 4 10 0 |
| 23 | " 29 | Geelong Register Reporter | Geelong ... | Melbourne and return | 30th inst. to 2nd July | Parliamentary Debates... | 0 19 0 |
| SECOND CLASS PASSES. | | | | | | | |
| 91 | June 2 | Mrs. Martin ... | Melbourne | Ballarat | ... One journey ... | Destitute person ... | 1 2 0 |
| 92 | " 12 | Mrs. Murray ... | Melbourne | Ballarat | ... One journey ... | Destitute person ... | 1 2 0 |
| (From 1st July to 31st July, 1868.) | | | | | | | |
| FIRST CLASS PASSES. | | | | | | | |
| 24 | July 2 | Age Reporter ... | Melbourne | Castlemaine and return | 2nd to 8th July | Report Mining Affairs... | 1 17 0 |
| 26 | " 4 | Geelong Register Reporter | Geelong ... | Melbourne and return | 6th, 7th, 8th inst. daily | Parliamentary Debates... | 2 17 0 |
| 27 | " 4 | Argus Reporter ... | Melbourne | Ballarat and return | 4th to 8th inst. | Report on Water Works | 2 5 0 |
| 28 | " 6 | Herald Reporter... | Melbourne | Ballarat and return | 6th to 7th inst. | Meeting of Turf Club ... | 2 5 0 |
| 29 | " 8 | Kyneton Observer Reporter | Kyneton ... | Melbourne and return | 13th to 14th inst. | Parliamentary Debates... | 1 6 6 |
| 31 | " 17 | Herald Reporter... | Melbourne | Ballarat and return | 17th to 18th inst. | Election Meetings ... | 2 5 0 |
| 32 | " 20 | Herald Reporter... | Melbourne | Ballarat and return | 20th to 21st inst. | Election Meetings ... | 2 5 0 |
| 33 | " 21 | Lieut. Ensor, R.N. | Melbourne | Sandhurst and return | One week ... | H.M.S. <i>Blanche</i> ... | 2 7 0 |
| 34 | " 24 | Bendigo Independent Reporter | Sandhurst | Castlemaine and return | 24th to 30th inst. | Circuit Court Sitings ... | 0 10 6 |
| 35 | " 24 | Illustrated Post Reporter | Melbourne | Echuca and return | 27th to 31st inst. | Arrival of Earl Belmore | 3 13 6 |
| 36 | " 24 | Herald Reporter... | Melbourne | Geelong and return | 25th to 26th inst. | Farmers' Meeting ... | 0 19 0 |
| 37 | " 27 | Ballarat Star Reporter | Ballarat ... | Melbourne and return | 29th to 31st inst. | Visit Ramsden's Paper Mill | 2 5 0 |
| 38 | " 29 | Age Reporter ... | Melbourne | Ballarat and return | 30th to 31st inst. | Election Meeting ... | 2 5 0 |
| 39 | " 30 | Mining Record Reporter | Melbourne | Ballarat and return | 30th inst. to 7th August | Mining information ... | 2 5 0 |
| SECOND CLASS PASSES. | | | | | | | |
| 93 | July 2 | Aboriginal ... | Melbourne | Echuca ... | One journey ... | By Commissioner's Order | 1 16 0 |
| 94 | " 13 | Mrs. Nimmo ... | Melbourne | Castlemaine ... | 13th July ... | Destitute person ... | 0 18 6 |
| 95 | " 18 | W. Cashon ... | Melbourne | Ballarat ... | 18th July ... | Destitute person ... | 1 2 0 |

VICTORIAN RAILWAYS.—List of Free Passes issued by the Secretary—*continued.*

| No. | Date. | Name. | From | To | Available. | Why granted. | £ s. d. |
|--|--------|-------------------------------|--------------|-----------------------|--------------------------|--------------------------------------|---------|
| (From the 1st August to 31st August, 1868, inclusive.) | | | | | | | |
| FIRST CLASS PASSES. | | | | | | | |
| 40 | Aug. 3 | Geelong Advertiser Reporter | Geelong ... | Melbourne and return | 5th August ... | Report Sladen Banquet | 0 19 0 |
| 41 | " 3 | Argus Reporter... | Melbourne | Sandhurst and return | 4th to 5th inst. | Ministerial Banquet ... | 2 7 0 |
| 43 | " 3 | Age Reporter ... | Melbourne | Sandhurst and return | 4th to 5th inst. | Ministerial Banquet ... | 2 7 0 |
| 44 | " 4 | Geelong Register Reporter | Geelong ... | Melbourne and return | 7th instant ... | Opening of Parliament... | 0 19 0 |
| 45 | " 4 | Kyneton Guardian Reporter | Kyneton ... | Melbourne and return | 7th instant ... | Opening of Parliament... | 1 6 6 |
| 46 | " 4 | Mount Alexander Mail Reporter | Castlemaine | Melbourne and return | 5th to 6th inst. | Sladen Banquet ... | 1 17 0 |
| 47 | " 4 | Leader Reporter... | Melbourne | Sandhurst and return | 4th to 5th inst. | Ministerial Banquet ... | 2 7 0 |
| 48 | " 5 | Kyneton Observer Reporter | Kyneton ... | Melbourne and return | 7th to 8th inst. | Opening of Parliament... | 1 6 6 |
| 49 | " 7 | Capt. Norman ... | Melbourne | Any station ... | To 31st instant | H.M.S. <i>Victoria</i> ... | 5 18 6 |
| 50 | " 7 | Australasian Reporter | Melbourne | Werribee and return | 8th instant ... | Churnside's Sheep-washing Apparatus | 0 9 6 |
| 51 | " 10 | Geelong Register Reporter | Geelong ... | Melbourne and return | 11th, 12th, 13th instant | Parliamentary Debates... | 0 19 0 |
| 52 | " 10 | Geelong Register Reporter | Melbourne | Geelong ... | 10th instant ... | Lost Pass ... | 0 12 6 |
| 53 | " 10 | Evening Star Reporter | Melbourne | Ballarat and return | 10th to 14th inst. | Loyal Liberal Soirée ... | 2 5 0 |
| 54 | " 13 | Geelong Register Reporter | Geelong ... | Ballarat and return | 14th instant ... | Loyal Liberal Soirée ... | 1 6 0 |
| 55 | " 13 | Colonel Pitt ... | Melbourne | Any station ... | Three days ... | Military Staff... .. | 5 18 6 |
| 56 | " 13 | Dr. Gibb ... | Melbourne | Any station ... | Three days ... | Military Staff... .. | 5 18 6 |
| 57 | " 13 | Mr. McHugh ... | Melbourne | Ballarat and return | One fortnight... | Admiralty Survey ... | 2 5 0 |
| 58 | " 13 | Lieut. Stanley, R.N. | Melbourne | Echuca and return | One fortnight... | Admiralty Survey ... | 3 13 6 |
| 59 | " 13 | J. Blair ... | Ballarat ... | Melbourne and return | One journey ... | By Commissioner's Order | 2 5 0 |
| 61 | " 15 | Mrs. Dunleoy ... | Melbourne | Ballarat ... | One journey ... | Commissioner's Order ... | 1 10 0 |
| 62 | " 15 | Mr. Nicholls ... | Melbourne | Ballarat and return | 14th to 24th inst. | Ditto, Mining Reporter | 2 5 0 |
| 63 | " 17 | Geelong Advertiser Reporter | Geelong ... | Melbourne and return | 18th to 19th inst. | Parliamentary Debates... | 0 19 0 |
| 64 | " 17 | Geelong Register Reporter | Geelong ... | Melbourne and return | 18th to 20th inst. | Parliamentary Debates... | 0 19 0 |
| 65 | " 17 | Illustrated Post Reporter | Melbourne | Ballarat and return | 17th to 18th inst. | Ministerial Banquet ... | 2 5 0 |
| 66 | " 20 | Mr. Nicholls ... | Melbourne | Ballarat and return | 21st to 29th inst. | Commissioner's Order, Press Reporter | 2 5 0 |
| 67 | " 21 | Illustrated Post Reporter | Melbourne | Echuca and return | 22nd to 28th inst. | Sketches on Murray ... | 3 13 6 |
| 68 | " 21 | Herald Reporter... | Melbourne | Ballarat and return | 22nd instant ... | Mining Meeting ... | 2 5 0 |
| 69 | " 24 | Capt. Nasmyth, R.E. | Melbourne | Any station ... | One month ... | Royal Engineer Office, on visit | 5 18 6 |
| 70 | " 24 | Geelong Register Reporter | Geelong ... | Melbourne and return | 25th to 26th inst. | Parliamentary Debates... | 0 19 0 |
| 72 | " 24 | E. O. Moriarty ... | Melbourne | Any station ... | One week ... | Official visitor from Sydney | 5 18 6 |
| 73 | " 24 | E. C. Cracknell ... | Melbourne | Any station ... | One week ... | Official visitor from Sydney | 5 18 6 |
| 74 | " 24 | N. Fitzpatrick ... | Melbourne | Any station ... | One week ... | Official visitor from Sydney | 5 18 6 |
| 75 | " 26 | Geelong Register Reporter | Geelong ... | Leigh Road and return | 27th instant ... | Horse and Cattle Fair ... | 0 6 0 |
| 76 | " 29 | Herald Reporter... | Melbourne | Kyneton and return | 29th to 31st inst. | County Court Sessions | 1 6 0 |
| 77 | " 31 | Mr. Faithful ... | Any station | Any station ... | Until 6th Sept. | Official visitor from Sydney | 5 18 6 |
| 78 | " 31 | Geelong Register Reporter | Geelong ... | Melbourne and return | 1st to 2nd Sept. | Parliamentary Debates... | 0 19 0 |
| SECOND CLASS PASSES. | | | | | | | |
| 96 | Aug. 7 | Mrs. Nugent ... | Castlemaine | Melbourne ... | One journey ... | Destitute person to join friends | 0 18 6 |
| 97 | " 22 | Mrs. Love ... | Goornong... | Melbourne and return | One journey ... | Destitute person to fetch children | 2 0 6 |
| 98 | " 28 | Mrs. Bell ... | Melbourne | Ballarat ... | One journey ... | Destitute person ... | 1 2 0 |
| 99 | " 31 | Mrs. Brooks ... | Melbourne | Ballarat ... | One journey ... | Destitute person ... | 1 2 0 |

VICTORIAN RAILWAYS.—List of Free Passes issued by the Secretary—continued.

| No. | Date. | Name. | From | To | Available. | Why granted. | £ s. d. |
|--|---------|---------------------------|-------------|----------------------|---------------------------|-------------------------------|------------|
| (From 1st to the 10th of September, 1868.) | | | | | | | |
| FIRST CLASS PASSES. | | | | | | | |
| 79 | Sept. 1 | Geelong Register Reporter | Geelong ... | Melbourne and return | 1st, 2nd, 3rd inst. daily | Parliamentary Debates... | 2 17 0 |
| 80 | " 1 | Evening Star Reporter | Melbourne | Echuca and return | 1st to 7th inst. | Report on Dredging the Murray | 3 13 6 |
| 81 | " 3 | Capt. Payne, R.N. | Melbourne | Echuca and return | One journey ... | H.M.S. <i>Nelson</i> ... | 3 13 6 |
| 82 | " 3 | Capt. Payne, R.N. | Melbourne | Ballarat and return | One journey ... | H.M.S. <i>Nelson</i> ... | 2 5 0 |
| 83 | " 5 | Herald Reporter | Melbourne | Ballarat and return | 5th to 7th inst. | Description of Alfred Hall | 2 5 0 |
| 84 | " 9 | Age Reporter ... | Melbourne | Kyneton and return | 10th to 12th inst. | Horse Show, &c. ... | 1 6 6 |
| 85 | " 10 | Age Reporter ... | Melbourne | Geelong and return | 11th to 12th inst. | Visit Woollen Factory ... | 0 19 0 |
| | | | | | | | £ 456 16 0 |

LIST of FREE PASSES issued by the TRAFFIC SUPERINTENDENT from 1st January to 10th September, 1868.

| Date. | Name. | From | To | Value. | Why granted. |
|---------------------|-------------------------------------|-------------|---------------------------|---------|--|
| | | | | £ s. d. | |
| FIRST CLASS PASSES. | | | | | |
| Jan. 1 ... | Mr. D. Gregory ... | Melbourne | Ballarat and return ... | 2 5 0 | N.S.W. Cricketer. |
| " 1 ... | Mr. E. Gregory ... | Melbourne | Ballarat and return ... | 2 5 0 | N.S.W. Cricketer. |
| " 1 ... | Mr. Nield ... | Melbourne | Geelong and return ... | 0 19 0 | N.S.W. Cricketer. |
| " 2 ... | Mr. Gordon ... | Melbourne | Ballarat and return ... | 2 5 0 | N.S.W. Cricketer. |
| " 2 ... | Messrs. Sinclair, Coates, and Blair | Melbourne | Ballarat and return ... | 6 15 0 | N.S.W. Cricketers. |
| " 6 ... | Mr. Coates | Melbourne | Echuca and return ... | 3 13 6 | N.S.W. Cricketer. |
| " 11 ... | Reporter ... | Melbourne | Kyneton and return ... | 1 6 6 | Age. |
| " 17 ... | Thirteen Cricketers | Melbourne | Castlemaine and return... | 24 1 0 | Press. |
| " 15 ... | Reporter ... | Melbourne | Castlemaine and return... | 1 17 0 | Argus. |
| " 20 ... | Reporter ... | Melbourne | Sunbury and return ... | 0 11 6 | Argus. |
| " 23 ... | Reporter ... | Melbourne | Sunbury and return ... | 0 11 6 | Argus. |
| " 28 ... | Reporter ... | Melbourne | Sunbury and return ... | 0 11 6 | Argus. |
| " 25 ... | Mr. Easterby | Runnymede | Echuca and return ... | 0 13 6 | Press. |
| Feb. 6 ... | Reporter ... | Melbourne | Castlemaine and return... | 1 17 0 | Age. |
| " 7 ... | Mr. D. Messer | Melbourne | Ballarat and return ... | 2 5 0 | H.M.S. <i>Charybdis</i> . |
| " 7 ... | Mr. Smith | Melbourne | Ballarat and return ... | 2 5 0 | H.M.S. <i>Charybdis</i> . |
| " 7 ... | Mr. Graves | Melbourne | Ballarat and return ... | 2 5 0 | H.M.S. <i>Charybdis</i> . |
| " 7 ... | Mr. Marion | Melbourne | Sandhurst and return ... | 2 7 0 | H.M.S. <i>Charybdis</i> . |
| " 7 ... | Mr. Eloim | Melbourne | Sandhurst and return ... | 2 7 0 | H.M.S. <i>Charybdis</i> . |
| " 14 ... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Age. |
| " 17 ... | Mr. Lastrick | Any station | Any station ... | 5 18 6 | H.M.S. <i>Nelson</i> , till 3rd March. |
| " 17 ... | Mr. Stone | Any station | Any station ... | 5 18 6 | H.M.S. <i>Nelson</i> , till 3rd March. |
| " 18 ... | Mr. Lewis | Any station | Any station ... | 5 18 6 | H.M.S. <i>Nelson</i> , till 3rd March. |
| " 18 ... | Lieut. Panter | Any station | Any station ... | 5 18 6 | H.M.S. <i>Nelson</i> , till 3rd March. |
| " 18 ... | Mr. Weymiss | Any station | Any station ... | 5 18 6 | H.M.S. <i>Nelson</i> , till 3rd March. |
| " 18 ... | Mr. Jago ... | Any station | Any station ... | 5 18 6 | H.M.S. <i>Nelson</i> , till 3rd March. |
| " 19 ... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Australasian. |
| " 22 ... | Reporter ... | Melbourne | Taradale and return ... | 1 11 6 | Age. |
| " 25 ... | Reporter ... | Sandhurst | Harcourt and return ... | 0 9 0 | Advertiser. |
| " 25 ... | Reporter ... | Sandhurst | Harcourt and return ... | 0 9 0 | Independent. |
| " 25 ... | Reporter ... | Kyneton ... | Malmsbury and return... | 0 3 6 | Kyneton Guardian. |
| " 27 ... | Reporter ... | Kyneton ... | Malmsbury and return... | 0 3 6 | Kyneton Guardian. |
| March 9... | Mr. Smith | Melbourne | Sunbury and return ... | 0 11 6 | Argus. |
| " 10... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Australasian. |
| " 3... | Reporter ... | Kyneton ... | Woodend and return ... | 0 4 0 | Kyneton Guardian. |
| " 5... | Reporter ... | Kyneton ... | Malmsbury and return... | 0 3 6 | Kyneton Guardian. |
| " 17... | Reporter ... | Kyneton ... | Melbourne and return ... | 1 6 6 | Age. |
| " 10... | Reporter ... | Kyneton ... | Malmsbury and return... | 0 3 6 | Kyneton Guardian. |
| " 10... | Reporter ... | Kyneton ... | Malmsbury and return... | 0 3 6 | Kyneton Observer. |
| " 12... | Reporter ... | Kyneton ... | Malmsbury and return... | 0 3 6 | Kyneton Guardian. |
| " 13... | Reporter ... | Kyneton ... | Melbourne and return ... | 1 6 6 | Kyneton Guardian. |
| " 17... | Reporter ... | Kyneton ... | Malmsbury and return... | 0 3 6 | Kyneton Guardian. |
| " 19... | Reporter ... | Kyneton ... | Woodend and return ... | 0 4 0 | Kyneton Guardian. |
| " 20... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Argus. |
| April 11... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Herald. |
| " 11... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Age. |
| " 11... | Reporter ... | Melbourne | Sandhurst and return ... | 2 7 0 | Age. |
| " 11... | Reporter ... | Melbourne | Geelong and return ... | 0 19 0 | Argus. |

VICTORIAN RAILWAYS.—List of Free Passes issued by the Traffic Superintendent—*continued.*

| Date. | Name. | From | To | Value. | Why granted. |
|-------------|--------------------------|--------------|---------------------------|-------------------|---|
| April 11... | Reporter ... | Melbourne | Geelong and return ... | £ s. d. 0 19 0 | Argus. |
| " 14... | Mr. G. Berry ... | Geelong ... | Melbourne and return ... | 0 19 0 | Press. |
| May 4... | Mr. Follett ... | Melbourne | Rochester and return ... | 3 6 0 | French Consul's Office. |
| " 23... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Age. |
| April 8... | Reporter ... | Sandhurst | Castlemaine and return... | 0 10 6 | Bendigo Advertiser. |
| " 21... | Reporter ... | Sandhurst | Malmsbury and return... | 0 17 6 | Bendigo Advertiser. |
| May 28... | Reporter ... | Castlemaine | Taradale and return ... | 0 5 6 | Daily News. |
| June 1... | Reporter ... | Castlemaine | Melbourne and return ... | 1 17 0 | Daily News. |
| July 20... | Reporter ... | Melbourne | Echuca and return ... | 3 13 6 | Argus. |
| " 24... | Reporter ... | Melbourne | Castlemaine and return... | 1 17 0 | Argus. |
| Aug. 6... | Forty Performers ... | Melbourne | Williamstown and return | 3 0 0 | Commissioner's Order, Philharmonic Society. |
| " 14... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Age. |
| " 21... | Mr. J. H. Dunne ... | Ballarat ... | Melbourne ... | 1 10 0 | Commissioner's Order. |
| Sept. 1... | Reporter ... | Melbourne | Ballarat and return ... | 2 5 0 | Age. |
| " 7... | Reporter ... | Melbourne | Williamstown and return | 0 1 6 | Evening Star. |
| " 17... | Mr. Huell ... | Melbourne | Ballarat and return ... | 2 5 0 | |
| " 28... | Mr. Akhurst and Reporter | Melbourne | Ballarat and return ... | 4 10 0 | Commissioner's Order. |
| | | | | £ 153 4 6 | |

SECOND CLASS PASSES.

| | | | | | |
|------------|------------------------|--------------|---------------------------|-----------|--------------------------------------|
| Feb. 4... | Mrs. E. Thomas and Son | Castlemaine | Melbourne ... | 2 6 3 | Secty.'s Order. |
| " 25... | Three Servants ... | Melbourne | Geelong and return ... | 2 2 0 | In attendance on Lady Manners Sutton |
| " 25... | J. Z. Streat and Wife | Castlemaine | Melbourne ... | 1 17 0 | Secty.'s Order. |
| April 9 .. | Two Children ... | Melbourne | Echuca and return ... | 2 14 0 | |
| May 16... | Five Servants ... | Melbourne | Geelong and return ... | 3 10 0 | In attendance on the Governor. |
| Aug. 4... | Wm. Ashley ... | Melbourne | Castlemaine and return... | 1 7 6 | |
| " 5... | D. McDonald ... | Ballarat ... | Melbourne ... | 1 2 0 | Secty.'s Order. |
| | | | | £ 14 18 9 | |

YAN YEAN WATER SUPPLY.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. McCRAE, 9TH SEPTEMBER, 1869, AND ORDERED BY THE COUNCIL TO BE PRINTED, 2ND NOVEMBER, 1869.

REPORT OF THE GOVERNMENT ANALYTICAL CHEMIST ON THE WATER OF THE YAN YEAN RESERVOIR.

Government Analytical Laboratory, Melbourne,
August 30th, 1869.

The Honorable the Commissioner of Public Works, Melbourne.

SIR,

I have the honor to forward to you the results of my examination of various samples of waters in connection with the Yan Yeau Water Supply, made during the present month at your request, and by direction of the Crown Law Department.

In order to insure the delivery of correct samples I deemed it desirable to undertake their collection myself, in company with the superintending engineer of the works; therefore I paid a visit to the Lake, and to Whittlesea.

The samples examined were taken as follows:—

- No. 1. From the surface of the Lake, about the middle.
- No. 2. From Bruce's Creek, just before junction and Plenty River.
- No. 3. From Plenty River, just before junction and Bruce's Creek.
- No. 4. From Plenty River, after junction and Bruce's Creek.
- No. 5. Drawn from service pipe, St. Kilda.

I may state, that the weather was dry, and had been so some considerable time previously to collecting the samples. In wet weather they might be expected to be somewhat purer.

The following are the various results obtained from one imperial gallon of each, after being allowed to stand forty-eight hours.

| | Yan Yeau Reservoir. | St. Kilda. | Bruce's Creek. | Plenty before joining Bruce's. |
|---|---------------------|------------|----------------|--------------------------------|
| | grs. | grs. | grs. | grs. |
| Soluble salts, chiefly common salt and a little alkaline carbonate ... | 4.45 | 4.45 | 5.10 | 3.30 |
| Siliceous and clayey matters ... | 2.20 | 2.25 | 5.60 | 3.30 |
| Organic substances, consisting chiefly of vegetable matters from the soil ... | 1.65 | 1.85 | 2.55 | 1.40 |
| Total ... | 8.30 | 8.55 | 13.25 | 8.0 |

With the view of ascertaining how much of the above matters might be expected to separate of their own accord by simple subsidence when arrived at the comparatively undisturbed waters of the lake, samples from Bruce's Creek, and the Plenty after its junction with Bruce's Creek, were allowed to stand during ten days, and then decanted. Upon examining the clearer portion poured off, the following were found to be the results from one gallon as before:—

| | Bruce's. | Plenty. |
|----------------------------------|----------|---------|
| Soluble salts ... | 5.10 | 3.50 |
| Siliceous and clayey matters ... | 5.50 | 3.90 |
| Vegetable matters ... | 1.65 | 1.20 |
| Total ... | 12.25 | 8.60 |

It will thus be seen, that about one third of the organic impurities contained in a sample of water from Bruce's Creek, when first collected, are merely mechanically suspended, and become rapidly deposited upon being allowed to rest, and that the remainder held in solution or suspended in the water for any length of time, only amounts to 1.65 grain to the gallon, being precisely the amount contained in the water of the lake itself.

The water from the mixed streams, as it enters the lake, retains, after subsidence during ten days, only 1.2 grain in the gallon of vegetable organic matter.

The above figures, the result of actual experiment, should, I think, completely dissipate any doubts as to the wholesome character of the water as supplied to the City of Melbourne. Upon this point, however, it may be well to turn to other confirmatory testimony. Thus Professor Grace Calvert, in his report to the Local Board of Health, Preston, on the character of certain waters proposed for the use of that town, says, "The water taken from Cowleybrook, near the bridge, is the purest of the five that I have analysed. It has a beautiful appearance, and an agreeable taste. It is one of the purest spring waters that has ever been analysed, either in England or abroad, for (as you may observe) it contains only four grains of fixed saline matter per gallon. You will be more able to appreciate its high degree of purity when you are informed that chemists consider a water which contains from seven to nine grains per gallon of saline matter to be very good for domestic purposes. The water of the Thames contains 21 grains per gallon of fixed saline matter, and that of the Seine 9.6 grains per gallon."

My attention having been directed to a statement, that much impurity, and occasionally a dead bullock or two, were allowed to find their way into the feeders of the reservoir, to the detriment of the latter, I have thought it desirable to make some sort of estimate of the amount of contamination that might be communicated by this means.

In round numbers, the lake, when full, holds about six thousand million gallons. Taking an ordinary fair sized bullock at 800 lbs., and supposing that he was entirely dissolved, bones and all, and mixed with the waters of the lake equally, the carcass would yield less than one grain of dry organic matter to every three thousand gallons, or less than the three-thousandth part of a grain to a gallon. To contaminate each gallon of the water to the extent of one grain of such impurity, more than three thousand such bullocks must be dissolved at once and added; and, even if they were, such is the extraordinary power of self-purification possessed by water when well exposed to weather, that it is more than probable, in a very short time indeed, the whole would become removed by oxidation and decay, and completely disappear.

The public may then, I think, rest assured that, even if a few of these disgusting impurities do from time to time, as has been stated, get into one or other of the creeks which supply the reservoir, so vast is the extent of the purifying medium into which they flow, and so active the chemical agencies encountered there, that they cannot appreciably injure the general character of the water as it leaves the lake, or in any way affect the public health.

That the water has in a few years greatly improved is well known. One third at least of the impurities existing in it eight or nine years ago have disappeared, notwithstanding that for a long time comparatively little fresh water has entered the reservoir, and the extensive evaporation caused by the long drought must have tended to concentrate the remainder. That the water will continue to steadily improve with the lapse of time there can be no doubt, and that it bids fair to take rank with the best potable waters in the world may be seen, by comparing it with the highly praised water of Cowleybrook, reported upon by Calvert, and quoted above; the amount of saline matters in each being very nearly equal, whilst the organic matter found in Cowleybrook amounted to 1.40 grain in each gallon, or within ($\frac{1}{4}$ grain) one quarter of a grain of our own Yan Yean water.

In the face of such evidence, I cannot report ill either of our present supply, or the probable quality of the future. On the contrary, it is my opinion, derived from careful observation extending over a series of years, that the water is excellent and in every way worthy the supply of a large city.

I remain, Sir, &c.,

WM. JOHNSON,
Government Analytical Chemist.

1869.

VICTORIA.

VICTORIAN RAILWAYS.

SCHEDULE OF PROPOSED EXPENDITURE UPON THE NORTH-EASTERN RAILWAY
DURING 1869.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE C. J. JENNER, 26TH OCTOBER, 1869, AND
ORDERED BY THE COUNCIL TO BE PRINTED 2ND NOVEMBER, 1869.

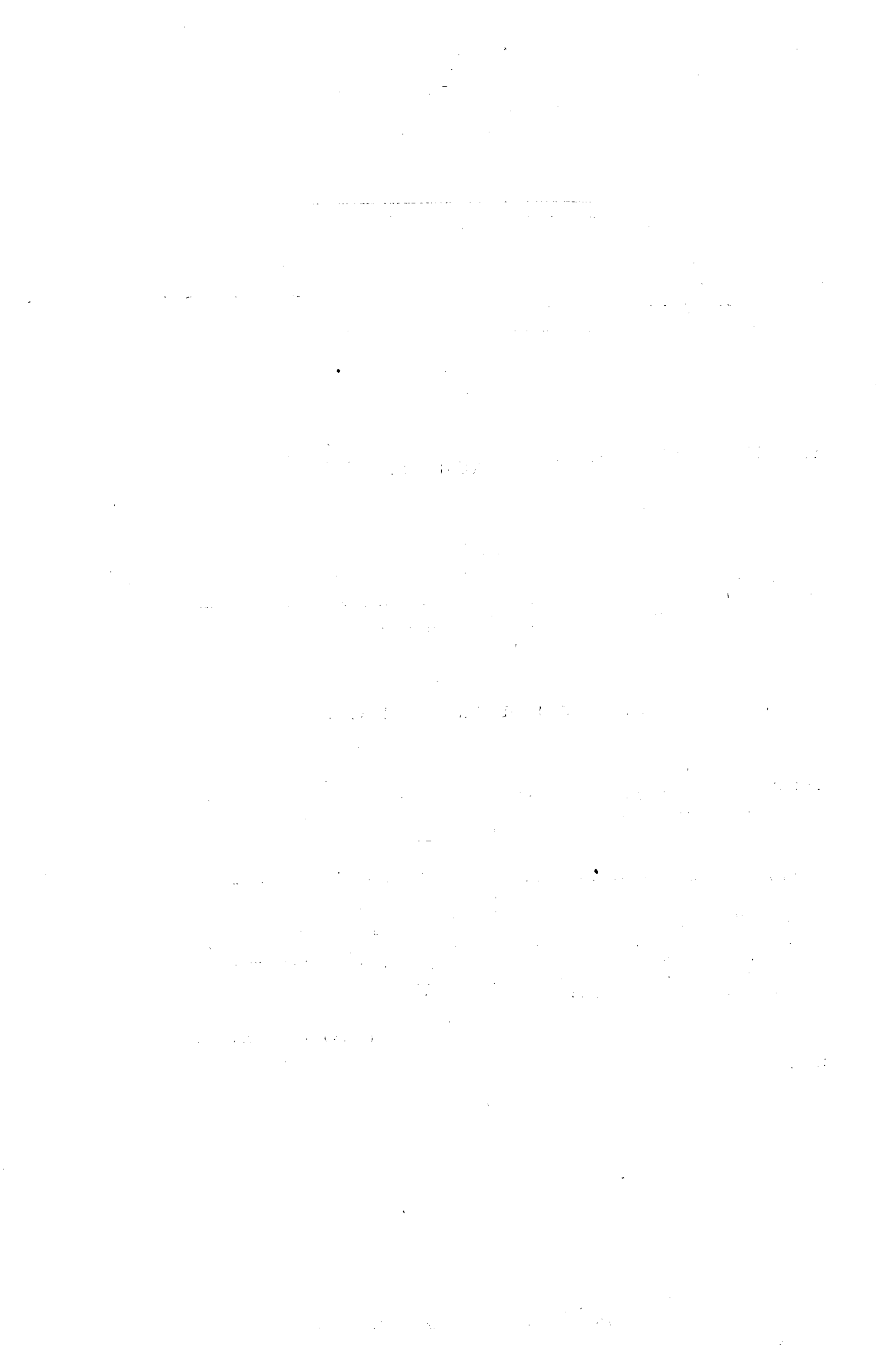
VICTORIAN RAILWAYS.

STATEMENT of proposed Expenditure during 1869, under the provisions of "*The Railway Loan Act*,"
32 Vic., 331 ; prepared in accordance with the requirements of section 13 of the Act.

To expend a sum not exceeding Two hundred and ninety-two thousand pounds
(£292,000) in the purchase (with freight and charges) of permanent way
materials for the North-eastern Railway ; the weight of the rail and the
description of rail to be used to be decided by the Agent-General, upon the
advice of such English engineers of eminence as he determine to consult.
The sum of £292,000 is arrived at upon the assumption that a double T rail
of 72 lbs. to the yard will be used £292,000 0 0

21st October, 1869.

FRANCIS LONGMORE,
Commissioner of Railways.



1869.

VICTORIA.

ELECTORS IN PROVINCES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE R. SIMSON.—10TH NOVEMBER, 1869.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE C. J. JENNER, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 17TH NOVEMBER, 1869.

RETURN of the ELECTORS in EACH PROVINCE as enrolled in October, 1869.

| Name of Province. | On Ratepayers' Roll. | On General Roll. | Total. |
|----------------------|-------------------------|---------------------|--------|
| Central | 6,413 | 640 | 7,053 |
| South | 2,061 | 384 | 2,445 |
| South Western | 2,462 | 824 | 3,286 |
| Western | 1,912 | 236 | 2,148 |
| North-Western | 3,978 | 514 | 4,492 |
| Eastern | 1,494 | 320 | 1,814 |
| Totals ... | 18,320 | 2,918 | 21,238 |

1869.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

OF

ELECTIONS AND QUALIFICATIONS,

ON THE

PETITION OF NATHANIEL LEVI;

TOGETHER WITH

PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED, 7TH APRIL, 1869.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

THURSDAY, 11TH FEBRUARY, 1869.

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 Robert Stirling Anderson,
The Honorable Nicholas Fitzgerald,
The Honorable Alexander Fraser,
The Honorable James Graham,
The Honorable William Highett,
The Honorable John McCrae, and
The Honorable Robert Turnbull,

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

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

Given under my hand this eleventh day of February, 1869.

TUESDAY, 16TH FEBRUARY, 1869.

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

TUESDAY, 23RD FEBRUARY, 1869.

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

TUESDAY, 2ND MARCH, 1869.

LETTER FROM SOLICITOR OF NATHANIEL LEVI.—The President informed the Council that he had received a letter from the Solicitor for Mr. Nathaniel Levi, applying for the return of the sum of One hundred pounds, deposited by him on lodging a Petition against the return of the Honorable W. A. C. a'Beckett, in September last.

The Honorable J. McCrae moved, That the question be referred to the Committee of Elections and Qualifications.

Question—put and passed.

SWEARING OF MEMBERS OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorables A. Fraser, J. Graham, W. Highett, J. McCrae, and R. Turnbull, were sworn at the table by the Clerk, as Members of the Elections and Qualifications Committee, in the manner prescribed by the Electoral Act of 1856.

SWEARING-IN OF MEMBER OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable N. Fitzgerald was sworn at the table by the Clerk, as a Member of the Committee of Elections and Qualifications.

TUESDAY, 9TH MARCH, 1869.

PETITION—SOUTH PROVINCE ELECTION.—The President laid before the Council a Petition signed by Nathaniel Levi, of Collins-street, West Melbourne, setting forth that the Petitioner is advised, and believes, that, by reason of William Arthur Callandar a'Beckett being unqualified to be elected as Member of the House, the Petitioner is entitled to be declared duly elected as Member for the South Province, and to have his name inserted in the Writ in place of the said William Arthur Callandar a'Beckett, and praying that the case of the Petitioner may be referred to a Committee of the Council duly authorized to receive, enquire into, and report upon the same according to law, and further praying that, in the event of the said Committee reporting that the said William Arthur Callandar a'Beckett was not at the time of the election possessed of the necessary qualification to entitle him to be so elected, that the Legislative Council will be pleased to declare the Returning Officer's return void, as respects the said William Arthur Callandar a'Beckett, and to amend the said return to the writ by taking out the name of the said William Arthur Callandar a'Beckett, and inserting in its place the name of the Petitioner, and to declare the Petitioner duly elected as a Member of the Legislative Council for the South Province.

PETITION OF NATHANIEL LEVI.—The Honorable W. Highett moved, That the Petition of Nathaniel Levi be referred to the Elections and Qualifications Committee.

Question—put and passed.

SWEARING IN OF MEMBER OF ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable R. S. Anderson was sworn at the Table by the Clerk as a Member of the Committee of Elections and Qualifications.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President appointed the time and place of the first meeting of the Committee to be at ten o'clock in the forenoon on Thursday, the eleventh of March, in the South Committee Room.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable W. Highett, with leave of the Council, moved, without notice, That the Elections and Qualifications Committee have power to sit during any adjournments of the House.

Question—put and passed.

THURSDAY, 18TH MARCH, 1869.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the Elections and Qualifications Committee be empowered to adjourn until Wednesday next.

Question—put and passed.

REPORT.

The Honorable R. S. Anderson, from the Committee of Elections and Qualifications, to which Committee was referred a letter from the Attorney of the Petitioner, Nathaniel Levi, and also a Petition from Nathaniel Levi, informed the House that the Committee had determined :—

That the sitting member, W. A. C. a'Beckett, was duly elected a Member of the Legislative Council of Victoria.

That the sum of One hundred pounds, lodged by the Petitioner in the last Session of Parliament, with the Petition then presented, be returned to him.

That the sum of One hundred pounds, lodged by the Petitioner in the present Session of Parliament, less the sum of (£14 10s.) fourteen pounds ten shillings for the expense of attending and taking notes of evidence, be returned to the Petitioner.



PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 11TH MARCH, 1869.

Members present :

The Hon. R. S. Anderson
N. Fitzgerald
A. Fraser

The Hon. J. Graham
W. Highett
R. Turnbull.

Resolved—That the Honorable R. S. Anderson be Chairman of the Committee.

The Committee deliberated.

The counsel and parties were called in.

Mr. T. a'Beckett appeared as counsel for the sitting member.

Mr. R. Willan was represented as agent for the sitting member.

Mr. G. Godfrey, solicitor, appeared as agent for the petitioner.

The Chairman intimated that the Committee had agreed to the following preliminary resolutions :—

- (1.) That counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so.
- (2.) That if costs be demanded by either party under the provisions of the Electoral Act, 1856, the question must be raised immediately after the decision of the particular case, unless the Committee shall otherwise decide.
- (3.) That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents whose names have been handed in), without the special leave of the Committee.
- (4.) That the Committee will only hear one counsel on each side on the opening and summing up of the case.
- (5.) That should any point of law arise requiring argument, the Committee reserve to themselves the power of hearing only one counsel on each side.

The Chairman also intimated, that the Committee had agreed to inform the parties that the cost of reporting the minutes of evidence would be borne by the parties at the discretion of the Committee.

Mr. Godfrey applied for an adjournment in consequence of not having been warned that the Committee would proceed with business.

Mr. T. a'Beckett was heard on the question of adjournment, and stated that he wished to be heard on a preliminary objection.

The Committee deliberated.

The Committee adjourned until eleven a.m., on Friday, the 12th instant.

FRIDAY, 12TH MARCH, 1869.

Members present :

The Honorable R. S. Anderson, in the chair ;

- The Hon. R. Turnbull
A. Fraser
J. Graham

The Hon. W. Highett
N. Fitzgerald.

Parties called in.

Mr. Ireland and Mr. Hearn appeared as counsel for the petitioner.

The Shorthand Writer was sworn.

The Clerk of the Council handed to the Chairman the Petition of Nathaniel Levi, dated 5th March, 1869, referred to the Committee on the 9th March, 1869.

The Petition was read to the Committee.

It was as follows :—

“To the Honorable Sir JAMES FREDERICK PALMER, Knight, President of the Legislative Council of Victoria.

“ The Petition of Nathaniel Levi, of Collins-street west, Melbourne, Merchant,

“ RESPECTFULLY SHEWETH—

“ That, in pursuance of an Act of the Parliament of Victoria, passed in the twenty-ninth year of the reign of Her Majesty, intituled *The Electoral Act 1865*, a writ was duly issued by and under the hand and seal of the Honorable Sir John Henry Thomas Manners Sutton, Knight, Governor of the Colony of Victoria, directed to William Templeton, Esquire, Returning Officer for the South Province, requiring him, the said William Templeton, to proceed as therein directed according to law, for the purpose of procuring the return of a representative for the said South Province to the Legislative Council of Victoria.

“ That, in accordance with the exigency of such writ, and in conformity with the said Act, three candidates were duly nominated, that is to say, William Arthur Callandar a'Beckett, Esquire, John Halfey, Esquire, and Nathaniel Levi, your petitioner.

“ That there being only one candidate to be returned for the said South Province under and by virtue of the said writ, but three having been nominated, the said Returning Officer duly published the day for taking the poll for the said election.

“ That such poll took place on the sixteenth day of September, One thousand eight hundred and sixty-eight, at the following polling places, that is to say :—Anderson's Creek, Bacchus Marsh, Ballan North, Wallan-wallan, Blackwood, Hawthorn, West Brighton, East Brighton, Broadmeadows, Brunswick, Brushy Creek, Bulla, Templestowe, Confines of Kilmore, Campbellfield, Caulfield, Corinella, Cranbourne, Berwick, Dandenong, The Junction of the Roads, Diggersrest, Donnybrook, Eltham, Epping, Essenden, Sunbury, Gardiner, Gisborne, Heidelberg, Dromana, Keilor, Braybrook, Lancefield, Melton, Mordialloc, Mulgrave, Northcote, Nunawading, Oakleigh, Pentridge, Yan Yean, west of Plenty River, Preston, Yarra Flats, Snapper Point, Tullamarine, Whittlesea, Wyndham, Yan Yean, east of the Plenty River.

“That, on the eighteenth day of September, One thousand eight hundred and sixty-eight, the Returning Officer duly notified, in conformity with the said Electoral Act, the result of the polling to be as follows:—

| | | | | | |
|--------------------------------------|-----|-----|-----|-----|-----|
| “ William Arthur Callandar a’Beckett | ... | ... | ... | ... | 471 |
| “ Nathaniel Levi | ... | ... | ... | ... | 349 |
| “ John Halfey | ... | ... | ... | ... | 172 |

And the said William Arthur Callandar a’Beckett was publicly announced and declared by the said Returning Officer to be duly elected as a Member of the Legislative Council for the South Province.

“That your petitioner has been informed and believes that the said William Arthur Callandar a’Beckett is unqualified from sitting and voting as a Member of the Legislative Council of Victoria for the said South Province, and was unqualified from being so elected by reason of his not being possessed at the time of his election of the qualification required by law necessary to entitle him to be elected as a Member of the said Legislative Council.

“That your petitioner is advised and believes that, by reason of the said William Arthur Callandar a’Beckett being so unqualified as aforesaid to be elected as such member, your petitioner being the person having the next greatest number of votes at the said election, is entitled to be declared duly elected as a Member of the said South Province, and to have his name inserted in the said writ in the place of the said William Arthur Callandar a’Beckett.

“Your petitioner, therefore, respectfully prays that you will communicate the matter of the said petition to the Legislative Council of Victoria, in order that the case of your petitioner may be referred to a committee of the said Council duly authorised to receive, inquire into, and report upon the same according to law.

“And your petitioner further prays that, in the event of the said committee reporting that the said William Arthur Callandar a’Beckett was not at the time of the said election possessed of the necessary qualification to entitle him to be so elected, that the Legislative Council will be pleased to declare the said Returning Officer’s return void as respects the said William Arthur Callandar a’Beckett, and to amend the said return to the said writ, by taking out the name of the said William Arthur Callandar a’Beckett and inserting in its place the name of your petitioner, and to declare your petitioner duly elected as a Member of the Legislative Council for the South Province.

