

VIC. VOTES & PROCEEDINGS OF THE LEG. COUNCIL. SESS. 1881.

VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1881,

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

By Authority:

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OPENING OF THE THIRTIETH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE:			
The Honorables—			
James Lorimer	17th Aug., 1880	Retired by rotation and re-elected.
William Edward Hearn ... ..	... ..	27th Aug., 1878.
James Graham	15th Aug., 1876.		
Theodotus John Sumner	15th Aug., 1874.		
James MacBain	3rd April, 1880.		
SOUTH PROVINCE:			
The Honorables—			
James Balfour	17th Aug., 1880	Retired by rotation and re-elected.
William John Clarke	17th Aug., 1878.		
James Buchanan ... ..	... ..	29th Aug., 1876.
Thomas Ferrier Hamilton	18th Aug., 1874.		
Frank Stanley Dobson	23rd July, 1881.	... ..		Accepted an office of profit, and re-elected.
SOUTH-WESTERN PROVINCE:			
The Honorables—			
Philip Russell	4th Sept., 1880	Elected in room of the Hon. John Cumming, retired by rotation.
Caleb Joshua Jenner	24th Aug., 1878.		
George Frederick Belcher ... ..	... ..	4th Sept., 1876.
Henry Cuthbert	20th March, 1880.		
James Henty	23rd Aug., 1872.		
WESTERN PROVINCE:			
The Honorables—			
Thomas Forrest Cumming	2nd May, 1881	The Hon. Sir S. Wilson retired by rotation and was re-elected, 31st August, 1880. He subsequently resigned, and the Hon. T. F. Cumming was elected in his stead.
William Ross	29th Aug., 1878.		
Sir Charles Sladen	29th Aug., 1876.		
Thomas Bromell ... ..	... ..	11th Sept., 1874.
Robert Simson	3rd June, 1880.		
NORTH-WESTERN PROVINCE:			
The Honorables—			
Sir William Henry Fancourt Mitchell	4th Sept., 1880	Retired by rotation and re-elected.
Francis Robertson ... ..	... ..	16th Sept., 1878.
Alexander Fraser ... ..	... ..	16th Sept., 1876.
Nicholas Fitzgerald	4th Sept., 1874.		
William Campbell ... ..	... ..	16th Sept., 1872.
EASTERN PROVINCE:			
The Honorables—			
William McCulloch	16th Sept., 1880	Elected in room of the Hon. W. Hignett, retired by rotation. Elected in room of the Hon. W. Wilson, whose seat was vacated by absence for a whole Session without permission.
John George Dougharty ... ..	... ..	7th Aug., 1880
Robert Stirling Anderson	5th Sept., 1876.		
John Alston Wallace	4th Sept., 1874.		
William Pearson	30th July, 1881	... ..		Elected in room of the Hon. R. D. Reid, resigned.

STATEMENT OF CHANGES EFFECTED IN THE CONSTITUTION OF THE LEGISLATIVE COUNCIL UNDER THE ACT 45 VICT. No. 702.

Provinces and Members, 4th August, 1881, with names arranged in the order of Retirement under the Act 32 Victoria, 334.	Date of Retirement by rotation under 32 Vict., 334.	Assignment of old seats under Act 45 Vict. No. 702 to the new and old Provinces.	Assignment of new seats under Act 45 Vict. No. 702 at first elections.	Date of Retirement apportioned for each New Seat.	Constitution of Provinces (as enacted sec. 5 of Act 45 Vict. No. 702) after first elections.	Tenure of Seat—after first elections under Act 45 Vict. No. 702.
Central Province: The Honorables— James Lorimer ... William Edward Hearn ... James Graham ... Theodotus John Sumner ... James McBain ...	7th August { 1890 1888 1886 1884 1882	Melbourne. Melbourne. South Yarra. North Yarra. South Yarra.	Melbourne— 1 member ...	1886.	Melbourne— 3 members (2 of the old seats and 1 new)	{ A. Old member—till Sept. 1890. B. Old " " 1888. C. New " " 1886.
South Province: The Honorables— James Balfour ... William John Clarke ... James Buchanan ... Thomas Ferrier Hamilton... Frank Stanley Dobson ...	7th August { 1890 1888 1886 1884 1882	South-Eastern. Southern. South-Eastern. Southern. South-Eastern.	North Yarra*— 2 members ... South Yarra*— 1 member ...	1886. 1888. 1884.	North Yarra— 3 members (1 of the old, 2 of the new) South Yarra— 3 members (2 of the old, 1 of the new) Southern— 3 members (2 of the old, 1 of the new)	{ A. Old member—till Sept. 1884. B. New " " 1888. C. New " " 1886. { A. Member elected in room of old member retiring in 1882— till Sept. 1888. B. Old member " 1886. C. New " " 1884. { A. Old member—till Sept. 1888. B. Old " " 1884. C. New " " 1886.
South-Western Province: The Honorables— Philip Russell ... Caleb Joshua Jenner ... George Frederick Belcher... Henry Cuthbert ... James Henty ...	16th August { 1890 1888 1886 1884 1882	South-Western. South-Western. Wellington. Wellington. Wellington.	Western— 1 member ... South-Western— 1 member ...	1886. 1886.	Nelson— 3 members (3 of the old) Western— 3 members (2 of the old, 1 of the new)	{ A. Member elected in room of old member retiring in 1882— till Sept. 1888. B. Old member " 1886. C. Old " " 1884. { A. Old member—till Sept. 1890. B. Old " " 1888. C. New " " 1886.
Western Province: The Honorables— Thomas Forrest Cumming... William Ross ... Sir Charles Sladen ... Thomas Bromell ... Robert Simson ...	21st August { 1890 1888 1886 1884 1882	Western. Western. Nelson. Nelson. Nelson.	Gippsland— 1 member ... Northern— 1 member ...	1886. 1886.	North-Western— 3 members (3 of the new) Northern— 3 members (2 of the old, 1 of the new)	{ A. New member—till Sept. 1888. B. New " " 1886. C. New " " 1884. { A. Old member—till Sept. 1890. B. Old " " 1888. C. New " " 1886.
North-Western Province: The Honorables— Sir William Henry Fancourt Mitchell Francis Robertson ... Alexander Fraser ... Nicholas Fitzgerald ... William Campbell ...	27th August { 1890 1888 1886 1884 1882	Northern. Northern. North-Central. North-Central. North-Central.	North-Western* 3 members ...	1884. 1886. 1888.	Wellington— 3 members (3 of the old) North-Central— 3 members (3 of the old)	{ A. Member elected in room of old member retiring in 1882— till Sept. 1888. B. Old member " 1886. C. Old " " 1884. { A. Member elected in room of old member retiring in 1882— till Sept. 1888. B. Old member " 1886. C. Old " " 1884.
Eastern Province: The Honorables— William McCulloch ... John George Dougharty ... Robert Stirling Anderson ... John Alston Wallace ... William Pearson ...	27th August { 1890 1888 1886 1884 1882	Gippsland. Gippsland. North-Eastern. North-Eastern. North-Eastern.	North-Eastern— 3 members (3 of the old) Gippsland— 3 members (2 of the old, 1 of the new) South-Eastern— 3 members (3 of the old)	1886. 1886. 1888.	North-Eastern— 3 members (3 of the old) Gippsland— 3 members (2 of the old, 1 of the new) South-Eastern— 3 members (3 of the old)	{ A. Member elected in room of old member retiring in 1882— till Sept. 1888. B. Old member " 1886. C. Old " " 1884. { A. Member elected in room of old member retiring in 1882— till Sept. 1888. B. Old member " 1886. C. Old " " 1886. { A. Member elected in room of old member retiring in 1882— till Sept. 1888. B. Old member " 1890. C. Old " " 1886.

* The member receiving the least number of votes "shall first retire."—(Act 45 Vict. No. 702, sec. 9.)

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NOT ORDERED TO BE PRINTED.