“And your petitioner will ever pray.

“NATHL. LEVI.

“5th March, 1869,
“36, Collins street west.”

Mr. T. a’Beckett was heard on a preliminary objection as to the form of the Petition.

Mr. Ireland was heard in reply.

Mr. T. a’Beckett was again heard.

The Committee consulted and announced that they had determined that the allegations of the Petition were sufficient to enable the sitting member to know upon what grounds his qualification was impugned.

The Honorable J. McCrae entered the Committee Room.

Mr. Ireland was heard to open the case of the petitioner.

Mr. T. a’Beckett raised an objection.

The Committee decided that the qualification of the sitting member must have been one possessed by him for twelve months previous to the election, and that it was competent for the petitioner to go into that point.

The Clerk of the Council produced the writ for the election, and the declaration made by the sitting Member on the 22nd September, 1868.

Mr. John Powell was called and examined as a witness, and produced certain documents and books.

The Committee adjourned until eleven a.m., on Wednesday, the 17th instant.

WEDNESDAY, 17TH MARCH, 1869.

Members present :

The Hon. R. S. Anderson, in the chair ;

The Hon. A. Fraser
R. Turnbull

The Hon. N. Fitzgerald
J. McCrae.

The parties were called in.

Mr. T. Weigall was examined.

Mr. Hearn proceeded to sum up the evidence.

Mr. T. a’Beckett was heard.

The Committee-room was cleared.

The Committee deliberated.

The Honorable N. Fitzgerald moved, That an opinion be asked from Mr. Carter, the Commissioner of Titles, whether the estate described in the deed of settlement is an estate of which the sitting Member is legally and equitably seized of or entitled to as an estate of freehold in possession for his own use and benefit?

The Honorable Mr. McCrae moved as an amendment, That the Committee, having taken the whole question into consideration, have arrived at the decision that Mr. a’Beckett was possessed of the proper qualification under the Act, and is therefore entitled to his seat.

Amendment put.

Committee divided.

Contents.

The Hon. J. McCrae
A. Fraser.

Not Contents.

The Hon. The Chairman
W. Highett
N. Fitzgerald
R. Turnbull.

The amendment was therefore lost.

Original resolution—put and carried.

The Committee adjourned until half-past three o’clock on Thursday, 18th March, 1869.

THURSDAY, 18TH MARCH, 1869.

Members present :

The Hon. R. S. Anderson, in the chair ;

The Hon. J. Graham
R. Turnbull
A. Fraser

The Hon. N. Fitzgerald
J. McCrae.

The Chairman announced to the Committee, that it had been ascertained that the Commissioner of Titles felt himself precluded from giving opinions on points of law unconnected with his department, his whole time being taken up by the duties of his office.

The Honorable N. Fitzgerald moved—That the Attorney-General be requested to obtain from the Commissioner of Titles his opinion on the case as stated by the Committee.

Question—put and passed.

A statement was drawn up.

The parties were called in.

The Chairman informed the parties of the resolution arrived at.

The Committee adjourned, at the pleasure of the Council, until Wednesday, the 24th instant.

WEDNESDAY, 24TH MARCH, 1869.

Members present :

The Hon. R. S. Anderson, in the chair ;

The Hon. W. Highett
J. Graham
A. Fraser

The Hon. R. Turnbull
N. Fitzgerald.

The Committee deliberated.

The Honorable W. Highett moved—That, in the matter of the letter of the Petitioner's Attorney, referred to this Committee, as to the return of the £100 deposited by him in the last Session of Parliament, the Committee decide that the said sum should be returned to the Petitioner.

Question—put and passed.

The Honorable J. McCrae entered the Committee Room.

The Chairman announced that the opinion asked for had not been received.

The Committee deliberated.

The Honorable J. McCrae moved—That the sitting Member, W. A. C. a'Beckett, was duly elected a Member of the Legislative Council of Victoria.

Question—put and passed.

The Honorable J. McCrae moved—That the sum of One hundred pounds, lodged by the Petitioner, in the last Session of Parliament with the petition then presented, be returned to him.

Question—put and passed.

The Honorable J. McCrae moved—That the sum of One hundred pounds, lodged by the Petitioner, in the present Session of Parliament, less the sum of (£14 10s.) Fourteen pounds ten shillings for the expense of attending and taking notes of evidence, be returned to the Petitioner.

Question—put and passed.

The Chairman was ordered to report the resolutions to the House.

The parties were called in.

The Chairman informed them—That the opinion on a legal point, which had been asked for, by the Committee, had not yet been received, but that the Committee had deliberated, and had agreed to the above resolutions.

Mr. T. a'Beckett applied to be heard on the question of costs.

The Chairman announced that the Committee had already considered the question of costs and decided it.

MINUTES OF EVIDENCE.

THURSDAY, 11TH MARCH, 1869.

Members present :

The Hon. R. S. ANDERSON, in the chair ;

The Hon. N. Fitzgerald
A. Fraser
J. Graham

The Hon. W. Highett
R. Turnbull.

The counsel and parties were called in.

Mr. T. a'Beckett appeared as counsel for the sitting member, the Honorable W. A. C. a'Beckett.

Mr. Robert Willan appeared as agent.

Mr. G. Godfrey appeared as agent for Mr. Nathaniel Levi, the petitioner.

The parties were informed that the committee had agreed to the following resolutions :—

- (1.) That counsel will not be allowed to go into matters not referred to in their opening statements without a special application to the committee for permission to do so.
- (2.) That if costs be demanded by either party, under the provisions of the *Electoral Act* of 1856, the question must be raised immediately after the decision on that particular case, unless the committee shall otherwise decide.
- (3.) That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names shall be handed in) without the special leave of the committee.
- (4.) That the committee will only hear one counsel on each side on the opening and summing up of the case.
- (5.) That should any point of law arise requiring argument, the committee reserve to themselves the power of hearing only one counsel on each side.

The parties were also informed that they would have to pay the expenses of reporting the evidence given before the committee.

Mr. Godfrey applied for an adjournment of the committee till to-morrow, inasmuch as that, supposing this to be only a preliminary meeting, and not having received any notice of the meeting of the committee, he was not prepared to go on with his case.

Mr. T. a'Beckett was heard to object to the adjournment, and to state that he wished to raise a preliminary objection.

The counsel and parties were directed to withdraw.

The counsel and parties were again called in and informed that the committee desired to be furnished with a list of the witnesses on both sides.

Adjourned to to-morrow at eleven o'clock.

FRIDAY, 12TH MARCH, 1869.

Members present :

The Hon. R. S. ANDERSON, in the chair ;

The Hon. A. Fraser
J. Graham
R. Turnbull

The Hon. W. Highett
N. Fitzgerald
J. McCrae.

The Counsel and parties were called in.

Mr. Ireland, Q.C., and *Professor Hearn* appeared as counsel in support of the petition.

Mr. a'Beckett was heard in reply.

The petition was read.

Mr. a'Beckett was heard to raise the preliminary objection to the petition, that there was a vagueness and generality in the statements of the petition with reference to the disqualification which would not allow the committee, in accordance with parliamentary practice, to entertain such petition.

Mr. Ireland was heard in support of the petition in answer to the objection raised.

Mr. a'Beckett was heard in reply.

The Chairman intimated that, in the unanimous opinion of the committee, the words in the petition were sufficiently definite to enable the sitting member to understand that the objection raised was as to his property qualification, and that that was the point to which the committee desired the learned counsel to address himself.

Mr. a'Beckett was further heard in reply.

The Chairman announced that the decision of the committee upon the point raised was, that the allegation in the petition was sufficiently distinct to enable the sitting member to understand in what respect his seat was impugned, and that therefore the petitioner could be heard.

Mr. Ireland was heard to open the case on behalf of the petitioner.

Mr. Ireland, in answer to a question from the Chairman, was heard to state, that his specific objections to the sitting member's qualification were—

First.—That the sitting member was not possessed, one year previous to his election, of the necessary qualification in the words of the Act.

Secondly.—That he was not possessed of property of the value of £5000, or of the annual value of £500 above all charges and encumbrances.

The Committee deliberated.

The Chairman intimated that the committee were of opinion that the qualification referred to in the petition was the qualification required by the Act, being the qualification for one year previous to the election, and that it was open to the petitioner to show, that the sitting member was not possessed of such qualification for one year previous.

Mr. Ireland having called for the production of the writ,

Mr. a'Beckett stated, that he would admit the fact of the election.

The declaration made in September last, by the sitting member, was handed in by *Mr. Rusden*, Clerk of the Parliaments.

The Chairman intimated that, that being the declaration impugned by the petition, the committee were prepared to hear evidence upon it.

Mr. John Powell, sworn.—Examined by Mr. Ireland.

1. Are you in the Registrar-General's office?—I am.
2. As what?—I am a clerk in the Registrar-General's office.
3. Do you produce a memorial of the 11th August, 1859?—I do.
4. William Arthur Callandar a'Beckett of the first part?—Yes.
5. Emma a'Beckett, the wife of the said William Arthur Callandar a'Beckett, heretofore Emma Mills, spinster, of the second part?—Yes.
6. The Honorable Thomas Turner a'Beckett and Theyre Weigall of the third part?—Yes.
7. George Coventry Thorold of the fourth part?—Yes.
8. And the Honorable T. T. a'Beckett and Theyre Weigall of the fifth part?—Yes.
9. What does that purport to be on the face of it?—A marriage settlement annulling and in substitution of an indenture dated 23rd day of February, 1859.
10. Will you look at the parcels of land that are mentioned?—Yes; shall I read them?
11. If you please?—"All the undivided part or share parts or shares expected on the decease of the said Hannah Robinson and all other (if any) the estate and interest of the said Emma a'Beckett as devisee under the said recited Will of the said John Mills or as his heiress-at-law or otherwise howsoever of and in all that piece of land situate and being in Melbourne aforesaid and being allotment number four with the erections and buildings thereupon and of and in all that other piece of land situate and being in Melbourne aforesaid and being portion of allotment three of said section number four with the message or tenements erected and built thereon and known as the Dundee Arms Public House and of and in the yards out-buildings and other appurtenances used or occupied with the said pieces of land and premises respectively."
12. This declaration of qualification sets out the whole allotment, and there it says it is a part. Is not that so?—It says "being portion of allotment three."
13. Here allotment three, section 4, is set out?—Yes.
14. *By the Chairman.*—Does it give the boundary?—No, it does not give the boundary.
15. Proceed to the next?—"And also all that piece of land situate in Melbourne aforesaid and described in the said Will of the said John Mills as being the remaining portion of the said allotment number three of section number four whereon was erected and built the Melbourne Brewery together with the yard out-buildings and appurtenances used and occupied therewith and also all that other piece of land situate in Melbourne aforesaid described in the said Will as part of allotment number eight of section number twenty whereon was erected and built a house and shop then in the occupation of James Taylor together with the yards out-buildings and other appurtenances used and occupied therewith."
16. Those are the two allotments inserted in the qualification; how does it go on?—"And all and singular other the lands tenements and hereditaments estate right and interest whatsoever at law or in equity of or to which the said Emma a'Beckett or the said William Arthur Callandar a'Beckett in her right or any person or persons in trust for her is or are seized possessed or entitled in possession reversion remainder or expectancy or otherwise under or by virtue of the said recited will or as such heiress-at-law as aforesaid."
17. In whom does that deed vest the property?—The Honorable Thomas Turner a'Beckett, Theyre Weigall and George Coventry Thorold.

18. Are those the words, "marriage settlement"?—It says "Marriage settlement annulling and in substitution of an indenture dated the twenty-third day of February One thousand eight hundred and fifty-nine. Registered No. 568, Book 75." Mr. J. Powell,
continued,
12th Mar., 1869.

The same was handed in and is as follows:

MEMORIAL.
No. 882, Book 82.

| Date of Instrument. | Nature of Instrument. | Names of the Parties. | Names of the Witnesses. | Description of the Lands or Property Conveyed. | Consideration, and how paid. | Any other Particulars that the Case may require. |
|--|--|--|-------------------------|---|---|---|
| The eleventh day of August, in the year of our Lord One thousand eight hundred and fifty-nine. | Marriage settlement annulling and in substitution of an indenture dated the twenty-third day of February One thousand eight hundred and fifty-nine Registered No. 568 Book 75. | William Arthur Callandar a'Beckett of the first part Emma a'Beckett wife of the said William Arthur Callandar a'Beckett heretofore Emma Mills spinster of the second part the Honorable Thomas Turner a'Beckett and Theyre Weigall of the third part George Coventry Thorold of the fourth part and the said Thomas Turner a'Beckett and Theyre Weigall of the fifth part. | M. a'Beckett. | All the undivided part or share parts or shares expected on the decease of the said Hannah Robinson and all other (if any) the estate and interest of the said Emma a'Beckett as devisee under the said recited will of the said John Mills or as his heiress-at-law or otherwise howsoever of and in all that piece of land situate and being in Melbourne aforesaid, and being allotment number four with the erections and buildings thereupon and of and in all that other piece of land situate and being in Melbourne aforesaid and being portion of allotment three of said section number four with the message or tenements erected and built thereon and known as the Dundee Arms Public-House and of and in the yards out-buildings and other appurtenances used or occupied with the said pieces of land and premises respectively And also all that piece of land situate in Melbourne aforesaid and described in the said will of the said John Mills as being the remaining portion of the said allotment number three of section number four whereon was erected and built the Melbourne Brewery together with the yard out-buildings and appurtenances used and occupied therewith And also all that other piece of land situate in Melbourne aforesaid described in the said will as part of allotment number eight of section number twenty whereon was erected and built a house and shop then in the occupation of James Taylor together with the yards out-buildings and other appurtenances used and occupied therewith and all and singular other the lands tenements and hereditaments estate right and interest whatsoever at law or in equity of or to which the said Emma a'Beckett or the said William Arthur Callandar a'Beckett in her right or any person or persons in trust for her is or are seized possessed or entitled in possession reversion remainder or expectancy or otherwise under or by virtue of the said recited will or as such heiress-at-law as aforesaid. | In consideration of the premises and of the marriage heretofore solemnized between the said William Arthur Callandar a'Beckett and Emma his wife and in part performance of certain articles of agreement made and entered into the fourteenth September One thousand eight hundred and fifty-five between the said William Arthur Callandar a'Beckett of the one part and the said Emma a'Beckett of the other part. | To have and to hold all and singular the lands hereditaments and premises with the appurtenances unto the said George Coventry Thorold and his heirs nevertheless to the use of the said Thomas Turner a'Beckett and Theyre Weigall their heirs and assigns for ever freed and discharged from the trusts powers &c. expressed and declared concerning the same in and by the said indenture dated the twenty-third of February One thousand eight hundred and fifty-nine and from all claims and demands thereunder but upon the trusts &c. &c. recited expressed and contained in and by the now memorializing indenture. |

GEO. COVENTRY THOROLD.

19. *By Mr. Ireland.*—Do you produce a bill of sale?—I do.

20. From whom to whom?—Between William Arthur Callandar a'Beckett, of the Grange, Berwick, in the colony of Victoria, Esquire, designated the mortgagor, and Theyre Weigall, of the city of Melbourne, in the said city."

21. What is the amount?—£600.

22. *By Mr. a'Beckett.*—Is that chattel property?—Yes.

Mr. a'Beckett objected to the reception of this evidence, but subsequently withdrew his objection.

23. When was that satisfied?—It was satisfied on the 21st August, 1868.

The witness withdrew.

Mr. Ireland stated that it would be necessary to summon other witnesses, and applied for an adjournment.

Adjourned to Wednesday next, at 11 o'clock.

WEDNESDAY, 17TH MARCH, 1869.

Members present :

| | |
|---|--------------------|
| The Hon. R. S. ANDERSON, in the chair ; | |
| The Hon. J. McCrae | The Hon. A. Fraser |
| R. Turnbull | N. Fitzgerald. |
| W. Highett | |

Professor Hearn asked for the production of the marriage settlement.

Mr. T. a'Beckett stated that the marriage settlement was in the custody of Mr. Weigall, who was in attendance.

Theyre Weigall, Esq., examined by *Professor Hearn*.

T. Weigall, Esq.,
17th Mar., 1869.

24. You are a trustee under this marriage settlement ?—I am.
25. Do you produce the settlement ?—I do.—[*The same was produced.*]
26. Do you receive the rents from this property ?—I do. I manage the estate entirely.
27. What are the actual gross receipts ?—The actual rental of the portions of the property we are in possession of—
28. These allotments—3, of section 4, in the city of Melbourne, and allotment, of section 20 ?—Those are the only portions of the property we are in possession of ; there are others included in the trust.
29. Confine yourself to those two properties ?—I have prepared, and have here, a statement of the estimated annual value in the settlement of Mr. W. A. C. a'Beckett for the year ending 1st October, 1868. That estimate is based exclusively upon the rents received ; but during that period the rents paid by the tenants were not actually the rents received by me. I mean to say, in one case a tenant had a building-lease which expires in 1870. I have prepared a statement of the actual rents received by me ; that is, the estimated annual value, based upon the rent—[*producing papers*].
30. I want to know the actual value of the property for the year prior to the date of Mr. a'Beckett's election ?—I cannot tell the actual value, because that is a matter to be computed by other persons. I can tell the actual lowest rates of rent ; and the actual lowest rate amounted to £2642 during that year.
31. That was the actual sum received ?—The actual receipt by me in 1868. Some of the property was vacant for some time, so that it amounted to £2604 11s. 4d ; and for the last half-year in 1867 it was £1286 12s. 8d.
32. Then it is pretty nearly alike ?—The actual rents paid by the tenants during the period was over £2900 ; but I estimate it at £2867. When I prepared that statement I was not aware what some sub-tenants paid ; but I have ascertained the actual amount receivable is £2917.
33. The actual rents received were £2642 ?—The actual lowest rent.
34. What charges are there upon that property ?—There is a charge made, under that settlement, for a compromise of suit by Mr. Thomas Turner a'Beckett, then a trustee, and myself, amounting to £500 a year.
35. Is there any other charge ?—There has been no charge made upon that settlement but that £500 a year.
36. Are there any charges which you pay out of the proceeds of that property ? Do you pay the whole of that £2642 a year to Mr. a'Beckett ?—I apply the moneys as authorised under that settlement. Mr. a'Beckett takes one-third under it.
37. What is the substance of those trusts ?—The substance of the trusts is, that Mrs. a'Beckett has two-thirds of the estate, and Mr. a'Beckett one-third for his life, terminable should certain contingencies arise.
38. A conditional estate ?—A conditional estate.
39. From that £2642 you first have to deduct £500 a year ?—I apply £500 a year to the payment of these annuities.
40. That leaves £2142, I presume, of which Mr. a'Beckett is entitled to one-third. Do you pay to Mr. a'Beckett £714 ?—Practically I have for some time paid two-thirds into Mrs. a'Beckett's separate account at a different bank, and one-third to Mr. a'Beckett ; but, at Mrs. a'Beckett's request, I have applied the moneys as directed by Mr. a'Beckett.
41. In fact, in the last year did you pay that amount ?—Oh yes ; I paid more than that.
42. You paid over £500 a year to Mr. a'Beckett's private account, the proceeds of this property ?—Yes, the proceeds of this property.
43. Were there any other charges that you paid, except that £500 a year ?—I have applied the rest of the estate, and in reference to that £500, as directed by Mr. a'Beckett.
44. There are some charges for taxes, collecting the rents, and actual expenses of that description. Could you tell us how much that was ?—There was a reduction of five per cent. on the gross receipts for collection ; more than half of the rates are paid by the tenants, and the other rates paid by me do not amount to more than about £100, I think, or £112—somewhere about £100 for rates.
45. Are there no other charges—is there nothing but the actual rates—no public charges in any way to affect it ?—I wish you would put your question in a definite way.
46. I want to know what you did with the money—how it was applied ?—I applied it as directed by Mr. a'Beckett. I render him accounts every half-year of the way in which the money is appropriated—some of it is applied to building charges. The estate was in chancery for some time, and it came to us in a state of great dilapidation, and I have endeavoured to improve the property.
47. How much of that rent do you devote to that purpose ?—I did not come here prepared to say how the income had been spent. The statement I gave was the actual lowest rent paid at any time during that year, and I stated that at £2642. With reference to that statement, I should say that it included Heath and Cordell at £225 ; they paid £250 up to the 31st of July, that would bring it up to £241 10s. Then Newman, who is included in the statement at £299, pays now £334, or ten per cent. on outlay.
48. We are not speaking of what it is now, but what it was at the time of the election ?—I am advised that the annual value is not always disclosed by the rent. I was to come prepared to show what the annual value was then.

49. At all events, we have got this according to the rent actually received—we have been going upon this supposition that we have got £2642 for rent actually received, and there is a charge of £500, also £100 additional for taxation, that gives us £2042; there is also something to be said for collection—five per cent., you said?—Yes.

T. Weigall, Esq.,
continued,
17th Mar., 1869.

50. Upon the whole?—That comes from the whole, of course, but I am authorized in making that as a charge, as a trustee; but it is a matter of family arrangement that they choose to do it in that way; but it does not come out of their income, and I do not claim it.

51. That would make it about £637. Now, is there any charge in any form to Sir William a'Beckett from that property?—I believe, in fact I am aware, that Mr. a'Beckett borrowed some money of his father, but no charge was made upon the property subsequent to that settlement, and I have not recognised it in any way, and I have written to Sir William a'Beckett on the subject; but the interest on the debt is paid by Mr. William a'Beckett.

52. What does that interest amount to?—It amounted then to £240 per year.

53. Was that in 1868?—Yes.

54. Does Sir William a'Beckett claim that money as against Mrs. a'Beckett, or her property, or as against this gentleman?—He claims it against his son, but the terms of the settlement are such that he cannot encumber the property at all.

55. Is there any charge on this property in any way to the mother of Mrs. a'Beckett?—No.

56. Is there any money paid to her?—No.

57. Has there been any thing in the nature of a mortgage of this property during that period of which we speak, to yourself?—Of this trust property? No; it is not possible, and has never been attempted in any shape or way.

58. I presume you are the gentleman who advanced the money to Mr. a'Beckett under the bill of sale?—I did not exactly advance money—that was a family arrangement also. Mr. a'Beckett had incurred liabilities he was desirous of meeting, and all I did was, I arranged to get the money for him from the bank upon my endorsement of his acceptance. I took this bill of sale, and on equity of redemption of some property ostensibly as a security to myself in the event of my being called upon to meet my endorsement. I never was called upon to meet my endorsement, and my object in taking the bill of sale was as much to prevent the possibility of the property being encumbered by any other bill of sale, as anything else.

59. You had reason to think Mr. a'Beckett was going a little too fast?—Mr. a'Beckett is not an economical man; and it was a powerful engine with me, as a trustee, that certain contingencies might arise that might deprive them of the house they were living in, the furniture, and so on; and I thought, if I took everything into my own hands, it would be better. But I abandoned that, because it was unpleasant to Mr. a'Beckett; and from something that was in an advertisement that followed afterwards, and as I had no personal interest in the matter, I cancelled the bill of sale, and re-conveyed the equity of redemption.

60. How did you get quit of your liability?—I am not entirely quit. The bills then current were not at maturity, probably by other bills that are still current.

61. So that, in fact, at that time you were under the impression that it was not altogether an improbable event that Mr. a'Beckett might, in plain words, be sold up?—He could not have been sold up, because I paid off every farthing he owed.

62. You entered into that bill of sale arrangement, in consequence of certain contingencies?—That I should have to advance money which I could not do, or that he would be sold up. I thought it possible.

63. I presume, therefore, Mr. a'Beckett had been living in advance of his income, or got into some pecuniary difficulty?—He does sometimes spend his money in advance.

64. But at the time we are speaking of—a year before this election—was Mr. a'Beckett, as a matter of fact, in pecuniary difficulties so much so that you thought it necessary to interfere to protect him, and protect the property?—The property could not be touched.

65. His interest could be touched?—I had no interest in preserving his interest. It would be the same to me, looking at my point of view, as a trustee, if it was destroyed.

66. *By Mr. Fitzgerald.*—When you refer to his property, you refer to his chattel property, not his real estate?—If his third life interest is terminated by the conditions arising under which it is terminable, the whole three-thirds become the property of his wife, and, subject to the trusts in the same way, are not liable to be interfered with, nor can they be attempted to be interfered with in any way.

67. *By Professor Hearn.*—You said, I think, you took an equity of redemption of some property. What was that property?—A section of land. I cannot exactly say which; but it is some four or five miles past Berwick.

68. Is that where he is living?—It is 182 acres, and has a very fine house upon it.

69. Seventy acres, with dwelling-house and out-buildings thereon, in his own occupation?—With the bill of sale it was a great deal more than was required to cover my liability; but I am not a valuer. It is a very fine house, and cost a great deal of money.

70. Do you know the amount of the mortgage?—£500.

71. You are not able to tell us the actual annual value?—No.

72. *By the Chairman.*—It is not part of the trust property?—It is not part of the trust property.

73. *By Professor Hearn.*—Mr. a'Beckett purchased this, I presume?—Yes, he purchased it.

74. Do you know any of the circumstances of the purchase? what he gave for it?—He bought the land without the house. I think he gave £5 an acre, and he spent a deal of money on it, I know that.

75. If he sold it now, would he get as much as he spent upon it?—No. I think not.

76. Do you know what it is rated at?—I do not.

Cross-examined by *Mr. a'Beckett.*

77. This bill of sale you have spoken of was given to secure you against any liability from the endorsement of bills of exchange accepted by Mr. a'Beckett?—Yes, exactly.

78. Those bills were duly met, or renewed at maturity?—They were.

79. So that, in point of fact, there was never any debt from him to you secured by that bill of sale and equity of redemption?—No, only a possible contingent liability.

80. Which never arose?—Which never arose.

81. Was any rate of interest stipulated for, in the event of that liability being to be discharged by you, as between you and Mr. a'Beckett?—No. I understood I could re-coup myself.

T. Weigall, Esq.,
continued,
17th Mar., 1869.

82. You have not stated to the committee, but I will ask the question, whether you directly or indirectly drew any pecuniary or other advantage from that transaction? whether you received any commission, or in any way profited by that transaction?—None whatever, it was a mere family transaction.

83. Under those circumstances, you considered yourself at liberty to exact conditions, which, if it had assumed another shape, you would not have done?—Of course. I undertook to re-convey as a matter between ourselves. This equity of redemption was assigned to me; the consideration was recited that I gave my endorsement, and in a private letter addressed to him, at the time I undertook to re-convey the estate, at the expiration of three years, in the event of his then showing me he had no liabilities; and I intended at the time to hold it till then, or till the contingency arose; but, as I found I was getting into hot water, I re-conveyed.

84. *By the Chairman.*—In whom is that equity of redemption vested now?—In himself, I presume; I re-conveyed to him.

85. *By Mr. a'Beckett.*—These payments to Sir William a'Beckett, I understand, you make as directed by Mr. William a'Beckett, and as you would pay any other creditor?—I apply that money as directed by Mr. William a'Beckett. I have a general authority from him to pay that interest at a certain rate, and if he cancelled that authority, I should not pay it. I only wish to state to the committee, before I leave, that, owing to the conditions of the property, the actual rental is not a complete guide as to the actual annual value, because, in some cases, I was obliged to take a tenant, without having sufficient funds to build all over the property at once, though I did as far as I could. I therefore allowed some tenants to build, and gave them favorable terms accordingly, and such properties will rise in value. I am aware that I am taking a low rental for property opposite the railway station, because I will not give building leases. If I would give a better tenure, I could get a better rent for it.

Re-examined by *Professor Hearn.*

86. I should like to get on the evidence that portion of the deed which relates to Mr. a'Beckett's interest?—I will read it—[*The witness referred to the deed*]—it is as follows:—

“And it is hereby agreed and declared between and by the said parties to these presents that the said Thomas Turner a'Beckett and Theyre Weigall and the survivor of them and the heirs executors or administrators respectively of such survivor their or his assigns shall hold and be seized or possessed of the said lands tenements hereditaments and real estate monies and securities and premises respectively hereinbefore expressed to be hereby released conveyed and assigned respectively upon the trusts and with under and subject to the powers provisoes agreements and declarations hereinafter declared expressed and contained of and concerning the same respectively that is to say as to and concerning one equal third part or share of the rents and profits of the said lands tenements and hereditaments hereinbefore expressed to be hereby released and conveyed and one equal third part or share of the interest income and profits of the said monies and securities hereinbefore expressed to be hereby assigned during the joint lives of the said William Arthur Callandar a'Beckett and Emma a'Beckett and if the said William Arthur Callandar a'Beckett shall survive the said Emma a'Beckett, then as to and concerning the entirety of the said rents and profits interest and income during his life upon trust to pay the said one-third or entirety as the case may be unto the said William Arthur Callandar a'Beckett during his life or (until he shall be outlawed or be declared bankrupt or become an insolvent or shall sequestrate or have his estate sequestered for the benefit of his creditors or shall assign charge or incur or attempt or affect to assign charge or incur the said rents profits interest and income or some part thereof or shall do or suffer something whereby or by means whereof the same or some part thereof might if belonging absolutely to him become vested in or payable to some other person or persons or whereby the right to receive the same or any part thereof shall cease to be vested in him and from and after the determination of the trusts hereinbefore declared of the said rents and profits interest and income in favor of the said William Arthur Callandar a'Beckett upon trust to apply or pay the said one-third or entirety as the case may be of the said rents and profits interest and income in the same manner as or unto the person or persons who under the trusts herein contained would be entitled thereto if the said William Arthur Callandar a'Beckett were then actually dead.”

87. That deed recites litigation?—Yes.

88. There has been a great deal of litigation?—Yes, a great deal.

89. I presume the bill of sale included the usual personal covenant for re-payment?—I do not know; I suppose so.

90. *By Mr. a'Beckett.*—In reference to that litigation—you have had some personal experience of the fact of there having been litigation—has it been terminated?—It was terminated some years since.

91. And successfully?—And successfully.

92. And the trustees' title is now undisturbed?—It is undisputed.

93. *By Professor Hearn.*—Have you heard that Mr. Mills had raised any difficulty on the subject?—No, the Mills's are the persons to whom we pay.

94. Have you heard that they dispute the validity of the deed, and contend it was executed fraudulently?—I have not. I know they have taken their money very punctually.

The witness withdrew.

Professor Hearn stated, that that concluded his case.

Mr. a'Beckett was heard to submit an objection in the nature of a non-suit—that there was no case for the committee to consider, inasmuch as that, upon the evidence adduced by the petitioner, it was shown that the sitting member's interest arising out of the property in question was of more than the value of the £500 required by the Constitution Act.

In reply to a question from the the Chairman,

Professor Hearn stated that he contended that he had shown the property to be insufficient in value to meet such requirement.

Mr. a'Beckett was further heard to address the committee on behalf of the sitting member.

The Chairman intimated that the committee were unanimously of opinion that *Professor Hearn* had not proved insufficiency of value.

Professor Hearn was heard to contend that the property qualification contemplated by the Act was not met by the property set out in the sitting member's declaration of qualification, as not being within the meaning of the Act an actual *bona fide* freehold estate “for his own use and benefit.”

Mr. a'Beckett was heard *per contra*.

Professor Hearn was heard in reply, and to sum up the whole case on behalf of the petitioner.

The Committee-room was cleared.

The Committee deliberated.

Adjourned to to-morrow at half-past three o'clock.

THURSDAY, 18TH MARCH, 1869.

Members present:

The Hon. R. S. ANDERSON, in the chair ;

The Hon. J. McCrae
A. Fraser
R. Turnbull

The Hon. W. Highett
J. Graham
N. Fitzgerald.

The Committee further deliberated.

The counsel and parties were called in and informed by the Chairman, that the committee had not yet come to a decision in this matter, as there was a point involved as to which it was desired to have assistance. The committee had, therefore, agreed upon a question which they would submit to the Commissioner of Titles, through the Honorable the Attorney-General, for his opinion, and would now adjourn.

Adjourned to Wednesday next at half-past ten o'clock.

1869.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

EXPENSES OF THE LEGISLATIVE COUNCIL;

TOGETHER WITH

PROCEEDINGS OF COMMITTEE, CORRESPONDENCE, MEMORANDA, AND
MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED, 7TH APRIL, 1869.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 2ND MARCH, 1869.

EXPENSES OF LEGISLATIVE COUNCIL.—The Honorable W. Highett, in accordance with notice, moved, That the letter of the Chief Secretary, laid on the Table of this House on the 16th February, requesting the Council to aid the Government in the measures being taken for the reduction of the Public Expenditure, be now taken into consideration.

Question—put and passed.

The Honorable W. Highett moved, That the subject be referred to a Select Committee, consisting of the Honorables the President, J. McCrae, J. O'Shanassy, W. H. F. Mitchell, W. Campbell, J. P. Fawcner, H. M. Murphy, A. Fraser, J. P. Bear, and the mover; and that such Committee have power to call for persons and papers, and to sit during any adjournments of the House.

Question—put and passed.

REPORT.

YOUR COMMITTEE has the honor to make the following Report, with the Evidence attached, on the Chief Secretary's Letter, dated 11th February, 1869, which was referred for its consideration :—

Your Committee is of opinion, that two of the six messengers hitherto borne on the staff may be dispensed with, provided that the President is authorised to engage occasional assistance during the currency of the session, the expense of the same to be charged against the sum put down for contingencies.

Your Committee, however, is of opinion that, if the Council was intrusted with the appropriation of the £5000 contained in the Schedule to the Constitution Act, the whole of the expenses of that body, including the salaries of the President and Chairman of Committees, might be comprised within that amount ; provided always that the Council is unfettered by the existing state of the law.

Your Committee desires to point out that, in the colony of New South Wales, in which both the revenue and the population are nearly one-third less than in Victoria, and in which the number of members of the Council is about the same as in Victoria, the total expenses of the Legislative Council for the present year (including one-half the expense, say £304 10s., borne by the two Houses) amounted to £6539 10s.

Your Committee desires also to record its opinion that, in view of the prohibition in section 60 of the Constitution Act, the power of the Governor to abolish any office under section 48, or to dismiss any servant borne on the Schedule, except for misbehaviour, cannot apply,—unless it be contended that the Governor has power to render absolutely nugatory all the safeguards provided in section 60.

Your Committee, therefore, is of opinion that any alteration of Schedule D must be effected in the manner prescribed in section 60, viz., by Bill, and that any persons so removed are entitled to compensation for deprivation of office.

J. F. PALMER,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

• TUESDAY, 9TH MARCH, 1869.

Members present:—

The Hon. W. Highett
W. H. F. Mitchell
J. P. Fawcner

The Hon. J. O'Shanassy
The President
A. Fraser.

The Honorable W. Highett moved, That the President do take the chair of this Committee.
The President took the chair.

The Honorable H. M. Murphy and the Honorable J. McCrae entered the Committee room.

The Honorable H. M. Murphy moved, That the whole question of the expenses of the Legislative Council, from the President of Council downwards, be now taken into consideration.

The President left the Committee room.

The Honorable W. H. F. Mitchell moved, That the Honorable W. Highett do take the chair.

The Honorable W. Highett took the chair.

Question—That the whole question of the expenses of the Legislative Council, from the President of the Council downwards, be now taken into consideration—put and negatived.

The Honorable W. Highett laid before the Committee extracts from correspondence and memoranda relating to the department of the Legislative Council, which had been copied by his desire.

The Honorable A. Fraser moved, That the documents be printed for the use of the Committee.

The Honorable H. M. Murphy moved, That the letter of the Honorable the Chief Secretary be also printed.

Question—That the documents and the letter of the Honorable the Chief Secretary be printed for the use of the Committee—put and passed.

The Committee adjourned until two o'clock on Tuesday, the 16th instant.

TUESDAY, 16TH MARCH, 1869.

Members present:

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

The Hon. J. O'Shanassy
The President
H. M. Murphy.

The Honorable the President moved, That the Honorable W. Highett do take the chair.

The Honorable W. Highett took the chair.

The Honorable the President left the committee room.

The Usher was called in and examined.

The Honorable J. P. Bear entered the Committee Room.

The Clerk of the Council was examined.

The President re-entered the Committee Room.

The Clerk of the Council was further examined.

Committee adjourned until two o'clock on Tuesday, the 23rd instant.

TUESDAY, 23RD MARCH, 1869.

Members present:

The Honorable the President, in the chair.

The Hon. W. H. F. Mitchell
W. Highett
J. O'Shanassy
W. Campbell

The Hon. J. McCrae
J. P. Bear
A. Fraser.

The Committee deliberated.

The Honorable W. Campbell left the committee room.

The Clerk of the Council was further examined.

The Committee deliberated.

The Chairman submitted a Draft Report, which was read.

Question—That the Report be adopted—put and passed.

The Honorable J. McCrae informed the Committee that a copy of a minute written by Sir Henry Barkly, on the subject of the correspondence already laid before the Committee, would be sent to the Committee when prepared.

Ordered—That it be attached to the Report with the evidence and other documents.

The Chairman was ordered to report to the House.

CORRESPONDENCE AND MEMORANDA.

No. 360.

Chief Secretary's Office, Melbourne, 11th February, 1869.

Sir,

I am directed by the Honorable the Chief Secretary to express his hope that the Legislative Council will aid the Government in the measures that are now being taken by them with a view to reduce the public expenses.

From the Return laid before Parliament last session the cost of the department of the Legislative Council, under Schedule D, Part 4, was, in the year 1867, somewhat over four thousand pounds (£4000).

This amount the Chief Secretary believes might be reduced considerably, as for instance, by having the duties done by the Reader and the Assistant Reader performed by the same officers in the Legislative Assembly, which he thinks might be effected without impairing the efficiency of the clerical staff in either House.

Without, however, entering into details, he has directed me to bring the matter under your serious consideration.

I have the honor to be,

Sir,

Your obedient servant,

W. H. ODGERS.

The Honorable The President
Legislative Council.

OFFICIAL CORRESPONDENCE (1861) AS TO EXPENSES OF LEGISLATIVE COUNCIL.

23rd August, 1861.

May it please Your Excellency :

I beg permission to lay before Your Excellency the enclosed correspondence, and at the same time to urge for your consideration the reasons for which, as it appears to me, I may confidently hope that Your Excellency will not interfere with the operation of the engagements entered into in this colony, on Her Majesty's behalf, with regard to that portion of the Civil List out of which the expenses of the Legislative Council are defrayed.

2. Appendix A is a statement from myself to the Honorable the Treasurer on the subject. This statement explains the circumstances under which I was first apprised that there was any idea of interfering with the engagements alluded to, and shows that the despatches to various Governors in Australia teem with passages hostile to the proposed interference; and that those despatches (more especially at the period of the granting of the existing Constitutions in New South Wales and Victoria) are directly in favor of dealing with engagements under the Civil List in the manner contended for by myself, and maintained by eminent counsel to be correct. (Since appendix A was written, two vacancies in the office of messenger have occurred, and as, with the approval of the Honorable the Acting President, those vacancies have not been filled up, the economy spoken of in the appendix is already in progress.)

3. Appendix B is counsel's opinion in my favor; and here I would mention that I submitted both Appendices A and B to Sir John N. Dickinson, late Judge of the Supreme Court in New South Wales, and that by the last mail from England I received from him the following comment:—"I think you have stated your point in your letter to your Colonial Treasurer very ably and distinctly, and I entirely agree with Mr. Wilberforce Stephen in his opinion on your case."

4. Appendix C is a letter written by myself to the Acting President of the Legislative Council, raising the separate point that the proposed interference with the Council staff may be deemed subversive of the privileges of the Council.

5. Appendix D is an opinion of the late Attorney-General forwarded to me on the 23rd May, 1861, by the Honorable the Treasurer.

6. In my communication to the Treasurer I did not raise the question of the privileges of the Council, because I did not think it devolved upon me to submit that question to him, nor did it appear that he was in any sense called upon by the Constitution Act to guard those privileges. On the contrary, the 46th clause of that Act contents itself with stating that, as regards the Civil List, the Treasurer shall issue sums from the Treasury "in discharge of such warrants as shall be from time to time directed to him under the hand of the Governor, and shall account to Her Majesty for the same through the Lords Commissioners of Her Majesty's Treasury in such manner and form as Her Majesty shall be graciously pleased to direct."

In the theory of the Constitution Act, therefore, the Treasurer is made merely a ministerial functionary as regards the payment of monies from Schedule D; and such I find it has been the practice to esteem him in Your Excellency's Executive Council, and at the Treasury Department itself.

The Clerk of the Executive Council gave the following evidence in an enquiry made last session (1860-61) by a committee of the Legislative Assembly.

"I have been summoned to produce warrants of the Governor for the appropriation of the £14,000 set apart by Schedule D of the Constitution Act for the salaries of the responsible officers; but I wish to explain that the warrants of appropriation for the £14,000 under the Governor's hand do not appear on the minutes of the Executive Council; it is an act of the Governor alone, not of the Governor in Council. * * * The Governor announces to the Executive Council that the appropriation has been made, but the appropriation itself is by warrant under the hand of the Governor, which is sent direct to the Treasury, and does not come before the Executive Council at all.

"*By Mr. O'Shanassy.*—Is it not the practice to hand to the Governor a list of the ministers with the offices against their names, and the salaries which they are to draw?—Not the salaries; the offices are all entered on the minutes of the Executive Council and the names of the gentlemen appointed to hold them, but not the salaries. The salaries are dealt with by a warrant under the Governor's hand, which is sent to the Treasury.

"*By Mr. Greeves.*—They are always reported to the Executive Council?—Not the salaries."

The Under Treasurer gave the following evidence at the same enquiry:—

"*By Mr. O'Shanassy.*—You pay these warrants, when presented, without further enquiry?—Yes: payment is made periodically, in accordance with the warrant.

"*By Mr. Greeves.*—You pay merely upon the Governor's signature?—Yes."

7. But though I did not raise the question of the privileges of the House for the consideration of the Treasurer, I felt bound to submit it for the consideration of the House, if the Acting President should think fit to bring the matter before them, and I believe it is his intention so to do.

8. Before Your Excellency it seems to me to be my duty to bring the subject in both its relations: one, as affecting the privileges of the Council; the other, as affecting the maintenance of public faith, to which the Crown is a party.

9. On the first point it cannot be denied that a certain sum is secured in the Constitution Act for the service of the House, in order that its staff may be paid out of a permanent fund, absolutely under the control of the Crown. Power is indeed given to effect changes as regards that fund; but only in one way, viz., by a Bill passing both Houses of Parliament by absolute majorities, and reserved for the Royal assent. (The reason for reserving such Bills, as explained by the Duke of Newcastle in a Despatch I am about to quote, is the "obligation which is considered to attach to the Home Government to preserve from violation the vested interests" of those whose salaries are paid from such funds.)

Even the authority of the Legislative Assembly, the great custodian of the public purse, is removed from this item by the Constitution Act. That body can exercise no influence in the matter.

How can it for one moment be contended that a power denied by the Constitution Act to the whole Parliament, except under certain stringent conditions, is to be exercised by a Minister, or by a Ministry, without any conditions at all?

If it be admitted that any change whatsoever may be made in the manner proposed, a principle is admitted, under which the provision for the service of the House may be repealed altogether—a conclusion which is absurd:—or why then was the power to make alterations by Bill fenced about with so many restrictions; and why is it made mandatory to the Treasurer to obey the personal warrants of the Governor?

Many absurd consequences would indeed flow from such a principle. On the death of one Clerk of the Council, one Ministry might appoint a successor, and on a change in the Ministry, the salary of the Clerk might immediately be struck off or reduced to a nominal amount; and in the meantime the Legislative Council itself, for whose service the provision is made, would not be asked a question on the subject.

There are, of course, many differences between the Constitutions of the Upper House in England and the Legislative Council here; but as regards a fund to pay the requisite staff, it would seem that the independence of the Council was intended to be made as complete as that of the House of Lords; and, so strictly is that independence maintained, that I find in a book on the Civil Service (by E. Walford, A.M.) a number of clerks enumerated "whose salaries are not known, as the House of Lords claims the privilege of not accounting in detail for them." No doubt the salaries of the higher officers are known; but, as shown in Appendix A, their independence is studiously maintained. (*See 5 Geo. IV. cap. 82.*)

10. On the second point, the maintenance of public faith, which I wish to bring before Your Excellency, I would refer to what I have said in Appendix A, and to Mr. Wilberforce Stephen's opinion in Appendix B; and I would add the following remarks:—

Mr. Stephen defines my position as that of a "servant of the Crown whose salary is in effect secured by contract between the Crown and the Colony, who can well assert a right to be regarded as coming distinctly within the English authorities and precedent, whose contract is with the representative of the Crown, and who looks for payment to the Crown out of a fund which has been set apart in perpetuity for that purpose."

Such being the nature of the contract, the Constitution Act gives special power to the Governor to issue warrants for payments which may become due upon it, and the only function ascribed, in the Act, to any other authority than that of the Governor alone, is in the clause which prescribes that all appointments shall be *made* with the advice of the Executive Council; there being no words which give any power to reduce any salary whatsoever which is payable from the Civil List.

Power is given to the Governor alone to abolish offices *named in the 3rd and 4th parts of the schedule*; but this is not a power to diminish salaries already pledged; and power to abolish a Civil List office, if exercised while such an office is filled, is always subject to the giving of adequate compensation.

This point is dealt with in Appendix C, wherein, I trust, the objections subsequently mooted by Mr. Ireland have been anticipated and satisfactorily met. It is the less needful to argue this point at length now, inasmuch as no intention to abolish offices has been announced. Moreover the Constitution Act gives the Governor no power to abolish the most important office of the two I hold, that of the Clerk of the Parliaments, which is *not named in the schedule*, but the duties of which are partly imposed on me by Joint Standing Orders of both Houses.

I submit, therefore, the following arguments for Your Excellency's consideration, viz.:—That after an appointment on the Civil List has been duly made, with the advice of the Executive Council, Your Excellency alone has power to issue the necessary warrants to the Treasury; that no other power can constitutionally interfere with the subject in this colony, except the Houses of Parliament in a certain manner, and that the Treasurer is merely called upon by the 46th clause of the Constitution Act to comply with Your Excellency's warrant. On these grounds I appeal against any proposition made to Your Excellency to interfere with my department, and I would respectfully ask Your Excellency, as representing the Crown, and specially entrusted with the administration of the Civil List so as to guard the privileges of one branch of the Legislature, and maintain the faith of the Crown, to continue to issue warrants to the Treasury in conformity with the terms of all duly made appointments chargeable to the £5000 in the Schedule, so long as by the holders of those appointments their duties are faithfully discharged.

If I have not dwelt on my case as one of special contract, it is not because of any difficulties in my way. For instance, I was sworn at the Executive Council to perform certain duties. The Crown is under an obligation to pay me a certain sum per annum for doing so. It has been ruled in England that, where the father promised to pay the mother an allowance of £60 a year during her life, in consideration that the mother had at his request undertaken, and then had the care and nurture of the child, and would thenceforth continue to take charge thereof, there was a sufficient consideration for the promise, and that the executors of the father, after the decease of the latter, were bound to continue the payment of £60 a year to the mother: and where the promise was to pay the mother £100 a year, if she would bring up a child properly, and the mother did so, it was held that the annuity *could not be withdrawn*.—(Addison on Contracts, 4th Ed., p. 19.)

11. It is proper perhaps that I should notice some points in the opinion contained in Appendix D.

I do not for one moment maintain that any opinion of mine should be respected, if opposed to that of Mr. Ireland; but as I fear that, amidst the press of official business, some points in my rather lengthy statement may have escaped his notice, I must remark that the principal ground maintained in that statement is altogether passed over by him.

His argument on the 48th section of the Constitution Act is already met in this paper and in Appendix C.

His argument that "the sum of £5000 was intended as a fund for paying the Staff of the Council as occasion might require, and there was no necessity to absorb it at once," does not seem to apply to the case in hand, inasmuch as the sum of £5000 has never yet been absorbed (considerable sums having been saved annually), and therefore it cannot be maintained that existing salaries were apportioned under a sense of any such necessity as Mr. Ireland speaks of.

His argument that "were such doctrine as that contended for sanctioned, not only might the staff of the Legislative Assembly justly complain, but I think the Assembly itself might fairly refuse to vote funds for the payment of any additional staff which might be required," does not seem to meet any point raised by me or on my behalf.

The doctrine I contend for is simply, that what Lord John Russell designates as the "pledged faith of the Crown" should not be violated, and I respectfully contend for this position as a portion of that venerable Constitutional law under which Her Majesty's Government is administered in England.

It can scarcely be supposed that the staff of the Legislative Assembly would complain, as they certainly would have no cause to complain, of the maintenance of the law, or of public faith; but, on the other hand, it may be argued that the Legislative Council, a co-ordinate branch of the Legislature with the Assembly, might think its privileges set aside, if it should be assumed that, in a manner quite unprovided for by the Constitution Act and opposed to it, the provision for the Council in the Civil List can be virtually repealed.

With regard to the argument that Her Majesty would no doubt approve any warrant issued by Your Excellency in carrying out the views I now contend against, I would place in opposition an extract I am about to make from a recent despatch from the Duke of Newcastle. With regard to the remark that Mr. Ireland could not "recognize a vested interest" in myself to a certain sum per annum for my life, I would simply state that I have raised the question, not personally, but for my department, and that the matter cannot be decided as if it related merely to myself, for it involves very wide and important considerations affecting the independence of one branch of the Legislature. (For the reasons previously alleged by me, this part of the subject, *i.e.*, the privileges of the Council, was not adverted to in my statement which Mr. Ireland had before him, and amidst the pressure of business it may not have occurred to his own mind.)

Whether it was proper to appoint myself and others to the offices we hold in the Council Staff, at the salaries sanctioned, is not now the question.

The question is, whether the public faith is pledged to pay those salaries; and this point is entirely omitted from Mr. Ireland's opinion, although it was strongly dwelt upon in Mr. Wilberforce Stephen's.

Whether I have personally any desire to avail myself of strict legal rights can be ascertained by reference to the conclusion of Appendix C, which was in the hands of the Honorable the Acting President long before Mr. Ireland's opinion was written.

In Appendix A will be found the letter under which I was appointed without any limitation as to time, at a certain rate of payment per annum; and it is there stated that I hold a commission under the seal of the colony for my appointment. That letter would almost seem to have escaped Mr. Ireland's notice, for he adduces no argument to show in what manner the terms of that appointment might be broken, even if no commission had been issued for the office. Doubtless, payment of a salary at a certain rate per annum may be dependent upon the provision of the necessary funds, if those funds are subject to an annual vote; but in this case no such contingency can arise, as the Civil List is purposely framed to preclude it.

Your Excellency will perceive, in Appendix A, that, although I have occasionally used arguments bearing on my individual case, because of course I had the documents in my possession which it was requisite to cite, yet I have specially stated that I urge the same claims for other officers in my department as for myself; and I have contended that when the appointments, previously called sessional, were made permanent in a formal manner, their holders were entitled to look to the Crown to maintain their rights.

12. In addition to the passages cited by me in Appendix A, showing that the doctrine I contend for has been undeviatingly laid down by the Colonial Office, I would add one more for Your Excellency's consideration, which would probably set at rest the point in dispute, even though it were not the fact that the privileges of the Legislative Council are involved in the case.

In 1859 the Legislature of Tasmania passed a Bill to abolish state aid to religion in that colony. Although the Bill contained provision for some compensation to recipients of salary under the Civil List, Her Majesty's Government tendered their advice to the Crown not to allow the measure to come into operation. The grounds of that advice are thus stated in a despatch (No. 16, 10th March, 1860) from the Duke of Newcastle:—"But the objection on account of which they have felt themselves unwillingly compelled to advise Her Majesty to withhold her sanction from the Bill, although at first sight of minor importance, is in reality one which they cannot in justice or honor disregard. When the present Constitutions of the several Australian colonies have been by various enactments established, and their revenues made over without control to the local legislatures, this transfer has always been attended by stipulations intended to secure vested interests. When power has been given to the Legislature to vary or abolish the several sums reserved by way of Civil List, Acts for this purpose have been reserved for the assent of the Crown, not because it was desired to interfere on public grounds with such changes as the Legislature might think fit to make, but because of the obligation which was considered to attach to the Home Government to preserve from violation the vested interests of those whose salaries were paid out of the funds so transferred. The representations of so many of those affected by the present Act, particularly of the chaplains of the Church of England, have satisfied Her Majesty's Government that vested interests are injured, and that they are injured in such a manner and to such an extent as to render interference for their protection unavoidable."

I respectfully submit to Your Excellency that the above quotation stringently applies to the case I have raised for the Legislative Council Department, and that in no case could it be more confidently predicted that the Colonial Office would interfere than in one which involves the privileges of a branch of the Legislature.

13. Such is the case which I feel it my duty to lay before Your Excellency. I have endeavoured to couch it in language both respectful and firm. I have, indeed, nothing to complain of personally in the matter, as I have experienced great courtesy at the hands of Your Excellency's advisers. But I make my objections on principle, and if, in raising them, I have used any language to which exception can be taken, I shall much regret it.

Being aware that opinions of laymen on law points are received as of doubtful authority, I had intended to submit this letter to a legal adviser; but, after carefully perusing the latter clauses of Mr. Wilberforce Stephen's opinion, as well as the paragraph in which he states that the proposed interference with my department would be a violation of the spirit, if not of the letter, of the instructions which accompany a Governor's commission, and would unquestionably be opposed to the principle of good faith always observed in such cases in England, and after reflecting that so high an authority as Sir J. N. Dickinson entirely agrees with Mr. W. Stephen, I am led to think it needless to delay my statement in order to procure further advice.

My objections to any new scale of appropriation (of the sum set apart for the Legislative Council) which may be submitted to Your Excellency, are therefore shortly to be summed up as follows:—

That it would be contrary to the law and usage in all such cases.

That it would be subversive of the privileges of the Legislative Council.

That it would be opposed to the spirit and letter of the Constitution Act; and that, I have received the opinion of eminent counsel to the effect that it would violate the spirit if not the letter of Her Majesty's Royal Instructions.

14. In conclusion, I would respectfully suggest, that if these arguments should appear insufficient to determine the questions raised, they are yet of importance enough to claim a reference to England in the manner adverted to in Appendix A; and that, in the meantime, it is not unreasonable to ask that, pending such reference, no temporary settlement to the prejudice of my department may be carried out, but that existing payments may be continued.

I have already mentioned the intention of the Honorable the Acting President to bring the subject before the Legislative Council, if a necessity should arise, as a matter involving the privileges of the Council, and it scarcely seems necessary to appeal to Your Excellency to allow so grave a question to be decided only after the fullest deliberation, and after resort to the highest tribunal.

All which is respectfully submitted.

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

To His Excellency Sir Henry Barkly, K.C.B.,
&c., &c., &c.

APPENDIX A.

Parliament Houses,
Melbourne, 9th February, 1861.

Sir,

In accordance with my undertaking, I have now the honor to transmit to you a general statement in reply to your letter of the 5th instant.

In order that this letter may show the whole case, I will recapitulate the facts up to the present time.

Since the opening of the Parliament under the New Constitution certain fixed salaries have been paid in my department out of the funds set apart in Part 4 of Schedule D to the Constitution Act.

It has been customary for me to receive from the Treasury, at the commencement of each year, a letter instructing me as to the number of the schedule of authorities which I was to cite when transmitting salary abstracts.

Not having received such instructions at a late period in January, I consulted the Honorable T. T. a'Beckett, a member of the Executive Council and of the Cabinet, and the representative of the Government in the Legislative Council, and, acting on his suggestion, I transmitted the salary abstracts on the customary day, writing at the same time an explanatory note to yourself, and mentioning that I had availed myself of the Honorable Mr. a'Beckett's suggestion in doing so.

On the 4th February, 1861, the usual salaries were accordingly paid from the Treasury.

On the 6th February I received the following communication:—

61 | 951.

Treasury,
Melbourne, 5th February, 1861.

Sir,

I am directed to inform you that the rates at which the salary accounts for the officers of your Department were passed for the month of January must not be assumed to be those at which they will ultimately be paid for the current year.

Those rates must be understood to be liable to be adjusted, and if in any case the salary for an officer is ultimately fixed at a lower rate than that paid in January, he will be required to refund the difference.

I have, &c.,

E. S. SYMONDS.

G. W. Rusden, Esq.,
Clerk of the Parliaments.

I immediately called at the Treasury and was honored with an interview by yourself, in which I learned that when, in the estimates for 1861, as laid on the table of the Assembly, no provision had been made for salaries for the President of the Council and the Chairman of Committees, the course adopted had been taken without a knowledge that the sums payable under Schedule D, Part 4, had been originally distributed by the Governor in Council, and on the supposition that those sums were apportioned by the Legislative Council.

I also learned that after payment of the salaries (subsequently to the receipt of the abstracts of account and my explanatory note above referred to) you had been called upon by the Honorable the President of the Council on the 5th February, and had heard from him that he was of opinion that by certain management the salaries of the President and Chairman might be made a charge upon the Schedule, and that you had engaged to consult him as to the distribution. You also mentioned, without any request or hint on my part, that you would certainly consult with me on the said distribution before arriving at any decision.

On my intimating to you that there seemed to be two grounds upon which objections might be entertained to charging the Schedule in the manner suggested (first, the engagement already entered into as charges on the Civil List; and secondly, the fact that, if the Schedule had not been framed for the purpose, such charges could not legally be paid out of it) and asking if you would be so kind as to receive from me a statement on the whole subject; you at once said that you would certainly receive such a statement, would cause it to be laid before His Excellency in Council for consideration, and would, as I understood, take no further action until such statement had been considered, the question as to the propriety of any such charges on the Schedule not having been in any way brought under your consideration heretofore.

Accordingly, on returning to my office, I wrote an official acknowledgment of the Under Treasurer's letter above cited, promising to transmit my present statement with all convenient despatch, but urging for your consideration in the meantime that, as the salaries throughout the department had been paid on the 4th instant, without any warning as to contemplated reductions, the officers of the department might not unreasonably request that, if reductions should ultimately be resolved upon, such reductions should be allowed to take effect from some date subsequent to the date of the letter from the Treasury above cited.

Having narrated the foregoing facts, I have now the honor to submit my promised statement, showing why it appears to me that, firstly, the salaries in my department cannot be reduced consistently with the principles on which Civil List appointments are held (except by Bill, which for such purposes is omnipotent); and secondly (as I understood from you that the reason for the reductions contemplated was a presumed necessity to pay out of the Schedule the President and the Chairman of Committees), that (supposing it were in accordance with English law or custom to reduce the salaries paid from the Civil List, without saving existing interests) it is not competent to make the salaries of the President and Chairman a charge upon the Schedule.

On the first head it may be requisite, in the first place, to show in what manner the Civil List was created, and in what way charges on it, duly established, are dealt with.

The Right Honorable Lord Grey's Despatch to Sir Charles Fitz Roy (30th August, 1850), transmitting the previous New South Wales Constitution, contains the following passage on the subject of the Civil List appended to that Constitution (13 and 14 Vict., cap. 59):—"All other salaries, except those of the Governor and the Judges, are placed by Parliament under the ordinary control of the Legislature. With regard to the mode of exercising this control, you will observe, however, that reductions of fixed establishments, or of expenditure provided for by permanent laws, can only be effected by Acts of the Legislature, which of course requires the assent of the Crown, signified by yourself and confirmed by Her Majesty; but I wish you distinctly to understand, that there is no desire on the part of Her Majesty's Government to prevent prospective reductions of charges which, in the opinion of the colonists, will safely admit of being diminished.

"The interests of existing office-holders must be protected, because they accepted those offices with expectations which cannot justly be disappointed.

"But, subject to these interests, there is no objection to the Legislature fixing whatever scale of emoluments they may think fit for public servants to be hereafter appointed. I should, for my own part, consider it highly injudicious to reduce the salary of an office so as to render it no longer an object of ambition to men of ability and of respectable station. But this is a matter in which the interests of the colonists only are involved, as they will be the sufferers from any failure to provide adequate remuneration for those by whom the public service is carried on; the determination, therefore, of what is sufficient must be left to the Legislatures, with whom will rest the responsibility for the judicious exercise of this power.

"I consider it, however, absolutely essential, that whatever may be the rate of payment, the salaries of all the principal officers of the Government should, for the reasons stated in the Report of the Committee of the Privy Council, be permanently granted, that is, not voted from year to year, but provided for in the same manner as charges on the Consolidated Fund by Acts, and therefore only susceptible of alteration by Acts of the Legislature, passed in the ordinary manner, with the consent of the Crown."

The New South Wales Legislature, on the motion of Mr. Wentworth, adopted a remonstrance against the Constitution established by the 13 and 14 Vict. cap. 59, and declared that they were prepared, upon the surrender to the Colonial Legislature of all the revenues, territorial as well as general, to provide for the cost of Government, and to enact an adequate Civil List.

The Right Honorable Sir John Pakington having acknowledged the position of the New South Wales Legislature in a despatch (No. 95, 15th February, 1852) to Sir Charles Fitz Roy, transmitted a copy of that despatch to Lieutenant-Governor La Trobe (No. 81, 15th December, 1852), with the following intimation:—"Although Her Majesty's Government have not had any evidence before them that the Legislative Council of Victoria are prepared to make the same proposal with that submitted to my predecessor by that of New South Wales, they have, nevertheless, sufficient intimation of the general views of that body to leave them no hesitation in offering to the colony of Victoria the same concession on the same terms."

A passage in the despatch to Sir Charles Fitz Roy is thus worded:—"In order to avoid misunderstanding, I wish to state that such a Civil List should provide for the maintenance of the principal officers of the Government at their present rate until altered by Act. The Governor, Judges, Colonial Secretary, Treasurer, and Auditor-General, and Attorney and Solicitor-General, are clearly within this description; but I must leave it to yourself and to the Legislature to direct what other functionaries have claims to a similar position."

A Select Committee was appointed in the Legislative Council of Victoria to consider the subject, and they prepared a Bill, and reported as follows on the head of a Civil List:—"Her Majesty having, by Her Secretary of State for the Colonies, expressed her gracious intention to transfer to the Legislature of this colony all control over the crown lands, on condition that a Civil List should be granted sufficient to carry on the Government, your committee recommend your Honorable House to follow the example of the United Kingdom, of Canada, and of other British colonies, by fixing a Civil List, moderate in amount when compared to the proposed concessions."

A New Constitution was accordingly framed by the Victorian Legislature, and eventually became law in shape of a Schedule to the Imperial Act 18 and 19 Victoria, cap. 55.

The despatch of the Right Honorable Lord John Russell, which transmitted the Act (20th July, 1855), remarks:—"With respect to the Schedule containing the Civil List, as it is popularly termed, although in effect only an enactment withholding certain portions of the regular expenditure of the colony from being voted in the annual estimates, Her Majesty's Government have the fullest reason to recognise the ample nature of the provision therein made, and to admit that the Legislature have acted on a very liberal understanding of the mutual engagements which formed the basis of the present enactment.

"It is, however, by no means their wish to enforce on the colony the present arrangement as final. They believe it to be of great importance to the political well-being of a community that certain services of the higher class should be provided for by law, and not subject to annual vote. But they regard this as a subject of strictly local, however high, concern; and they would not be justified in throwing other obstacles in the way of its re-consideration than what the local Legislature have themselves thought proper to raise.

"The Legislature of Victoria has thought proper to protect the interests of existing holders, whether of salary or pension, by the general condition that all enactments touching the Civil List should be reserved for Her Majesty's pleasure. That general condition is liable to repeal; but should it be at any time repealed, you will continue to reserve for Her Majesty's pleasure any Bill which may affect those existing interests, to maintain which the faith of the Crown is pledged by the transactions which have resulted in the present measure."

The clauses of the Constitution Act which create the Civil List are 46 and 47, the first of which declares that the sums named in the schedules shall be issued by the Treasury in discharge of such warrants as shall be from time to time directed under the hand of the Governor, and that the Treasurer of Victoria shall account to Her Majesty for the same through the Lords Commissioners of Her Majesty's Treasury in such manner and form as Her Majesty shall graciously be pleased to direct.

The 60th section (to the provisions of which Lord John Russell's despatch refers) prevents any change in the Schedule except by Bill in a certain manner. The Civil List being therefore absolutely placed at the disposal of the Crown, I think it follows that appointments payable from that List must be dealt with on the same principles as are applied to it in other parts of the British Empire.

What those principles are, may be inferred from the despatches I have quoted; but I may cite other documents to confirm those despatches.

The Royal Instructions issued to His Excellency Sir Charles Hotham (8th September, 1855, Balmoral) provide in clause 17, that even when an officer appointed by the Queen, or in her name, or under her authority, is suspended and interdicted for the exercise of his powers and functions, the emoluments and advantages of his office are to be preserved to him until certain proceedings shall have been duly taken.

When it was desired to reduce the annual salaries of the officers of the House of Commons, it was enacted (4 and 5 Will. IV, cap. 70), "That nothing hereinbefore contained shall extend or be construed to extend to affect, alter, diminish, or take away any salary, allowance, perquisite, emolument, or house held, used, or enjoyed by the persons now holding the several and respective offices of the Clerk of the House of Commons, Clerk-Assistant, Second Clerk-Assistant, Sergeant, and Deputy-Sergeant, at the time of the passing of this Act."

Again, when the Clerk of the Parliaments was willing to waive certain rights of appointment of Clerks in the House, it was enacted (5 Geo. IV. Cap. 82), that his rights, save so far as he relinquished them, should be preserved.

Such being the nature of the Civil List, such the terms on which it was granted to Her Majesty, and such being the tenure of appointments made by Her Majesty on similar revenues in England, it remains to point out the terms of the appointments which have been made a charge against Schedule D, Part 4, in this colony for the Legislative Council service.

In 1856, the following permanent appointments were made—

The Clerk of the Council and Clerk of the Parliaments
 The Clerk-Assistant
 The Usher
 The Clerk of the Papers
 The Housekeeper.

The following sessional appointments were also made—

The Reader
 The Reader's Assistant
 The Messengers and Doorkeepers, &c.

At a subsequent period, after questions put to the Minister representing the Government in the Council, the whole of the sessional appointments were declared to be permanent, in compliance with the expressed wishes of several members of the Council.

Now I would respectfully urge upon your attention the fact that when, after some delay and deliberation, Her Majesty's Government in this colony consented to change the temporary offices into permanent offices, payable out of Her Majesty's Civil List, the "faith of the Crown," to use the words of Lord John Russell's Despatch, "became pledged to maintain the interests thus created."

I urge, therefore, the same claims for other officers in my department as for myself.

With regard to the mode in which the appointments, originally made permanent, were conveyed to the appointees, my own case may be cited :—

Chief Secretary's Office,
 Melbourne, 19th November, 1866.

SIR,

I am directed by the Honorable Mr. Haines to inform you, that His Excellency the Acting Governor, with the advice of the Executive Council, has appointed you to the office of Clerk of the Legislative Council and Clerk of the Parliaments, at the salary of One thousand pounds (£1000) per annum.

I have the honor to be, Sir,
 Your most obedient Servant,

G. W. Rusden, Esq.

J. MOORE.

I also received a commission under the Seal of the Colony, and the Usher likewise received a similar commission.

Each officer is appointed by the Governor in Council, however, and, as the 37th clause of the Constitution Act declares that such shall be the mode of appointment, it seems that nothing has been wanting to secure for each officer a recognised claim for permanence in his appointment, the salary being paid out of a fund not liable to fluctuation, but absolutely disposable by the Crown.

By permanence of appointment, I mean, of course, only such a permanence as is based on the condition of efficient performance of duty, which I understand to be the rule in England.

If it were needful to do so, I could also show that, in my own case, I resigned my office as Clerk of the Executive Council on the distinct promise of the Government of the day, that my present office, to which they intended to appoint me, should be one of the same amount of remuneration as I previously received.

Such seems to be the law and custom which bear on the case.

It might further be urged that, as the privileges of the Legislative Council are made by law equal to those of the House of Commons, it might be claimed that the officers attending the House should not be deprived of a position which some of them obtained specially at the request of the House, and which, when once obtained by similar officers in the House of Commons, cannot be taken from them without their own consent.

Again, it might be urged that, if appointments, when once made on the Civil List, could be altered as to salary (and if any alteration is possible, an alteration to a mere nominal salary is possible), an appointment on the Civil List would be of a more precarious nature than one dependent on an annual vote : because the consent of a second body, viz., the Legislative Assembly, has to be obtained in the latter case, and not in the former.

That this was never intended, and that it is contrary to the practice as regards the Civil List, is shown by the quotation given above, from Lord John Russell's despatch, pointing out that all enactments touching the Civil List are to be reserved for Her Majesty's pleasure, expressly to protect the interests of existing holders of salary.

If it should be asked whether the "Incidental" expenses, which have been annually authorized to be paid out of the Schedule, are invariable, the answer is obviously in the negative. No persons have claims on the expenditure thus sanctioned, and no faith is pledged. Contracts are taken annually for the supply at certain rates, of "Stationery," &c., but such articles are only supplied on requisition from the department. "Fees to legal advisers" are only required to be paid when opinions have been asked for. In like manner throughout the items set down as "Incidentals" there is no vested interest existing in any claimants whomsoever for the expenditure, and the "faith of the Crown" is therefore not pledged to any one.

On the second point :—That it is not competent to charge the salaries of the President and Chairman of Committees on the Schedule—I would make the following statement :—

Part IV of Schedule D is thus worded :—

| | | | | |
|---|-----|-----|-----|--------|
| Clerk and expenses of the Executive Council | ... | ... | ... | £1,500 |
| Clerk and expenses of the Legislative Council | ... | ... | ... | 5,000 |
| Auditor-General | ... | ... | ... | 2,000 |

On the broad principle as to the intention of a Civil List, I would state that it is granted to Her Majesty expressly to enable her to keep faith with those whom she appoints to offices in the public service.

The Crown appoints neither the President nor the Chairman of Committees, and therefore no question of keeping faith with them arises.

It might also be urged that, as the Constitution Act prevents any member of the Council from having privileges in excess of those of members of the House of Commons, and as the salary of the Chairman of Committees in the Commons House of Parliament is annually voted, so it would follow that the salary of the Chairman of Committees could not here be charged against Her Majesty's Civil List.

But I believe there is a legal maxim which would prevent the salaries of either the President or Chairman of Committees from being charged to the Schedule.

Blackstone states on the point of interpretation of laws, "A statute which treats of things or persons of an inferior rank cannot by any *general words* be extended to those of a superior.

"So a statute treating of deans, prebendaries, parsons, vicars, and others having spiritual promotion, is held not to extend to bishops, though they have spiritual promotion; deans being the highest persons named and bishops being of a still higher order."

(I quote the original text of Blackstone, but the passage is retained in Stephen's last edition.)

This maxim, which seems only like an application to law of the axiom common to other sciences, that the less cannot include the greater, would prevent any payment being made from the Schedule to the President or Chairman, as such payments would not be in conformity with a legal construction of the Constitution Act. If salaries for the President and the Chairman of Committees could be charged on the Schedule so also could salaries for members of the Executive Council be charged to the schedule appropriation for that department, whereas the total amount provided proves that this is out of the question.

On broad constitutional principles, therefore, it appears that the Crown holds the Civil List for another purpose; on legal grounds, it appears that payments could not be made for the purpose now commented on; and it can easily be shown that the Legislature which agreed to the Constitution Act never contemplated any such payments.

The same Council which passed the Constitution Act, being in session in 1855, provided by anticipation in the Appropriation Bill for the salaries of the President and Chairman of Committees in the year during which the New Constitution was expected from England.

The provision was thus worded—

| | | | | | |
|-------------------------------------|-----|-----|-----|-----|--------|
| "Salaries— | | | | | |
| "President (for seven months) ... | ... | ... | ... | ... | £700 |
| "Chairman of Committees (ditto) ... | ... | ... | ... | ... | 350 |
| | | | | | £1,050 |

"The other charges of the Legislative Council are payable out of the Schedule Fund."

In every subsequent session provision has been similarly made for the salaries.

This provision has, moreover, been made under the auspices of the very same members who were instrumental in passing the Constitution Act.

The Honorables W. C. Haines, W. F. Stawell, and H. C. E. Childers were all members of the committee which sat on the Constitution Bill, and they were also members of the Government which prepared the estimates for 1856, cited above.

The Honorable Mr. O'Shanassy was also a member of the same committee, and the Government, of which he was premier, brought down estimates similarly framed. The Honorable W. Nicholson was also a member of the committee, and acted in a similar way.

The argument which I put forward, therefore, is, that the Civil List is placed absolutely at the disposal of Her Majesty, and that "the faith of the Crown," in the language of Lord John Russell's despatch, is pledged to maintain the existing interests of those who have been duly appointed to receive stated salaries or remuneration from that List.

I cannot conclude my general remarks better than by adding that I am convinced that Sir James Palmer would agree with my argument, inasmuch as on a former occasion (3rd August, 1852), in addressing His Excellency Mr. La Trobe, he himself concluded a carefully drawn up paper in these words—"The inviolability of public faith is peculiarly a British sentiment, and constitutes the broadest basis of national prosperity."

I may state that, as a Member of the Council of the University of Melbourne, I am, amongst others, placed in the same position with regard to the Professors there as Her Majesty's Government holds with regard to myself in my department. The Professors are paid from the University endowment, which is a special appropriation. They are engaged at certain rates, and so long as they discharge their duties I feel that nothing should induce me to consent to a reduction of those rates of which they had a right to expect the maintenance, so long as the endowment granted by the Legislature remains in force.

So incontrovertible does the position which I have taken appear to me, that should my mode of stating it prove unsatisfactory to you, I shall, conceiving that my mode of urging it can alone be at fault, most respectfully request that you will allow me to send through you to His Excellency the Governor, for transmission to the Right Honorable the Secretary of State for the Colonies, a memorial, praying that the claims on the Civil List which have accrued in my department may be respected as similar claims are respected in England and in other parts of the Empire.

As the 46th clause of the Constitution Act distinctly states that the Treasurer of the colony is to account to Her Majesty for payments from the Civil List through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall be graciously pleased to direct, it appears that such a memorial would be reasonable and constitutional.

Having now stated the arguments against the suggested reductions, and the proposed new charges, I think it right to point out that, if the Government and the Members of the Legislative Council desire it, considerable saving on the Schedule may be speedily made, without breaking any engagements already entered into.

It was not for me to oppose the arrangements by which the sessional appointments were made permanent, as previously described, but I was not consulted on the subject.

If retrenchment be determined on, it may soon be effected.

The failing health of more than one of the messengers attached to the Council renders it almost a certainty that two vacancies will occur in a short time. Those vacancies need not be permanently filled, but during the pressure of the session messengers may be engaged temporarily.

For obvious reasons it is necessary that those officers who officiate at the Table of the House and in Committees should be retained in their present positions, for the convenience of members and the promotion of public business; but those officers who were originally sessionally appointed and subsequently made permanent might be offered suitable situations in other departments, on their acceptance of which (as money not expended from the Schedule lapses to the general revenue) the expenditure of the country would be *pro tanto* diminished.

It was a recommendation of the Civil Service Commission, that the Reader and his Assistant should be attached to the Government Printing Establishment; and though at the close of the session, when Bills have to be put on parchment in the most careful manner, such an arrangement might cause inconvenience; still, if the Government and the House see no objection, I am not prepared to remonstrate against it, saving, of course, existing interests, until they are waived.

Changes in this colony are so rapid, that in a very short time much reduction would be thus effected.

Already, since the commencement of 1857, six changes have been made in my department—one of a clerk, one of a housekeeper, four of messengers.

I mention these facts, to show how easily reductions can be effected in the ordinary manner.

I have, &c.,

G. W. RUSDEN,

Clerk of the Legislative Council and Clerk of the Parliaments.

The Honorable The Treasurer.

APPENDIX B.

[OPINION.]

I have perused the accompanying statement, prepared by Mr. Rusden, and I have considered the point upon which, as I understand, he desires my opinion.

There can I think be no doubt as regards the construction of the Constitution Act and Schedule D, Part 4, that any salary or payment to the President or Chairman, cannot be provided for out of the £5000 set apart for the Clerk and expenses of the Legislative Council, upon the principle of construction cited by Mr. Rusden, that a Statute which treats of things or persons of an inferior rank cannot by any general words be extended to those of a superior.—(Dwarris on Statutes, p. 656, Edn. 2.)

Nor indeed does it appear to me that a salary to the President or Chairman of a Council, whose members are not paid, is in any proper sense to be considered as part of the expenses of the Council.

If the members perform their duties as such gratuitously, why should not their President or Chairman do the same? The intention was no doubt to secure the independence of the Council by providing a permanent fund for their expenses, but it hardly seems necessary for this object that a Chairman should be paid for presiding. However, the position of the President is in some respects anomalous, and it may perhaps be considered that his salary is a *casus omissus*. At all events, I do not think that his or the Chairman's salary can be legally paid out of the sum in question; and if the fact of its intended application in that manner has to be mentioned in the warrant to be signed by the Commissioners of Audit, as required by the 22 Vict. No. 86, ss. 24 and 25, I apprehend that they will hardly give their sanction to it.

Mr. Rusden's own position, as regards his salary and right to consider it as a permanent charge upon what is in effect a portion of the Civil List of the Crown, has been so clearly stated and elucidated by himself, that I can add little beyond saying that I entirely concur with him. It cannot be denied, I think, that the Governor in Council has the power of altering the distribution of the fund—the £5000—and of reducing the amount of the salaries payable out of it. But such a course would, as it appears to me, be in violation of the spirit, if not of the letter of the instructions which accompany his commission; and it would unquestionably be opposed to the principle of good faith, which, in England, has always been observed in dealing with the holders of public offices; and that even to the extent of compensating, in some cases, for the loss of promotion in future, of which, I think, an instance will be found in the case referred to by Mr. Rusden, of the Act 4 and 5 Will. IV, c. 70. No doubt the amount of salary can be altered, if not by the Governor in Council, by an Act. But, in that case, I can hardly suppose that it would be permitted to become law without compensation being secured, according to all English analogy, to the present holders of office. There are perhaps peculiar circumstances in Mr. Rusden's case, which would render an alteration in his salary more obviously an act of bad faith; but, I confess, I am quite at a loss to understand how any case of an appointment, permanent in its nature, and where the salary is provided as part of the permanent Civil List, can be distinguished from that of an appointment in the Government service at home. Such appointments are frequently accepted at a considerable sacrifice of income, for the time, because they are justly considered permanent, and, in fact, as a provision for life.

When a man accepts an appointment at a certain sum *per annum*, how can that be fairly represented as an engagement for one year certain? And if a permanent fund is provided by contract between the Crown and the colony for the purpose of paying such salaries, surely a man has a right to accept it in the fullest reliance upon it as a permanent appointment; and to treat it as anything else must, I think, to the apprehension of any one, involve a breach of good faith. It is obviously absurd, as it appears to me, to suppose that a man would accept any office, unless under the compulsion of some accidental necessity, if the amount of the salary is to be subject to alteration from year to year.

The contract is entered into when the office is first accepted, and unless the terms are then defined, the official who has abandoned all other employment will necessarily find himself at the mercy of his paymasters.

This, however, is not the principle upon which the Government or public of England have ever acted, and I think that Mr. Rusden, as a servant of the Crown, whose salary is in effect secured by contract between the Crown and the colony, can well assert a right to be regarded as coming distinctly within the English authorities and precedent.

His contract is, if I may so express it, with the representative of the Crown, and he looks for payment to the Crown out of a fund which has been set apart in perpetuity for that purpose.

The question is one between the Crown and Mr. Rusden, and cannot but be decided upon the well established principles which govern all such cases in England.

J. WILBERFORCE STEPHEN,

11 Temple Court.

Feb. 19th 1861.

APPENDIX C.

49 | 61.

SIR,

Parliament Houses,
Melbourne, 5th March, 1861.

I do myself the honor to lay before you a communication which I have addressed to the Honorable the Treasurer on the subject of the appropriation of the sum set apart in the Constitution Act for the Legislative Council.

It will be seen that I have therein raised the following question, viz., Can the engagement entered into on behalf of the Crown under the Civil List be broken or altered except by Act in the manner provided in the 60th section of the Constitution Act?

It will be seen that I have received a legal opinion of great weight substantiating the view I have taken.

It will be seen that I have mentioned that, should the decision of the Honorable the Treasurer (of which as yet I know nothing) be adverse to the opinion received, it is my intention respectfully to request the Honorable the Treasurer to allow me to forward through his hands to His Excellency the Governor, for transmission to the Right Honorable the Secretary of State, a memorial praying that claims on Her Majesty's Civil List in this colony may be dealt with as such claims are dealt with in other parts of the Empire.

My reason for such a reference to England springs from no disrespect towards Her Majesty's Government in this colony, and from no misgivings as to the readiness of the Legislative Council to protect its officers from wrong.

On the contrary, I met with the utmost courtesy from the Honorable the Treasurer in an interview with which I was honored by him; and I feel persuaded that, although I may fail to put the case in its proper light, and it may suffer thereby, there can be no disposition on the part of His Excellency's advisers to do anything which would be, or appear to be, a breach of faith.

But I conceive that every one concerned must desire that such a point should be decided on strict principles of justice according to English law and precedent; and as our common law is the growth of custom, and the custom in England is necessarily the law in such a case, and can only be ascertained by a proper reference, I imagine that my proposition is one to which no objection can be made.

The clauses in the Constitution Act which directly justify such a reference are two—The XLVIth, which declares that the Treasurer shall account for the sums paid out of the Schedule through the Lords Commissioners of Her Majesty's Treasury in such manner and form as Her Majesty shall be graciously pleased to direct—and the LXth, which provides that no enactment touching the Civil List shall become law, without having been reserved for the signification of Her Majesty's pleasure.

If therefore a Bill which has passed both Houses of Parliament must by law be reserved for Her Majesty's pleasure, it would follow *a fortiori* that it is no indignity for the recommendation of the Treasurer of the colony for the time being to be subject to a like condition.

But my object in now addressing you is to place the matter before you, so that, if in your opinion the privileges of the Legislative Council are, or could be affected by the proposal to which I have respectfully demurred, you can take such action as may seem fit.

Beyond all doubt, the appropriation in the Civil List, is to provide becomingly for the service of the Council; and the independence of the Council would appear to be secured by the clauses which enact that the Civil List cannot be touched except by Bill, which must be agreed to by an absolute majority of the Council, and which must be reserved for the Royal pleasure.

But if, at the commencement of each year, or at any other time, the presumed provision thus made can be altered without reference to the Council, it may be argued that the provisions in the Constitution Act become nominal, not real.

I am far from desiring to hint that, in the present proposition, there is any intention to weigh lightly the privileges of the Council.

But if the principle be admitted that any alterations may be made by the Government for the time being in the engagements contracted under the Civil List, there is, of course, no limit to the alteration which may be proposed; and it is unnecessary to waste time in arguing that such a principle renders null and void the special appropriation which was intended to be secured in the Constitution Act for the service of the House.

I therefore submit the point for your consideration as one which *may* involve the privileges of the House, and which, now that it has been raised, I should be culpable if I were to abstain from submitting to the judgment of the President.

The XLVIIIth clause of the Constitution Act, which gives the Governor power to abolish any of the offices named in the 3rd and 4th parts of the Schedule, &c., in no way affects the point I have raised.

On the contrary, the giving of power to abolish an office proves that if the power to diminish salaries at will had been intended to be given, such power would have been expressed, on the well known maxim that the enumeration of things thought necessary is in effect an admission that things not enumerated are not thought necessary.

Of course, if the public good requires the abolition of an office, such office can be abolished; not however without that conservation of existing interests to which (in Lord John Russell's words) the faith of the Crown is pledged.

Offices are frequently abolished in England, and whatever the usage towards such offices when charged on the Civil List in England may be, that usage necessarily applies to the Civil List elsewhere.

Power to abolish an office would generally be used at some period when the office being vacant no interest in it would exist. As the clause includes all the responsible offices in which several changes have already been found needful, it is natural that such a power should have been given; but unless it were expressly stated that such a power might be used in violation of the laws of England, I presume it must be understood that its use will be in conformity therewith. What those laws are is shown, I think, in the enclosed statement and opinion.

I take this opportunity of stating that, though I have raised the question on principle, I have no desire to stand on any personal rights which my office secures to myself.

I have spent more than twenty-five years in Australia, of which only about eleven have been spent in the public service, and I look at the question as a colonist rather than as an office-holder. In both senses I think I do right in seeking that justice should be done.

I believe that the letter and spirit of the Constitution Act demand that any deviations from the terms of contracts, under the Civil List, shall be embodied in a Bill, and that they cannot otherwise be legally put in force.