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- 20th Sept. 1. Chinese (Intercolonial Conference).—Despatch from the Right Honorable the Secretary of State (11th May, 1881).
- „ 2. Explosives—Progress Report of Board on (20th August, 1881).
- „ 3. Melbourne International Exhibition 1880.—Further Despatches from the Right Honorable the Secretary of State (31st December, 1880, to 18th May, 1881).
- „ 4. Defences (Intercolonial Conference).—Despatch from the Right Honorable the Secretary of State (11th May, 1881).
- „ 5. Intercolonial Conference.—Despatch from the Right Honorable the Secretary of State (11th May, 1881).
- „ 6. Statistical Register of Colony of Victoria, 1880.—Part I.—Blue Book.
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- „ 7. Land Act 1869—Regulations under Sec. 110.—Order in Council (6th September, 1881).
- „ 8. Public Library, Museums, and National Gallery.—Report of Trustees for 1880.
- „ 9. Public Accounts.—Additional Regulation as to certifying Accounts (6th September, 1881).
- 27th Sept. 10. Friendly Societies.—Report of Government Statist for the Year 1880.
- „ 11. Mining Surveyors and Registrars—Reports of, for Quarter ended 30th June, 1881.
- „ 12. Penal Establishments and Gaols.—Report of Inspector-General for the Year 1880.
- „ 13. Exhibitions and Studentships to be awarded under Education Act, No. 447—Amended Regulation.
- 11th Oct. 14. Western Pacific High Commission.—Intercolonial Conference.—Despatches from the Right Honorable the Secretary of State (11th May, 3rd June, and 28th June, 1881).
- „ 15. Australasian Statistics, 1880, with Report from Government Statist.
- „ 16. Melbourne Harbor Trust.—Accounts for Quarter ended 30th June, 1881.
- „ 17. Yan Yean Water Supply.—Cash Statement and Balance Sheet (30th June, 1881).
- „ 18. Education.—Report of Minister of Public Instruction for the Year 1880–81.
- 12th Oct. 19. Victorian Water Supply.—Statement showing the Works, &c., in respect of which Moneys have been applied, to 30th June, 1881, out of Item 10 of Schedule 2 of Loan Act No. 608.
- 18th Oct. 20. Police Commission.—Second Progress Report.—Organization of Police Force, &c.
- 25th Oct. 21. Schedule D, 18 & 19 Vict., cap. 55.—Statement of Expenditure, 1880–81.
- „ 22. Railway Loan Act No. 608.—Estimate of Expenditure proposed to be incurred during Year ending 30th June, 1882, £278,000.
- „ 23. Discipline Act 1870—Additional Regulations under (28th September, 1881).
- 2nd Nov. 24. Public Charities.—Report of Inspector for the Half-year ending 30th June 1881.
- „ 25. Waterworks—Estimate of Expenditure proposed to be incurred by the Board of Land and Works, under Act No. 701, during the Year ending 30th June, 1882—Geelong and Coliban, £6000; Bendigo Waterworks Debentures, 1882, £60,000.
- 15th Nov. 26. Fisheries Acts.—Notice of intention to alter the Close Season for Fish at Lake Colac and its Tributaries (30th September 1881).
- „ 27. Statistical Register, Victoria, 1880 :—Part III.—Vital Statistics, &c.
Part IV.—Interchange.
Part V.—Law, Crime, &c.
- „ 28. Police Commission.—Minutes of Evidence.
- „ 29. County Court Statute 1869.—Amended Rules (28th September, 1881).
- „ 30. Public Accounts.—General Regulation (24th October, 1881).
- „ 31. Exhibition—Melbourne International, 1880–81.—Final Report of Commissioners.
- 22nd Nov. 32. Legislative Assemblies in Colonies possessing Responsible Government—Reports respecting the Practice and Regulations of.—Despatch from the Right Honorable the Secretary of State, with enclosures (3rd August, 1881).
- „ 33. Statistical Register, Victoria, 1880 :—Part VI.—Population.
- „ 34. Education Department.—Estimate of Expenditure for Erection of School Buildings during the Year 1882, £80,000.
- 29th Nov. 35. Mining Surveyors and Registrars—Reports of—For Quarter ended 30th September, 1881.
- „ 36. Public Accounts.—Regulation respecting (14th November, 1881).
- 6th Dec. 37. Observatory.—Sixteenth Report of Board of Visitors.
- „ 38. Savings Banks.—Returns, &c., for Year ending 30th June, 1881.
- 20th Dec. 39. Exhibition—Melbourne International, 1880.—Further Despatch from the Right Honorable the Secretary of State, with enclosure (30th July, 1881).
- „ 40. Aborigines—Seventeenth Report of Board for Protection of (1st July 1881).
- 21st Dec. 41. Victorian Railways.—Report of Board of Land and Works for Year ending 31st December, 1880.
- „ 42. Fisheries Acts 1873—Notice of intention to include English Trout in Second Schedule of (30th November, 1881).
- 22nd Dec. 43. Land Act 1869—Regulations under Section 110 (12th December 1881).

VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1881.

No.	SHORT TITLES OF BILLS.	By whom and when initiated.	PROGRESS.																	Number of Act.	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.	Published as Supplement to Government Gazette.				
			1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.	1881.		
1	Privileges of Parliament Bill	Honorable Dr. Dobson	4 Aug.	4 Aug.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lapsed. Not set down for second reading.
2	Consolidated Revenue Bill	Message from Legislative Assembly	4 Aug.	4 Aug.	4 Aug.	4 Aug.	4 Aug.	..	..	4 Aug.	4 Aug.	4 Aug.	..	..	..	..	..	..	..	5 Aug.	5 Aug.	DCCXVII.
3	Tobacco Act Amendment Bill	Message from Legislative Assembly	9 Aug.	9 Aug.	9 Aug.	9 Aug.	9 Aug.	..	..	9 Aug.	9 Aug.	9 Aug.	..	..	..	..	..	..	..	9 Aug.	12 Aug.	DCCXVIII.
4	Beer Duty Amendment Bill	Message from Legislative Assembly	9 Aug.	9 Aug.	9 Aug.	9 Aug.	9 Aug.	..	..	9 Aug.	9 Aug.	9 Aug.	..	..	..	..	..	..	..	9 Aug.	12 Aug.	DCCXIX.
5	Companies Statute 1864 Amendment Bill	Honorable Dr. Dobson	20 Sept.	20 Sept.	27 Sept.	27 Sept.	27 Sept.	..	..	15 Nov.	15 Nov.	15 Nov.	..	..	22 Dec.	22 Dec.	..	..	..	24 Dec.	30 Dec.	DCCXXII.
6	Church Property Trustees Bill	Honorable W. E. Hearn	20 Sept.	20 Sept.	15 Nov.	15 Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Not reported from Committee of the whole Council.
7	Police Offences Bill	Honorable W. E. Hearn	27 Sept.	27 Sept.	4 Oct.	4 Oct.	4 Oct.	..	..	4 Oct.	4 Oct.	4 Oct.	..	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
8	Landlord and Tenant Bill	Honorable W. E. Hearn	27 Sept.	27 Sept.	18 Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Motion for committal (18 Oct.) negatived.
9	Consolidated Revenue Bill (2)	Message from Legislative Assembly	27 Sept.	27 Sept.	27 Sept.	27 Sept.	27 Sept.	..	..	27 Sept.	27 Sept.	27 Sept.	..	..	..	..	..	..	..	28 Sept.	30 Sept.	DCC.
10	Library, Museums, &c., Amendment Bill	Honorable Dr. Dobson	4 Oct.	4 Oct.	11 Oct.	11 Oct.	11 Oct.	..	..	12 Oct.	18 Oct.	18 Oct.	..	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
11	Railway and other Works Temporary Loan Bill	Message from Legislative Assembly	11 Oct.	11 Oct.	12 Oct.	12 Oct.	12 Oct.	..	..	12 Oct.	12 Oct.	12 Oct.	..	..	..	..	..	..	..	18 Oct.	21 Oct.	DCCI.
12	Controverted Elections (Council) Bill ..	Honorable W. E. Hearn	11 Oct.	11 Oct.	18 Oct.	18 Oct.	18 Oct.	..	..	25 Oct.	25 Oct.	25 Oct.	..	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
13	Victorian Exhibitions Act Amendment Bill	Message from Legislative Assembly	25 Oct.	25 Oct.	25 Oct.	25 Oct.	25 Oct.	..	..	25 Oct.	25 Oct.	25 Oct.	..	..	..	..	..	..	..	29 Nov.	2 Dec.	DCCIII.
14	Protection of Animals Bill	Message from Legislative Assembly	25 Oct.	25 Oct.	22 Nov.	22 Nov.	30 Nov.	6 Dec.	6 Dec.	7 Dec.	7 Dec.	7 Dec.	7 Dec.	21 Dec.	..	..	..	..	..	24 Dec.	30 Dec.	DCCXII.
15	Victoria Racing Club Bill	Message from Legislative Assembly	2 Nov.	23 Nov.	23 Nov.	23 Nov.	23 Nov.	..	..	23 Nov.	23 Nov.	23 Nov.	..	..	..	..	..	..	..	29 Nov.	2 Dec.	DCCVI.
16	Importation and Examination of Tea Bill	Message from Legislative Assembly	22 Nov.	22 Nov.	24 Nov.	24 Nov.	30 Nov.	30 Nov.	30 Nov.	6 Dec.	7 Dec.	7 Dec.	7 Dec.	7 Dec.	21 Dec.	..	..	..	..	29 Nov.	2 Dec.	DCCVI.
										30 Nov.	6 Dec.	7 Dec.	7 Dec.	7 Dec.	21 Dec.	..	..	..	..	24 Dec.	30 Dec.	DCCXV.
17	Chinese Influx Restriction Bill	Message from Legislative Assembly	22 Nov.	22 Nov.	20 Dec.	20 Dec.	20 Dec.	..	..	20 Dec.	20 Dec.	20 Dec.	20 Dec.	..	20 Dec.	21 Dec.	21 Dec.	21 Dec.	..	24 Dec.	30 Dec.	DCCXXIII.