I believe that Her Majesty is never advised to sanction any such Bill, unless it contains provisions for compensation to those whose interests are affected.

But if the public interests require a change, I willingly waive any rights which I may have, in favor of any provisions which the Houses of Parliament may think fit to embody in a Bill as contemplated by the Constitution Act.

I insert, in an Appendix, some information as to the present charges on the Schedule.

I have, &c., &c.,

G. W. RUSDEN,
&c., &c., &c.

The Honorable

The Acting President of the Legislative Council.

ENCLOSURE APPENDED TO FOREGOING LETTER.

When the department of the Legislative Council was first formed (November, 1856), the following permanent appointments were made, involving an outlay of £2600 in all, per annum.

| | | | | | | | | | |
|-------------------------|-----|-----|-----|-----|-----|-----|-----|-----|--------------|
| The Clerk | ... | ... | ... | ... | ... | ... | ... | ... | } £2,600 0 0 |
| Clerk Assistant | ... | ... | ... | ... | ... | ... | ... | ... | |
| The Usher... | ... | ... | ... | ... | ... | ... | ... | ... | |
| The Clerk of the Papers | ... | ... | ... | ... | ... | ... | ... | ... | |
| The Housekeeper | ... | ... | ... | ... | ... | ... | ... | ... | |

At the same time, or shortly afterwards, the following sessional appointments were made:—

A Reader
Reader's Boy
Doorkeepers (six)
Charwoman.

In compliance with the wishes of members of the Council, the Government consented to make the Sessional appointments permanent; and the further annual outlay thus involved was... 1,384 18 4

This shows a total expenditure on salaries of £3,984 18 4

Out of the balance thus left from the... .. £5,000 0 0

There remains for contingent expenses 1,015 1 8

And the sum which lapses, or which is not expended, under the head of "Contingencies," may be estimated at from £650 to £750 per annum. The total expenditure from the Schedule is therefore from £4,250 to £4,350 per annum.

APPENDIX D.

I am of the same opinion with Mr. Stephen, as to the sum of £5000 mentioned in the 4th part of Schedule D of the Constitution Act being applicable only to officers in the same class with the Clerk, &c. I do not think that any portion of that sum can be appropriated to payment of the President or Chairman. I am sorry to hold a different opinion (not, indeed, as to the legal rights of persons receiving salaries out of the £5000, for they are not asserted (?), but as to the equitable claims of such persons in analogy to the English practice.

The 48th section of the Constitution Act, which empowers the Governor to "abolish any offices, or to apply the sums appropriated to them," points in terms to the 3rd and 4th Parts of Schedule D, and to those Parts only; in other words, to the salaries of Responsible Ministers and to Clerks of the Legislative Council, with the distinct notice contained in this provision. I cannot recognise a vested interest in Mr. Rusden to £1000 per annum for his life.

The sum of £5000 was intended as a fund for paying the staff of the Council as occasion might require, and there was no necessity to absorb it at once. Were such a doctrine as that contended for sanctioned, not only might the staff of the Legislative Assembly justly complain, but I think the Assembly itself might fairly refuse to vote funds for the payment of any additional staff which might be required.

No doubt any saving which may accrue for a re-distribution of the fund will not necessarily lapse into the General Revenue, but there can be little doubt that eventually the country will have the benefit of the saving, inasmuch as His Excellency may issue a warrant, without violation of any existing legal or equitable right that I can see, in favor of the Treasurer of Victoria for the benefit of the general revenue, which application of the money would, no doubt, receive the approval of Her Majesty.

R. D. IRELAND,
Attorney-General.

Crown Law Offices,
16th April, 1861.

MINUTE BY HIS EXCELLENCY SIR HENRY BARKLY.

Memorandum for the Honorable the Treasurer as to the appropriation of the Legislative Council Fund.

I have examined the schedule of re-appropriation of the sum set apart under the Constitution Act, for the Clerk and expenses of the Legislative Council as submitted by the Honorable the Treasurer for my approval in Council, and have also considered very fully the correspondence on the subject, sent me from the Treasury, as well as a communication addressed to myself direct, by the Clerk of the Legislative Council, of which I enclose a copy.

As is too often the case, when the interpretation of the Constitution Act is concerned, the question raised in these papers is beset with difficulties, whether it be regarded in reference to the privileges of the Upper House of Parliament, or the Rights of its Officers.

With respect to the former, it seems clear that the sum of £5000 was placed on the Civil List for the express purpose of enabling the Legislative Council to maintain its own position and dignity, instead of leaving it for the Legislative Assembly to grant annually the requisite provision for its expenses, whereby the exercise of its functions as an independent branch of the Legislature would have been entirely frustrated.

Why the schedule was so worded by its framers as to preclude the application of the fund to the payment of the President and Chairman of Committees it is impossible to divine, for it was at least as important, if not more so, that these officers, who had always been paid under the old Constitution, should, under the new, be exempted from dependence on an annual vote of the Lower House.

In the discussions which took place in the Council on the subject in 1856-7, this omission was characterized as an oversight, and an address was presented to me on the 3rd February in the latter year, asking that the allowances to the President and Chairman should be rendered permanent by a supplementary enactment.

To this I returned, as advised, a favorable answer, but the Council having in a second address in June, 1857, applied for an increase of the Schedule by £5000 to be voted in gross, and, together with the original £5000 appropriated on the advice of that body itself, the matter fell to the ground, and has never since been mooted.

At a long subsequent period, on 21st February, 1859, a scheme of distribution of the £5000 in Schedule D was for the first time laid before me by Mr. Harker, as Treasurer, to satisfy, I believe, some scruples of the Commissioners of Audit, and as it appropriated the whole of the grant according to the existing scale to the purposes intended, and no objection had been made in any quarter to that scale of appropriation, it received my assent in Council, and has ever since been acted on.

The appropriation thus approved, however, proceeded, as will be seen, on widely different principles from that now proposed, which purports only to be "for the current year," and leaves a large portion of the fund undisposed of.

The latter mode of proceeding certainly seems at variance with the spirit of the Constitution Act.

It would moreover be inoperative, inasmuch as any surplus that remained could not be carried to the credit of the Public Revenue, except with the permission of the Lords of the Treasury, which would probably be withheld if the Legislative Council protested against the step as an invasion of its Privileges, as it might fairly do, on the ground that the fund provided for its independent maintenance was thereby subjected to annual alteration, at the pleasure of the Ministry for the time being, instead of being protected by the special legislative safeguards, which surround the other items in Schedule D.

It is true that if the Legislative Council were thus to stand upon privilege they might be met by the difficulty of there being no provision for their President and Chairman; but this, whilst affording a fair prospect of a compromise on the subject, would, it strikes me, by no means justify such an interference of the Executive as is now under consideration.

I see, indeed, no constitutional mode of settling such a question but by the introduction of a Bill, in which the £5000 in the Constitution Act should be so far increased as to cover the allowances to the President and Chairman of Committees, the salaries of the subordinate officers of the Council being likewise fixed in a Schedule at such rates as may be deemed equitable.

With regard to the second portion of the question, I have no wish, by the suggestion I have just thrown out, to prejudice any legal rights that may have been conferred upon the officers of the Legislative Council, either by the terms of their respective appointments, or the source from which their salaries are derived.

I am ready, on the contrary, as requested by Mr. Rusden, to submit their case to the Lords Commissioners of Her Majesty's Treasury, as provided with regard to Schedule D generally, by clause 46 of the Constitution Act; but I think this object would be most easily and effectually attained by the course I propose, since the Bill, if objected to, could be reserved for the special signification of Her Majesty's pleasure.

(Signed)

HENRY BARKLY.

16th September, 1861.

MEMORANDUM OF CORRESPONDENCE AND PARLIAMENTARY PROCEEDINGS IN 1862.

In 1862 the Civil Service Bill was passed. Before it was passed, the Clerk of the Legislative Council had an interview with the Chief Secretary on the subject of the Department of the Legislative Council. At that interview the Honorable the Chief Secretary produced the correspondence which took place between the Clerk of the Legislative Council and the Government in 1861, together with a minute from His Excellency Sir Henry Barkly, dealing with the whole subject. Of that minute there is no copy in the records of the Legislative Council Department.

At the above-mentioned interview the Chief Secretary pointed out that the officers of the Legislative Council Department could not claim the proposed advantages of the Civil Service Bill as well as the position claimed for the Department in the correspondence of 1861, but that it was for them to take which they liked before the Bill passed into law, subject to the pleasure of Parliament during the passage of the Bill.

The Chief Secretary was informed by the Clerk of the Council that, so far as he knew the views of the officers of the House, they preferred the position claimed for them in the correspondence of 1861; but that he would consult them all, and apprise the Chief Secretary of the result.

Accordingly, the several officers of the House were consulted, Mr. Weare, the Reader, being one of the number, and the following letter was written immediately to the Chief Secretary.

12th February, 1862.

SIR,
 Since seeing you, I have made enquiry on the point which you mentioned to me, and I find that two of the officers of the Department, whose views I did not know when I saw you, are of opinion (with the others, whose opinions I mentioned) that they would prefer to be ranked on the Civil List, in the manner claimed for them in my correspondence, rather than be included within the terms of the Civil Service Bill.

I remain,
 Yours obediently,
 G. W. RUSDEN.

The Honorable J. O'Shanassy, Chief Secretary,
 Chief Secretary's Office.

In *Hansard* the following entries appear:—6th May, 1862, p. 1030. "Mr. O'Shanassy moved, That the Clerk of the Legislative Council be struck out of the schedule at his own request."

Hansard, June 17th, 1862, p. 1345. "Mr. O'Shanassy could not understand why the Council should insist on the amendment including the clerks of the Council in the provisions of the Bill. He was sure that some of the members of the Council, at least, must have voted for it in ignorance of the reasons which had induced the Assembly to exclude them. It appeared to the Government that, if they were to be included, they would enjoy an advantage, which they were not entitled to, over other officers in the service of the Government, the salaries of whom would not be voted year by year. They would have high salaries, and they would enjoy the advantages of the Bill, and they would not be under the control of that House. The officers themselves had also declined, in writing, to be included in the provisions of the Bill."

MEMORANDA OF PARLIAMENTARY PROCEEDINGS AND OFFICIAL CORRESPONDENCE
AS TO PERMANENT RETENTION OF READER AND OTHERS IN THE DEPARTMENT OF THE LEGISLATIVE COUNCIL.

JANUARY 26TH, 1858.

EMPLOYEES IN THE LEGISLATURE.—Mr. Hood, pursuant to notice, rose to ask the Postmaster-General:—

1. Had the reader in the Assembly received an advance from £5 to £6 per week, and the appointment been made permanent?
2. Did the messengers in the Assembly receive, during the first half of 1857, the same rate of salary as the messengers of this Council, viz., 50s. per week?
3. Did they (the messengers of the Assembly) receive an advance of salary during the currency of 1857; and if so, at what date and to what extent?
4. Did they (the messengers of the Assembly) receive a sum as arrears of salary at the advanced rate from 1st January?
5. Did the messengers of the Council receive any arrears; and if not, why?

Mr. Mitchell said, with reference to the first question, the reply was, the reader was receiving £300 a year, but his appointment was not permanent. To the second question the answer was, the messengers in the Legislative Assembly did receive, during the first half of the year 1857, the same as the messengers of the Council, viz., 50s. per week. To the third question the reply was, the messengers of the Assembly received an advance of 10s. per week from the 1st September, 1857. To the fourth question the reply was, they did receive arrears from the 1st September. To the fifth question the reply was, that, in consequence of the numerous provisions which had been made to doorkeepers and messengers, the sum had been exhausted, but arrangements had been made that Council messengers should receive 10s. extra from the 1st October.

NOVEMBER 24TH, 1858.

COUNCIL MESSENGERS.—Mr. Patterson asked the Commissioner of Trade and Customs, if the Government would have any objection to assimilate the pay and engagements of the messengers of the Council to those of the Legislative Assembly, the latter being permanently employed by the year, and those for the Council only for the session.

Mr. Miller, in reply, said that it had hitherto been the custom to pay the messengers of that House only when they were employed, and that custom had been continued by the present Government. He however was of opinion that they ought to be paid continuously, and would recommend the matter to the notice of his colleagues. He would communicate the result of that recommendation to the House at the earliest opportunity.

DECEMBER 15TH, 1858.

MESSENGERS OF THE COUNCIL.—Mr. Patterson begged leave, before the Order of the Day was called on, to put a question to the Hon. the Commissioner of Trade and Customs; in fact, the question of which he had given notice on the 24th of November last. The honorable gentleman would perhaps be prepared to answer the question now. He wished to know whether the Government had any objection to assimilate the amounts of the salaries of the messengers of the Council to those of the messengers of the Assembly, and to make their situations permanent, as the Assembly had done in the case of its messengers.

Mr. Miller said that, if the Council wished to pay their messengers more, and keep them permanently employed, the Government had no objection to the payment of the necessary expenses out of the sum set apart for the Council in the schedule.

Mr. Patterson enquired whether the reader's assistant would be included in the staff to be retained at an increased salary. The present salary of this official was only £50 yearly.

Mr. Miller had merely confined his inquiries to the persons alluded to in the honorable member's question, viz., the messengers; he would however be able to answer the honorable member on another occasion, as to the increase of the salary of the reader's assistant.

(COPY.)

11 | 59.

Parliament Houses,
Melbourne, 12th February, 1859.

SIR,

I do myself the honor to transmit for the consideration of the Honorable the Treasurer, the following scale of payments, which were sanctioned by him in conversation with the Honorable J. H. Patterson, on the 12th instant, in conformity with an intimation which the Honorable Member had received from the Honorable the Commissioner of Trade and Customs.

At the request of the Under Treasurer, I comprise the whole of the salary and wages payments together for an annual authority, so as to save inconvenience.

| | | | | | | £ | s. | d. |
|---|-----|-----|-----|-----|-----|--------|----|----|
| Clerk of Parliaments | ... | ... | ... | ... | ... | 1,000 | 0 | 0 |
| Clerk Assistant | ... | ... | ... | ... | ... | 600 | 0 | 0 |
| Usher | ... | ... | ... | ... | ... | 400 | 0 | 0 |
| Clerk of Papers | ... | ... | ... | ... | ... | 400 | 0 | 0 |
| Reader | ... | ... | ... | ... | ... | 300 | 0 | 0 |
| Housekeeper | ... | ... | ... | ... | ... | 200 | 0 | 0 |
| Reader's Assistant (at £1 5s. per week) | ... | ... | ... | ... | ... | 65 | 0 | 0 |
| Six Messengers or Doorkeepers (at £3 per week each) | ... | ... | ... | ... | ... | 936 | 0 | 0 |
| Charwoman (at £1 10 per week) | ... | ... | ... | ... | ... | 78 | 0 | 0 |
| | | | | | | <hr/> | | |
| | | | | | | £3,979 | 0 | 0 |
| Fuel, light, and water | ... | ... | ... | ... | ... | 500 | 0 | 0 |
| Fees to legal advisers | ... | ... | ... | ... | ... | 100 | 0 | 0 |
| Remainder for incidentals | ... | ... | ... | ... | ... | 421 | 0 | 0 |
| | | | | | | <hr/> | | |
| | | | | | | £5,000 | 0 | 0 |
| | | | | | | <hr/> | | |

* * * * *

2. In conformity with the suggestion of the Under Treasurer, I now do myself the honor to request that a formal authority may be communicated to me for the permanent retention of each of the employes enumerated above, that course having been sanctioned by the Honorable the Treasurer in the conversation above alluded to.

I have, &c.,

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

59 | 1455.

(COPY.)

Treasury,
Melbourne, 2nd March, 1859.

SIR,

I am directed by the Treasurer to acknowledge the receipt of your letter of the 12th ultimo, No. 11, and to enclose a copy of an Order in Council, affirming a distribution of the amount set apart under Schedule D.

I am also to inform you, that payment of the salaries for the year to the Clerk, Assistant Clerk, Usher, Clerk of the Papers, Reader, Housekeeper, and Assistant Reader, has been authorized under Schedule No. 60; those of the Doorkeepers and Messengers under No. 61, and that of the Charwoman under No. 227.

* * * * *

I have, &c.,

E. S. SYMONDS.

The Clerk of the Legislative Council.

(COPY.)

Treasury,
21st February, 1859.

MEMO.

It is submitted for the approval of the Governor in Council, that the sum of £5000, reserved under Act 18 and 19 Victoria, No. 55, for expenses of the Legislative Council, be appropriated as follows, viz:—

| | | | | | | £ | s. | d. |
|-----------------------------------|-----|-----|-----|-----|-----|--------|----|----|
| Clerk of the Parliaments | ... | ... | ... | ... | ... | 1,000 | 0 | 0 |
| Clerk Assistant | ... | ... | ... | ... | ... | 600 | 0 | 0 |
| Usher | ... | ... | ... | ... | ... | 400 | 0 | 0 |
| Clerk of Papers | ... | ... | ... | ... | ... | 400 | 0 | 0 |
| Reader | ... | ... | ... | ... | ... | 300 | 0 | 0 |
| Housekeeper | ... | ... | ... | ... | ... | 200 | 0 | 0 |
| Reader's Assistant | ... | ... | ... | ... | ... | 65 | 0 | 0 |
| 6 Messengers at £3 each, per week | ... | ... | ... | ... | ... | 936 | 0 | 0 |
| Charwoman | ... | ... | ... | ... | ... | 78 | 0 | 0 |
| | | | | | | <hr/> | | |
| | | | | | | £3,979 | 0 | 0 |
| Fuel, light, and water | ... | ... | ... | ... | ... | 500 | 0 | 0 |
| Fees to legal advisers | ... | ... | ... | ... | ... | 100 | 0 | 0 |
| Incidentals | ... | ... | ... | ... | ... | 421 | 0 | 0 |
| | | | | | | <hr/> | | |
| | | | | | | £5,000 | 0 | 0 |
| | | | | | | <hr/> | | |

This Schedule of Appropriations is approved by the Governor in Council.

J. MOORE,
Ag. Clerk of the Ex. Council.
21 | 2 | 59.

APPOINTMENTS, IN LEGISLATIVE COUNCIL OFFICE, OF READER, ASSISTANT-
READER, AND OTHERS.

| Office. | Date of Appointment. | How vacancy (if any) occurred. | Remarks. |
|----------------------------|----------------------|--------------------------------|---|
| Reader | Original, 1856 ... | ... .. | Made permanent 1859. |
| Reader's Assistant | Original, 1857 ... | ... .. | Made permanent 1859. |
| Messengers and Doorkeeper— | Original, 1856 ... | ... .. | Two permanently retained 1858 ; all made permanent 1859. |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| Charwoman | Original, 1858 ... | ... .. | Made permanent 1859. |
| Messenger, &c. | 5th December, 1856 | Resignation | Vacancy filled up. |
| Messenger, &c. | 15th January, 1857 | Dismissal | Vacancy filled up. |
| Messenger, &c. | 22nd July, 1857 ... | Resignation | Vacancy filled up. |
| Messenger, &c. | 1st February, 1861 | Death | Vacancy filled up. |
| Messenger, &c. | ... | Death 30th April, 1861 ... | Vacancy not filled up. |
| Messenger, &c. | ... | Death 18th May, 1861 ... | Vacancy not filled up until 1862. |
| Messenger, &c. | 3rd December, 1862 | ... .. | No one had been appointed to fill either of the vacancies created in April and May, 1861. |
| Messenger, &c. | 19th May, 1864 ... | Resignation | Vacancy filled up. |
| Reader's Assistant | 16th January, 1865 | Dismissal | Vacancy filled up. |
| Reader's Assistant | 16th April, 1868 ... | Resignation | Vacancy filled up. |
| Messenger | 3rd March, 1869 ... | Dismissal | Vacancy not filled up. |

EXPENDITURE OF THE £5000 PROVIDED BY THE CONSTITUTION ACT, FOR CLERK
AND EXPENSES OF LEGISLATIVE COUNCIL.

| Year. | On Salaries. | Contingencies. | Total. | Amount saved and lapsed to General Revenue. | These Returns have been compiled from the Treasury Statements periodically submitted to Parliament, and the appended Reference is to the Volume of Assembly Proceedings wherein the Statements may be found. |
|-------|--------------|----------------|------------|---|--|
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. | |
| 1857 | 3,871 14 9 | 424 3 8 | 4,295 18 5 | 704 1 7 | Session 1858-9, Vol. II, No. 36 ; 59-60, Vol. III, No. 22. |
| 1858 | 3,744 1 10 | 308 18 7 | 4,053 0 5 | 946 19 7 | Session 59-60, Vol. III, No. 21 ; 60-61, Vol. III, No. 7. |
| 1859 | 4,063 6 8 | 292 18 6 | 4,356 5 2 | 643 14 10 | Session 60-1, Vol. III, No. 10 ; 61-2, Vol. III, No. 76. |
| 1860 | 3,984 13 10 | 203 5 10 | 4,187 19 8 | 812 0 4 | Session 61-2, Vol. III, No. 75 ; 62-3, Vol. IV, No. 24. |
| 1861 | 3,789 6 10 | 157 3 8 | 3,946 10 6 | 1,053 9 6 | Session 1864, Vol. III, No. 14. |
| 1862 | 3,412 4 4 | 181 7 3 | 3,593 11 7 | 1,406 8 5 | Session 1864-5, Vol. IV, No. 25. |
| 1863 | 3,673 3 8 | 191 2 10 | 3,864 6 6 | 1,135 13 6 | } 1st Session, 1866, No. 8, pp. 984-5. |
| 1864 | 3,824 13 1 | 158 11 7 | 3,983 4 8 | 1,016 15 4 | |
| 1865 | 3,822 9 8 | 162 17 4 | 3,985 7 0 | 1,014 13 0 | 1st Session, 1867, Vol. IV, No. 32. |
| 1866 | 3,825 6 10 | 142 14 6 | 3,968 1 4 | 1,031 18 8 | } From Returns laid on Council Table, 2nd March, 1869. |
| 1867 | 3,825 6 10 | 194 7 2* | 4,019 14 0 | 980 6 0 | |
| 1868 | 3,815 14 4 | 126 8 3 | 3,942 2 7 | 1,057 17 5 | Compiled from the books of the Department. |

* This includes £50 expended on the occasion of the visit of H.R.H. the Duke of Edinburgh.

THE STAFF OF THE LEGISLATIVE COUNCIL DEPARTMENT ON THE 9TH MARCH, 1869.

| | |
|---|-----------|
| Clerk, &c. | 1,000 0 0 |
| Clerk-Assistant | 600 0 0 |
| Usher | 400 0 0 |
| Clerk of the Papers | 400 0 0 |
| Reader | 300 0 0 |
| Reader's Assistant (at 25s. per week) | 65 0 0 |
| Housekeeper | 200 0 0 |
| Four Messengers and Doorkeepers (at £3 per week) | 624 0 0 |
| Charwoman (at £1 10s. per week) | 78 0 0 |
| | <hr/> |
| | 3,667 0 0 |

The average cost of contingencies during the years 1861-1868 inclusive has been, excluding fractions of a pound 164 0 0

The current rate of expenditure at the present date is therefore ... £3,831 0 0
And the amount lapsing to the general revenue is at the rate of £1169 per annum.

MINUTES OF EVIDENCE.

TUESDAY, 16TH MARCH, 1869.

Members present :

| | |
|-------------------------------------|-----------------------|
| The Hon. W. HIGHETT, in the chair ; | |
| The Hon. W. H. F. Mitchell | The Hon. H. M. Murphy |
| W. Campbell | J. McCrae |
| J. O'Shanassy | The President. |
| J. P. Bear | |

A. A. C. Le Souef, Esq, examined.

1. *By the Chairman.*—Can you give the committee any information as to the general duties of the messenger set apart for the President?—He attends now regularly with the other men, and has done so since the 10th of September last. The 9th of September the President desired me to tell the man he was no longer to go to his house at Burwood, and, from that day, he has been regularly in attendance here. He is still the President's messenger ; he attends upon him in the House, and he brings his letters in from Burwood in the morning, and if the President does not attend the House during the day, when the man is going home in the evening he takes his letters home to him, if there are any.

A. A. C. Le Souef,
Esq.,
16th March, 1869.

2. *By Mr. O'Shanassy.*—What are the hours of attendance?—From eight till the rising of the House.

3. But when the House is not sitting?—Till four.

4. From eight to four?—Yes.

5. Has he, since the 10th of September, attended this House from eight to four as usual?—As I said just now, he brings the President's letters, and that makes him a little later than the other men, but he is in before nine o'clock ; he has to call at Burwood on his way in the morning.

6. *By Mr. McCrae.*—He does not reside at Burwood?—No ; he resides at Hawthorn somewhere, I believe.

7. *By the Chairman.*—Are you aware of his having been occasionally employed at the private residence of the President?—I have no cognizance of what he did before he was handed over to me.

8. Has he ever neglected his duties, in consequence of being employed at the President's private residence?—He was not here so regularly in his attendance as the other messengers before the 10th of September, but he was always here during the sittings of the House.

9. *By Mr. Campbell.*—Who has the appointment of the messengers?—The Government.

10. But at your recommendation?—Not that I am aware of.

11. Your recommendation is generally taken, is not it?—Not a single appointment has been made since I have been usher.

12. So that the messengers are independent, as it were, of you?—Certainly, quite so, so far as their appointment is concerned.

13. And of the President also?—Quite so, so far as I am aware.

14. *By Mr. Mitchell.*—You have been already asked if, since the 10th of September, he had slept at Burwood—do you know whether he slept at Burwood before?—I have not the slightest idea what he did.

15. You do not know whether he was employed as a house servant?—No, I do not.

16. *By Mr. Campbell.*—Did any service he rendered to the President interfere with any duty here?—He was always here in attendance during the sittings of the House ; that is all that I can vouch for.

17. Is he here now?—Yes.

18. *By the Chairman.*—Could the messengers' and doorkeepers' duties be performed satisfactorily with a less number than we have at present, four, I think it is?—I believe that, during the time the House is not sitting, we might do with a messenger less ; we could do with three, but not while the House is sitting.

19. *By Mr. Mitchell.*—In effect, have we not five, as there is a housekeeper as well?—There are four messengers and a housekeeper.

20. *By Mr. Campbell.*—You had five messengers formerly?—Yes.

21. What are the housekeeper's duties?—His duties are the general supervision of the House and offices, and of the messengers, and he has charge of the stationery and stores required for the use of the Council.

22. *By Mr. Mitchell.*—Dose he act as a messenger?—No.

23. Does he wait upon the House?—Yes, during the sittings of the House he is in attendance.

24. Then in the House he acts as a messenger?—In the House.

25. You would not send him out of the House?—I would not send him out of the House.

26. *By Mr. O'Shanassy.*—Has he to do with attending to keeping the place clean and the lighting, and all other things?—Yes.

27. And attend the Council while they have lights and fires, and that kind of work?—Yes.

28. *By Mr. Campbell.*—Could you not do without this fifth messenger, you have lately dispensed with, for the future?—Yes.

A. A. C. Le Souef,
Esq.,
continued,
16th March, 1869.

29. But when the House is sitting, can you do with four instead of five?—Yes.

30. *By Mr. McCrae.*—Are you aware that the housekeeper has been employing the messengers to do his household work, such as cleaning and beating his carpets, and carrying his coals, and all that?—I am aware that the housekeeper is allowed fuel, and I believe occasionally he has asked one of the messengers to take over a barrow-load of fuel from the shed, where it is kept, to his quarters; I have known that, and I think he, being their superior, might require them to do it, and hitherto they have done it.

31. Beating his carpets at his own private house?—I was not aware of that.

32. *By Mr. Mitchell.*—Whose carpets are those? are they the property of the Government?—I presume so; the man has quarters allowed him.

33. *By Mr. McCrae.*—Is the housekeeper not residing in his own private house?—No, he is allowed quarters, and fuel, and light.

34. And these quarters are his private residence for the time being?—I suppose so.

35. *By Mr. Mitchell.*—Are these quarters furnished by him or by the Government?—By the Government, I presume, but I am not certain.

36. *By Mr. Bear.*—Have the messengers complained of this duty?—Never, to me.

37. *By Mr. McCrae.*—Did you make any inquiries respecting the dismissal of the messenger, before you reported to the Chief Secretary?—I did. The grounds upon which I reported to the Chief Secretary were—the man had been repeatedly reported by the housekeeper to me, verbally, and I told him I would not take any official notice of it. I spoke to the man and warned him, on one or two occasions; and, at last, the housekeeper brought me a written report, and told me his reasons for giving in this official report to me, and they were of such a nature that I felt compelled to report it to the Chief Secretary. It was for using most filthy and vile language, that no man ought to be allowed to use in the House.

38. Which he denies?—Witnesses were present, I believe.

39. *By Mr. O'Shanassy.*—How long after you reported this did you get notice of the dismissal?—It could be ascertained by the books—a fortnight or three weeks, I think.

40. It was not done immediately?—No, it was not done immediately. I could not tell the steps the Chief Secretary would take.

41. *By Mr. McCrae.*—Do you think that, by dispensing with the services of one messenger, and employing the housekeeper to perform the duties of messenger along with the duties of housekeeper, that the staff of this Council or its duties would be in any degree impaired?—You mean, dispensing with one of the men we have now?

42. Dispensing with one now—say three messengers, and the housekeeper making the fourth messenger—do you think the efficiency of the staff would be in any degree impaired by dispensing with one of the messengers?—It would be impaired in a certain way. The messengers are frequently sent messages, and it is necessary he should be in attendance in the House.

43. While the House is sitting?—Yes, and at other times. For one reason, he has charge of the stores and stationery, and that sort of thing. Supposing Mr. Rusden, or one of the clerks required stationery, and he was away, it might lead to some confusion, although I daresay the work could be done in the way you suggest.

44. *By Mr. Campbell.*—What are these men's duties, and how are they divided?—Their duties are to sweep and dust and clean out the offices from eight till nine. Hunter and Chambers, two of the messengers, then deliver the Parliamentary papers, occupying them to eleven. Stevenson, the other messenger, meanwhile goes on cleaning up in the Council Chamber and Committee rooms, and when the other men return from their duties they then go on with Stevenson, in finally cleaning up for the day, and dusting the chamber and the rooms. Webb, the other one, is called a messenger, but he has to mind the door, and to receive and despatch messages and letters for members and officers of the House.

45. *By Mr. O'Shanassy.*—And he has to prevent the intrusion of the public, I suppose?—Yes; to prevent any one coming into the chamber who has no right to be there. It is necessary to have a man for that purpose; we have lost things sometimes, and it is necessary to guard against that. He is doorkeeper; it is his duty to be always there. The charwoman has to wash the stairs and corridors, and washes the towels and keeps the fenders and fire-places in order, and lights the fires in winter. With regard to the messengers' duties, I may state that there are nearly one hundred windows to keep clean, and fourteen offices and chambers to keep in order.

46. *By Mr. McCrae.*—The messengers are only employed outside two hours a day?—From nine to eleven in delivering papers.

47. From nine to eleven o'clock in the morning—do you not think the housekeeper might, during that time be employed in attending upon the door, and let Mr. Webb, the messenger, who you say is in attendance constantly there, be employed in helping to distribute those papers? Would that interfere with the housekeeper's giving out the stores or stationery?—No, it would not.

48. From your own statement then, one of the messengers might be dispensed with, without interfering with the efficiency of the staff?—Yes, possibly; but it might lead to confusion generally in the department.

49. *By Mr. Campbell.*—The housekeeper might be away when he was wanted; and supposing you wished to have certain papers, who would give you access to your papers then?—It is his business to keep the keys of the safe; of course that could be arranged.

50. Suppose he was absent from nine to eleven, how could you have access to those stores?—It would have to be different altogether then, there would have to be a new arrangement.

51. *By Mr. O'Shanassy.*—Is there any way to meet the difficulty by a different distribution of the papers, either by the two men in the morning, or by a postal arrangement? For example, seeing that gentlemen living in the country do not get their papers at all?—I know we divide with the Assembly; three of the Assembly men and our two divide the delivery between themselves.

52. *By Mr. Campbell.*—So that your messengers actually deliver the Assembly papers?—We deliver between seventy and eighty papers; the town is divided into runs, and whatever member, whether of the Council or the Assembly, has his place of business in that run, the messenger delivers the papers, whether he be an Assembly messenger or a Council messenger.

53. *By Mr. O'Shanassy.*—Is not it obvious the postal delivery is taking place at the same hours?—That will save it, if the post is delivering at the same hours.

54. *By Mr. Mitchell.*—If the messengers of the Council had only to deliver the Council papers, I suppose it would not take up nearly so much time?—It would not make much difference; they only take the members who have places of business in the particular run which the messenger takes. If he takes Collins street he takes all the parties in Collins street. A. A. C. Le Souef,
Esq.,
continued,
16th March, 1869.

55. So that delivering the papers belonging to the Assembly does not appreciably increase their work?—No.

56. *By Mr. Campbell.*—They assist each other?—Yes, if the number of men is decreased the runs must be enlarged.

57. Do you know the number of Assembly messengers?—Eight.

58. *By Mr. Mitchell.*—Eight and the housekeeper?—I think I am right in saying so.

59. *By Mr. McCrae.*—Was it by your authority that a messenger was employed in taking over the housekeeper's coal?—No, I was aware that it had been done; I may be wrong, but, I think, the housekeeper being a man in a higher position, it is right the messenger should do it for him. If the messenger did not do it for him, he would have to do it himself.

60. Why not employ somebody outside?—I may be wrong, certainly.

61. *By Mr. Bear.*—Was it the habit before you came here?—Yes, I made no alteration in the matter; it is so with the housekeeper in the Assembly.

62. Who finds the fuel?—The Government finds the fuel.

63. *By Mr. Campbell.*—Could not his coal be put there direct?—I believe his place is too small; I think it is to a certain extent, but he has no place for it.

64. *By Mr. Mitchell.*—There are coals used for the House itself?—Yes.

65. I suppose the messengers bring them?—Yes, of course.

66. *By Mr. O'Shanassy.*—Is there any other point with regard to reduction you could suggest—any point of economy that strikes you?—No, I do not see anything else myself. There was a question asked me at the last meeting of the committee, whether it would not be easy to get a man in for a month or two to do extra work under pressure, but I do not like that; there is a lot of portable property about here, and we might get a man whose character we did not know, and it would be impossible to keep an eye over him in a large place like this.

67. Taking the economy and the risk, you would prefer not taking the risk?—Yes, I would rather prefer trying to do without him altogether, than have a man in for a while like that.

The witness withdrew.

G. W. Rusden, Esq., Clerk of the Parliaments, examined.

68. *By the Chairman.*—Do you think that the duties of the messengers could be satisfactorily discharged with a less number than we have at present?—Some years ago we went into the matter, during the tenure of office of the previous usher, and it was considered, after careful investigation, that not less than four, besides the housekeeper, were required, and that there ought to be such a guarantee for the persons employed about the House as would give an assurance, not only to the officers, but to the members, that only those who were of respectable and well known character would be in attendance. For some time four were retained accordingly. But in a succeeding year an additional messenger was engaged. I was away from the colony at the time, and am not aware of the reasons for it. With regard to the appointment of these officers, I wish to mention, that in Sydney the doorkeeper and assistant messengers seem to be appointed by the Clerk of the Parliaments, but I do not know the grounds on which it is done. By the Constitution Act in Victoria all appointments must be by the Governor in Council. In the Blue Book relating to the Sydney House, I find the principal messengers appointed by the Governor, with the advice of the Executive Council. The doorkeeper and four other messengers are appointed by the Clerk of the Parliaments. I also find they have attached to the Legislative Council staff in Sydney a doorkeeper and four messengers. G. W. Rusden,
Esq.,
16th March, 1869.

69. *By Mr. O'Shanassy.*—That authority must be conveyed by the Governor and Executive Council to the Clerk of the Parliaments?—It may be so, but I do not know the grounds on which it is done. I merely quote the official Blue Book. I wish to point out, that they have a principal messenger and five others, which is one in excess of the number which has been considered necessary here; in addition to which, they have for the joint department of the Legislative Council and Assembly a steward and housekeeper, appointed by the Governor, with the advice of the Executive Council; an assistant-housekeeper, appointed by the Clerk of Parliaments, and a watchman, a house servant, a stable-man, and female servants as well.

70. Are you acquainted with the nature of the buildings? perhaps the buildings are not so convenient as here?—I could not speak officially on that point. With regard to the messengers' duties, it has always been considered that, besides their ordinary duties, they are bound to carry messages for any member of the House who wishes a message carried throughout the day. I have always imagined they have performed that duty in such a way as to give satisfaction. When one or two are away on messages, one or two must be in attendance to give their attendance at the House; for instance, when visitors come to the House, the rule is, that one of them shall escort those visitors over the House. It is not safe to leave people wandering through the rooms by themselves; and the regulation has been, there should be at all times one messenger accompanying them. It would be impossible for the doorkeeper to do that, because he would then have to abandon the door. I myself have, and the Reader has, to send to the Printing Office repeatedly throughout the day.

71. The housekeeper generally goes over the House with strangers, does not he?—Generally, but sometimes not; and I would also wish to point out that, since the correspondence took place, some eight years ago, upon the tenure of office by the officers of the department, I believe it has been looked upon by the messengers that they had the guarantee of the whole Government and the country that their positions were secure, and they would not be disturbed. These messengers were made permanent officers, at the instigation of Members of the House, and I believe that they considered they had acquired a permanent position so long as they did their duty to the satisfaction of the Members of the House; and I have felt that however humble the position of the officers might be, it was my duty, as the head of their department, to endeavor to secure them in their position, from the manner in which they have been led to expect they would be retained in it.

G. W. Rusden,
Esq.,
continued,
16th March, 1869.

72. *By Mr. McCrae.*—On what ground?—On the grounds set forth in the correspondence, and on their voluntarily waiving the advantages of pension and so forth under the Civil Service Bill, in consideration of retaining their permanent appointments.

73. How can they look upon their appointment as permanent?—I do not wish to detain the committee by going into the whole of the reasons, unless they desire it, as I have set them forth in the documents now printed by order of the committee.

74. *By the Chairman.*—It is all set out in the correspondence?—It was set out at great length then, and I am aware the Governor of the day wrote a minute upon the subject, which I cannot quote, but which has been shown to me officially, and, speaking from memory, I may say it dealt with the whole subject of the Legislative Council.

75. *By Mr. O'Shanassy.*—It is a question of law as well as practice?—Of course it is a question of law, practice, and privilege, but it is also a question of what were unquestionably well-grounded expectations; and acting on those expectations, the various officers might incur obligations, believing that the Council, having led some of them into their position, would support them in it.

76. The practice of Government, but I imagine they rest it upon some higher ground. Do you not rest it upon the ground of law?—I do on their behalf rest it in that way, and the committee will see that I am bound to raise a fair claim on their behalf, however humble their positions may be in the department.

77. *By Mr. McCrae.*—I would infer, from what Mr. Rusden says, that it would not be competent for this House to recommend, or the Government to make, any reduction in the number of employés of this House?—I would not say for a moment what would be competent for this House to recommend; but I mentioned that it was at the recommendation of this House these various persons were made permanent, and I imagine they would feel that the House having contributed to making their position permanent, the House would look upon it in a different way to what it would if the House had not had a hand in making these appointments permanent.

78. *By the Chairman.*—Do you think any reduction in the number of messengers could be made when the House is not in session?—There is no doubt when the House is out of session, there need not be the same number of messengers in attendance as when it is in session; but at the same time there is the great difficulty of not having persons of well known character about the premises, acquainted with the members, attentive to their work, and of well established character.

79. *By Mr. O'Shanassy.*—Are you acquainted with the average duration of the sessions?—I have not looked that point up, so as to be able to speak precisely.

80. Sometimes they have been eight and ten months?—The first two sessions only had an interval of some eight or ten days between them.

81. And if there were long sessions, there would be no possibility of bringing that economy to bear?—No. I was going to say that, at the opening of this House, the buildings were unfinished; and in consequence of these buildings being used partly by the Library, there was a sort of thoroughfare for the persons attached to the Library department; and the doors could not be kept properly locked; and occasionally there were a number of small things missing, and it was impossible to ascertain how those articles were missing; and the housekeeper, the predecessor of the present one, and others, complained that they could not be properly responsible in consequence of the thoroughfare by persons not connected with the House; and, of course, there is great reason in that. Since then the department has been kept to itself, but it is necessary there should be a doorkeeper on the watch, there are so many outlets and inlets to the building.

82. *By Mr. Campbell.*—With regard to the claim those men have in relation to their offices being permanent, how could you dispense with them if employing them only for a time, temporarily?—It was on that point I thought the committee would excuse me for mentioning that I believe those men were thoroughly aware, when the Civil Service Bill was brought in, that, by considering they had a claim for permanent employment, they would not be entitled to the advantages of the Civil Service Act, and from that time to this they have looked upon it, and logically (it seems to me) they have looked upon it, that that was their position; and I have thought it my duty to point out to the members of the committee that that has been their expectation.

83. *By Mr. O'Shanassy.*—Were they included in your communication made to the Government of that day with regard to their coming under the Civil Service Act?—I consulted them all after my interview with the Chief Secretary, before I wrote that official note to the Chief Secretary, which is as follows:—

12th February, 1862.

SIR,

Since seeing you, I have made enquiry on the point which you mentioned to me, and I find that two of the officers of the Department, whose views I did not know when I saw you, are of opinion (with the others, whose opinions I mentioned) that they would prefer to be ranked on the Civil List, in the manner claimed for them in my correspondence, rather than be included within the terms of the Civil Service Bill.

The Honorable J. O'Shanassy, Chief Secretary,
Chief Secretary's Office.

I remain,
Yours obediently,
G. W. RUSDEN.

84. So that they had the choice and preferred to remain as they are, connected with the Council?—Yes; and I think you will recollect you said in the Assembly that it was the case that they were left out at their own request, and that they preferred that to being included in the terms of the Civil Service Bill; the only manner in which they made any request is that cited in my letter of the 12th February, 1862, so that the committee have its terms precisely before them. With regard to the meaning of the "permanence of appointment" I speak of, I would read one sentence in this document, in which I say "by permanence of appointment I mean of course only such a permanence as is based on the condition of efficient performance of duty, which I understand to be the rule in England."

The Honorable the President here entered the room, and the Honorable W. Highett vacated the chair.