18	Game Protection Bill	Honorable Dr. Dobson	22 Nov.	22 Nov.	30 Nov.	30 Nov.	30 Nov.	..	..	30 Nov.	30 Nov.	30 Nov.	30 Nov.	..	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
19	Tobacco Act Continuation Bill	Message from Legislative Assembly	24 Nov.	24 Nov.	24 Nov.	24 Nov.	24 Nov.	..	..	24 Nov.	24 Nov.	24 Nov.	..	..	..	..	..	..	..	29 Nov.	2 Dec.	DCCIV.
20	Beer Duty Act Continuation Bill	Message from Legislative Assembly	24 Nov.	24 Nov.	24 Nov.	24 Nov.	24 Nov.	..	..	24 Nov.	24 Nov.	24 Nov.	..	..	..	..	..	..	..	29 Nov.	2 Dec.	DCCV.
21	Electoral Act 1865 Amendment Bill ..	Message from Legislative Assembly	24 Nov.	24 Nov.	30 Nov.	30 Nov.	6 Dec.	..	..	7 Dec.	7 Dec.	7 Dec.	7 Dec.	14 Dec.	..	..	..	..	..	24 Dec.	30 Dec.	DCCVIII.
22	Sludge Drainage Bill	Message from Legislative Assembly	29 Nov.	29 Nov.	6 Dec.	6 Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Amended (after passing both Houses) on the recommendation of the Governor, 22 Dec. Not reported from Committee of the whole Council.
23	Council Elections 1882 Bill	Honorable Dr. Dobson	29 Nov.	29 Nov.	13 Dec.	13 Dec.	13 Dec.	..	..	13 Dec.	13 Dec.	13 Dec.	13 Dec.	..	22 Dec.	22 Dec.	..	..	..	24 Dec.	30 Dec.	DCCXX.
24	Water Conservation Bill	Message from Legislative Assembly	30 Nov.	30 Nov.	8 Dec.	8 Dec.	13 Dec.	13 Dec.	13 Dec.	14 Dec.	14 Dec.	14 Dec.	14 Dec.	..	22 Dec.	20 Dec.	21 Dec.	21 Dec.	..	24 Dec.	30 Dec.	DCCXVI.
25	Rabbit Act Amendment Bill	Honorable Sir C. Sladen	30 Nov.	30 Nov.	7 Dec.	7 Dec.	7 Dec.	8 Dec.	8 Dec.	8 Dec.	8 Dec.	8 Dec.	8 Dec.	8 Dec.	22 Dec.	..	..	..	..	24 Dec.	30 Dec.	DCCXXI.
26	Railway Loan Account Application (Water Supply) Bill	Message from Legislative Assembly	7 Dec.	7 Dec.	8 Dec.	8 Dec.	8 Dec.	..	..	8 Dec.	8 Dec.	8 Dec.	..	..	..	..	..	..	..	24 Dec.	30 Dec.	DCCVII.
27	Residence Areas Law Amendment Bill..	Message from Legislative Assembly	8 Dec.	8 Dec.	13 Dec.	13 Dec.	14 Dec.	..	..	14 Dec.	14 Dec.	14 Dec.	14 Dec.	14 Dec.	..	..	..	..	..	24 Dec.	30 Dec.	DCCIX.
28	Pensions Abolition Bill	Message from Legislative Assembly	14 Dec.	14 Dec.	20 Dec.	20 Dec.	20 Dec.	..	..	20 Dec.	20 Dec.	20 Dec.	..	..	..	..	..	..	..	24 Dec.	30 Dec.	DCCX.
29	Local Government Act Amendment Bill	Message from Legislative Assembly	14 Dec.	14 Dec.	20 Dec.	20 Dec.	20 Dec.	..	..	20 Dec.	20 Dec.	20 Dec.	20 Dec.	20 Dec.	..	..	..	..	..	24 Dec.	30 Dec.	DCCXI.
30	Expiring Laws Continuation Bill	Message from Legislative Assembly	20 Dec.	20 Dec.	21 Dec.	21 Dec.	21 Dec.	..	..	21 Dec.	21 Dec.	21 Dec.	..	..	..	..	..	..	..	24 Dec.	30 Dec.	DCCXIV.
31	Appropriation Bill	Message from Legislative Assembly	20 Dec.	20 Dec.	21 Dec.	21 Dec.	21 Dec.	..	..	21 Dec.	21 Dec.	21 Dec.	..	..	..	..	..	..	..	24 Dec.	30 Dec.	DCCXIV.
32	Land Acts Continuation Bill	Message from Legislative Assembly	21 Dec.	21 Dec.	21 Dec.	21 Dec.	21 Dec.	..	..	21 Dec.	21 Dec.	21 Dec.	..	..	..	..	..	..	..	24 Dec.	30 Dec.	DCCXIII.
33	Railway Loan Bill	Message from Legislative Assembly	22 Dec.	22 Dec.	22 Dec.	22 Dec.	22 Dec.	..	..	22 Dec.	22 Dec.	22 Dec.	..	..	..	..	..	..	..	24 Dec.	30 Dec.	DCCXVII.
34	Phylloxera Eradication Act Amendment Bill	Message from Legislative Assembly	22 Dec.	22 Dec.	22 Dec.	22 Dec.	22 Dec.	..	..	22 Dec.	22 Dec.	22 Dec.	..	..	..	..	..	..	..	24 Dec.	30 Dec.	DCCXVIII.
35	Regulation of Mines Statute Amendment Bill	Message from Legislative Assembly	22 Dec.	22 Dec.	22 Dec.	22 Dec.	22 Dec.	..	..	22 Dec.	22 Dec.	22 Dec.	..	..	..	..	..	..	..	24 Dec.	30 Dec.	DCCXIX.