85. You have read that paragraph of the Chief Secretary's letter, which, more especially calls attention to the readers? Would you explain whether, in conducting the business of the Council throughout, from the beginning of the session to the end of it, and especially towards the end of it, you consider it practicable to reduce the number of readers to the Council, or to get the Assembly reader to do the work performed by the readers of the Council?—The Reader to the Council occasionally does clerical work; and when I point out that the clerical staff in Sydney exceeds the clerical staff here by three clerks, it will easily

be intelligible that it is compulsory that he should do so. I have a copy of the Estimates for 1869 in Sydney in my hand, and I find the clerical staffs, when compared, to be as follows: The Clerk, the Clerk Assistant, the Usher, and the Clerk of the Papers,—here their joint salaries amount to £2400. The corresponding staff in Sydney is the Clerk, the Clerk Assistant, the Usher, the first Clerk, second Clerk, third Clerk, and Copying Clerk, and their joint salaries amount to £3050. But here the Reader does clerical work, and it is therefore fair to include him; and adding him and the Reader's boy, the clerical staff is £2765; whereas in Sydney, as I have said, it is £3050. I do not see how the reading is performed in Sydney, because no Reader is included in the Estimates for the Legislative Council; therefore, so far as I can gather, the reading must be done at the Printing Office: the clerical staff therefore here is three less than in Sydney, and is worked at a less cost for that reason. I wish to point out that Mr. Weare very often does clerical work. Then I would also point out that, at the end of the session, when very heavy bills have to be read, it is impossible to do with less than four for the clerical staff. The manner in which bills are put upon parchment here is this; there are three copies on parchment, each of which has to be verified by me, as in accordance with the bill as passed by the Houses. The way in which that verification takes place is this. I have in my hand the original bill as it passes the Houses, with all the numerous manuscript amendments thereon. Mr. Comyns, the Clerk Assistant, Mr. Finn, Clerk of the Papers, and Mr. Weare, the Reader, each take a copy on parchment; one of them reads this parchment copy aloud, and the other two, who have parchment copies in their hands, of course are a check that he reads correctly; and I have to be a check that they are in accordance with the bill as it passes the Houses. Therefore no less than four persons can examine those four documents, and four people are the whole clerical staff we have, including the Reader. Therefore, at the end of the session, and whenever Bills have to be assented to, it would be impossible—it is manifestly so—to do with less than four persons. Whenever an error is discovered, a messenger has to go at once to the Printing Office for a fresh sheet corrected as required.

G. W. Rusden,
Esq.,
continued,
16th March, 1869.

86. There is no such reading as you refer to by four persons in the Assembly?—No; the Clerk of Parliaments' office of putting these bills upon parchment, and verifying each of them for the Governor's signature, is quite separate from the internal work of either House; it is after the bills are disposed of in the two Houses this stage is arrived at.

87. Could any of the Readers of the Assembly practically be put in Mr. Weare's position at that time? could he be drafted from his business there to make one of the quartette here?—They might have important business connected with the Assembly, so that he might be unable to attend, and be justified in declining to come. At the end of a session especially there is a large amount of reading to be done in both Houses; and the staff of one House could not assist the other without neglect of its proper work. The reading lasts sometimes, or has occasionally lasted, for many weeks after the end of a session.

88. *By Mr. McCrae.*—How long a time does it occupy you at the end of the session in the preparation of those bills?—It varies. If there is no great hurry at the end of the session, it is scattered indiscriminately over two or three weeks. Occasionally there has been great pressure, and we have been up all night long till eight o'clock in the morning without a moment's cessation, and have had to resume again almost immediately, after disposing of pressing office work.

89. *By Mr. O'Shanassy.*—In fact, when the announcement of the prorogation of the session has taken place, you are obliged to have the work completed in time for the prorogation?—Yes.

90. And consequently then a pressure comes?—Yes. Then occasionally there are several committees of this House sitting. In the earlier sessions of the House, I have known three sittings of committees simultaneously; and it is impossible, as the Standing Orders require each committee to be attended by a clerk of the House, that we could get on with a less staff than is sufficient to attend to the committees of the House. In that case we have, by arrangement, distracted the Reader from his proper reading work, which is sometimes very continuous, according to the length of the documents ordered to be printed; and we have put him to the Clerk of the Papers' work, while that officer has been attending on committees.

91. Is it your opinion that, unless the committee can show that that reading can be done by some department extrinsic to the Council, with the present staff, it is practicable to reduce the number from four with a view to safety in the reading, and the completion of the work in time?—As far as the ordinary reading is concerned, it is immaterial to me whether it is done here, or at the printing office, so long as I have the final revise. But I have been pointing out that the Reader or some fourth clerk would be required in the office, because he is employed clerically in that way, and nothing less than a staff of four can read the three bills on parchment.

92. And in addition, he may be called upon to perform the duties of clerk at a committee meeting, of which you have no notice till the appointment of the committee?—Certainly. Mr. Comyns, Mr. Finn, and I, have all attended simultaneously the sittings of different committees, but it has been by distracting the Reader from his own peculiar work.

93. Suppose the House resolved to have four committees?—Then we should have to get Mr. Weare, the Reader; and for that reason I suppose they have so much larger a staff in Sydney. Great inconvenience might result if the staff were inadequate for attendance on committees. In Sydney they are better protected against such a result, by the possession of a more numerous staff; that is palpable, because here they are in the Estimates. I have made a short extract (with notes of my own) from the Estimates in New South Wales for the year 1869, and I will hand it to the Shorthand Writer.—[*The same was handed in, and is as follows*]:—

| SYDNEY. | | | | MELBOURNE. | | | | | |
|---|-----|-----|-----|------------|---|-----|-----|-----|--------|
| | | | | £ | | | | | £ |
| Clerk of the Legislative Council and Clerk of the Parliaments ... | ... | ... | ... | 800 | Clerk of the Legislative Council and Clerk of the Parliaments ... | ... | ... | ... | 1,000 |
| Clerk-Assistant ... | ... | ... | ... | 600 | Clerk-Assistant ... | ... | ... | ... | 600 |
| Usher ... | ... | ... | ... | 400 | Usher ... | ... | ... | ... | 400 |
| 1st Clerk ... | ... | ... | ... | 400 | Clerk of Papers ... | ... | ... | ... | 400 |
| 2nd Clerk ... | ... | ... | ... | 350 | | | | | |
| 3rd Clerk ... | ... | ... | ... | 250 | | | | | £2,400 |
| Copying Clerk ... | ... | ... | ... | 250 | Reader ... | ... | ... | ... | 300 |
| | | | | | Reader's Boy ... | ... | ... | ... | 65 |
| | | | | £3,050 | | | | | £2,765 |

N.B.—The reading would appear to be done in Sydney at the Printing Office. Mr. Weare is often employed at clerical work when there is any pressure of business.

| G. W. Rusden, Esq., continued, 16th March, 1869. | SYDNEY. | £ | MELBOURNE. | £ |
|---|-----------------------------------|------|---|------|
| | Chief Messenger | 150 | Housekeeper | 200 |
| | Doorkeeper | 120 | Four Messengers, at £3 each per week | 624 |
| | Four Messengers, each £100 | 440 | | |
| | | £710 | | £824 |

There is in Sydney a charge for a temporary establishment for both Houses, of £264; and, besides this, also in Sydney there are in a joint department of the Council and Assembly—

| | |
|----------------------------------|------|
| A Steward and Housekeeper | 225 |
| An Assistant Housekeeper | 64 |
| Watchman | 110 |
| House servant | 110 |
| Female servant | 54 |
| | £563 |

Which added to the above sum of £710 would largely increase the annual charge; while in Melbourne there are charged the services of a Charwoman at £78 per annum, in the Legislative Council Department.

94. *By Mr. McCrae.*—Have you got the Estimates for South Australia here?—I have not.

95. I should like to see the expense of the Legislative Council of South Australia?—Having been in Sydney, and having been familiar with the manner in which the work was performed there, and with many persons there, it naturally occurred to me to look at it. I would also point out that there is a Shorthand Writer attached in Sydney to the staff of the Legislative Council, and one to the staff of the Legislative Assembly. That is here differently managed, by a separate department, and so the Shorthand Writer I have not alluded to.

96. *By Mr. O'Shanassy.*—Is there any other officer on the staff you could suggest any economy in relation to?—The Reader's boy was made permanent at the instigation of one or two members of the House, and his salary is very small (25s. per week), and I do not imagine any very great saving could be made by discharging him during the recess; but at the same time, supposing this lad could be provided with anything else which he was willing to take elsewhere, there is not the slightest objection to the boy being merely sessional, because that is merely mechanical work, which could be done during the session by a person temporarily retained. Supposing the lad was fit for promotion, and took any other office, there is no reason why the Reader's boy should not be sessional. He is always under the superintendence of the Reader, and I do not see, if he be of ordinarily respectable character, that there would be any objection to his being sessionally employed, subject, of course, to the present holder of the office being satisfied with the work to which he was removed, and doing it voluntarily. Though his salary be small, and his office humble, he is entitled to the same consideration as any one else. In the same way the case of the Charwoman I think should be looked at. She is a widow, and has a family to support.

97. *By Mr. Hightt.*—I believe the Readers have the same duties to perform here that they have in the Assembly; that, in fact, they have to go through the whole of the Bills here, similar to the duties performed in the Legislative Assembly?—They read, in the first instance, every document that is ordered by the House to be printed, for "literals," as they are technically called, and errors, and subsequently to that, the guarantee of the accuracy of the documents I am responsible for, because I have to examine every revise, and I have to go through the Bills in all their stages, as well as in their final state when they are put on parchment, after they pass both Houses. The Reader also assists in copying documents for the printer; for occasionally, when a member desires any paper to be rapidly proceeded with, the work could not be done in time otherwise. On special occasions I have even had to send an original document to the printer, a course which I am very averse to taking, if it can be avoided in any way, and one in which I have carefully to examine the document before venturing to send it away. But the staff being small, we must, when there is a pressure, get through the business as we best can; so that members who expect papers may not be disappointed.

98. The Readers have the same duties to perform here as they have in the Assembly, as to going through every Bill?—Every document ordered to be printed, when it is put in type by the Government Printer, is sent up here and read, in the first instance, by the Reader. I might also add to what I state now, that the evidence being now taken down before the committee will be read, in the first instance, by the Reader. Then it is his duty (when the evidence is sent to the person who gives it to correct, as it always is), if he finds anything which the witness has inserted which appears to be a deviation from what is reported, to call my attention to it; and my duty is to bring it before the committee, so that if the deviation be substantial, it shall not be allowed to go into print without the sanction of the committee.

99. *By the Chairman.*—Do I rightly understand you to say that the duties of reading could not be performed by the Assistant Clerk and the Clerk of the Papers during the early part of the session?—I do not think they could, because, if committees of the House are sitting, they must attend the committees of the House; and that is quite incompatible with the reading of lengthy documents for literal accuracy—and it is a very tedious process—one document may take two or three days, or more, to read. It is therefore impossible for the clerks of the House to attend to their duties in committee and in the House, and be reading documents; and there is besides a special expertness and familiarity with printers' signs which is peculiar to the office of a Reader. I may say, the office of Reader is rather the office of an expert.

100. *By Mr. O'Shanassy.*—There are no increases of salary, I believe, from the time the officers get their appointments in the Legislative Council under the Civil Service Act?—No increment.

101. They are at a stationary rate?—Yes; there is no increment at all.

102. And they have no regulation applying to them, in regard to leave of absence, retiring allowance, and age, and so forth, as under the Civil Service Act?—They are not in any way under the Civil Service Act. I may mention, however, that the office of "Usher of Legislative Council" is included in the Second Schedule of the Civil Service Act. The insertion of that office, and the passing of the Act itself, occurred during my absence from the colony, and I am not able to state the special reasons for the inclusion of the office in the Schedule; but I have heard that they were personal to Colonel Farquharson, the then holder of the office. But as the 50th section of the Act seems to limit the construction to officers whose salaries were

"assigned to them by the Appropriation Act for the year 1862," and no salary was ever assigned by that Act to the Usher, I imagine it may still be said that the Act in no way applies to him. G. W. Rusden, Esq., continued, 16th March, 1869.

103. *By Mr. Campbell.*—In reference to that document as to Sydney, could you tell us the salaries of the President, and Chairman of Committees, and Speaker of the Assembly, as compared with the amounts given here?—I hold the Estimates for 1869 in my hand, and I read as follows—"President, £1200; Chairman of Committees, £500; Clerk of the Parliaments, £800; Clerk Assistant, £600; Usher of the Black Rod, £400; Shorthand Writer, £550; First Clerk, £400; Second Clerk, £350; Third Clerk, £250; Copying Clerk, £250; Chief Messenger, £150; Doorkeeper, £120; Four Assistant Messengers, £440;" that is irrespective of the joint department for the two Houses which I have alluded to.

104. And to the chief officers in the Assembly?—Speaker, £1200; Chairman of Committees, £500; Clerk of Assembly, £800; Clerk Assistant £600; Second Clerk Assistant, £400; Serjeant-at-Arms, £400; Shorthand Writer, £550; Clerk of Records, £400; Clerk of Select Committees, £350; Clerk of Printing Branch, £300; Copying Clerk, £250; Clerk in charge of printed papers, £250; Principal Messenger, £150; Principal Doorkeeper, £120; two Assistant Messengers, £220; and then there are sessional appointments.

105. Then it appears the President and the Speaker receive the same salary in New South Wales?—By these Estimates they do. Before I close my evidence, I would call attention to one paragraph in this letter (addressed to the Acting President of the Legislative Council in 1861), in which I say, "But if the public interests require a change, I willingly waive any rights which I may have in favor of any provisions which the Houses of Parliament may think fit to embody in a Bill, as contemplated by the Constitution Act." I wish the committee to understand that, though I thought it my duty to raise the points connected with the department, both as to practice and law, and as to the privileges of the Council, I distinctly abstain from making special personal claims on my own behalf.

The witness withdrew.

Adjourned to Tuesday next, at Two o'clock.

TUESDAY, 23RD MARCH, 1869.

Members present:

The Hon. THE PRESIDENT, in the chair;

The Hon. J. P. Bear
W. Highett
J. McCrae

The Hon. J. O'Shanassy
W. H. F. Mitchell
A. Fraser.

G. W. Rusden, Esq., further examined.

106. *By the Chairman.*—Will you state what check there has been on the incidental expenses?—I have exercised the utmost care in scrutinizing the requirements of the department, with a view to economise as much as possible; and I believe, if one of the Commissioners of Audit were summoned, he could testify that great care has been exercised, and that the expenses of the department are small.

107. What do you consider to have been the average expenses for contingencies?—For the last eight years, exclusive of a special sum of £50 expended on the building when the Duke of Edinburgh first visited the colony, the average has been £164.

108. Does that include law expenses, engrossing addresses, and so on?—Everything.

109. What portion of that has been laid out in law expenses?—A very small sum has ever been so laid out. But a sum is set apart every year; but its use entirely depends upon the orders of the House, or of the President on behalf of the House.

110. Does it refer to drafting bills?—No; the Government have at different times specially provided for that; but honorable members of the committee will recollect during the previous session or two of the Council, the assistance of a draftsman was obtained.

111. Does it involve any fee for advice to the President, in the event of law points arising?—That is what it is for. In the department itself, I never incur a farthing of expense on that head. It is entirely at the control of the President and the House.

112. *By Mr. McCrae.*—How is this sum of £164 principally made up?—There are water, gas, stationery, occasional requirements in the casualties about furniture, carpeting offices, and other things.

113. *By Mr. Bear.*—Is that all included in the £164?—It is.

114. The furniture and repairs to furniture?—Not the furniture, and only such trifling repairs to it, as it would be improper to trouble the Public Works Department about by a requisition. However, I will send for the book containing the details of the contingencies for 1868, and I will hand to the Shorthand Writer the details of the expenditure for that year.—[*The book was sent for, and the following list of items was read*]:—

CONTINGENCIES IN 1868.

| | £ | s. | d. | £ | s. | d. |
|--|----|----|----|------|----|----|
| GAS—For Council Chamber and offices | 11 | 6 | 11 | | | |
| Moiety of gas for lamps at gate | 13 | 0 | 0 | | | |
| Moiety of gas at Parliament stables, and gas at housekeeper's quarters | 10 | 8 | 7 | | | |
| | | | | 34 | 15 | 6 |
| FUEL—Coal | 8 | 15 | 6 | | | |
| Firewood | 6 | 4 | 8 | | | |
| | | | | 15 | 0 | 2 |
| WATER—(Paid annually to Public Works Department, after long correspondence on the subject) | 30 | 0 | 0 | | | |
| STATIONERY AND STORES—Stationery | 21 | 3 | 3 | | | |
| Stores | 14 | 11 | 11 | | | |
| | | | | 35 | 15 | 2 |
| INCIDENTALS—(Including the engrossing of addresses, regulating clocks, sweeping chimneys, &c.) | | | | 10 | 17 | 5 |
| | | | | £126 | 8 | 3 |

G. W. Rusden, Esq.,
continued,
16th March, 1869.

During 1868 no charge was incurred for Fees from Legal Advisers, but a sum is annually provided for the purpose, and is available if the House or the President desire to draw upon it. The amount so authorised is £100 in each year, and when no advice is taken the whole sum lapses to the general revenue. I observe that some members of the committee express surprise at the charge for gas used at the Parliament stables, and at the gates. The charge was not admitted as a proper charge, until some correspondence had taken place. If it should be deemed irregular to consider it a proper charge against the Schedule, the average annual saving in each year, instead of £1169, as shown in the Memorandum before the committee, would be (omitting fractions of a pound) £1192. If, again, payment for Yan Yean Water Supply should be deemed scarcely a fair charge on the Schedule, the average annual saving shown on the £5000 would, at the current rate of expenditure, exceed £1200. I may mention that, when I have had correspondence with the Government on any subject which appeared important, I have usually apprised members of the House of the fact. In the case of the correspondence as to the Appropriation of the £5000, the committee will observe that, as that correspondence involved a reference to the privileges of the Council, I took care to address a special letter to the Acting President at the time.

1869.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

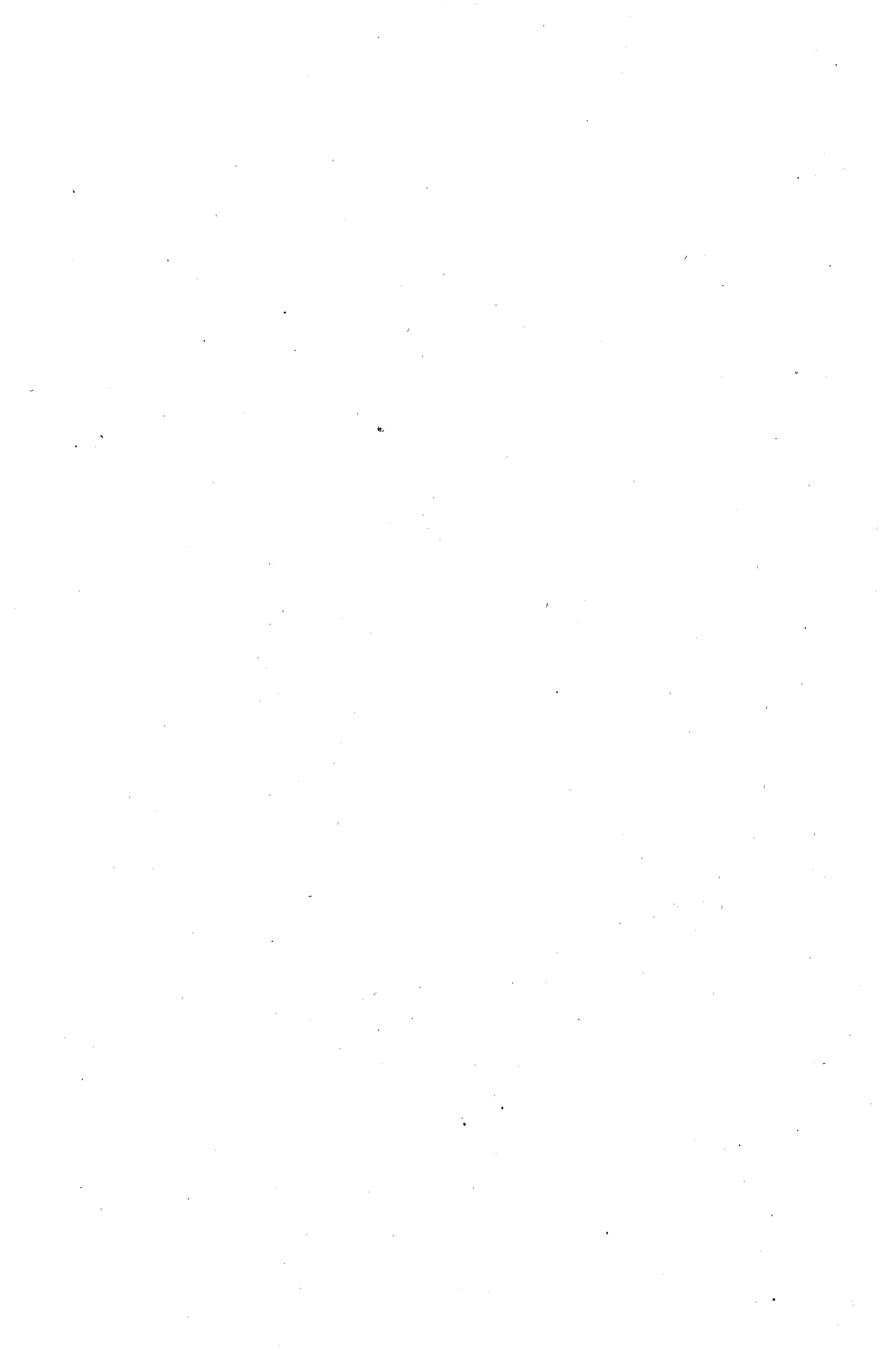
OF THE

PRINTING COMMITTEE.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE J. GRAHAM, AND ORDERED BY THE
COUNCIL TO BE PRINTED 26TH MAY, 1869.

By Authority:

JOHN FERRIS: GOVERNMENT PRINTER, MELBOURNE.



REPORT.

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

| Title of Paper. | When moved for and by whom. | When laid on the Council Table. | By Command. | Report and Remarks of the Committee. |
|--|--------------------------------|---------------------------------------|-------------|--|
| Victoria Volunteer Force—Bacchus Marsh Troop of the Prince of Wales Light Horse—Regulation (16th November, 1868) | | 11th Feb., 1869 | ... | No Order made. |
| Import, Export, and Shipping Returns, &c., for year 1868 | | " | ... | " |
| Address of Condolence on Assassination of the late President of the United States.—Communication from the Department of State at Washington | | 16th Feb., 1869 | ... | " |
| Blackwood—County Courts.—Order in Council (25th January, 1869) | | " | ... | " |
| Mortlake—County Courts.—Order in Council (16th November, 1868) | | " | ... | " |
| Bairnsdale—County Courts.—Order in Council (1st February, 1869) | | " | ... | " |
| Wardens.—General Rules for Proceedings before (30th December, 1868) | | " | ... | " |
| Rushworth.—Mining on Portion of Camp Reserve authorized.—Order in Council (11th November, 1868) | | " | ... | " |
| Mineral Leases—Alteration of Regulations relating to—Order in Council (9th November, 1868) | | " | ... | " |
| Gold Mining Leases—Alteration of Regulations relating to.—Order in Council (9th November, 1868) | | " | ... | " |
| Mining Tenements—Fees for Surveys of.—Beechworth District (23rd November, 1868) | | " | ... | " |
| Victorian Volunteer Force.—Regulations in respect of Allowances rescinded (31st December, 1868) | | " | ... | " |
| Mining Surveyors and Registrars.—Reports of, for quarter ending 31st December, 1868 | | " | ... | " |
| Bairnsdale — County Court.—Order in Council (1st February, 1869) | | " | ... | " |
| Paying or compensating Members of the Legislature.—Report of Royal Commission (8th February, 1869) | | 23rd Feb., 1869 | By Command | " |
| Statistics of the Colony of Victoria for the Year 1867.—Part V.—Finance, &c. Part VI.—Vital Statistics, &c. Part VII.—Production. Part VIII.—Religious, Moral, and Intellectual Progress | | " | ... | " |
| Steiglitz Division—Polling Places.—Order in Council (15th February, 1869) | | 2nd Mar., 1869 | ... | " |
| Donnelly's Creek Division.—Additional Polling Places.—Order in Council (1st February, 1869) | | " | ... | " |
| Sandhurst Mining District.—Additional Polling Places for certain Divisions.—Order in Council (25th Jan., 1869) | | " | ... | " |
| Mining Surveyors and Registrars—Reports of, for quarter ending 30th September, 1868 | | " | ... | " |
| Hospitals for Insane—Report of Inspector of Asylums on (4th February, 1869) | | " | ... | " |
| Official Agents.—Regulations for (25th January, 1869) | | " | ... | " |
| Schedule D.—Statement of Expenditure, 1866 and 1867 | | " | ... | " |
| Victoria Volunteer Force.—Regulation respecting (22nd February, 1869) | | 9th Mar., 1869 | ... | " |

| Title of Paper. | When moved for and by whom. | When laid on the Council Table. | By Command. | Report and Remarks of the Committee. |
|--|------------------------------------|---------------------------------|-------------|---|
| Paying or compensating Members of the Legislature.—Additional papers | | 9th Mar., 1869 | By Command | No Order made. |
| Mansfield County Court.—Order in Council (1st March, 1869) | | 16th Mar., 1869 | ... | " |
| Message from His Excellency the Governor, transmitting Dispatch from the Right Honorable the Secretary of State, announcing Her Majesty's pleasure with respect to the precedence accorded to Bishops and other Ecclesiastical Dignitaries | | 7th April, 1869 | By Command | " |
| Warrenheip and Bungaree Reservoirs Site excepted from Mining Operations.—Order in Council | | " | " | " |
| Schedule D to 18 and 19 Vic., cap. 55—Statement of Expenditure under, on account of the Year 1868 | | " | " | " |
| Health Officer's Report for year ending 31st December, 1868 | | " | " | " |
| Walhalla, County Court and Court of Mines at.—Order in Council (15th March, 1869) | | " | ... | " |
| Water Supply, Victorian— Statement of Expenditure, 1868, out of Water Works Loan, 1865.—No. 287 Estimate of Proposed Expenditure in Castlemaine and Sandhurst Districts and Town of Geelong, and for completion of works at Ballarat Statement of Application of Moneys during 1868, out of Loan, No. 332, <i>Public Works Loan Act</i> , 1868 Draft of Bill, and Schedule thereto, for applying Money raised under the <i>Public Works Loan Act</i> , 1868, for Salaries, Wages, and Contingencies. | | " | ... | " |
| Electric Telegraph.—Report and Appendices for the year 1868 | | 15th April, 1869 | By Command | " |
| Post Office Department.—Report for the year 1868 ... | | " | " | " |
| Paying or compensating Members of the Legislature.—Further papers in connection with Report of Royal Commission | | " | " | " |
| Castlemaine.—Mining operations authorized on excepted lands at.—Order in Council (22nd March, 1869) | | " | ... | " |
| Bright—County Court to be holden at.—Order in Council (26th April, 1869) | | 5th May, 1869 | ... | " |
| Bright—Court of Mines, Beechworth District—to be holden at.—Order in Council (26th April, 1869) | | " | ... | " |
| Gipps Land Mining District—Polling Places for.—Order in Council (12th April, 1869) | | " | ... | " |
| Races, Drains, Dams, and Reservoirs—Regulations respecting Licences to cut.—Order in Council (12th April, 1869) | | " | ... | " |
| Ballarat—Powers, &c. of Officers in Mining District of.—Order in Council (12th April, 1869) | | " | ... | " |
| Ratepayers Roll.—Return to an Order of the Council ... | Hon. W. Highett 16th Feb., 1869 | " | ... | " |
| Education—Seventh Report of Board of.—1868 ... | | 19th May, 1869 | By Command | " |
| Telegraphic Communication between Europe and Australia.—Letter with Enclosures, from Agent-General (25th February, 1869) | | " | ... | " |
| Yan Yean Water Supply.—Cash-Sheet and Balance-Sheet (1868) | | " | ... | Recommended to be printed should it not be printed by order of the Legislative Assembly.* |
| Mining Surveyors' and Registrars' Reports.—Quarter ending 31st March, 1869 | | " | ... | No Order made. |
| Ratepayers Roll.—Further Return to an Order of the Council | Hon. W. Highett 16th Feb., 1869 | " | ... | " |

* Printed by order of the Legislative Assembly.

JAS. GRAHAM,
Chairman.

Committee Room,
26th May, 1869.

1869.
—
VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

THE SCAB BILL;

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED, 1st SEPTEMBER, 1869.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 28TH JULY, 1869.

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

Amendment moved by the Honorable N. Black, That all the words after the word “be” be omitted, with a view to insert the words, “referred to a Select Committee, consisting of the Honorables J. O’Shanassy, R. Simson, P. Russell, W. Campbell, W. H. Pettett, W. Highett, W. H. F. Mitchell, and the Mover, and that the Committee have power to call for persons and papers.”

Question—put and passed.

The Honorable N. Black moved, That the Select Committee have power to sit during all adjournments of the House.

Question—put and passed.

SCAB BILL SELECT COMMITTEE.—The Honorable W. Highett, with leave of the Council, in the absence and on behalf of the Honorable N. Black, moved, without notice, That the Honorable F. Robertson be added to the Select Committee on the Scab Bill.

Question—put and passed.

WEDNESDAY, 4TH AUGUST, 1869.

PETITIONS RELATING TO SCAB BILL.—The Honorable N. Black, in accordance with notice, moved, That the Petitions respecting the Scab Bill be referred to the Select Committee to which the Scab Bill was referred.

Debate ensued.

Question—put and passed.

WEDNESDAY, 1ST SEPTEMBER, 1869.

SCAB BILL.—REPORT OF SELECT COMMITTEE.—The Honorable N. Black, as Chairman of the Select Committee to which was referred, on the 28th July, the Bill intituled “*An Act for the Prevention of the Scab in Sheep*,” brought up the Report and Proceedings of the Committee, and moved, That the same be received, printed, and taken into consideration on Tuesday next.

Debate ensued.

Amendment moved by the Honorable J. McCrae, That the words “on Tuesday next” be omitted, with a view to insert the word “to-morrow” instead thereof.

Debate ensued.

Amendment, by leave, withdrawn.

Question—That the Report and Proceedings be received, printed, and taken into consideration on Tuesday next—put and passed.

REPORT.

THE SELECT COMMITTEE of the Legislative Council, to which was referred the Bill intituled "*An Act for the prevention of the Scab in Sheep,*" have the honor to bring up the following Report :—

Your Committee append a Draft of the amendments which they are of opinion that it is desirable to make in the Bill.

Your Committee further recommend that the amendments they suggest should be taken into consideration in Committee of the whole House, after the second reading of the Bill.

NIEL BLACK,
Chairman.

Committee Room,
1st September, 1869.

PROCEEDINGS OF COMMITTEE.

THURSDAY, 29TH JULY, 1869.

Members present :

The Hon. N. Black
J. O'Shanassy
W. H. F. Mitchell
W. H. Pettett

The Hon. R. Simson
P. Russell
F. Robertson.

On the motion of the Honorable W. H. F. Mitchell, the Honorable N. Black was appointed Chairman.

The Honorables W. Highett and W. Campbell entered the Committee-room.

The Committee deliberated.

The Honorable J. O'Shanassy moved, That the Committee, having fully considered the Bill intituled "*An Act for the prevention of the Scab in Sheep,*" is of opinion that the general principles of the law now in force in New South Wales on this subject should be adopted, with such modifications as may be found necessary to adapt it to this colony, and that the Committee proceed to determine what portions of such Act shall be so incorporated with the Bill now before this Committee.—Agreed to.

The Committee proceeded to consider the Bill.

Clause 1 of Bill agreed to.

Clause 2 agreed to.

Clause 3, sub-sec. 3. Definition of "Run." Attention of draftsman to be directed to definition—One enclosure to be a "run."

Clause 3, sub-sec. 13. The expression "the inspector" shall mean "the Chief Inspector, or any inspector of sheep authorized to act as inspector." Omit the remainder of the clause after "inspector."

Clauses 4 and 5 agreed to; the latter to define the mode of election, general powers and duties of directors.

New South Wales Act: Clauses—4. "Election and Numbers of Directors." 5. "Qualifications of Electors and Candidates," and 6. "Disqualifications of Electors and Directors,"—were adopted.

Same Act: Clause 7. "Mode and Place of Election," adopted, with addition of words "at some convenient place at which election shall be held." Leave date blank, and after "*Gazette,*" add words "local paper circulating in the district."

Same Act: Clause 8. "Vacancies in the Board of Directors;" and 10. "Two Directors to form a quorum, and Directors to elect a Chairman."—Adopted.

Clause 6 of Bill agreed to.

New South Wales Act: Clause 12. "Mode of appointment of Inspectors," agreed to, with a proviso that present officers shall remain in office until appointment of their successors.

New South Wales Act: Clauses—13. "Directors to be Inspectors *ex officio.*" 14. "Times fixed for meeting of Directors." 15. "Director receiving information of outbreak of disease in locality."—Adopted.

Ordered—That the draftsman be requested to compare the powers of entry of inspectors, obstructions, &c., with the 20th and other Clauses of the Bill.

New South Wales Act: Clause 25, "No inspector to be an owner of or dealer in sheep,"—adopted.

The Committee adjourned until eleven o'clock on Saturday.

SATURDAY, 31ST JULY, 1869.

Members present :

The Hon. J. O'Shanassy
P. Russell
R. Simson

The Hon. W. H. Pettett
W. Highett
W. Campbell.

On motion of the Honorable J. O'Shanassy, the Honorable W. Highett was voted to the chair.

The Committee proceeded to consider the Bill.

Clause 7, in line 40, after "*Gazette,*" insert "and in a local newspaper circulating in the district."

Ordered—That the draftsman consider Clause 7 in connection with 77th section of New South Wales Act, and the clauses already adopted regarding the duties of directors.

Clauses 8, 9, and 10 passed, with the addition of the words "and in a local newspaper circulating in the district" after the word "*Gazette*" wherever such shall occur in the clauses.

Clauses 11, 12, and 13 passed.

Clause 14, line 19, after "sheep" insert "not chargeable upon owners holding less than Five hundred sheep."

Clauses 15, 16, 17, 18, 19, agreed to. [These clauses were adopted by the Committee because the essential principle of representation had been already provided for.]

Clause 20, add words giving power to inspector "to cause the owner or person in charge of sheep about to be inspected to collect and put the sheep in a yard for his inspection."

Clause 21, line 14, after "run" add "not more than once in each month."

Clause 22, line 24, the words "Twenty-four" and "Eighteen" to be put in *italics*, with a view to future discussion. The form of notice should state the point of entry, wherefrom and whereto, so as to identify where the sheep came from, &c.

Clause 23, line 33, put word "five" in *italics*.

Clause 24, line 41, after "shall" insert "wilfully."

Clauses 25 to 31, inclusive, agreed to, upon the understanding that they be made to conform with what has been already done.

Clause 32 agreed to.

submitted a brief extract of some of the principal amendments proposed to be made in the Bill. They applied for the services of a draftsman to put the proposed amendments into legal form, but the application was refused. It was, however, intimated to them that if, in lieu of a board of directors, a board of advice similar to the Emigration Board in London were desired, and if the Bill were returned in its integrity from the Council, an amendment of that kind would be incorporated in it.

The Committee adjourned until next day.

WEDNESDAY, 4TH AUGUST, 1869.

Members present :

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| The Hon. N. Black (in the chair), | |
| The Hon. P. Russell J. O'Shanassy W. H. Pettett | The Hon. W. H. F. Mitchell R. Simson W. Campbell. |

The Committee deliberated.

Consideration of Bill resumed, and following alterations ordered :—

Clause 50, words to be added, "not exceeding half the value of clean sheep of same class to be allowed for the destruction of diseased sheep."

Clause 57, words to be added, "owner to have permission to clean own sheep on all parts of own property."

New clause. Provision to be made for the publication of monthly reports, showing the progress and eradication of the disease, state of the country, &c., from the chief inspector and district inspectors.

New South Wales Act: 17th Clause. In addition to removal from office, a penalty not less than £25, nor exceeding £50, to be incurred by any director acting in any cases where personally interested, such penalty to be recoverable in ordinary summary manner.

Clause 70 of Bill to contain a provision embodying a prohibition against diseased sheep.

Proposed by the Honorable W. H. F. Mitchell, "That Mr. Adamson, the draftsman of this Bill, be sent for and employed to embody in it the amendments agreed upon by this Committee."—Agreed to.

The Clerk was directed to communicate to Mr. Adamson the wish of the Committee, that he would attend a meeting next day.

The Committee adjourned until Thursday.

THURSDAY, 5TH AUGUST, 1869.

Members present :

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| The Hon. N. Black (chairman), | |
| The Hon. W. H. F. Mitchell R. Simson W. H. Pettett P. Russell | The Hon. J. O'Shanassy W. Highett F. Robertson. |

The following petition, presented by the Honorable J. O'Shanassy on the 6th July, 1869, and referred by the House to the Committee, was handed in :—

TO THE HONORABLE THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA, IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned, a sheepfarmer of the Wannon :

HUMBLY SHEWETH—

That a public meeting, attended by a large number of influential sheepholders, was held at Hamilton on this first day of July instant, pursuant to public advertisement.

That the said meeting unanimously agreed to the following resolutions—

1. "That it is the opinion of this meeting that the principle of Local Boards, as adopted by New South Wales, is preferable to the principles of the Scab Bill at present before the House of Assembly, which ignores such.
2. "That this meeting is of opinion that the entire expense of working the Act should be borne by the sheepholders of the whole colony, aided by fines and penalties levied under the Act, on condition that they have the same control over the working of the Act that the sheepholders of New South Wales have.
3. "That the foregoing resolutions be inserted in a petition to Your Honorable House, praying that the principles contained in them be embodied in any Act to be passed for eradicating the disease called "Scab in Sheep"; and that John Bristow Hughes be empowered to sign such petition on behalf of the meeting."

Your Petitioner therefore humbly prays that Your Honorable House will be pleased to give your favorable consideration to the foregoing resolutions.

And your Petitioner, as in duty bound, will ever pray, &c.

JNO. B. HUGHES.

The following Petition, presented by the Honorable N. Black on the 27th July, 1869, and referred by the House to the Committee, was handed in :—

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA.

This Petition of the undersigned, Flockmasters and others interested, Humbly Sheweth that Your Memorialists view with considerable alarm and distrust the operation of the proposed new Scab Act, and for the following reasons, viz. :—

- 1st. That without the assistance of a Local Board of Directors, it is impossible as a rule for any inspector, however efficient, to eradicate scab in his district, because of the want of co-operation of the sheep-owners, as proved by our experience under the existing Act.

- 2nd. That each member of such Board would be chosen by those mainly interested in the cure of the disease.
- 3rd. That the system of a local directory in New South Wales has been found to work most beneficially.
- 4th. That as Local Government, when applied to other interests, has been found to work so well, we, your Memorialists, pray that the same principle may be embodied in the present Bill for the Prevention of the Scab in Sheep now before Your Honorable House, and Your Petitioners, as in duty bound, will ever pray, &c., &c.

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|-------------------|-------------------------------|
| James Winter, | William Oanes, |
| Irving Winter, | King and Cunningham, |
| F. Fenton, | William Kennie, |
| Richmond Henty, | Lloyd Jones, <i>per</i> |
| R. G. Macpherson, | Richmond Henty, |
| J. Sutherland, | Laurence Cockburn, <i>pro</i> |
| J. Quarterman, | Charles Brown, |
| Thos. O. Brooke, | Wm. Rutledge, |
| W. Learmonth, | R. H. Woodward, <i>per</i> |
| Hugh Parker, | Wm. Rutledge, |
| Daniel Tuomy, | John Ettershank. |
| Edwd. Henty, | |

The Committee deliberated.
Travers Adamson, Esq., barrister-at-law, was in attendance, and the several proposed amendments were read and discussed *seriatim*.
The Committee adjourned *sine die*.

TUESDAY, 10TH AUGUST, 1869.

Members present:

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| The Hon. N. Black (chairman), | |
| The Hon. W. H. F. Mitchell F. Robertson P. Russell | The Hon. R. Simson J. O'Shanassy W. Highett. |

The Committee deliberated.
The Honorable F. Robertson left the room.
Travers Adamson, Esq., barrister-at-law, was in attendance, and made a statement to the Committee.
The Committee deliberated.
Adjourned until next day.

WEDNESDAY, 11TH AUGUST, 1869.

Members present:

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| The Hon. N. Black (in the chair), | |
| The Hon. W. H. Pettett W. H. F. Mitchell P. Russell | The Hon. J. O'Shanassy R. Simson F. Robertson. |

The Committee deliberated.
Ordered—That the Chief Inspector of Sheep be summoned to give evidence at next meeting.
The Honorable W. H. F. Mitchell moved, That a clause of the following purport be embodied in the Scab Bill, "That no person shall be elected as a director or member of a board who shall not be entitled to vote, and also shall not have been for at least eight years a manager of sheep."—Agreed to.
The Committee adjourned until two p.m. on Friday.

FRIDAY, 13TH AUGUST, 1869.

Members present:

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| The Hon. J. O'Shanassy W. H. Pettett | The Hon. P. Russell W. Highett. |
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On the motion of the Honorable W. H. Pettett, the chair was taken by the Honorable P. Russell.
Edward M. Curr, Esq., Chief Inspector of sheep, was called in and examined.
The Committee adjourned until three p.m. on Tuesday.

TUESDAY, 17TH AUGUST, 1869.

Members present:

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| The Hon. N. Black (in the chair), | |
| The Hon. P. Russell J. O'Shanassy W. H. Pettett W. H. F. Mitchell | The Hon. W. Highett R. Simson W. Campbell. |

The Shorthand Writer's notes of the evidence of the Chief Inspector of sheep, taken at the previous meeting, were read by the Clerk.
Edward M. Curr, Esq., Chief Inspector of sheep, was called in and further examined.
The Committee adjourned until two o'clock next day.

WEDNESDAY, 18TH AUGUST, 1869.

Member present :

The Hon. J. O'Shanassy.

After the expiration of a quarter of an hour, there not being a quorum, the meeting lapsed.

THURSDAY, 19TH AUGUST, 1869.

Members present :

The Hon. N. Black (in the chair),

The Hon. J. O'Shanassy
P. Russell

The Hon. R. Simson
W. H. F. Mitchell.

The Committee deliberated.

Adjourned until two o'clock the following day.

FRIDAY, 20TH AUGUST, 1869.

Members present :

The Hon. N. Black (in the chair),

The Hon. J. O'Shanassy
P. Russell

The Hon. R. Simson.

The Committee deliberated and adjourned *sine die*.

WEDNESDAY, 25TH AUGUST, 1869.

Members present :

The Hon. N. Black (in the chair),

The Hon. W. H. Pettett
J. O'Shanassy
W. H. F. Mitchell

The Hon. R. Simson
P. Russell.

Travers Adamson, Esq., barrister-at-law, was in attendance, and made certain explanations to the Committee.

The Honorable F. Robertson entered the room.

E. M. Curr, Esq., chief inspector of sheep, was called in and further examined.

The Committee deliberated.

Adjourned *sine die*.

MONDAY, 30TH AUGUST, 1869.

Members present :

The Hon. N. Black (in the chair),

The Hon. P. Russell
R. Simpson

The Hon. W. Highett.

Travers Adamson, Esq., was present and made further explanations respecting some of the proposed amendments.

The Committee deliberated, and adjourned until two o'clock on Wednesday.

WEDNESDAY, 1ST SEPTEMBER, 1869.

Members present :

The Hon. N. Black (in the chair),

The Hon. J. O'Shanassy
W. H. F. Mitchell
P. Russell
F. Robertson

The Hon. W. Highett
R. Simson
W. H. Pettett.

Travers Adamson, Esq., was in attendance.

Bill as proposed to be amended submitted.

Clauses read over and considered *seriatim*, and further amendments made.

The Chairman brought up Draft Report, which was read and agreed to.

Chairman ordered to report to the House.

MINUTES OF EVIDENCE.

FRIDAY, 13TH AUGUST, 1869.

Members present :

The Hon. P. RUSSELL, in the chair ;

The Hon. J. O'Shanassy
W. H. Pettett

The Hon. W. Highett.

E. M. Curr, Esq., Chief Inspector of Sheep, examined.

1. *By the Chairman.*—We have asked you to come here to see if you can give us any information about the working of the Scab Act?—I shall be very glad to give you any information I have got. E. M. Curr, Esq.,
13th Aug., 1869.

2. *By Mr. Pettett.*—Is it your duty to examine all sheep that arrive here by vessels?—It is my duty, or, in my absence, Mr. Riley's.

3. Is it imperative that all sheep that are landed shall be clean?—When scab can be detected on sheep they are not allowed to land.

4. Are you aware of any contrary rule or any exception?—No, certainly not.

5. Do you remember any sheep landed belonging to Bulivant?—I do not even know the name of such a person. I have to examine so many sheep, that I do not remember who they belong to ; in fact it is not any business of mine to do so. Each inspector is responsible for his district. I have to see that he performs his duty.

6. *By Mr. O'Shanassy.*—Can you mention Mr. Riley's duties?—Yes, they are the same as the other inspectors, except that, in my absence, he performs my duties.

7. What is Mr. Riley?—Inspector of sheep in the Melbourne district.

8. And in your absence, he performs your duties?—Yes.

9. Has any case been reported to you of sheep having been landed that were diseased, and a licence issued for them afterwards?—No. I have pointed out long ago, in writing to Mr. McCulloch, the necessity for taking other steps besides examination. Take the examination of sheep arriving by sea—where there is not a broken fleece or sores visible—scab cannot be detected on them, for then there is nothing to indicate scab ; all that can be done on land, by the most skilful, is to watch the flock and examine spots on the sheep produced by rubbing or biting. When such spots are seen, as they soon are, they are then examined for scab. Until such spots, or slight disarrangements of the fleece are visible, it is not in the power of man to find scab on sheep, except by the greatest accident.

10. Is it difficult to satisfy yourself with respect to sheep arriving by sea?—Yes, especially as regards sheep from neighboring colonies. They are put usually on the coals in the body of the vessel, and they are trampled on and the wool disarranged and perfectly black ; in fact, it is a mere farce looking at those sheep, coming that way from Tasmania. I have not the least doubt they are culled before they are put on board, and notwithstanding anything the most experienced man can see, it goes for nothing and is useless.

11. Is it the same with regard to foreign sheep—say German sheep?—Not so much ; they are not knocked about so much.

12. What is the process on sheep arriving here from Tasmania or Germany that the inspector adopts?—He goes on board, and if he cannot see scab he gives a permit to land ; and if he does see scab he refuses. If he cannot see scab, he must give a permit.

13. Supposing them to be clean, how long does the permit operate?—They are then free of the country, the same as any other sheep. They can go to any part of Victoria ; cross scabby runs, and then into clean country.

14. *By Mr. Pettett.*—Do you remember a licence being granted to Austin to dress some sheep that came from on board ship?—When was this licence granted, may I ask?

15. Some time ago—some twelve months ago?—No, I do not recollect it. I do not think Mr. Austin had a licence twelve months ago ; but it is impossible to carry these things in your mind, and useless, too, because there are the books you might have it from.

16. Would you look over the books and see whether a licence was granted to Bulivant to dress some sheep?—Yes.

17. *By Mr. O'Shanassy.*—Can you form any estimate of the number of clean sheep, as distinguished from the number of diseased sheep, in the colony?—I had a return made out on the subject, embodying the information you require. The sheep that were doubtful and diseased were somewhat under half a million, or about half a million.

18. About 500,000?—Yes.

19. And you estimate the clean sheep at about nine millions and a half?—Exactly.

20. Is it known to you what particular district this half million are fed upon, or are they in all parts of the country?—It is known very well where they are ; I have a map with it painted on ; it was on the 1st of January this map was colored to show these facts.

21. Do you keep the map in your office for the purpose of guidance?—Yes.

22. Is it the map that was formerly in the Chief Secretary's Office?—No, it is one I got from the Lands Office.

23. Would you have any objection to send it for the Committee to see?—I will send it whenever you like.

24. Can you from memory state in what direction this half million of sheep are?—The greatest part of them are the most thickly about the ranges of the Goulburn, on the east side of the Sydney road.

25. Have you been up there yourself?—Yes, but not lately.
26. What do you consider the difficulty in eradicating the disease in that district?—The difficulty of mustering the sheep.
27. The difficulty is the ranges?—Yes, in those ranges it is exceedingly difficult to muster the whole of a flock. A few are generally left out. Fluke prevails there. People underrate the difficulties of cleaning sheep in the ranges.
28. Then, in the other portions of the country, do you think that the sheep are pretty clean?—Oh, yes; there are some parts of the country where they are very clean. There are some parts where there is hardly any scab, and some parts where there has been none for several years, until taken there lately.
29. Take the Plain districts—the Wimmera and the Murray plains, the Loddon and all that class of country—is that on the whole a healthy country?—A very healthy country, speaking of the scab.
30. Is the Western country free from scab?—There are large districts in the Western country with very little scab.
31. Is it your opinion that, by a combined movement, with the co-operation of all parties brought to bear in the localities, there is a chance of eradicating the disease quickly in the country?—If such a movement could be produced, I think there would be; but I do not think it is possible to produce it.
32. At all events, if it were carried so far as indicated by the map which you are familiar with, that portion of the country you have described could be kept more under control, if the rest of the country was comparatively clean; so that the right-hand side of the Sydney road running to Albury say, and generally on that side the mountainous country, which would be difficult to get clean, in consequence of the sheep running loose into the ranges and scabby places; if the rest of the country available for getting at the sheep be capable of being made clean, actually then the result we anticipate by law could be carried out by that combined co-operation?—I am not sure that I thoroughly understand you.
33. Your opinion is, that co-operation is difficult to bring about?—I think impossible.
34. Assuming it is brought about in those portions of the country leaving the Sydney road on the right, is there not a chance that you would be able to keep the disease within that area, and by degrees to get it out better by that process than by the law that exists?—I do not think that is the marrow of the thing. It appears to me, the difficulty of collecting the sheep is the point. In fact there is country there where they will never be collected, at least it would take several years, although you make any regulations you please; and as long as the sheep are allowed to run in those mountains, some of them will escape being mustered.
35. Are sheep sold from that country to go down into the other portions?—I think so.
36. Would not the precaution of stopping the sheep in the districts so difficult to clean be a good means of preventing them from spreading the disease into the other portions of the territory?—No doubt of it.
37. Is it not the fact that facilities have been obtained by persons in that district to send their sheep to other portions of the country, by getting travelling permits for example?—I think not.
38. Was not there the celebrated case of Mr. Urquhart?—Yes, but the inspector was bound to give a permit. It was not any facility he gave, it was a mere act that the inspector was obliged to perform.
39. Do you think it would be advantageous that a discretionary power should be left in some tribunal before travelling licences are granted?—That is the whole difficulty of the thing, I think.
40. Creating a discretionary tribunal?—No, not the tribunal, but in enacting regulations really efficient. In making regulations which would put a stop to the travelling of all sheep, except those well known to be clean. The inspector should be allowed, under regulations, to use his common sense in judging this matter. Heretofore, this has not been the case. Sheep on which scab cannot be detected, and which have not been dressed for four months the law holds to be clean; whilst practically they are often scabby.
41. Have you called attention to the defect of the present law, from time to time?—Many times.
42. What do you consider the leading defect?—The non-provision for travelling sheep. Until there is a law, as it appears to me, that deals with that subject in the same way as a man would deal with sheep of his own similarly circumstanced, I do not think any good will be done.
43. What is your proposed remedy, in the case of travelling sheep?—I have proposed several times the same one, and I am prepared to go through it again, but not at this moment.
44. On the next day of meeting, will you bring up that information, and briefly state it to the Committee?—It will not take very long.
45. Is there anything you wish to state to the Committee, with regard to the subject of the eradication of scab?—I prefer, as you put the question, to do so on the next day of meeting.
46. *By the Chairman.*—Does the scab lie more with the larger proprietors, or with the smaller ones throughout the Western district?—I should think more with the smaller ones in the Western district, but it is not so through the colony generally; there are more fines and penalties inflicted on the larger holders than the smaller ones. I made up a return of that sort, which was called for in the House once, and the smaller proprietors were very few in comparison with the larger proprietors.
47. *By Mr. O'Shanassy.*—Have you anything to do with the watching of the markets, as to diseased sheep coming to market?—The inspectors have.
48. Is it placed under your jurisdiction, or under that of the Board of Health?—It is the inspector's duty. I speak of scab only. To take cognizance of unwholesome meat is not the inspectors' duty.
49. Have you read the new Bill?—I have read it.
50. Did you notice that provision was left out?—I cannot say I did. There is no special provision in this Act for it. You can inspect sheep in the market, or out of the market.
51. But not in respect of those who slaughter diseased animals—will that be under your control, or under the Board of Health?—There are some occasions on which scabby sheep have been slaughtered for food. We have known of it, and there is nothing to prevent it, either in common sense, or in law, that I know of. A sheep slightly diseased with scab, as it is in England, or on the Continent, does not, when slaughtered, make unwholesome meat—after it is skinned, there is nothing to show it; I am now speaking of the mitigated form of scab.
52. Do you think no steps should be taken under that?—The inspector constantly inspects the sheep at market with reference to scab.
53. What does he do when he notices that stage of disease?—He prosecutes just the same as in any other case. Sheep so scabby as to affect the meat would be so poor that the butcher would not buy them.
54. With regard to the districts, do you think the number of districts sufficient?—Yes, I think so.

55. Speaking of Albury, and that side of the Murray, do you not think that other districts formed there would be advantageous—smaller districts for the front areas of the River Murray?—No, I think not; there is scarcely any scab in that country at all. What is wanted is an Act to prevent scabby sheep from travelling. E. M. Curr, Esq.,
continued,
13th Aug., 1869.

56. Was not there a case lately reported there?—Yes, lately, but it was quite clean before that, and that was on account of a travelling flock; there was nothing to prevent their travelling, and they communicated it to two or three stations; there was none till then. That is the second or third time that country has been cleaned.

The witness withdrew.

Adjourned to Tuesday next at Three o'clock.

TUESDAY, 17TH AUGUST, 1869.

Members present:

The Hon. N. BLACK, in the chair;

The Hon. W. H. F. Mitchell
W. Highett
J. O'Shanassy

The Hon. W. H. Pettett
P. Russell
R. Simson.

E. M. Curr, Esq., further examined.

57. *By Mr. O'Shanassy.*—Would you be kind enough to put upon the table the copy of the scab map you were requested to produce?—Yes. [*The same was produced.*] E. M. Curr, Esq.,
17th Aug., 1869.

58. This map shows the diseased districts and the clean ones?—Yes.

59. Will you describe it briefly—all the parts marked blue, for example?—What the three colors indicate is written on the corner of the map—the yellow is scabby, the blue is doubtful, and the green dressed within four months.

60. And the rest of the country not colored?—It is free from scab. The map as you see it was colored, to show the state of the country as regards scab; the information required for that purpose was specially rendered by the inspectors of sheep on 1st January, 1868. When I speak of the yellow, the blue, and the green, I refer to the map before you.

61. You stated upon the last occasion that you considered there were half a million of sheep diseased?—Yes.

62. Do you mean those in the blue and the green?—Yes, some of those which were doubtful would necessarily turn out scabby. Some of those dressed within four months would turn out scabby and others clean.

63. Here is a place, at Swan Hill, where the rest of the country is generally considered a healthy country?—Yes.

64. Why is this country painted green?—To show that the sheep on it had been dipped within four months.

65. Do you attribute that to any special cause?—They have had the scab on two stations there.

66. This country in the west seems not to have the name of a county?—No, the names on this map are those of the scab districts.

67. The Mortlake district seems to be pretty clean?—Yes.

68. And the Geelong district?—Yes.

69. And the Glenelg?—Yes, part of what appears on the map as doubtful turned out to be clean.

70. How long have the clean portions of these districts been clean?—All this part of the country has been moderately clean a long time—the north-western part of the colony.

71. In fact, attention directed particularly to a few places seems necessary for the eradication of the disease?—Yes, provided re-infection be prevented. I now speak of all the country to the west of the Echuca railway.

72. The prevention, then, of re-infection, seems to be more difficult than the effecting a cure?—Except as regards some exceptionally rough country, the cure is easy; the prevention of re-infection is the real question.

73. A portion of the Wimmera district seems to be colored green?—Yes.

74. Taking this boundary—[*pointing to the map*—is it a natural boundary?—It is the watershed.

75. Your evidence given on the last day of our meeting is confirmed by this map, to show to which part of the colony attention should be particularly directed to secure the eradication of the disease?—Yes.

76. And your belief is, that the subject chiefly turns upon the mode of dealing with travelling sheep?—That is the whole difficulty.

77. The committee desire now to know what it is you propose, as a guarantee for protection about travelling sheep?—Yes.—[*The witness produced a paper.*]—The chief thing to be considered in respect to protection, is the manner in which travelling sheep are dealt with. You ask me what I suggest in respect to them?

78. Yes; what do you consider the best remedy?—That no sheep be allowed to travel till they are considered clean by the inspector. In this matter he should be allowed to use his discretion.

79. What check would you have upon this use of his discretion?—The inspector could be required to give his reasons for what he did. He would be responsible for the course he took. Before he allowed sheep to move, which had been scabby, he would take care that all the probabilities were, that they were clean. It may almost be said, that the law in Victoria holds sheep to be clean unless it can be proved that they are scabby. The purchaser, who wants clean sheep, and the neighboring colonies, hold sheep to be scabby unless it can be proved that they are clean; hence their success and our failure.

80. And in the case of districts notoriously diseased, as the Goulburn district for instance, though individual runs may not come under the description you give, would not you consider the whole district so dangerous, that it was not safe to let sheep travel out of it till the district is declared clean?—Certainly; a

E. M. Curr, Esq.,
continued,
 17th Aug., 1869. suggestion which I offered to a public meeting and which met with approval is this—[*The witness read the same, which is as follows*]—“Sheep are to be held clean on which no scab can be found, when they have neither been dressed for scab, during the past six months, nor come in contact with scabby or doubtful sheep, nor been on land where such sheep have depastured for six months.” The onus of proving this should rest with the owner.

81. Do you consider a certificate of an inspector sufficient guarantee?—Yes, if it be optional with the inspector and you give him power to refuse it, when not satisfied that the sheep are clean.

82. But is there not any probability then that any inspector would grant a permit to travel without taking such precautions as you point out? there is no risk in that?—There is a risk in anything human, but not more than that, if the inspector be a person fit to be trusted with his duties.

83. Would not you consider that the co-operation of two other gentlemen interested in sheep property, and perfectly free from any bias, co-operating with him in granting permits to travel, would be a better safeguard?—The advice of two such persons in such cases would be advantageous. If they could do more than advise, however, they would soon do mischief I think. The inspector may be made responsible, his advisers cannot. The inspector should be responsible; and with him and no other, I would suggest should be lodged the power of granting or refusing a permit to travel.

84. If the inspector make a mistake against the judgment of two other disinterested men, would not that absolute power given to him destroy the whole cleaning of the country, by the fact that he gave such a permit where it should not be given?—Yes. The power to decide however must be vested somewhere, if you wish to grapple with the scab, and you must choose between two irresponsible advisers and one responsible servant. The inspector should be responsible with his billet, I think.

85. But would not the two advisers consult their own interest in seeing the improper permits were not given?—Yes; we must presume so generally, and as far as their knowledge went. The consideration is simple, and I have already given you my opinion on the subject. Could the Board—let us call it—direct and order the inspector, he would frequently have to endorse their directions—“Gentlemen, I obey your directions, but I cannot see that they are judicious.” I see nothing to gain and everything to lose by making the inspector irresponsible, which boards would do. Had I a sheep station I should prefer to have it managed by a superintendent wholly responsible, rather than by an overseer directed by two irresponsible friends.

86. The worst that could happen, when permits were refused, would be to prevent sheep from travelling?—Exactly.

87. But at all events the power to deal with travelling sheep must be provided?—Yes.

88. With regard to valuing sheep—it is a question that must have come under your notice when there has been destruction of diseased sheep—what is your idea?—There has never been any valuing on such occasions.

89. They were paid a fixed sum?—No; I think, except in a late case, where an individual sued a late Government, no sheep have been paid for.

90. In proposing a new law, where it would be necessary to destroy sheep at different times of the year and in different districts, where the sheep vary in value, would it not be better to adopt a rule for valuing, and not to have a fixed sum?—Yes.

91. As a matter of justice?—I think so.

92. *By Mr. Pettett.*—Did you look out when those sheep, the eight rams—Mr. Bulivant’s—landed?—I have made full inquiries about Mr. Bulivant’s sheep. I wrote to Mr. Peavor—this is a copy of the letter. I wrote the evening I was here.—[*The same was read and is as follows:*]—

C. Peavor, Esq.,

Melbourne, 13th August, 1869.

SIR,—

I find that a licence for eight rams was issued by you to Mr. Bulivant, in August, 1867.

It is stated that these rams were landed here and inspected. That they were at once removed to Geelong, and on one of them was found a patch of scab as large as a man’s hand on their arrival.

If you are aware of the facts of the case, I have to beg that you will furnish me with them at once.

I have, &c., &c.,

ED. M. CURR.

That is exactly what I wrote to Mr. Peavor. His reply is this—[*The same was read as follows:*]—

E. M. Curr, Esq.,

Geelong, 14th August, 1869.

Chief Inspector of Sheep.

SIR,—

In reply to your letter of the 13th instant, referring to the eight imported rams, licensed to Mr. Bulivant on the 1st August, 1867, I have the honor to inform you that I examined the rams on the 8th August, 1867. They had previously been strongly dipped, and I found on one of them a bare patch, but I could not then tell whether or not it had been scab, and thought at the time, that it might possibly be occasioned by close confinement on board ship, and change of food upon landing.

I have the honor to be, Sir,

Your most obedient servant,

C. PEEVOR,

Inspector of Sheep, Geelong.

If the patch on this ram had been scab, all the eight would certainly have become scabby on a voyage from England, which does not appear to have been the case. Here is another proposal in print, which I put before a public meeting: “That no sheep shall be landed without a permit from an inspector. That all sheep landed in Victoria be twice dressed under care of an inspector before they are allowed to leave the port of landing.” I always considered it perfectly ridiculous to examine the sheep on board ship. I felt that I was called upon to do a duty that no mortal man could perform. No man can tell whether they are diseased or not on such occasions after they have been prepared for the inspector.

93. *By Mr. O’Shanassy.*—Is it a matter of administration, or is it necessary to be in an Act of Parliament?—I think it should be in the Act.

94. Power to be given to the Chief Inspector to detain sheep upon landing till dressed, under his superintendence?—Yes, as all the neighboring colonies have, where they have been in earnest to eradicate scab.

95. *By Mr. Pettett.*—Did you ascertain when these sheep landed?—No, I did not; the licence is for 1st August. I presume, a few days before that date.

96. *By Mr. O’Shanassy.*—What is the practice when a sheep-owner wishes to take out a licence, being uncertain whether his sheep be clean or scabby?—The sheep-owner in this case must judge for

himself. The inspector is not allowed to examine the sheep for the purpose of setting the matter at rest. If he examines sheep and finds scab, he has but one course left—to prosecute the owner of the sheep.

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continued,
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97. Why is that?—Because that was Mr. Higinbotham's instruction when he was Attorney-General. And, as the law stands, any other course would, I think, be undesirable.

98. *By the Chairman.*—If a person who has disease among his flock applies for a licence for his sheep, is he supposed to dip those sheep at the time the licence is issued, or has he *carte blanche* to do it at any time after the licence?—It is not compulsory to dress them at any time. You can take out a licence for a sheep for a penny and keep him three months, and then pay for him three pence for another three months; and go on at that rate for ever. Dressing has never been compulsory in Victoria.

99. *By Mr. O'Shanassy.*—Without doing anything to the sheep?—Yes, as a matter of right. The Act allows the owner to keep his sheep scabby as long as he pleases to pay for a licence.

100. *By the Chairman.*—I have known the inspector to induce the sheep-owner to dress his sheep?—No doubt in a friendly way he has sometimes got him to do so. He could not insist on it.

101. *By Mr. O'Shanassy.*—As to the regulations under which inspectors act, has there been a code of regulations for their guidance under the law?—No, not a code of regulations. From time to time, as matters arose, the decisions of the Attorneys-General, which frequently varied, as well as the ruling of the courts, were furnished in circular letters by me to the inspectors for their guidance.

102. But how were the public interested in sheep, to know the nature of the administrative acts of each Attorney-General?—They had no means of knowing.

103. Do not you regard that as a great defect in the law relating to that kind of property?—I cannot say.

104. Do not you think, when an Act of Parliament is passed, and regulations are made under it, every person should have the opportunity of knowing what the rules were as well as the law?—I think so. I applied years ago to get the decisions of the courts furnished to me, but I never received them.

105. *By Mr. Russell.*—Then your answer testifies that a person obtaining a licence for scabby sheep is not obliged to dip them during the term of his licence?—Yes. It is a licence to hold scabby sheep for so many months.

106. *By the Chairman.*—Do not you think that it would be of immense importance, if simultaneous action could be taken throughout the whole colony, to get scab stamped out?—I have heard this argued a great many times and have heard a great deal about it, but I do not think it would produce the effect. I should be very glad to see it tried, and to help it forward, but there are difficulties in the way. There are in the first place half a million of scabby sheep in the colony, and nine and a-half millions of clean ones. Are you going to dip the clean ones?

107. Certainly not?—Then where are you going to draw the line?

108. Where the sheep are scabby, there is no difficulty about drawing the line, or where the sheep are under licence?—That is nothing; there are the sheep that have been travelled through; those known to be diseased. As I say, it always comes back to the travelling.

109. *By Mr. O'Shanassy.*—But if the proper steps are taken to prevent scabby sheep going through districts that have been proved to be clean, you reduce the size of the district where the disease is?—Yes; if we had begun that in January last, we should have had 5,000,000 or 6,000,000 of clean sheep in a body all together, with perhaps one or two diseased stations amongst them.

110. *By the Chairman.*—If there had been simultaneous action they would have been all clean?—The difficulty is not in dipping sheep, it is in mustering them. Supposing you make a law compelling simultaneous action in the beginning of next year, that will not collect the sheep.

111. I can easily explain, if you cannot, how the sheep can be collected?—I see great difficulty in it. In the country you are familiar with there is no difficulty in mustering.

112. *By Mr. O'Shanassy.*—You refer, I suppose, to the Goulburn district?—Entirely to the rough country.

113. It does not exist in the other portion of the colony?—In the plains there is no difficulty at all in cleaning sheep.

114. Simultaneous action might be carried out in all the portions of the colony, less those portions marked yellow and green?—Yes. It could be tried, but I have no faith in it. I look on the idea as utopian.

115. What do you estimate the quantity of the sheep to be in the Goulburn district marked as so much diseased?—I could not say off hand.

116. At all events, not much in proportion to all the rest?—No.

117. There are seven or eight millions on the other side?—Yes.

118. Then Mr. Black's question had reference to simultaneous action—so far, could not it be done?—If you ask me; I think it could not be done.

119. In the plain country?—No.

120. Why cannot it be done?—In every month of the year people travel with sheep, and they go through diseased or doubtful country. They go on country not known to be scabby, and there they get diseased. Now, to make sure, not only these travelling sheep, but all the sheep that they have travelled through should be dressed, if you want to take away all risk. Now, I do not think you would find it possible to get that done. You may, but it is not possible, in my opinion. To evade a law requiring it would be most easy.

121. *By Mr. Simson.*—I have no fear of scabby sheep going through my property?—It is fenced in, I suppose.

122. *By Mr. Russell.*—But if scabby sheep were kept on foot, and not allowed to lie down when travelling, they would not affect the country?—No, I presume much of the risk would be avoided, if it could be carried out.

123. *By Mr. Pettett.*—But do you recommend that scabby sheep shall not travel?—Yes.

124. They are not allowed to travel now?—If they are known to be so, a man can travel with them from one end of the country to the other, and there is no law to stop him. You can say, "I will fine you if you do," but you cannot stop him.

125. *By Mr. O'Shanassy.*—But, under an amendment of the law, could he be stopped?—Decidedly; nothing is easier, and what on earth is the use of a law that does not stop him.

126. *By the Chairman.*—What is the possibility of collecting the sheep in the Goulburn country—this place which is such a bugbear to every one—what plan have you seen adopted to distinguish sheep that

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have been dressed from those that have not?—They generally keep those in paddocks by themselves that have been dressed, while they collect the rest; but I have known very stringent measures taken there to collect all the sheep in this way; when they have swept off all the sheep they can possibly find, and spent several weeks in a paddock of twenty square miles, then they have taken a flock of strong wethers, and depastured those all over it, and after the flock has been over the land over and over again, the shepherd has come sometimes upon an old scabby flukey sheep that could not and would not get out of the way, and this is in wild hops perhaps as high as your head.

127. Then there is no means of distinguishing sheep that have been dipped from those that have not, except keeping them apart by fencing?—That is all.

128. What is your opinion; supposing every sheep that came out of the dip was marked with ruddle upon one cheek, would that be perceptible for a fortnight afterwards?—Yes; it might be made to last a year.

129. If you collect them a second time a fortnight afterwards, and one was found not having been dipped, do you think that one would communicate the infection to the other sheep that had been dipped within a fortnight?—My opinion is, that it might do so.

130. My experience is quite the contrary?—We must first take what you mean by “dipped.” I take it as I see it.

131. I mean tobacco and sulphur?—There is no doubt that any scab can be cured with tobacco alone even; and yet how constantly failures occur with tobacco and sulphur.

132. It would be of great importance that there should be a board to see that it was effectively applied?—It has always struck me, and it is one of the observations I have got here, that if dressing be compulsory, why should not dressing-stuff be compulsory? for, if you allow a man to dress with useless stuff, what good is it?

133. That being admitted, do you think that two dippings of proper material would clean sheep?—No doubt of it.

134. Suppose we take the process of ruddling the other cheek of the sheep, and collect the sheep a third time; then all the sheep that have been dipped would be seen distinguished by the mark?—Yes, there is no difficulty in that, if you can collect all the sheep.

135. A third time, then take them in—do you think it would be possible, since you go to such extremities about this wonderful place here, [*pointing to the map*] to train a few dogs that would hunt up every one of the few scabby sheep upon that run and destroy them?—Allow me to suggest, that you should get the evidence of people who have lived in that country for years and have had more experience than I have.

136. I know a place that has been scabbed upwards of twenty years, where there is not a single tree or rock. That is Mount Shadwell; it was first with Webster and next with Burke, and neither of those men ever cleaned a sheep?—They must have had about as much idea of cleaning sheep as they had of flying. You speak of 20 years ago.

137. If it is possible, by the means I point out, to find the sheep, you could hunt them out?—No doubt it is humanly possible to do it, but would it pay to do it?

138. That is a matter for the owners?—That is just where it is.

139. I want to get at the fact, if it is possible, to clean sheep?—Do you mean to ask my opinion, whether it is possible to get the sheep out of these rough paddocks and cure them?

140. Yes?—Yes, it is possible; it would cost a great deal to do it, no doubt, but I could undertake to do it in any paddock of any reasonable size. Paddock might be made a reasonable size.

141. It is worth the trouble?—It is worth the trouble to the community that it should be done, no doubt, though some individuals might be ruined by the process.

142. *By Mr. Russell.*—I suppose you have been in that district occasionally?—Yes.

143. Have they got good dogs to work sheep?—I have done little more than going out mustering and inspecting the sheep; sometimes not going out, but inspecting the sheep when they were mustered in. They must have dogs; they go on horseback; the sheep come down the ranges like a mob of wild cattle. They are exceedingly wild, quite different from any sheep in the Western district.

144. It is your opinion that that district can be cured?—Quite so; the word I used was “possible”; I feel sure it is possible, though difficult. That country might be cleared of sheep for a time and stocked with cattle.

145. All that is necessary is, to apply effective measures?—All that is necessary is, to go to sufficient cost; that is it.

146. Would it not be of very great assistance to an inspector, to have a board that would be like detectives, a *cordon* round the district in which they are placed to watch the approach of diseased sheep and give information and assist him in every possible way? would it not be of great use and benefit to the inspector, in finding out before so much harm is done?—Where I find the Scab Act fail, is not from want of knowing. I do not want boards to tell me; it is the impossibility of carrying out such a law as we have had; but as it is, I may mention that, in New South Wales, where they have boards, it took them six years in easy country to clean 200,000 sheep. In Victoria we have cleaned 4,500,000 in six years. That is the statement I have from the Chief Inspector in New South Wales; I wrote to him for it.

147. Now I should like you to think over that statement?—Which statement?

148. I do not think it should go forth as exactly an accurate one, though I am sure you do not intend to make an inaccurate statement. You say that you cleaned 4,500,000?—I say, that they were estimated to be five millions scabby sheep in Victoria when the scab Act came into force. I think such estimate approximately correct.

149. You began with a very large proportion of those clean, to my knowledge?—Yes, and a still larger portion of scabby ones.

150. In the Western district I know only of one station that was scabby; there is not a station in the Western district that I know of has not been cleaned except one, and that has been cleaned lately?—I do not understand you; I say that, when the Scab Act came into force, there were about 5,000,000 scabby sheep in the country, or said to be.

151. And how many sheep were there altogether?—7,000,000, I believe.

152. What year did the Scab Act come into operation?—November, 1862.

153. I was not here that year, nor for some years previous; therefore my information is not so correct of that particular time as at an earlier period. I know that scab extended very rapidly after 1851, but in '49

and '50 there was nothing like it?—There was said to be only one station that had scab in the country at that time. I speak not of '50 but of '62. In '50 there were as you say hardly any scabby sheep, and in '62 five millions. E. M. Carr, Esq.,
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154. *By Mr. O'Shanassy.*—After all, except this particular district of the Goulburn, do not you look upon the rest of the country as in the main free from scab now?—Yes.

155. And the whole business is, to protect that and keep it clean?—Yes, and clean one or two places that we have never been able to do anything with; such as Victoria Valley, and Lake Condah.

156. *By Mr. Russell.*—Has any one got clean sheep upon the Goulburn at all?—The Upper Goulburn? I should very much doubt it.

157. *By Mr. Simson.*—You say these two stations have never been clean?—Never, I believe. I speak of since '62.

158. Who are the owners?—The owner of Victoria Valley is Mr. Robertson; Lake Condah, I do not know who owns that. I think there are a great many sheepowners thereabouts. I wanted Mr. McCulloch last year to make a clean district of all on the other side of the Sandhurst railway, not to allow sheep to travel there.

159. *By Mr. Russell.*—Where is Lake Condah? is it marked upon the map?—It is somewhere down near Hamilton.

160. *By Mr. O'Shanassy.*—Have you ever found difficulty from sheep coming from the neighboring colonies of New South Wales and South Australia?—Not from either of those colonies, but from Tasmania.

161. *By Mr. Simson.*—Is Mr. Cooke at Lake Condah?—Yes, he has purchased land there.

162. *By Mr. Russell.*—Do any diseased sheep come from New South Wales?—Not that I am aware of.

163. *By the Chairman.*—Are those the only sheep known to be scabby in the Western district?—That is a return of the 1st January.

164. None about the Hopkins?—Nothing but what you see there—the yellow patches are scab, the green dressed within four months, and the blue are doubtful.

165. *By Mr. Campbell.*—Have you had any experience of the new cure, lime and sulphur?—No. personal experience. I have corresponded with some of the sheep owners about it.

166. If it be what it is reported to be, it is a very effective and cheap cure?—Yes, if it turns out to be so, it will be a magnificent thing for this country.

167. *By the Chairman.*—May I ask if you think that the inspectors have any difficulty in getting information respecting sheep that are scabby?—In learning what sheep are scabby?

168. Yes?—None, whatever.

169. None, whatever?—No; I think not. I have generally found in respect to that, that neighbours do not generally say anything about each other; but if you go thirty or forty miles away, you hear all about it.

170. Do not you think that a board would have a far better chance of knowing wherever there was an approach of scab or sheep being removed from a scabby run?—If the only function of a board was to give information, than a board would be an assistance.

171. And the means they have of acquiring knowledge through their servants—a board of detectives—that is what they would be; and a board would have no difficulty in acting, when an individual would not like to do it?—I do not know; you mean an individual other than an inspector?

172. Giving information?—Yes, I understand.

173. Do not you think that is the case?—I hear a great many people say so.

174. *By Mr. O'Shanassy.*—Are you of opinion that, when a man has diseased sheep, the law should compel him to dip with proper remedies?—Yes, the law should prescribe proper remedies, as well as require him to dip.

175. *By Mr. Campbell.*—Are you in favor of continuing the system of compelling persons to pay for a license?—I think it is unjust—it compels a man to conceal scab; and more than that, it is a man's misfortune, not his fault to have scab. When you take out a license you are not required to dip.

176. But you are liable to a penalty if you do not dress your sheep?—No.

177. Not diseased sheep?—No, you can pay for them and have them as long as you like; and the fact is, that those renewed licences do not take effect at all.

178. *By Mr. Simson.*—How?—You pay a penny the first three months, and threepence the next three months, then sixpence and ninepence for every three months after; but the inspector in very few cases can prove that these are the same sheep that he licensed the first three months, consequently the owner only pays a penny.

179. *By Mr. O'Shanassy.*—The law is evaded?—Yes, in most cases; there are very few cases where they pay for a renewed license.

180. *By Mr. Simson.*—Should not the sheep under the new bill be placed under the inspector's care after they are dipped, to make sure that the owners should not move them till the inspector gives them dipped permission?—I think such sheep should not be removed without the inspector's permission, and that should not be given till he is satisfied they are clean.

181. *By Mr. O'Shanassy.*—Would you have any objection to peruse a bill drafted by the committee, if submitted to you, and make suggestions upon it?—I presume it would come through the minister?

182. No, it would come to you, as a witness, from here?—Yes, of course; any thing I am asked to do I will do; I shall be glad to do anything that I can. I have one or two remarks to make, if the committee would like to hear them, before I go. One is, that I have found a great disadvantage from any of those fictions of law, as they are called; one of them is, for instance, making the shepherds or anybody in charge the owner. Of course he is not the owner absolutely, but he is the owner in the eye of the law; the consequence is, that some dummy is put in, and you sue him and you get nothing, and the owner is gone. I would suggest further, with regard to ownership, which is one of the great difficulties of the Act, and the most difficult thing to prove, that the onus be thrown upon the owner of claiming his, where they are found scabby.

183. That it should be done by the owner, and not by a servant?—Yes, the inspector should take possession of the sheep and say, "Here is a flock that I cannot find an owner for," and let the servant write to the owner, and let him claim them. If no one claims them they are abandoned.

184. *By Mr. Russell.*—Is not the way to do with scabby sheep to destroy them?—If you want to do anything with them, you had better find out whose they are. I think the committee might find it worth while to consider whether they would not have the inspector of sheep, inspector of live stock. Two

E. M. Curr, Esq., or three times since I have been in the service, cattle with various diseases have come over the border, and sheep with various diseases may come over, and you are now only providing for scab.

185. What other diseases do you mean?—Catarrh, Cumberland blackleg, &c.

186. I asked you about that, and you said you had not any?—I said we had not any; I had not heard of any. I thought you spoke of scab when you said diseased.

187. I asked you whether any might come over into the colony, travelling across the border?—I said, I did not know that any sheep had come. I know perfectly well, that in the Sydney district they have such diseases, and that they may come into Victoria.

188. *By Mr. O'Shanassy.*—What you would suggest in practice is this—that the power of inspecting diseases in animals should be given to the inspectors?—Yes, the power should be given to kill if necessary. If stock arriving in the country, or found in the country, be found with a new disease, the power to isolate or kill, might once in a way, prevent a great misfortune. Such a provision has long been conferred in France, and the low countries.

The witness withdrew.

Adjourned to to-morrow at two o'clock.

WEDNESDAY, 25TH AUGUST, 1869.

Members present:

The Hon. N. BLACK, in the chair;

The Hon. W. H. Pettett
J. O'Shanassy
P. Russell

The Hon. W. H. F. Mitchell
R. Simson
F. Robertson.

E. M. Curr, Esq., further examined.

E. M. Curr, Esq., 25th Aug., 1869. 189. *By the Chairman.*—I understand you wish to make a statement?—I wish to make a few observations to the Committee—shall I do so?

190. If you please?—I want to call the attention of the Committee to what has been the drift of legislation in respect of scab in Victoria. The first thing I have to notice about it in Victoria is, that the sheep have been always held to be clean, unless they could be proved to be scabby; and secondly, there have been no means taken to prevent the accidents that must necessarily occur in those cases; you cannot always tell whether sheep are clean or not. In mustering on a station, strange sheep are frequently found to have strayed from the neighboring stations, all of which sheep carry with them more or less risk; the law has not taken cognizance of this circumstance. And the second observation I have to make is, that you should consider what has been done in Queensland and in New South Wales in respect of scab; there they seem to be perfectly alive to the difficulty of determining whether the sheep are clean or not—the difficulty of making themselves sure whether sheep are clean or not. The consequence is, that they consider no sheep clean until it is proved that they are clean. Just the reverse of what we do. The next thing I have to say is, that I would wish to make to the Committee some suggestions in respect of overcoming this difficulty that I have spoken of, which I will do by pointing to this map. There has been a time lately when all this north-western part of the country and a great deal of the northern country has been absolutely free from scab. When a flock of sheep starts from Melbourne, when the scab cannot be seen, it is allowed to go up the country which is thus subjected to risk without any necessity—it is allowed to carry the risk all over the country. Every flock that has been near a diseased flock has more or less risk attached to it. The law in Queensland and New South Wales is grounded on that fact. Even now in Queensland (with a whole colony of New South Wales between Victoria and itself) the appointment of sheep Inspectors on the boundaries shows how desirous that Colony is to reduce the risk of scab to the minimum. Here we have always kept it at the maximum. If all the sheep in Victoria were clean, and one flock had yesterday run a great risk of infection the results of which could not be determined for perhaps three months, that flock could start to-day to travel all over this Colony, and subject all the sheep in Victoria to the risk in question. We have not dealt here with this risk—hence sheep are always being re-infected, and people say “why should I expend money in cleaning my sheep, when they may be re-infected to-morrow?” I have never heard anyone propose to reduce this risk. If the Committee wish, I can go into further particulars on the subject; at all events, I am emboldened to mention it to them, because the owners of four millions of sheep here in Victoria, memorialised Mr. McCulloch some time ago to carry out what I have spoken of, and so many having taken that step in the matter, leads me to suppose there is some sense in it.

191. That is, to proclaim clean districts?—Yes, I am prepared to show anybody that it will cause the public no inconvenience nor hardship whatever.

192. *By Mr. O'Shanassy.*—What do you mean by a proclaimed district—a clean district?—I mean a district in which all the sheep are known to be clean, into which, sheep outside the boundaries of such district are forbidden to enter.

193. You would give power to the Governor in Council to proclaim clean districts practically?—I would recommend that power be taken to proclaim clean and doubtful districts. If this were done, I would proclaim as doubtful districts the outside portions of the Colony. The exit of sheep from these districts should be free—and entrance of sheep into them from Victoria, (unless from a clean district adjacent) prohibited. If any scabby sheep existed in such doubtful district, the law as regards scab, should be enforced in their respect with particular care. When it was certain that such district was free from scab, I would proclaim it a clean district. I would then take country adjacent to the above country, proclaim it a doubtful district and go through the process just described. By this means and without hardship to anyone, a certain amount of country would from time to time be absolutely reclaimed, from any risk of scab. Flocks in a doubtful district not known to be clean, I would put in quarantine, until it was certain that they were clean. I am prepared to show, that practically there would be no difficulty in carrying this out, without injury to anyone. That is a matter of detail.

194. *By Mr. Russell.*—Will you read this clause (the 73rd clause), perhaps that will meet your views—[*handing the same to the witness, who read it*] ?—Yes, that seems to meet it. As far as providing clean districts goes. I have not seen the new Scab Act since it has been amended. E. M. Curr, Esq.,
continued,
25th Aug., 1869.

195. That is how it has passed the Assembly ?—I went through the Bill as drafted by the Attorney-General.

196. *By Mr. O'Shanassy.*—Not since it passed the Assembly ?—No, that was before it went into the Assembly. That is the pith of all that I have got to say.

197. You made some reference to the time of mustering sheep, where stray sheep have been found ; you said that it very often happened that stray sheep were found then ?—Constantly.

198. And you said that some provision should be made to meet that ?—Some provision from what results from it.

199. To what does that point ?—When you have a flock of sheep with a dozen strangers in it, the character of that flock of sheep in which they are, as regards scab, must depend upon not only on the sheep that are there in the flock belonging to the flock, but also upon all the stray sheep. If there is one from a diseased run it is quite probable that the whole of them will turn out to be diseased.