NOTE.—Reform of Council 1881 Bill (reserved 27 June, 1881) takes the number DCCII.

RECAPITULATION.

Bills initiated during the Session	35
Passed and assented to	27
Not returned from Legislative Assembly	4
Not reported from Committee of the whole Council	2
Motion for committal negatived	1
Lapsed	1

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 4TH AUGUST, 1881.

Pursuant to Proclamation the Council met.

At Two o'clock the Acting Clerk of the Council read the Proclamation convening the Parliament.

PROCLAMATION

By His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and St. George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

WHEREAS by the Constitution Act it was amongst other things enacted that it should be lawful for the Governor to fix such places within Victoria, and, subject to the limitations 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 might 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 should deem it expedient: And whereas the said Council and Assembly are called "The Parliament of Victoria": And whereas the present Parliament stands prorogued to Thursday, the fourth day of August instant: Now therefore I, the Governor of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation fix Thursday, the fourth day of August instant, as the time for the commencement and holding of the next Session of the said Council and Assembly, called the Parliament of Victoria, for the despatch of business, at Two of the clock in the afternoon, in the Parliament Houses, situate in Parliament place, Spring street, in the City of Melbourne; and the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the Colony, at Melbourne, this third day of August, in the year of Our Lord One thousand eight hundred and eighty-one, and in the forty-fifth year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,

J. M. GRANT.

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:

The public necessities compel me to recur to your advice and assistance after a merely nominal recess.

Not alone have the claims of the public creditor to be at the present moment attended to with promptitude, but there are many measures of practical legislation of such pressing urgency that they require to be considered and dealt with without any unnecessary delay.

Last year the expiring Land Act of 1865 having been temporarily renewed, general land legislation was postponed to the present time. An Amending Land Bill will be laid before you, mainly continuing the existing principles of the present system, but increasing the area of selection and easing the conditions on which title may be obtained by future selectors. The district known as the Mallee country will be dealt with under special provisions directed to securing by the creation of a leasehold tenure, combined with a freehold of six hundred and forty acres, the extirpation of the Rabbit Pest and the future settlement and improvement for grazing purposes of the Mallee district. The remaining Crown lands of the colony now held under pastoral licenses will still remain open for

the purposes of selection. To temporarily utilize these lands, however, licenses of moderately sized blocks for grazing purposes, at a fixed rental, for suitable periods, but conferring no title against a selector, will be issued on an improved system of public competition.

The large investment made, during a series of years, by this colony in public works, especially in railway construction, is gradually beginning to yield an income approaching the interest payable on the capital invested, thus evincing the judicious nature of this outlay. To further carry out this policy, and to meet the pressing requirements of the districts yet unsupplied with railway accommodation, a Railway Construction Bill will be submitted to you.

Water for domestic and farming purposes is an absolute condition of successful settlement in various districts of the colony, and its supply in the summer season is a question of even more urgent necessity to selectors and miners than railway accommodation. Valuable reports have been from time to time furnished by experienced engineers, proposing a comparatively cheap and effective system of water supply. A measure dealing with this important subject, on the lines of these reports, will be laid before you.

The yearly increase of expenditure necessitated by the extension of our system of public instruction and the alleged grievances of a portion of the population render desirable, in the opinion of my Advisers, a thorough inquiry into the whole administration, organization, and general condition of that system, with a view of ascertaining its deficiencies, improving its working, and, while retaining its efficiency, providing the most economic mode of further extending its operation. For the purpose of inquiry and to report for the information of Parliament on the evidence publicly taken, a Commission will be issued, composed, as far as possible, of gentlemen who have taken no decided public action on this question, but who by their integrity and personal standing command the respect of the community.

Many complaints have been from time to time urgently pressed against the continuance in the present Tariff of numerous items which neither yield any considerable revenue nor protect any native industry, while at the same time their inclusion hampers the operations of trade. With a view to giving relief in this matter, a Commission will be issued to inquire and report upon the Tariff, composed of leading men of different opinions, who have publicly agreed not to disturb the existing protective system, but are anxious at the same time to facilitate trade.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates of 1881-2 will be forthwith laid before you. They have been framed with a due regard to economy and the requirements of the public service.

Provision will have to be made to meet the debentures falling due in future years, and my Advisers will submit to you a proposal for taking powers to issue, in substitution of such debentures, a new series of equal amount for an extended period at a lower rate of interest.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The available balance of the last Loan having been appropriated it will become necessary to raise a further Loan to meet the proposed extension of the National System of Railways, the necessary Water Supply Works, including the further outlay on the Yan Yean scheme, the erection of additional Schoolhouses, and the completion of our Public Buildings. In the event of the conversion of debentures proposed by my Advisers being successfully carried out, the additional interest on a new Loan can be covered by the reduction, within the next four years, of interest on the existing debentures. A Bill will be, therefore, laid before you to authorize a further loan of a reasonable amount.

A Bill to amend the Harbor Trust Act will be submitted to you. This Bill has already passed through certain stages in the Assembly, and my Advisers propose to give their assistance in passing it through the remaining stages, with such amendments as may be deemed necessary.

A Bill for regulating Mining on Private Property will be submitted to you on the principle of giving facilities to the miner for the search of gold, while protecting private rights from undue infringement.

A measure to amend the Local Government Act will also be laid before you. My Advisers propose to ask you to continue the endowment of municipalities heretofore authorized by that Act for a further time.

The Bill to restrict the influx of Chinese into Victoria, agreed to in the Intercolonial Conference, will be submitted for your consideration.

The present basis on which the Land Tax is founded is admitted on all hands to be unequal and unsatisfactory. My Advisers propose that, at the earliest opportunity, a Bill based on the taxation of the annual value of all landed property, with the exemption already established of Two thousand five hundred pounds, shall be submitted to you.

A Bill embodying important Law Reforms in matters of Procedure, a Bill to establish a School of Agriculture, a Bill to Preserve the Public Reserves of the Colony, as also Bills for Amending the Public Health Act, the Rabbit Suppression Act, Vines Diseases Eradication Act, the Married Women's Property Act, and the Diseases of Animals Act, will be laid before you.

I trust that your labours will, under the blessing of Divine Providence, conduce to the happiness and prosperity of the people of Victoria.

4th August, 1881.

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

His Excellency the Governor left the Council Chamber.

The President took the Chair.

The President read the Prayer.

DECLARATIONS OF MEMBERS.—The Honorables the President, J. Balfour, Francis Robertson, C. J. Jenner, Dr. Dobson, John A. Wallace, Wm. Pearson, J. G. Dougharty, A. Fraser, T. Bromell, W. E. Hearn, J. Lorimer, J. Graham, W. Campbell, W. J. Clarke, William McCulloch, and T. F. Hamilton, severally delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

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

"Four thousand seven hundred (4700) acres of the Barfold estate.

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

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

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said land 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, JAMES BALFOUR, 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 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 Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Ten acres 3 roods and 12½ perches, being part of Crown portion 18, parish of Prahran, county of Bourke, with buildings thereon.

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

"No. 488; J. Balfour, merchant, owner and occupier. Brick residence, 14 rooms, stable and land. Annual value, £300.

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

"JAMES BALFOUR."