200. What remedy do you suggest to meet that case ?—When the sheep are mustered, I think those stray sheep might be dipped before they are returned ; but it was not so much that risk I was speaking of, as allowing this flock with those strangers in it to travel as if the character of the flock had no reference to those strangers, and still more in allowing flocks of a doubtful character to travel in clean neighborhoods.

201. Would the case be provided for under regulations, if this Bill be passed ? would it come within the character of regulations in the management of diseased sheep ?—No, I think it requires such a clause as I have just seen for the proclamation of districts, as well as one for doubtful districts.

202. I thought perhaps you would require something more ?—No, I think not.

203. Your remedy is to stop the district, so to speak, and add it on to the further district, until you are satisfied the whole district is clean ?—Yes.

204. Would the proclamation of a district be an Executive function ?—Yes.

205. And it would be the business of the board and of the inspectors to take care to have the right plan ?—Yes, that is easily managed if the power is given to them ; you want to provide for another district to add to the clean one, as I have pointed out.

206. Do you think any difficulty would arise in districts proving themselves clean, as it were ?—I do not think there would be any difficulty whatever in this way. If you take that part of the country which you are going to deal with first, you do not know that is a clean district ; then you could call it a doubtful district, which would be its right name ; and you can make a regulation and carry it out, that no sheep shall cross that line—[*pointing to the map*].

207. You would proceed by districts ?—Yes, I think there would be very little scab in Victoria now, if there had been an opportunity of doing that.

208. *By the Chairman.*—Is there any district that can be proclaimed clean ?—I think it is a folly to proclaim at once districts clean ; as in the first instance, it would take several months to know whether they are clean.

209. You would only proclaim them doubtful, until after they had stood the test of time ?—Yes ; I say, if any sheep-owner thinks he would be at a commercial disadvantage from this, I am prepared to show he would not be, except in the very smallest amount. The only thing would be this, that you would not allow a large number of sheep to be scabbed when there is no necessity for it, as we always have been doing.

210. You would begin with the whole country as doubtful ?—The whole country is scabby.

211. Is there anything else you wish to suggest ?—Nothing whatever.

The witness withdrew.

[N.B.—New Matter in Italics. Original Matter struck out is put in Erased Type.]

A BILL

INTITULED

An Act for the prevention of the Scab in Sheep.

(As amended in Select Committee.)

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 :—

5 1. This Act may be cited as "*The Scab Act 1869*," and shall commence and come into operation on the thirtieth day of September next, and is divided into eight Parts as follows :—

Title of Act.

Part I.—Introductory matter.

Part II.—Divisions, directors, inspectors, and notices.

10 Part III.—Scab Act fund.

Part IV.—General provisions touching all sheep.

Part V.—Infected sheep, branding, notice, licences, cleansing, and destruction.

15 Part VI.—Travelling sheep, sheep found on another's land, stray and imported sheep.

Part VII.—Quarantine and clean districts.

Part VIII.—Miscellaneous provisions.

Part I.—Introductory Matter.

20 2. The following provisions of "*The Prevention of Diseases of Animals Statute 1864*," that is to say, Part II. of the said Act and the third and thirty-ninth sections thereof so far as the said sections respectively relate to the said part or to the subject matter of the same, and also the Acts numbered respectively CCCXXV. and CCCXXVIII., shall be and the same are hereby repealed : Provided that

Repeal of previous enactments.

Saving of rights and liabilities accrued.

[15]

B

that

that all offences against the said provisions or any of them committed, and all penalties awarded or incurred thereunder, and all rights and liabilities having become vested or having accrued, and all proceedings acts and things lawfully had commenced or done under or by virtue of the said provisions or any of them before the commencement of this Act, may and shall respectively be prosecuted recovered enforced and continued and be of the same force and effect as if this Act had not been passed. 5

Interpretation.

3. The following words and expressions shall for the purposes of this Act have the meanings hereby assigned to them respectively, save where it is herein otherwise expressly provided, or there is something in the context repugnant thereto or inconsistent therewith (that is to say):— 10

The word "sheep" shall include rams wethers ewes and lambs. The whole of any sheep together tended followed or driven by or committed to one or more shepherds, the whole of any sheep within the boundaries of one enclosure so fenced as to separate such sheep from other sheep without such boundaries, the whole of any sheep which run at large without being separated from other sheep upon the same run by an effectual fence or boundary natural or artificial, shall in each such case be and be deemed to be a "flock." 15 20

The land which any person shall for the time occupy or use for keeping sheep, together with all land contained within or adjoining to the same and occupied by such person, whether such land or any part thereof be occupied by virtue of any license to occupy for pastoral purposes or otherwise, and whether such land or any part thereof shall have been alienated from the Crown or no, shall be deemed to be a "run." 25

The word "kept" where used with respect to sheep shall mean usually kept and depastured. 30

The word "drive" shall mean drive conduct or convey, whether by land or by water.

The word "road" shall mean any road or highway and any way by or upon which sheep have been commonly driven. 35

The word "travelling" where used with respect to any sheep shall mean driven, or having within one month previous been driven for removal from one place to another upon or along any road, or upon over or across any land not being the run upon which such sheep are kept and not being in the occupation of the owner of such sheep. 40

The word "brand" shall mean brand or mark.

The word "cleanse" where applied to any sheep shall mean so to treat as to make it sure that such sheep as well as all sheep in the same flock are free as well from the disease called the scab as from all existing infection which may tend to produce the same. 45

The

The word "abandon" shall mean leave and quit charge or custody of.

The word "stray" where applied to sheep shall mean not in the immediate charge of any person, and upon land not in the occupation of the owner of the sheep.

The word "destroy" shall mean kill and either bury at a depth of not less than two feet under the ground, or consume by fire or boil down.

The word "Minister" shall mean the Minister charged for the time being with the administration of this Act.

The expression "the inspector" where used in any section of this Act shall mean the inspector for the division in which such section shall be operative with respect to any subject matter for the time being within such section and also the chief inspector, and the expression "his division" where applied to any inspector shall mean the division for which such inspector is appointed hereunder.

The word "owner" where applied to sheep shall mean mortgagee mortgagor in possession and every person having or claiming jointly or in severalty any right title or interest to or in any sheep, and also every superintendent or overseer of any sheep, and the occupier superintendent or overseer of any run upon which the sheep are kept.

4. And whereas by reason of the meaning hereinbefore assigned to the word owner there may be at the same time two or more owners of the same sheep, where by any section of this Act it is authorised or required that any person therein described as owner may or shall do or suffer any act matter or thing, if in any case any one of such several owners shall in pursuance of such section have done or suffered any such act matter or thing, the same shall be deemed for all purposes to have been done or suffered as well by such person as also on behalf of and by each of such other owners as aforesaid.

Responsibility of joint owner.

Part II.—DIVISIONS and Directors INSPECTORS and Notices.

5. It shall be lawful for the Governor in Council for the purposes of this Act from time to time to divide the colony into divisions with boundaries defined in the Order in Council, and such divisions in like manner from time to time to alter: Provided that every district for which any inspector shall at the commencement of this Act have been acting under the provisions hereby repealed shall be deemed to be a division made under this Act.

Governor in Council may appoint divisions.

Existing divisions.

A. *In each division there shall be elected annually in manner hereinafter prescribed five directors, who shall be the board of directors for such division, and remain in office until the next annual election of directors. Provided that in case a lesser number than five directors shall be elected or if no election shall have taken place or if such election shall*

Election of boards of directors.

- Appointment in default of election. shall be in any respect invalid, as to which invalidity the Minister alone shall conclusively decide, it shall be lawful for the Minister to appoint any person or persons as the case may require nominated by the chief inspector to be a director or directors, and all such persons shall on the publication of such appointment in the Government Gazette be and be deemed to be directors as fully to all intents and purposes as if duly elected hereunder. 5
- Qualification of electors and directors. B. Any person shall be competent to vote at elections of directors and to be elected to the office of a director who is at the time of the election a bonâ fide owner of more than five hundred sheep kept within the division for which the election is held, or who is the superintendent for a bonâ fide owner of more than eight thousand sheep so kept as aforesaid, and has been duly authorized in writing by such owner to vote as and for him in his absence at such elections or to represent him as a director. 10 15
- Disqualification of electors and directors. C. No owner or superintendent of infected sheep shall be competent to vote at any election of directors or to be elected or continue a director, and no superintendent for any owner shall be competent to be or continue a director at the same board at which such owner is a director or after he shall have ceased to be such superintendent. 15 20
- Place and time of election. D. At some convenient place and upon some day in the month of October to be fixed respectively by the Minister, of which due notice shall be given in the Government Gazette and also in some newspaper generally circulating in the division, the annual election of directors for each division shall be held as next hereinafter mentioned. 20 25
- Mode of election. E. Any five or more of the persons competent to vote at such election shall meet at the place and on the day so fixed as aforesaid, and having chosen from among their number then present a chairman to conduct the business of the meeting and to act as returning officer, shall each give in to the returning officer before four o'clock in the afternoon of the said day a voting paper containing the names of five persons competent as aforesaid to be directors; and after such time no voting paper shall be received by such returning officer; and the returning officer shall thereupon ascertain the five persons who have received the greatest number of votes, and shall at some hour not later than six o'clock on the same day, unless any objection to the competency of any elector or candidate shall have been taken, declare such persons to be duly elected. 25 30 35
- Objections. F. All such voting papers shall lie open for the inspection of electors for one hour, during which time all objections as aforesaid shall be lodged; and all such objections and all other matters necessary to be decided before the declaration as aforesaid of the result of the election shall be decided by the returning officer, and such decision shall be final and conclusive; and in every case of an equality of votes the returning officer may give a casting vote. 35 40
- Casting vote.
- Vacancies in board. G. Any vacancy in the board of directors for any division shall be filled up by election holden in manner hereinbefore provided with respect to annual elections by a special meeting at such place and on such day as 45 as

as the Minister shall in like manner fix and notify, and if any vacancy shall not have been filled up at such meeting it shall be lawful for the Minister to appoint some person nominated by the chief inspector to fill such vacancy; and the director elected or appointed to fill any such
5 vacancy shall hold office for such period only as the person in or upon whose absence default or stead he shall have been elected or appointed would otherwise have held office.

H. No vacancy in any board of directors shall affect the powers or proceedings of the board provided there is a quorum as hereinafter
10 prescribed.

Vacancy not to invalidate proceedings.

I. At any meeting two directors shall form a quorum; and at the first meeting after the annual election or as the case may be after any vacancy in the office of chairman the directors shall elect some one of themselves as chairman of the board until the expiration of his term of
15 office as director; and in the event of no such chairman being elected or of the chairman's absence from any meeting the directors present at any meeting shall choose one of themselves to act as chairman of such meeting.

Quorum of directors and chairman.

J. All questions and other matters brought before any meeting of
20 directors shall be determined by a majority of votes of the directors there present, and in case of an equality of votes when more than two directors are present but not otherwise the chairman or director acting as chairman of the meeting shall have a casting vote.

Questions how determined.

K. No director shall act as a director or under the subsequent provisions hereof as inspector in any matter or thing in which he is personally interested, or as a director in any case in which he has personally acted as an inspector; and any director who shall offend against the foregoing provisions of this section shall on conviction forfeit and pay for every such offence a penalty not exceeding fifty pounds and not less than
25 twenty-five pounds and shall upon such conviction ipso facto cease to be a director.

When directors are not to act.

L. No director shall receive any remuneration other than the repayment to him of such expenses as may be reasonably incurred by him in the execution of this Act.

Directors to be inspectors ex officio.

M. On receiving information of the outbreak or suspected outbreak of the disease called "scab" at any place within a division or of the travelling or detention within a division of any sheep infected or suspected so to be the nearest director for such division shall forthwith visit the place, and in the absence of the inspector shall do and suffer with respect to any
35 infected sheep and the owner thereof all acts and things which hereby or hereunder a director in such case lawfully may; and any director who shall without lawful excuse fail to comply with the foregoing provisions of this section may be removed from his office as director by the Minister, who alone and finally shall judge of the liability to such removal of such
40 director.

On report of disease director to visit place.

6. The Governor in Council from time to time may appoint a chief
45 inspector of sheep for Victoria and an inspectors of sheep for any each division

Appointment of chief and other inspectors.

division or for two or more divisions thereof Victoria and may transfer or dismiss such chief or other inspectors and may also appoint and dismiss assistant inspectors : Provided that every chief or other inspector who shall under the provisions hereby repealed be in such office at the commencement of this Act shall be deemed for all purposes to have been appointed to the like office hereunder. 5

No inspector shall be an owner of or dealer in sheep.

N. No person other than a director acting under the provisions hereof as inspector shall be capable of being or continuing an inspector who shall either directly or indirectly be an owner of or a dealer or interested in any sheep, or act as the agent of any such owner or dealer or person so interested ; and if any person not being capable under the provisions of this section shall act as inspector he shall on conviction forfeit and pay for such offence a penalty not exceeding Fifty pounds, and shall on such conviction ipso facto cease to be an inspector. 10

Suspension of inspectors.

O. The directors for any division may at a special meeting to be called for the purpose suspend from his office the inspector for such division, but the Governor in Council may disallow such suspension ; and until the publication in the Government Gazette of the order for such disallowance the person so suspended shall not be deemed to be an inspector hereunder. 15

Director to act as inspector during suspension.

O 2. No such resolution for suspending an inspector shall be of any force or effect unless there shall be named therein some director who is to act as inspector during such suspension, and the director so named shall be deemed for all purposes the inspector for the division until there shall be an inspector empowered to act for the same, and every such resolution shall be forthwith published in the Government Gazette. 20

Inspector to confer with directors.

P. It shall be the duty of the inspector whenever thereunto required by the board of directors for the division to attend any meeting of the board, and to confer with the said board touching any matter concerning the execution of this Act within the division ; and if at any time the board shall as to any such matter request of the inspector to exercise any power hereby conferred upon him, such inspector shall either comply with such request or forthwith state in writing to the board his reasons for not complying therewith, and such writing shall forthwith be transmitted by the board to the Minister ; and if any inspector shall without lawful excuse make default contrary to any of the foregoing provisions of this section he shall on conviction forfeit and pay for such offence a penalty not exceeding Twenty pounds. 30

Meetings of directors in infected and in clean divisions and reports.

Q. In every division in which this disease called "scab" exists the directors shall meet once at least in every month to receive and consider the inspector's report (which report the inspector is hereby required to make) on the state with respect to such disease of such division ; and in every division which is free from such disease the directors shall meet once at least in every year, and forthwith after each such monthly or annual meeting shall make and transmit to the Chief Inspector a report of the state of such division as respects the subject matter of this Act and of the execution of the same therein. 35 40 45

R. The inspector for each division shall once in every three months make and transmit to the Chief Inspector, who shall forthwith publish the same in the Government Gazette, a report on the state of such division as respects the subject matter of this Act and of the execution of the same therein.

Inspector's reports.

R 2. Any director who shall singly or with another director do or suffer any act or thing as an inspector under the provisions hereof shall forthwith report the same to the inspector of the division.

Director acting as inspector to report to him.

7. If the common boundary of any two divisions shall at any time be found by the inspector of either to intersect any run such inspector shall forthwith inform the chief inspector of that fact, and the chief inspector shall determine to which of such divisions the whole of such run shall be deemed to pertain; and on the publication of such determination in the Government Gazette and in some newspaper generally circulating in the division the division named therein shall be deemed for all purposes to contain the whole of such run; and such determination shall have the same effect as and no other effect than an alteration of a division made hereunder by the Governor in Council.

Boundary of division intersecting run.

9. No alteration of any division or change of inspector shall affect any right liability or proceeding vested accrued or commenced at the time of such alteration or change; but the inspector for the time being for the division in which any land is situated shall as to such land and all sheep kept or found thereon and all matters touching such sheep be deemed to have done and suffered all such acts and things as have been lawfully and in pursuance of this Act done or suffered by any inspector who at any previous time shall have been the inspector for the division in which such land shall then have been situated.

Change of division or inspector not to change rights, &c.

10. The chief inspector shall have an office at Melbourne, and every other inspector shall have a place of address within his division, and shall within seven days after the commencement hereof or after his appointment as such inspector notify by advertisement in the Government Gazette and in some newspaper generally circulating within his division such place of address and the post-office for the same and in like manner afterwards any change of such place of address and post-office, and after the expiration of seven days from the date of any such notification in the Government Gazette the place therein named shall be the place of address of such inspector for the purposes of this Act.

Office and place of address of inspectors.

11. Where by this Act any notice memorandum or application is required or authorised to be given delivered or made to the chief or any inspector it shall unless otherwise herein expressly provided be lawful but not obligatory to give deliver or make the same respectively by means of a post letter directed to such inspector at his office or place of address as the case may be and duly stamped and also registered in manner provided in that behalf by any law for the time being relating to the post-office.

Notice, &c., to inspector may be given by registered letter.

12. Any document purporting to be a receipt for a registered letter according to the law or usage of the post-office and to be signed by any postmaster

Receipt for registered letter to be evidence of letter sent but not of contents.

postmaster or other officer charged with the duty of registering post letters in Victoria and stating such letter to be directed to an inspector of sheep at the place which shall for the time being be his place of address and also the name of the sender of such letter and date of such registration shall be *primâ facie* evidence that such a letter reached such inspector upon the day on which in due course of post such letter ought to have reached the post-office of his place of address, and the contents of any letter so directed and registered may but need not necessarily be proved as next hereinafter mentioned. 5

Contents of registered letter how proved.

13. If the sender of any such registered letter as lastly described shall so require and shall pay to the postmaster or other officer receiving the same the sum of Sixpence such officer shall compare such letter being open and before closing the same with any alleged copy thereof then produced by such sender, and if the same be a true copy shall upon such copy certify to that effect and also the number of the receipt issued for such registered letter and shall sign such certificate, and production of such certified copy and of such receipt if the numbers appearing thereon respectively correspond shall be *primâ facie* evidence as well that such letter reached the inspector in due course as aforesaid as also of its contents. 10 15 20

Part III.—SCAB ACT FUND.

Scab Act fund.

14. There shall be a fund, to be called the "Scab Act Fund," and there shall be paid to a receiver of revenue to the account of the said fund in and for each year between the first day of ~~September~~ and the thirty-first day of ~~October~~, by the owner of sheep kept upon each run in Victoria, and in accordance with the law for the time being in force for the collection and payment of public moneys, a contribution in money computed at the rate of Two shillings for every one hundred sheep which shall during the three months ending thirty-first day of ~~August~~ One thousand eight hundred and sixty-nine and which shall in every other year during the twelve months ending with the thirty-first day of ~~August~~ next preceding have been kept upon such run, and such contribution shall be ascertained in the manner hereinafter provided; and if any owner shall omit so to pay such contribution the same with a further sum equal thereto shall be payable by such owner and may be recovered before any two justices. *Provided that no person who shall not be the owner of five hundred sheep kept within Victoria shall be liable to make any such contribution.* 25 30 35

Owner to deliver declaration as to number of sheep. First Schedule.

15. Every owner of sheep *liable to make contribution hereunder* shall in each year between the first and the fifteenth days of ~~September~~ deliver to the inspector a declaration in the form in the First Schedule to this Act stating truly the number of sheep kept upon such run during each and every month of the year ending with the thirty-first day of ~~August~~ next preceding, and such declaration shall include in the number of the sheep stated to be upon such run in the month of ~~August~~ any sheep kept on such run which shall be travelling during such month or 40 45

or any part thereof: Provided that for the purpose of ascertaining the amount of the first contribution under this Act every owner of sheep shall, between the first and fifteenth days of ~~September~~ in this present year One thousand eight hundred and sixty-nine, deliver to the inspector
 5 a declaration as near as may be in the form in the First Schedule to this Act, stating truly as aforesaid the number of sheep kept on such run during each of the three months preceding the thirty-first day of ~~August~~ One thousand eight hundred and sixty-nine; and such inspector shall upon receipt of the declaration and particulars contained in such form
 10 compute an average of the number of sheep kept upon such run during the periods aforesaid respectively, by adding together all the numbers so stated in respect of each of such periods of three months or twelve months and dividing the same by three or twelve as the case may be, and upon the number of sheep so ascertained the yearly contribution hereinbefore
 15 mentioned shall be paid by such owner. And any owner refusing or neglecting to make and deliver to the inspector a declaration as and within the time aforesaid shall on conviction forfeit and pay for every day during which he shall so refuse or neglect to make or deliver to the inspector such declaration a sum of not more than Ten pounds nor less than One
 20 pound.

16. All moneys so contributed as aforesaid shall be paid to the Trust Fund, and shall forthwith be brought to the credit of a separate account to be kept by the Treasurer of Victoria, and to be called "The Scab Act Fund Account."

Moneys to be brought to credit of Scab Act fund account.

17. All such moneys as from time to time shall be standing to the credit of the said account, and such other moneys not exceeding in the whole at any time Three thousand pounds as the Governor in Council shall from time to time direct, shall be deemed to be appropriated for the purpose of such payments as are authorised by or under this Act
 30 and be legally available for such purpose, and the said account shall be charged with the repayment of all such other moneys as last aforesaid.

Fund, with other moneys where required, to be an appropriation.

18. The Governor in Council in any year before the period herein limited for the payment of such contribution as aforesaid, if it shall appear that the amount standing to the credit of the said account is likely to be
 35 more than sufficient for the purposes of this Act, may order that a certain proportion only of the contribution payable by the owners of sheep within the then next ensuing period hereby limited for such payment shall be so paid, and such proportion shall thereupon be deemed to be the contribution required by this Act.

Governor in Council may reduce contribution.

19. The Governor in Council in any year before the period herein limited for the payment of such contribution as aforesaid, if it shall appear that the amount standing to the credit of the said account is likely to be insufficient for the purposes of this Act, may order that the contribution payable by the owners of sheep within the then next ensuing
 45 period hereby limited for such payment be increased in any proportion not exceeding one-third, and such increased contribution shall thereupon be deemed to be the contribution required by this Act. Provided
 always

Governor in Council may increase contribution.

When contribution not to be levied.

always that no contribution as aforesaid shall be levied or collected when the amount to the credit of the Scab Act Fund on the first day of September in any year shall exceed the sum of Ten thousand pounds.

Part IV.—GENERAL PROVISIONS TOUCHING ALL SHEEP.

Power of inspector to enter and inspect sheep.

20. It shall be lawful for the chief or other inspector at any time to inspect any sheep found or being upon or at any land or place within the area for which such inspector is appointed hereunder, and for that purpose to enter in the day time upon or into any such land or place or any enclosure or building there situated; and if any person in possession or charge of any such land or such premises as aforesaid shall refuse to permit such inspector upon his demand and stating his business so to enter upon or into the same, or shall refuse on the demand and on such statement as aforesaid to collect within any enclosure upon any such land or premises any sheep then being thereon, or if any person shall after such demand and statement as aforesaid impede or hinder or attempt to hinder such inspector in or from so entering or in or from inspecting any sheep, every such person shall on conviction forfeit and pay a sum not exceeding Fifty pounds.

Sheep book may be inspected.

S. It shall be lawful for the chief or any other inspector at any reasonable time to demand of the owner or person in charge of sheep kept on any run to be permitted to inspect any book used for entering or recording any particulars touching such sheep; and if any such owner or person shall without lawful excuse refuse or omit on such demand to produce such book or to permit such inspection, he shall on conviction forfeit and pay for such offence a penalty not exceeding five pounds.

Inspector may require correct account of sheep kept.

21. It shall be lawful for any inspector by notice under his hand to require of any owner of sheep kept on any run within the division of such inspector a correct account of all such sheep with the brands thereof and a description of their ages and sexes and the name and situation of such run, and such notice may be delivered to such owner personally or be left at his usual or last known place of abode in Victoria, and every such owner shall within fourteen days after the giving of such notice comply with the same, and every such owner who shall omit to comply with such notice shall on conviction forfeit and pay a sum not exceeding Twenty pounds.

Memorandum of owner's brand.

25. Every owner of sheep kept upon any run shall sign and deliver to the chief inspector and also to the inspector for the division in which such run is situated a memorandum in the form or to the effect in the Second Schedule to this Act describing the brand or brands used or to be used by such owner for branding such sheep and stating with respect to the same the several other particulars indicated in the said Schedule.

Registration of brands by inspector and index.

26. The chief and every other inspector shall forthwith on the receipt of every such memorandum register the name of the owner having

having delivered the same and the brand or brands and other particulars therein contained in a book to be kept by them respectively for the purpose and shall keep an index in alphabetical order of surnames of all owners of sheep named in such book, such book to be open for 5 inspection by any person on payment of a fee of One shilling.

27. Any registration or description of marks or brands heretofore made or delivered under the provisions hereby repealed shall be deemed to have been made hereunder, but the chief or any other inspector may require of any owner by or in respect of whom any such registration 10 shall have been made to supply by the like memorandum as herein mentioned any further particulars hereby required and not contained in such previous registration or description and shall register the same accordingly.

Former registration to avail.

28. If the brands registered in the names of any two or more owners 15 of sheep shall be so similar as in the opinion of the chief or other inspector to be likely to be confounded with each other such inspector may require any owner to alter his brand in manner to be prescribed by such inspector, and thereupon the like memorandum shall be delivered and the like registration made with respect to the brand so altered as 20 hereinbefore required with respect to other cases; and upon such last mentioned registration the previous registration of such owner's brand shall cease to be of any effect and be cancelled.

Alteration of brands where similar.

29. Every owner of sheep kept upon any run shall brand with the registered brand of such owner in a conspicuous way with pitch paint or 25 some other suitable composition all of such sheep above the age of six months as shall not at the time bear such registered brand.

Owner to brand with registered brand.

30. Every owner of sheep who shall omit to deliver such memorandum as aforesaid where required by or under this Act, or to brand such sheep and keep them conspicuously branded with the registered 30 brand of such owner, shall on conviction forfeit and pay for every such offence a sum not exceeding Fifty pounds and not less than Five pounds.

Omission to deliver memorandum or to brand.

31. A copy of any entry of registration in the book kept as aforesaid by the chief or any inspector certified under his hand to be a true copy shall be evidence that the brand therein described is the 35 registered brand of the person whose name is therein set against the same as owner, and proof that such brand is upon any sheep shall be *prima facie* evidence that such person is the owner of such sheep.

Copy of registration and brand borne to be evidence of ownership.

Part V.—Infected Sheep, Branding, Notice, Licences, Cleansing, and Destruction.

40 T. Where any portion of a run is securely enclosed with an effectual fence or boundary, natural or artificial, such portion shall for the purposes of this Part be deemed to be separately a run.

For purposes of this part of the Act, word "run" is to have limited meaning.

32. All sheep actually affected with the disease called "the scab" and all sheep of any flock whereof any one sheep shall be so affected 45 shall be and be deemed to be "~~diseased~~" *infected* within the meaning of

What shall be diseased sheep.

of this Act ; and proof that any one sheep of a flock is diseased *infected* shall for all purposes be conclusive evidence that all the sheep in such flock are diseased *infected*.

What shall be infected sheep.

33. All diseased sheep and all sheep which within a period of six months next preceding shall being diseased have been dipped dressed or treated for cure of the said disease, all sheep branded with the letter 'S' as herein provided, all sheep which within a period of six months next preceding shall have been dipped dressed or treated in or with any medicament whatsoever without such authority as in the next following section mentioned, all sheep which are or shall have been kept on or shall have been travelling upon or over any run or land or been yarded in any yard or enclosure whereon or wherein any such sheep as in this section before mentioned are or shall within four months next preceding have been, shall until the inspector shall in manner hereinafter mentioned have certified the same not to be infected, be "infected" sheep within the meaning of this Act, whether such dipping dressing treating keeping depasturing travelling or yarding shall have taken place within Victoria or elsewhere, and proof that any one sheep of a flock is infected shall for all purposes be conclusive evidence that all the sheep in such flock are infected.

Certain sheep not to be deemed infected by reason of dipping.

34. No sheep not actually diseased at the time of such dipping or treating as in the last preceding section mentioned shall by reason only of their having been so dipped or treated be or be deemed to be infected if the inspector shall have previously given to the owner of such sheep a written authority so to dip or treat such sheep, or if for twenty-one clear days after application to the inspector by such owner for such authority such application having been made by a registered letter addressed to the inspector and previously to such dipping or treating such owner shall have received no answer to such application.

Proof of owner's knowledge that sheep were infected.

35 Proof that on any given day any sheep were infected sheep shall be *primâ facie* evidence that the owner of such sheep had previously become aware *on that day* that the said sheep were infected ; and any owner of sheep infected at the time of the commencement of this Act, who shall then be aware that such sheep are affected, shall be deemed to have then become so aware.

Branding Infected Sheep, Notices, Licenses, Cleansing, Destruction, &c.

Branding with S.

36. Every owner of infected sheep forthwith on becoming aware that the same are infected shall in addition to the registered brand of such owner brand all such sheep upon the rump or back with the letter S, of at least three inches in length and of proportionate breadth, with pitch red paint or some other suitable composition and shall keep such sheep so branded until the inspector shall in manner hereinafter mentioned have certified the same to be not infected ; and every such owner who shall omit so to brand and keep branded any such infected sheep shall on conviction forfeit and pay the sum of *Twenty pounds* for every day during which any of such sheep shall remain so not branded as aforesaid.

37. Every

37. Every owner of infected sheep forthwith on becoming aware that the same are infected shall give notice in writing to the inspector that the said sheep are infected ; and if any such owner shall omit so to give such notice he shall on conviction forfeit and pay a penalty computed at the rate of One shilling for every such sheep ~~in the flock,~~ or if the number of such sheep be less than two hundred then the sum of Ten pounds, and such penalty shall in no case exceed One hundred pounds : Provided that no such notice if given to the inspector after he shall have entered upon any run for the purpose of inspecting the sheep thereon shall be deemed to be a notice in respect of such sheep for the purpose of this section.

Notice to inspector.

38. Every owner of infected sheep shall within three days after he shall have become aware that the same are infected affix in a conspicuous position at the point of entrance of every road which may intersect the run on which such sheep are kept and at the points where any road meets and closes with the boundary line of such run a notice in the form or to the effect contained in the Third Schedule, signed by him and written in distinct legible characters of not less than one inch in length, and shall keep such notice so affixed until the inspector shall in manner hereinafter mentioned have certified such sheep to be not infected ; and every such owner who shall omit so to affix and keep affixed such notice shall upon conviction forfeit and pay for every day during which he shall so omit a sum of not more than Ten pounds nor less than One pound.

Posting of notice.

Third Schedule.

39. Every owner of infected sheep shall within one week after he has become aware that the same are infected and thereafter in each of the two succeeding weeks insert in some newspaper generally circulating in the neighborhood of the run on which such sheep are kept a notice in the form or to the effect contained in the Fourth Schedule, stating with respect to such run the name and situation thereof and the other particulars indicated in the said Schedule, and shall forward to the inspector a copy of the newspaper containing such advertisement ; and shall forthwith give notice in writing to the owner of each adjoining run ; and if any such owner shall omit so to insert such advertisements or to give such notices or so to forward such copy as aforesaid he shall upon conviction forfeit and pay for every such offence a sum not exceeding *Twenty pounds nor less than Five pounds.*

Advertisement of notice.

Fourth Schedule.

U. *Every owner of infected sheep shall within fourteen days after he shall have become aware that the same are infected dip all such sheep in such manner and with such medicaments as shall have been prescribed in that behalf as herein provided ; and every such owner who shall fail to comply with the foregoing provisions of this section shall on conviction forfeit and pay a penalty computed at the rate of sixpence for every such sheep : Provided that no such penalty shall be less than Ten pounds.*

Owner to dip infected sheep within fourteen days after discovery.

40. The inspector forthwith upon becoming aware that sheep kept on any run within his division are infected shall issue to the owner of such sheep a license in the form or to the effect contained in the Fifth Schedule

Issue of first license.

Schedule

- Fifth Schedule. Schedule hereinafter called first license bearing date the day of such issue to keep such sheep for the purpose of cleansing them for a period of three months from the date of such license.
- First penalty for diseased sheep. 41. If on the expiration of the period limited in such first license any sheep kept upon such run shall be found to be diseased *infected* such owner shall on conviction forfeit and pay a penalty computed at the rate of Sixpence for every *such* sheep in the diseased flock: Provided that no such penalty shall exceed Two hundred pounds nor be less than Five pounds. 5
- Renewed license. 42. If within twenty-one days after the expiration of the period limited in such first license such owner shall apply to the inspector for a renewal thereof and pay to him the sum of Threepence for every sheep upon such run, it shall be lawful for the inspector to issue to such owner a renewed license bearing date upon the day of such expiration as aforesaid to keep such sheep for the purpose of cleansing them for a further period of three months from the date of such renewed license. 10 15
- Cancellation of renewed license. 43. If at any time during the time limited by any such renewed license the owner of the sheep to which the same relates is not taking such measures as are necessary to ensure the cleansing of such sheep within the time so limited, any two justices may on complaint by the inspector order that such license be cancelled and the same from and after such order shall be void and of no effect. 20
- Second penalty. 44. If the owner to whom any such first license has been issued shall not within twenty-one days after the expiration of the period limited thereby have made application for a renewed license and shall not have made the payment herein required in respect thereof, or if any renewed license issued to any owner shall have been cancelled or if the same shall have expired, and if in any of the cases aforesaid there be within nine months from the issue of the first license diseased *infected* sheep on the run to which such license renewed license or cancelled license as the case may be shall have related, the owner of such sheep shall on conviction forfeit and pay a penalty computed at the rate of Sixpence for every sheep upon the said run: Provided that no such penalty shall be less than Ten pounds. Provided also that if the inspector for the ~~district~~ *division* shall have certified that such sheep were clean at any time subsequent to the issue of a first license, and if it be proved before two justices that such sheep became diseased *infected* from circumstances not within the control of the owner of such sheep, then the inspector shall issue a first license as if no such first license had been previously issued. 25 30 35 40
- Inspector empowered to seize and cleanse. 45. In every ~~such~~ case of a conviction as in the last preceding section mentioned the justices adjudicating or any two justices may by any order to be made at the same time or afterwards direct that the inspector do take possession of all sheep on such run for the purpose of cleansing the same, and such inspector shall forthwith accordingly take possession of the said sheep and proceed effectually to cleanse the same upon such run and may use for such purpose whatsoever shall be on such 45

such run or any land of the same owner continuously occupied therewith adapted thereto such purpose and such inspector shall provide such other matters and things as shall be necessary for the purpose aforesaid; and if there be no sufficient dip on such run the inspector may drive
 5 such sheep to any convenient dip situated on any adjoining run with the consent of the owner thereof for the purpose of dipping such sheep: Provided that no sheep of any such last mentioned owner shall be deemed to be infected only by reason of the sheep so driven having been on his run.

46. If the owner of sheep of which any inspector shall have been
 10 ordered as aforesaid to take possession shall refuse to permit him so to do or to use upon the run of such owner whatsoever he is authorised hereby to use, or if any person shall hinder or prevent such inspector in or from doing any act which under the last preceding section he is required or authorised to do, or any director empowered in the like case
 15 such offender shall on conviction forfeit and pay for every such offence the sum of Fifty pounds and in default of payment shall be imprisoned for any period not exceeding three months.

Owner or other resisting, &c.

47. All expenses incurred by any inspector under the last but one
 20 preceding section with respect to any sheep shall be payable by the owner of such sheep.

Expenses how paid and recovered.

48. When any license shall have been issued under this Act by any
 inspector in respect of sheep kept upon any run, if for a period of at least four months commencing at any time after such issue none of such
 25 sheep shall in the opinion of such inspector have been diseased, infected then but not otherwise such inspector may and shall upon the application of the owner of such sheep forthwith and with the approval of any two
 30 directors for the division grant a certificate in the form in the Sixth Schedule hereto that such sheep are not infected.

Clean certificate.

Sixth Schedule.

49. If within seven days after the making of any such order for the
 30 taking possession of any sheep as aforesaid the owner shall by writing under his hand require the inspector to destroy such sheep, the inspector instead of proceeding to cleanse such sheep shall destroy them forthwith upon the run upon which the same are kept; and the remains of such
 35 sheep may be disposed of for the benefit of such owner in such manner as the inspector shall direct, and the compensation to be paid to such owner as hereinafter provided for the sheep so destroyed shall be computed at the rate of Two shillings for every such sheep.

Owner may elect to have sheep to which order for cleansing relates destroyed.

50. If any sheep kept upon any run and in respect of which a first
 40 license shall have been issued shall at the expiration of twelve months from the date of such license or within a period of three months thereafter be diseased infected then from time to time within such period of three months any two justices may on the complaint of the inspector order that the whole of any flock of such sheep which shall be diseased shall be
 45 destroyed by such inspector; and such inspector shall thereupon destroy such flock accordingly; and the remains of the sheep so destroyed may be disposed of for the benefit of the owner thereof in such manner as the inspector shall direct, and the compensation to be paid as hereinafter

Destruction of infected sheep by order of justice within fifteen months.

after provided to such owner for the sheep so destroyed shall be such sum not exceeding Four shillings for every such sheep as the said justices shall in and by the order for such destruction have appointed.

Compensation for sheep destroyed within fifteen months.

51. If the owner of any sheep kept upon any run and which shall under the provisions hereinbefore contained have been destroyed shall not for ~~six~~ two months after the destruction of the same have placed upon such run any sheep not theretofore kept thereon, and shall have made a solemn declaration to that effect under the thirty-seventh section of "*The Statute of Evidence 1864*," and made claim in writing in that behalf certified by the inspector to be true and just, then there shall be paid to such owner out of the Scab Act Fund the sum of One shilling such compensation for every sheep so destroyed as shall be payable to such owner under either of the two preceding sections. 5

Destruction of sheep without compensation in certain cases.

52. If after the expiration of nine months from the date of any first license in respect of sheep kept upon any run any such sheep shall be diseased, then any two justices may on the complaint of the inspector order such inspector to destroy on such run at such time or times as shall seem to him fit within six months from such expiration as aforesaid all sheep so diseased found upon such run; and such inspector may and shall destroy the same accordingly; and the owner of such sheep shall not receive any compensation in respect thereof. 15

Shepherding and folding of infected sheep.

53. The owner of infected sheep shall cause the same to be followed and kept in sight while depasturing throughout the day by some competent person, and to be kept throughout the night within secure folds or other fences; and every such owner who without the authority next hereinafter mentioned shall omit so to do, shall on conviction forfeit and pay for every day or night on which, and for every flock of sheep with respect to which he shall so omit, the sum of Five pounds. 20

Owner may be required to cleanse yard, &c.

V. It shall be lawful for the chief or any other inspector to require of any owner or person in charge of any sheep to wash or otherwise disinfect any premises yard vehicle or article found or used with or about any infected sheep; and if any such owner or person being so required shall refuse or omit so to do he shall on conviction forfeit and pay for such offence a penalty not exceeding Ten pounds. 30

Power of director to act as inspector under this Part.

W. In all cases in which by or under this Part the inspector is authorized or required to certify anything, or to grant any certificate, any two directors for the division may certify such thing or grant such certificate; and in all other cases in which by or under this Part the inspector may lawfully do or suffer anything any director for the division may do or suffer such thing; and all acts lawfully done by or with respect to one or more directors under this section shall be deemed for all purposes to have been done by or with respect to the inspector. 35

Sheep may be kept within fences in certain cases.

54. If within fourteen days after the issue of any first license in respect of sheep kept on any run, the owner of such sheep shall apply to the inspector for such authority as is next hereinafter mentioned, and if the natural features of any part of the country contained in such run shall be such that in the opinion of the inspector it is impracticable that the owner thereof should as to such country comply with the provisions of the next preceding section, the inspector may grant to such owner 45

owner a written authority to keep such sheep in such country, but not elsewhere, within such enclosures as shall be approved as secure by such inspector; and, in and by such authority a reasonable time shall be named for the construction completion or repair in manner therein described of such fences, if there be no such or no sufficient such fences; and no penalty shall in any such case be recoverable under the said section until the expiration of the time so named; nor before or without the granting of such authority shall any penalty be recoverable in respect of any offence against the said section committed in any such country if the justices adjudicating shall be of opinion that the natural features of the country are such as aforesaid; and every fence constructed completed or repaired in manner so described shall be deemed to have been approved until disapproved of by the inspector.

55. The owner of infected sheep kept upon any such run as in the last preceding section mentioned may instead of obtaining such authority as aforesaid and within the time limited for obtaining the same by writing under his hand apply to the inspector that such sheep be destroyed, and the inspector shall thereupon destroy such sheep accordingly; and the remains of the sheep so destroyed may be disposed of for the benefit of such owner in such manner as the inspector shall direct; and the provisions of the fifty-first section hereof touching compensation to the owner for sheep destroyed shall apply in every case in which sheep are destroyed under this section.

Owner rather than fence may elect to have sheep destroyed and may receive compensation.

Part VI.—TRAVELLING SHEEP and SHEEP FOUND ON ANOTHER'S Run Land, Stray and Imported Sheep.

22. If any person shall drive any sheep upon or across any land not being in the occupation of the owner of such sheep or upon or along any road which may intersect or form a boundary line of such land, without having given to the occupier if any residing on such land notice in writing not more than *twenty-four* hours or less than *eighteen* hours before such driving of his intention so to do, and of the place whence and the place whither such sheep are being driven he shall upon conviction forfeit and pay for every such offence a sum not exceeding Twenty pounds: Provided that delivery of such notice to any person at the homestead or principal station if any upon such land shall be deemed sufficient notice.

Driving sheep without notice.

23. Every person who shall drive travelling sheep on any lands not in the occupation of the owner of such sheep or upon or along any road shall drive such sheep in the direct course so far as practicable of their destination a distance of not less than *five* miles on each day while crossing such lands or proceeding by or along such road, and shall not deviate more than a quarter of a mile on either side of such road, and any person who shall offend against the provisions of this section without lawful excuse, the proof whereof shall lie upon the accused, shall on conviction forfeit and pay for every such offence a sum of not more than Fifty pounds nor less than Five pounds and in default of payment may be imprisoned for any period not exceeding three months.

Rate of travelling for sheep.

Abandoning sheep.

24. If any person in charge of any travelling sheep shall abandon any of them upon any land or upon any road which may intersect or form the boundary line of any land such sheep may after a period of thirty-six hours be destroyed by the occupier of such land or his agent or any inspector.

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Infected sheep not to travel without authority of inspector.

56. If any infected sheep shall without the authority in writing of the inspector in that behalf be travelling upon or along any road or upon over or across any land not being in the actual occupation of the owner of such sheep, the owner of such sheep shall upon conviction forfeit and pay for such offence a penalty of not less than One hundred pounds nor more than Five hundred pounds. And if the person in charge of any infected sheep so travelling as aforesaid on any such land or road shall on being required so to do by any owner of sheep kept on any such land or any land adjoining to such road or by any person duly authorised on his behalf refuse or omit to produce to the person so requiring and stating from whence he derives his right so to do such written authority of the inspector as aforesaid, such sheep shall be deemed to be so travelling without such authority.

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What shall warrant granting of authority to travel infected sheep.

57. No inspector shall grant any such authority as in the next preceding section mentioned in respect of any sheep, unless he shall first have satisfied himself by personal inspection that such sheep are not diseased, and unless the owner of such sheep shall deliver to him a declaration duly made by such owner before some justice under the thirty-seventh section of "The Statute of Evidence 1864," that such sheep are not diseased within the meaning of this Act and have not been diseased within the six months next preceding; and every inspector who shall grant any such authority without having so satisfied himself or without such declaration having been delivered to him, shall on conviction forfeit and pay for such offence a sum not exceeding Five hundred pounds and not less than One hundred pounds.

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Destruction of and penalty for infected travelling sheep.

58. Any inspector may at any time destroy any flock of travelling sheep and all sheep accompanying or mixed with them which shall be found within his division and be diseased *infected*, and all diseased *infected* sheep found elsewhere than on the land of the owner of such sheep, and for that purpose may drive back any such travelling sheep upon or over any land over which they shall within forty-eight hours previously have passed; and the owner of all such travelling sheep shall on conviction forfeit and pay a penalty computed at the rate of one shilling for each sheep in such flock, but if the number of such sheep be less than one hundred, then the sum of Ten pounds.

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Detention of diseased travelling sheep by neighboring owner, &c.

59. Any owner of sheep kept upon any run upon which or upon any road intersecting or forming the boundary line of which any travelling sheep not being the sheep of such owner shall be found, and also any owner of any sheep kept on any run adjoining to such first mentioned run, and any person authorised in writing by any of such owners, may examine such travelling sheep whether the same shall be driven under the written authority of the inspector or no; and if such sheep or any of them shall on such examination be found to be diseased *infected*, then such owner or person first stating to the person in charge thereof

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thereof from whence he derives his right so to do may detain the whole flock in which such sheep are found until the inspector shall examine such sheep; and if on the demand of any such owner or authorised person, and on such statement as to his right to make such demand and on production of his written authority where hereby required, any person in charge of any such sheep shall refuse to permit or any person shall resist or hinder such detention, every person so offending shall on conviction forfeit and pay for every such offence the sum of One hundred pounds, and in default of payment shall be imprisoned with or without hard labor for three months.

60. If the sheep so detained as aforesaid shall be found on examination by the inspector not to be diseased *infected*, the person having detained the same shall on conviction forfeit and pay for his offence a sum not exceeding One hundred pounds and not less than Ten pounds.

Penalty for improper detention.

61. The owner or person in charge of such sheep and also the person so detaining them shall forthwith upon such detention give notice in the form or to the effect in the Seventh Schedule of such detention and of the place thereof to the inspector, who shall and is hereby required to repair without delay to such place, and to examine such sheep and decide whether or not they are diseased *infected*; and if such sheep shall be diseased *infected* the inspector shall further detain the same to be dealt with as herein provided; and if any such owner, person in charge, or person so detaining shall omit so to give such notice he shall on conviction forfeit and pay for such offence a penalty not exceeding Twenty pounds.

Notice of detention to inspector.

Seventh Schedule.

62. The inspector may at any time, whether upon or without such detention or notice as last aforesaid, detain and examine any travelling sheep which shall be found within his division, and decide whether or not they are diseased *infected*; and if such sheep shall be diseased *infected* shall further detain the same to be dealt with as herein provided; and such inspector may require all or any of the persons found in charge of such sheep to remain in charge thereof, and if any such person being so required shall refuse or neglect to obey such requirement, he shall on conviction by any two justices of the peace suffer imprisonment for any period not exceeding three months.

Detention by inspector.

63. If any infected stray sheep be found upon any land, whether alienated from the Crown or not, or upon any common or road, the owner or occupier of such land, the manager of such common, or any person authorised by them respectively may, and in all such cases the inspector may, destroy all such sheep: Provided that any person other than the inspector so destroying any sheep shall forthwith give notice to the inspector, in the form or to the effect in the Eighth Schedule hereto, that he has done so, together with the other particulars indicated in the said Schedule; and if any person having so destroyed any sheep shall omit so to give such notice, he shall on conviction forfeit and pay for such offence a sum not exceeding Fifty pounds.

Infected stray sheep may be destroyed.

Eighth Schedule.

Liability of owner
whose infected
sheep mix with
other sheep.

65. Every owner whose sheep (being infected sheep) shall come in contact or mix with any other sheep, or be put into the yard, or wander, or be driven on to the run occupied by such other sheep, or along any road contiguous thereto, whereby the owner of such last-mentioned sheep shall incur any loss damage or expense by cleansing such sheep or otherwise, shall make good and defray to such last-mentioned owner such loss damage or expense. 5

Power of directors to
act as inspectors
under this Part.

X. In all cases in which by or under this Part the inspector is authorized to destroy sheep, not being stray sheep, any two directors may exercise such power, and with the like consequences in all respects, and in all other cases in which by or under this Part the inspector may lawfully do or suffer anything, any director for the division may do or suffer such thing; and all acts lawfully done by or with respect to one or more directors under this section shall be deemed for all purposes to be done by or with respect to the inspector. 10 15

Importation, &c., of
sheep.

69. Every person who without the written authority of the chief inspector, or of some other inspector having power to act at the place, shall import any infected sheep, or shall drive any sheep imported by sea whether infected or not inwards from the place of such importation, shall on conviction forfeit and pay for such offence a sum not exceeding Five hundred pounds and not less than One hundred pounds, and in default of payment may be imprisoned with or without hard labor for any period not exceeding six months; and if any such sheep shall be diseased infected any justice may by an order which may be made *ex parte* direct that such sheep be forthwith destroyed by the inspector. 20 25

Prohibition against
sheep entering
from adjoining
colonies without
permission.

70. The Governor in Council from time to time may prohibit that within a time to be named in the order sheep be brought without the written authority of the chief inspector, or other inspector having power to act at the place, into Victoria from New South Wales or from South Australia respectively, or from any part of either of the said colonies, to be defined in such Order in Council; and may remove such prohibition; and if any person without such authority shall drive from any place to which such prohibition shall relate into Victoria any sheep, he shall on conviction forfeit and pay for such offence a sum not exceeding Five hundred pounds and not less than One hundred pounds, and in default of payment may be imprisoned with or without hard labor for a period not exceeding six months; and if the said sheep shall be diseased infected any justice may by an order which may be made *ex parte* direct them to be forthwith destroyed by the inspector. 30 35

Part VII.—QUARANTINE AND CLEAN DISTRICTS. 40

Quarantine districts.

71. The Governor in Council from time to time may order that any portion of Victoria whereof the boundaries shall be defined in such Order in Council shall be a "quarantine district," and may revoke and annul such order either as to the whole of such portion or as to any part thereof whereof the boundaries shall be defined as aforesaid: Provided always 45

always that no such quarantine district shall be proclaimed so as to prevent sheep which are not infected from being driven to market.

72. No person without the written authority of the chief inspector or of an inspector having power to act at the place shall drive any travelling sheep into any quarantine district from any place without the boundaries thereof or from any place within any such district to any other place therein, or shall drive any sheep whether travelling or not from within such district across the boundaries thereof; and if any person shall offend against this section he shall on conviction forfeit and pay for every such offence a penalty computed at the rate of Two shillings for every sheep so driven, but if the number of such sheep shall be less than five hundred then a penalty of Fifty pounds, and in default of payment may be imprisoned with or without hard labor for a period not exceeding six months; and if such sheep shall be ~~diseased~~ *infected* any justice may by an order which may be made *ex parte* direct that such sheep be forthwith destroyed by the inspector.

No sheep to travel into through or out of quarantine district without permission of inspector.

73. The Governor in Council from time to time may order that any portion of Victoria whereof the boundaries shall be defined in such Order in Council shall be a "clean district;" and may revoke and annul such order either as to the whole of such portion or as to any part thereof of which the boundaries shall be defined as aforesaid.

Clean district.

74. No person without the written authority of the chief inspector, or of an inspector having power to act at the place, shall drive any sheep into any clean district; and if any person shall offend against this section he shall on conviction forfeit and pay for such offence a sum not exceeding Five hundred pounds and not less than Fifty pounds; and if any sheep so driven into any clean district shall be ~~diseased~~ *infected* any justice may by an order which may be made *ex parte* direct that such sheep be forthwith destroyed by the inspector.

No sheep to be driven into clean district without permission of the inspector.

75. At places where the boundary of any quarantine or clean district coincides with the common boundary of any two divisions, the inspector for either of such divisions shall be deemed to have power to act.

Provision where boundary of district coincides with that of divisions.

76. No chief or other inspector shall give any authority for driving into any clean district ~~any sheep which shall be diseased and no chief or other inspector shall give any authority for driving into any such district any~~ infected sheep, unless or until such ~~infected~~ sheep have been effectually dipped for the cleansing of the same under the supervision and to the satisfaction of such inspector at least three times, at intervals of not less than ten nor more than fourteen days and shall in his opinion be thoroughly clean.

Permission not to be granted for infected sheep.

Part VIII.—MISCELLANEOUS PROVISIONS.

77. Every penalty and forfeiture imposed by or under this Act shall and may be recovered before any two justices, and all other sums of money hereby made payable by the owner of sheep shall and may be

Recovery and appropriation of penalties, &c.

be recovered before two justices by the inspector ; and all such penalties forfeitures and sums of money shall be paid to the "Trust Fund" and be brought to the credit of the "Scab Act Fund Account." Provided that if any such penalty forfeiture or sum of money shall not be paid forthwith, or at such time as such justices shall have appointed, it shall be lawful for any two justices to issue their warrant of distress for the recovery of the same as by law provided ; and if no sufficient goods of ~~such owner~~ *the person adjudged or ordered to pay the same* shall be found, or in the first instance if the justices see fit without issuing any such warrant of distress, any two justices may by their warrant commit such ~~owner person~~ *person* to the nearest or most convenient gaol for any period not exceeding six months. 5 10

Expenses of destruction and sale of sheep.

68. In all cases in which by this Act it is authorised or required that sheep be destroyed or sold, all the expenses of or attending such destruction or sale shall be payable by the owner of such sheep. 15

Expenses of carrying out Act to be paid out of "Scab Act Fund."

78. The salaries of the chief and other inspectors ~~and the remuneration to be paid to the assistant inspectors~~ and all other costs and charges necessary or incident to the carrying into effect the provisions of this Act other than the costs and charges hereinbefore made payable by owners of sheep ~~shall~~ *may* be paid out of the said "Scab Act Fund" as the Governor in Council shall from time to time direct. 20 25

Expenses payable out of "Scab Act Fund."

79. All expenses whatsoever incurred by any inspector in the execution of this Act may, whether the same be recoverable from any person or not, be paid in the first instance out of the "Scab Act Fund." 25

Wilfully communicating scab.

64. Any person who shall wilfully communicate or cause to be communicated or attempt to communicate to any sheep the disease called "The Scab" shall be deemed to be guilty of a misdemeanor, and shall be liable to imprisonment for any term not exceeding three years and not less than one year. 30

Unlawful removal of skins, &c., of infected sheep.

66. Any person who shall knowingly remove from any lands the wool skin hoofs or horns of any infected sheep otherwise than in bags or bales securely packed and sewed up, shall for every such offence forfeit and pay a penalty not exceeding One hundred pounds nor less than Ten pounds, and in default of payment may be imprisoned for any period not exceeding three months. 35

Dividing flock &c. to conceal fact that they are infected.

67. If any person with intent to cause it to appear that any sheep are not infected within the meaning of this Act or to conceal the ownership of any sheep shall separate any of the sheep of a flock from any others of the same flock or conceal or destroy any sheep or remove any brand from any sheep, he shall on conviction forfeit and pay for every such offence, a sum not exceeding One hundred pounds and not less than Twenty pounds, and in default of payment may be imprisoned with or without hard labor for any period not exceeding three months. 40

Inspector may kill sheep for evidence.

80. In any case where the fact of the disease of any sheep *being infected* shall be disputed by the owner of such sheep, the inspector or a director acting as inspector hereunder may, without making any compensation 45

compensation therefor kill one sheep in each flock which he may consider ~~diseased~~ *infected*, and may take possession of the skin or any portion thereof, and having marked the portion thus taken he shall pack up the same securely, sealing the package with his own seal; and such
 5 packet may be produced and opened before any court or before the justices as the case may be whenever the fact of any such ~~disease~~ *such sheep being infected* may be in issue, and such evidence of ~~disease~~ *the fact* may be offered in addition to or in lieu of any other legal evidence of ~~disease~~ *thereof*. Any person preventing or impeding or attempting to
 10 prevent or impede an inspector or *director* in carrying out the provisions of this section shall be liable to a penalty of not less than Ten pounds and not exceeding Fifty pounds.

Penalty on obstruction.

81. If any owner be complained against by an inspector for having omitted or neglected to do and execute all or any one of such acts matters or things as
 15 are required by this Act, the proof that he has done and executed such act matter or thing, or that he was at the time to which the complaint relates the holder of a license or renewed license shall lie upon such owner. It shall not be necessary in any proceeding under this Act to allege or prove *scienter*.

Proof of compliance with Act to be on owner.

82. Every inspector or *director* may whenever necessary employ
 20 any person or persons to assist him in carrying out the provisions of this Act; and the owner through whose neglect omission or other default, or by reason of the ~~disease~~ *of whose sheep being infected* or by reason of the removal of or other dealing with whose sheep, the expense of such employment shall have been incurred, shall repay the
 25 same to the inspector or *director* on demand.

Inspector may employ any person to assist him.

83. When any conviction or order is made under this Act against any person in respect of any sheep or any matter or thing done or omitted to be done with reference to any sheep, such sheep shall for
 30 the purposes of any warrant of distress following upon such order or conviction be conclusively deemed and taken to be the goods and chattels of such person; and the proof of the sale of any such sheep under any such warrant of distress shall be a full and conclusive answer and bar to any prior claim to or upon such sheep or the wool thereof, whether founded upon any sale mortgage assignment grant agreement
 35 or other dealing with such sheep or wool whatsoever.

Sheep to be deemed goods of person against whom order made.

84. Where any sheep are such that the owner thereof if found would be liable in respect of the same to have a conviction or order other than an *ex parte* order made against him or touching such sheep under this Act, but such owner is not known or cannot be found, then
 40 upon the appearance of and upon hearing for such owner of any person in charge of such sheep, or in case of no such person appearing, then upon proof that a summons addressed to such owner by such description merely has been served upon some person so in charge, or if there shall be no person so in charge, then upon proof of that fact, and that copies
 45 of such a summons as aforesaid have for forty-eight hours past been conspicuously posted at some place near to the place where such sheep shall have been found and outside the police station nearest thereto, any
 two

Proceedings where owner cannot be found.

two justices may make such conviction or order against such owner or touching such sheep and instead of naming such owner where but for this provision it would be necessary so to do may describe him merely as owner of the said sheep; and such conviction or order shall take effect with respect to any owner of the said sheep if and when found, and with respect to the said sheep whether he be found or no to all intents and purposes as though an owner had been mentioned by name therein. 5

Regulations to be made by Governor.

8. The Governor in Council may from time to time make alter or repeal regulations *being not inconsistent with the provisions of this Act* to be published in the *Government Gazette* for *fixing the time and place for elections of directors, the mode of conducting such elections, the places and times for and notices of meetings of directors, and the mode of conducting and recording their proceedings; for determining the powers and the duties of directors of the chief inspector and of inspectors; for removing, as respects directors, the chief inspector, or other inspectors any doubts which may at any time appear to the Governor in Council to exist as to the joint concurrent mutual or separate powers or liabilities under this Act, of any or all of these; and for declaring such respective powers and liabilities, for prescribing the mode of dipping when herein required, and the medicaments to be used for the same; for regulating the placing of district and sheep in quarantine and releasing the same therefrom; for detaining and keeping travelling sheep supposed to be infected until cleansed; for regulating the keeping and cleansing of imported sheep; and for any other purpose whatsoever connected with the execution of this Act, whether of the same kind as the purposes hereinbefore mentioned or not; and every such regulation shall upon such publication in the *Government Gazette* and while the same is in force have the same effect as if it were inserted in this Act. 10 15 20 25*

Orders in Council to be published.

85. All orders in Council made under this Act shall be forthwith published in the *Government Gazette*. And every order in Council whereby any quarantine district or clean district shall be constituted, or the boundaries thereof altered under this Act, shall afterwards once in every week while such Order shall be in force be so published. 30

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

RETURN of all sheep kept and being upon the run known as _____ in the Section 15.
 scab division of _____ during the year 18 .

| Name of Run. | Name and Address of Owner. | Name and Address of Person in Charge. | Number of Sheep. | | | | | | | | | | | | Brand or Mark. | Remarks. | |
|--------------|----------------------------|---------------------------------------|------------------|-----------|--------|--------|------|-------|-------|---------|------------|----------|-----------|-----------|----------------|----------|--|
| | | | January. | February. | March. | April. | May. | June. | July. | August. | September. | October. | November. | December. | | | |
| | | | | | | | | | | | | | | | | | |

(Signed)

Owner.

I, _____ do hereby solemnly and sincerely declare that the several matters and things stated and contained in the above return are true, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

[Signature of declarant].

Declared before me at _____ this _____ day of _____ 18 . } J. P.

SECOND SCHEDULE.

MEMORANDUM OF BRAND FOR REGISTRATION.

Section 25.

| Name, Parish, County, and Situation of Run or Land. | Name of Owner. | Brand or Mark. | Remarks. |
|---|----------------|----------------|----------|
| | | | |

(Signed)

THIRD

Section 38.

THIRD SCHEDULE.

SCAB NOTICE.

The sheep kept upon this run are infected with scab.

(Signed)

Section 39.

FOURTH SCHEDULE.

SCAB NOTICE.

The sheep kept upon the run known as _____ are infected with scab.
and situated _____

Dated this _____ day of _____ 18 ____ .
(Signed)

Section 40.

FIFTH SCHEDULE.

SCAB ACT of 1869.

License.

To _____ owner [or superintendent] of the sheep
kept upon the run known as _____
Whereas the above-mentioned sheep are infected with scab, by this license [or if the
license be a renewed license by this renewed license] I authorise you to keep the same
for the purpose of cleansing them for the period of three months from the date hereof.

Dated this _____ day of _____ 18 ____ .
(Signed)

Inspector [or Director.]

Section 48.

SIXTH SCHEDULE.

SCAB ACT of 1869.

I [or we] do hereby certify that the sheep kept upon the run known as _____
and situated _____
are at the date hereof not infected with scab.

Dated this _____ day of _____ 18 ____ .
(Signed)

Inspector or { *Director.*
Director.

SEVENTH

SEVENTH SCHEDULE.

Section 61.

Scab Act of 1869.NOTICE TO INSPECTOR *or* Director OF DETENTION OF TRAVELLING SHEEP.

To Inspector of Sheep *or* Director for the _____ division.
 Take notice that the travelling sheep mentioned in the Schedule below were on the
 detained by _____ at _____ as ~~diseased~~ *infected*, and that
 I hereby call upon you, as Inspector *or* Director, to examine such sheep, and to give your
 decision in writing as to whether or not they are ~~diseased~~ *infected*.
 The _____ day of _____ 18 _____ .
 _____ (Signed)

SCHEDULE REFERRED TO ABOVE.

| Number. | Description. | Brands or Marks. | Name and Address of Owner and of Person in Charge. | Where from (if known) | Route travelled (if known). | Destination (if known). |
|---------|--------------|------------------|--|-----------------------|-----------------------------|-------------------------|
| | | | | | | |

EIGHTH SCHEDULE.

Section 63.

Scab Act of 1869.

NOTICE OF DESTRUCTION OF INFECTED STRAY SHEEP.

To Inspector of Sheep *or* Director for the _____ division.
 Take notice that I have this day seized and destroyed _____ infected stray sheep, of which
 particulars are given in the Schedule below.
 The _____ day of _____ 18 _____ .
 _____ (Signed)

SCHEDULE REFERRED TO ABOVE.

| Number. | Description. | Brands or Marks. | Name and Address of Owner or supposed Owner. | State of Sheep. | Where found and destroyed. |
|---------|--------------|------------------|--|-----------------|----------------------------|
| | | | | | |

1869.

VICTORIA.

LEGISLATIVE COUNCIL.

SECOND REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE R. S. ANDERSON, AND ORDERED BY THE
COUNCIL TO BE PRINTED 2ND NOVEMBER, 1869.

By Authority:

JOHN FERRES: GOVERNMENT PRINTER, MELBOURNE.

REPORT.

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

| Title of Paper. | When moved for and by whom. | When laid on the Council Table. | By Command. | Report and Remarks of the Committee. |
|---|-----------------------------|---------------------------------|-------------|--------------------------------------|
| | 1869. | 1869. | | |
| Land Act 1862, and Amending Land Act 1865.—Report of Proceedings under, to 31st December 1868 | | 2nd June | By Command | No order made. |
| Industrial Schools.—Report of Inspector (1868) ... | | " | " | " |
| Post Office Savings Bank.—Statement of Accounts for year ending 31st December (1868) | | " | " | " |
| Sanatory Station.—Report of Chief Medical Officer for the year (1868) | | 8th June | " | " |
| St. Kilda Volunteer Artillery Corps.—Additional Rules (17, 18) | | " | " | " |
| Public Works Loan Act 1868—Estimates of Works under.—Executed and to be executed to end of year 1869 | | " | | " |
| Water Supply Department.—Regulation respecting Public Accounts (13th May, 1869) | | " | | " |
| Railway Loan Act 1868, 32 Vic. No. 331.—Statement of Application of Moneys for Works and purposes under, during 1868 | | 10th June | ... .. | " |
| Railway Loan Act, 32 Vic. No. 331.—Estimate by Board of Land and Works of Expenditure to be incurred for purposes of Railway Construction during 1869 | | " | | " |
| Beechworth Court of Mines, to be holden at Mansfield.—Order in Council (7th June, 1869) | | 22nd June | ... .. | " |
| Statistics of Victoria.—Population (1868) | | " | By Command | " |
| Daylesford—Mining Operations on Reserved Lands authorised at.—Order in Council (31st May, 1869) | | 29th June | " | " |
| Victorian and Tasmanian Intercolonial Electric Telegraph Service.—Reduction of Charges (31st May, 1869) | | " | " | " |
| St. Andrew's Court of Mines discontinued.—Order in Council (29th June, 1869) | | 6th July | ... .. | " |
| Castlemaine District Court of Mines to be holden at Heidelberg.—Order in Council (29th June, 1869) | | " | | " |
| Railways, Victorian.—Report of Board of Land and Works for year ending 31st December, 1868 | | " | By Command | " |
| Privilege, Papers relating to... .. | | " | " | " |
| Yackandandah Public Reservoir Reserve.—Erection of Quartz Crushing Mill, authorized upon.—Order in Council (21st June, 1869) | | 7th July | ... .. | " |
| Public Accounts.—H.M.C.S. Victoria—Regulation respecting (14th June, 1869) | | " | | " |
| Observatory.—Fifth Report of Board of Visitors | | " | By Command | " |
| Mineral Statistics of Victoria, 1868 | | 13th July | " | " |
| Mining Registrars, Ballarat Mining District—Fees of.—Order in Council (21st June, 1869) | | " | " | " |
| Yackandandah Public Reservoir Reserve at Back Creek —Erection of Quartz Crushing Mill authorized upon.—Order in Council (21st June, 1869) | | " | " | " |
| Education—Seventh Report of Board of, 1868—Appendices | | 20th July | " | " |
| Statistics of Victoria.—Part II.—Accumulation, 1868 | | " | " | " |
| Agent-General—Copy of General Instructions to (17th July, 1869) | | " | " | " |
| Emigration Commissioners—Copy of Letter appointing (17th July, 1869) | | " | " | " |
| Friendly Societies, Registered—formed or dissolved in 1868 | | " | " | " |
| Map of Shires and Road Districts in the Colony | | " | | " |
| Return showing the Shires and Road Districts now existing, with their Areas and amount of Tolls collected therein during the financial year 1868 | | " | | " |
| Botanist and Director of Botanic Garden.—Report of 14th September, 1868 | | 21st July | By Command | " |
| Scab Act Inspectors, &c. —Return to an Order of the Council | Hon. W. Campbell, 28th July | 3rd August | ... .. | " |
| Aborigines in Victoria.—Sixth Report of Central Board appointed to watch over (10th June, 1869) | | " | By Command | " |

| Title of Paper. | When moved for and by whom. | When laid on the Council Table. | By Command. | Report and Remarks of the Committee. |
|--|-----------------------------|---------------------------------|-------------|--------------------------------------|
| Victorian and Tasmanian Intercolonial Telegraph Service.—Reduction of Charges (31st May, 1869) | | 1869. 4th August | By Command | No order made. |
| University of Melbourne.—Report (year ending 31st May, 1869) | | 5th August | " | " |
| Mining Surveyors' and Registrars' Reports.—Quarter ending 30th June, 1869 | | 11th August | " | " |
| Chief Medical Officer.—Return of Diseases in Establishments (1868) | | " | " | " |
| Water Supply.—Estimate of Expenditure in lieu of the Estimate which was printed by Order of the Legislative Assembly on the 18th March, 1869 (Castlemaine, Sandhurst, Geelong, and Ballarat) | | 17th August | ... .. | " |
| Pilot Board of Victoria.—Accounts for the years ending 31st August, 1867, and 31st August, 1868 | | 25th August | By Command | " |
| Castlemaine and Gippsland Mining Boards—Order in Council determining Number of Members of (16th August, 1869) | | 26th August | " | " |
| Castlemaine and Gippsland Mining Districts—Divisions of.—Order in Council (16th August, 1869) | | " | " | " |
| Castlemaine and Gippsland Mining Districts.—Polling-places.—Order in Council (16th August, 1869) | | 31st August | " | " |
| Castlemaine and Gippsland Mining Divisions Altered.—Order in Council (16th August, 1869) | | " | " | " |
| Castlemaine and Gippsland Mining Districts Altered.—Order in Council (16th August, 1869) | | " | " | " |
| Castlemaine and Gippsland Mining Boards.—Number of Members of.—Order in Council (16th August, 1869) | | " | " | " |
| Daylesford—Mining Operations on Reserved Lands authorized at.—Order in Council (23rd August, 1869) | | 9th September | " | " |
| Gippsland Mining District.—Mining Officers' Powers and Duties.—Order in Council (23rd August, 1869) | | " | " | " |
| Yan Yean Supply—Report of Government Analytical Chemist on the Water of (30th August, 1869) | | " | | Recommended to be printed. |
| Williamstown Workshops.—Report of Board (4th October, 1869) | | 19th October | By Command | No order made. |
| Statistics of Victoria, 1868— | | | | |
| Part III.—Interchange | | " | " | " |
| Part IV.—Finance, &c.... .. | | " | " | " |
| Part V.—Law, Crime, &c. | | " | " | " |
| Part VI.—Vital Statistics, &c. | | " | " | " |
| County Courts Rules and Orders (<i>County Court Statute</i> 1869) | | " | | " |
| Savings Banks.—Returns for the year ending 30th June, 1869 | | 20th October | By Command | " |
| Gippsland Mining District.—Additional Polling-places.—Order in Council (30th August, 1869) | | " | | " |
| Daylesford—Mining operations authorized within reserved lands at.—Order in Council (23rd August, 1869) | | " | | " |
| Fees in Courts of Mines.—Order in Council (15th September, 1869) | | " | | " |
| Schedule of Proposed Expenditure on North-Eastern Railway during 1869 | | 26th October | ... .. | Recommended to be printed. |

ROBERT S. ANDERSON,
Chairman.

Committee Room,
2nd November, 1869.

1869.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

OF

ELECTIONS AND QUALIFICATIONS

ON A

LETTER FROM THE RETURNING OFFICER

FOR THE

CENTRAL PROVINCE ;

TOGETHER WITH PROCEEDINGS OF COMMITTEE

ORDERED BY THE COUNCIL TO BE PRINTED, 2ND NOVEMBER, 1869.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 19TH OCTOBER, 1869.

RETURN OF WRIT.—The President announced to the Council that the Writ for the election of a Member for the Central Province, in the room of the Honorable J. P. Fawcner, deceased, had been returned to him, and that the Returning Officer had certified that Henry Sallows Walsh had been duly elected in pursuance of the Writ.

The President also announced to the Council that he had received a letter from the Returning Officer for the Central Province, stating that a paper, signifying the withdrawal of one of the candidates for election for the Central Province was in some degree irregular when presented to him.

The Letter was read at the Table by the Clerk.

LETTER OF RETURNING OFFICER.—The Honorable C. J. Jenner moved, That the Letter of the Returning Officer be referred to the Elections and Qualifications Committee.

Question—put and passed.

TUESDAY, 2ND NOVEMBER, 1869.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable R. S. Anderson brought up a Report from the Elections and Qualifications Committee, to which Committee was referred, on the 19th ultimo, a letter from the Returning Officer of the Central Province.

The Report was read at the Table by the Clerk.

The Honorable R. S. Anderson moved, That the Report be received and adopted, and be printed, together with the Proceedings of the Committee.

Question—put and passed.

REPORT.

THE Honorable R. S. Anderson, from the Select Committee on Elections and Qualifications, to which Committee was referred, on the 19th October, 1869, a letter from the Returning Officer for the Central Province, informed the House that the Committee had determined—

That the Committee deem it unadvisable to express any opinion with regard to the election before the expiry of the time for the presentation of petitions against the sitting Member ; but are of opinion that, if no petition be presented within the time allotted by law for the presentation of petitions, the Returning Officer should return the deposit money to the retiring candidate.

ROBERT S. ANDERSON,
Chairman.

Committee Room,
2nd November, 1869.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 27TH OCTOBER, 1869.

Member present :

The Honorable W. Highett.

A quorum not being present, the Honorable W. Highett directed that the Committee be summoned for half-past three o'clock on Thursday, the 28th instant, unless the Council should adjourn over that day, in which case the Committee would be summoned for the day to which the Council might adjourn.

TUESDAY, 2ND NOVEMBER, 1869.

Members present :

The Honorables W. Highett, R. S. Anderson, J. McCrae, J. Graham.

The letter referred to the Committee was read as follows :—

Sir James Palmer, Knight.

106, Collins Street East,
28th September, 1869.

Sir,

I have the honor to transmit herewith the Writ for the Central Province, with the name of Henry Sallows Walsh endorsed thereon, and to state that, on Saturday, the 25th instant, George Rolfe's withdrawal was handed to me, in accordance with the Act, with the exception that his name was not on the document, but on a separate note attached to the document.

Another withdrawal in the correct form was handed to me yesterday, but this was within the two clear days required.

I have the honor to be,

Sir,

Your obedient Servant,

DAVID E. WILKIE, M.D.,
Returning Officer.

The Writ was produced.

Committee deliberated.

Resolved—That the Committee deem it unadvisable to express any opinion with regard to the election before the expiry of the time for the presentation of petitions against the sitting Member; but are of opinion that, if no petition be presented within the time allotted by law for the presentation of petitions, the Returning Officer should return the deposit money to the retiring candidate.

The Chairman was ordered to report to the House.

1869.

VICTORIA.

PETITION.

LEGAL PROCEEDINGS FACILITY BILL.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 31st AUGUST, 1869.

TO THE HONORABLE THE LEGISLATIVE COUNCIL OF VICTORIA, IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Barristers of the Supreme Court—

SH EWETH :

1. That your Petitioners have had under their consideration a Bill, intituled, "*A Bill to cheapen and facilitate the conduct of Legal Proceedings.*"

2. That the proposed alteration would leave the law in a very uncertain and unsettled state, as the Bill does not expressly impose upon a barrister practising as an attorney any liability for negligence committed by him in the conduct of the formal or technical parts of an action or suit; nor does it, on the other hand, declare whether the principle by which an attorney acting on the opinion of counsel is exempt, in certain cases, from the charge of negligence, is to apply to barristers who act in the twofold character of counsel and attorney.

3. That, in the conduct of legal proceedings, and of the correspondence which usually occurs before the commencement of them, it constantly happens that the attorneys of the parties become acquainted with facts and documents upon which they are afterwards required to give evidence at the trial, and your Petitioners submit that it would be highly inconvenient and unseemly that an advocate in the heat and conflict of a trial should not only leave the bar of the court and become a witness for the client whose cause he is conducting, but be subjected to cross-examination by the opposing counsel, and to the comments of the judge on the evidence which he had given, and the purpose to which he had applied it.

4. That the effect of the Bill would be to transfer from one branch of the legal profession to the other the emolument now received by the former, without any benefit whatever to the public, and with the disadvantage that there would be no check or limit to the amount of fees which a barrister might exact from his client, though the latter, in case of successful litigation, might not be entitled to recover it from the opposite party.

5. Your Petitioners would remind your Honorable House that the legal profession exists and is controlled for the public advantage only, and that no consideration or regard for the personal and private interest of any one or more of its members should be the foundation or cause of any legislative enactment on the subject.

6. That it would be an injustice to the other branch of the profession, and of no advantage to the community to allow barristers to practise as attorneys, without at the same time allowing attorneys to practise as barristers.

7. That, apart from any matter affecting only the members of the legal profession, and the due and decent practice of the law, another question of much graver importance is involved in the said Bill.

8. The office of Judge of the Supreme Court and of the County Courts and Courts of Mines, as well as the office of Commissioner of Insolvent Estates and Chairman of General Sessions, must be filled by persons who shall have practised as barristers for various periods of time; and we submit that the functions of a barrister under the present system afford a better qualification for those offices than would those of a practitioner engaged in mere office routine.

9. Your Petitioners submit, that no reason whatever has been advanced for changing the present legal system of the colony, or for supposing that the alteration now proposed would be of any benefit to the suitor, while it would bring into existence a class of practitioners who, by reason of their exemption from the summary jurisdiction of the Supreme Court, could jeopardize the interests of their clients with impunity.

Your Petitioners therefore pray that the said Bill may not become law.

[Here follow twenty-three signatures.]

1869.

VICTORIA.

PETITION.

THE PASTORAL TENANTS OF THE CROWN.

ORDERED BY THE COUNCIL TO BE PRINTED, 9TH SEPTEMBER, 1869.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL.

The humble Petition of the undersigned persons who are interested in station property, or who desire that consideration should be extended to the pastoral tenant of the Crown—

HUMBLY SHEWETH THAT,

Your Petitioners would beg to bring under your notice the great depreciation in value of station property, and the many difficulties with which the pastoral tenants have to contend in consequence of the serious decline in prices of wool and sheep.

Your Petitioners would submit to your consideration the well-known fact that, during the past three years, wool has sustained a reduction in value of from thirty-five to forty per cent., and that sheep have also declined in value to the extent of at least fifty per cent. on the average, during the same period.

Your Petitioners also beg to urge that, in addition to these misfortunes, the pastoral tenants have had to contend with severe droughts and bush fires, and in other respects also have sustained much loss.

In consideration of these disasters your Assembly has been graciously pleased to extend large concessions to those persons who have selected land under the amending Act of 1865, and the pastoral tenants of the Crown beg that you will also in a similar manner extend consideration to them.

They humbly submit their claims as colonists and pioneers of settlement, and would respectfully refer to the enormous sums which have been expended by them in improving the Crown lands of the colony.

They would also beg to point out to you that nearly all the choice lands have been alienated from their stations by selection, purchase, and commonage, and that they have not obstructed settlement under the various Land Acts, although numerous instances of much hardship have occurred in consequence.

Your Petitioners beg to submit that the present rentals of stations are far in excess of their value. In 1862, when wool and sheep were realising very high prices, and the stations included several millions of acres of choice lands, which have since been alienated, a rental of 8d. per sheep, and 2s. per head of cattle, amounting in the aggregate to £208,930 per annum was deemed sufficient; this rental having been fixed by Government after careful valuations.

The present rentals amount to £177,643 sterling per annum, so that it will be clearly evident to your Honorable House that, taking into consideration the great decline in value of pastoral produce, and the fact that 7,458,915 acres of the choicest land have been alienated from the stations since the 1st of January, 1862, the rents exacted are grievously oppressive. They would submit to you that the lands which have been alienated from the runs far exceed, in annual value, those which remain.

Your Petitioners view with alarm that clause in the new Land Bill which proposes to appraise the rentals of the various stations at 8d. per sheep, and they would submit to you that it is not possible for them to contend against their many difficulties, if this exorbitant rent is exacted from them.

They would humbly submit to you that 4d. per sheep is the highest rental which the best stations can at present possibly afford to pay, and that probably half the stations in the colony cannot be worked to advantage at more than 2d. per sheep. They would urge on your consideration that the rentals be fixed at rates varying from 2d. to 4d. per head, according to the description of country, its grazing capabilities, distance from market, or expense of management.

Your Petitioners would also beg to remind you, that it is proposed to appraise the rentals of cattle stations at the rate of 4s. per head. This your Petitioners beg to submit, is far in excess of the annual value of those stations, and they pray that you will cause this rental to be reduced to from one to two shillings per head, according to the description and value of the country on which the cattle are depastured. It is humbly submitted that the area of fattening country is now so very limited, that owners of even the best cattle stations cannot afford to pay a higher rental than two shillings per head.

Your Petitioners would further beg to draw your attention to the great losses the pastoral tenants will sustain if the proposed system of selection is adopted. They do not, however, object to this, if reasonable precautions are taken to ensure the *bona fides* of each selector, and also to prevent the spread of scab, which disease is increasing to an alarming extent. They are of opinion that, in order to prevent the spread of this disease, and as a protection against fraud, each selector should erect a substantial post and rail or wire fence round his selection before bringing his stock on the land. They humbly submit that the adoption of this course will be the best test of the good faith of the selectors, and that it will act as a safeguard and protection to the *bona fide* settler against unprincipled persons who may desire to take up land for purposes of extortion. It is suggested that this will not act prejudicially against the selectors, because they must necessarily fence the land before commencing to stock or cultivate it.

Your Petitioners would further humbly submit to your Honorable House, that some compensation should be allowed to the pastoral tenants, if the valuable improvements they have erected are taken from them. They beg to point out to you, that millions sterling have been expended in the erection of these improvements, and that it will be a great hardship if they are deprived of them without adequate compensation.

Your Petitioners are grateful for the extension of tenure which is proposed to be accorded to the pastoral tenants in the new Land Bill; but they would beg to submit to you that this will, in numerous instances, afford but little assistance in protecting the most important portions of the stations, unless reserves are made, securing from selection certain areas round improvements; also, reasonable proportions of water frontage to rivers or creeks. They would beg to draw your attention to the fact that, without reservations of this nature, the occupiers of Crown lands will be liable to much hardship, and probably, in many cases, be compelled to abandon their stations, in consequence of selections being made which will interfere with the working of them.

In conclusion, your Petitioners humbly submit their cause for your decision, and your Petitioners will ever pray, &c.

ANALYSIS AND CLASSIFICATION OF SIGNATURES TO THE PETITION TO THE LEGISLATIVE COUNCIL,
ON BEHALF OF THE PASTORAL TENANTS OF THE CROWN.

| Districts. | Pastoral Tenants. | Farmers and Selectors. | Miners. | Professional Men. | Merchants. | Tradesmen. | Gentlemen. | Miscellaneous. | Total. |
|------------------|-------------------|------------------------|---------|-------------------|------------|------------|------------|----------------|--------|
| Melbourne ... | 96 | 532 | 192 | 315 | 346 | 6,540 | 532 | 5,651 | 14,404 |
| Ararat ... | 15 | 96 | 265 | 11 | 13 | 290 | 3 | 444 | 1,137 |
| Ballarat ... | 23 | 138 | 61 | 12 | 23 | 411 | 11 | 159 | 838 |
| Beechworth ... | 74 | 198 | 521 | 17 | 4 | 436 | 4 | 334 | 1,588 |
| Benalla ... | 78 | 600 | 119 | 32 | 1 | 303 | 11 | 593 | 1,737 |
| Castlemaine ... | 17 | 362 | 1,710 | 77 | 40 | 1,436 | 24 | 875 | 4,541 |
| Echuca... | 26 | 145 | 322 | 19 | 7 | 266 | 6 | 662 | 1,453 |
| North Gipps Land | 35 | 172 | 245 | 11 | ... | 128 | 8 | 241 | 840 |
| South Gipps Land | 19 | 259 | 8 | 10 | 3 | 133 | 7 | 240 | 679 |
| Gisborne ... | 33 | 604 | 889 | 49 | 18 | 611 | 26 | 545 | 2,775 |
| Grant ... | 17 | 222 | 31 | 15 | 31 | 538 | 10 | 439 | 1,303 |
| Omeo ... | 23 | 66 | 159 | 4 | ... | 115 | 5 | 276 | 648 |
| Portland ... | 90 | 391 | ... | 25 | 10 | 332 | 14 | 589 | 1,451 |
| Swan Hill ... | 6 | 5 | 2 | 4 | ... | 54 | 7 | 347 | 425 |
| Warrnambool ... | 9 | 43 | 3 | 6 | 9 | 100 | 11 | 77 | 258 |
| East Wimmera ... | 23 | 234 | 408 | 14 | 4 | 437 | 3 | 989 | 2,112 |
| West Wimmera... | 57 | 63 | 31 | 15 | ... | 198 | 8 | 629 | 1,001 |
| Totals ... | 641 | 4,130 | 4,966 | 636 | 509 | 12,328 | 690 | 13,290 | 37,190 |

RECAPITULATION.

| | | | | | | |
|-----------------------|-----|-----|-----|-----|-----|--------|
| Pastoral Tenants | ... | ... | ... | ... | ... | 641 |
| Farmers and Selectors | ... | ... | ... | ... | ... | 4,130 |
| Miners | ... | ... | ... | ... | ... | 4,966 |
| Professional Men | ... | ... | ... | ... | ... | 636 |
| Merchants | ... | ... | ... | ... | ... | 509 |
| Tradesmen | ... | ... | ... | ... | ... | 12,328 |
| Gentlemen | ... | ... | ... | ... | ... | 690 |
| Miscellaneous | ... | ... | ... | ... | ... | 13,290 |
| Total Signatures | ... | ... | ... | ... | ... | 37,190 |

VICTORIA



VOTES
AND
PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL.

SESSION.

1869.