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

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

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

Surname of Person in full.	Christian Name of Person in full.	Trade or Occupation.	Description of Property in respect of which Vote is claimed.	Whether Claimant claims as Owner or Occupier.	Value as stated in Claim.	Electoral District in which Property is situated.	Division of Electoral District in which Property is situated.
Birkin ...	Alfred ...	Gentleman	Farm in Newham, West riding	Occupier	£ 129 10	West Bourke	Lancefield.
Birkin ...	Alfred ...	Gentleman	Farm in Newham ...	Occupier	69 10	Dalhousie ...	Langley.
Strawhorn...	John ...	Farmer ...	House and land, Edgecombe, secs. 13, 14	Occupier	107 0	Dalhousie ...	Campaspe.
Robertson ...	Francis...	Gentleman	10 Stonehouse, 100 acres, Buckley st. west	Owner ...	200 0	West Bourke	Essendon.
Robertson ...	Francis...	Gentleman	House and 50 acres, Mt. Alexander road	Owner ...	75 0	West Bourke	Essendon.

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

"FRANCIS ROBERTSON."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I CALEB JOSHUA JENNER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria, of the capital value of over Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of North Melbourne, Paywit, and Melbourne, in the counties or reputed counties of Bourke and Grant, the description of which lands and tenements are as follow:—

"No. 1. Shop and two houses, at the corner of King and Rosslyn streets, being Crown allotment 11, sec. 49, North Melbourne, county of Bourke.

"No. 2. Two houses, Little Collins street, being Crown allotment 11, sec. 16A, town of Melbourne, parish of North Melbourne, county of Bourke.

"No. 3. House, King street, being Crown allotments 19 and 20, sec. 2, township of Queenscliff, parish of Paywit, county of Grant.

"No. 4. Store, Little Collins street west, being Crown allotment 10, sec. 16A, town of Melbourne, parish of North Melbourne, county of Bourke.

"No. 5. Store, corner of Collins and King streets, being part of allotment 1, sec 15, town and parish of Melbourne, county of Bourke.

"No. 6. Store, No. 141 Collins street west, being part of allotment 1, sec. 15, town of Melbourne, county of Bourke.

"No. 7. Two houses, Collins street west, being part of allotment 3, sec. 15, city of Melbourne, county of Bourke.

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

"No. 1. Rated in the rate-book of the city of Melbourne, at One hundred and twenty-four pounds per annum.

"No. 2. Rated in the rate-book of the city of Melbourne at One hundred and fifty pounds per annum.

"No. 3. Rated in the rate-book of the borough of Queenscliff at Sixty pounds per annum.

"No. 4. Rated in the rate-book of the city of Melbourne at Sixty pounds per annum.

"No. 5. Rated in the rate-book of the city of Melbourne at Two hundred pounds per annum.

"No. 6. Rated in the rate-book of the city of Melbourne at One hundred and thirty pounds per annum.

"No. 7. Rated in the rate-book of the city of Melbourne at Ninety-six pounds per annum.

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

"C. J. JENNER."
4/8/81.

"In compliance with the provisions of the Act 32 Victoria No. 334, I, FRANK STANLEY DOBSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital 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 Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

"Houses and land in the boroughs of Hawthorn and Prahran.

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

No on the Rate.	Name of Person rated.	Name of Owner.	Situation of Property. <i>Hawthorn.</i>	Electoral District and Division.	Net Annual Value.
74	Raleigh, Joseph ...	Dobson, Frank Stanley	House, Yarra street...	Boroondara, Hawthorn	£ s. d. 130 0 0
75	Dobson, Frank Stanley	Dobson, Frank Stanley	Land, Yarra street ...	Ditto ...	20 0 0
1158	Gilbert, Mrs. ...	Dobson, Frank Stanley	House, Church street	Ditto ...	90 0 0
			<i>Prahran.</i>		
208	Dobson, Frank Stanley	Dobson, Frank Stanley	44 Darling street ...	... ..	130 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.

"F. STANLEY DOBSON."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN ALSTON WALLACE, 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 capital value of over Two thousand five hundred pounds (£2500) 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 Wooragee, in the county or reputed county of Bogong ; in the parish of Bright, in the county or reputed county of Delatite ; in the parish of Nepean, in the county or reputed county of Mornington, in the parish of South Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

Name of Person rated.	Occupation of Person rated.	Name of Owner.	Situation of Property.	Description of Property Rated.	No. in Rate-Book of Municipal District.	Municipal District.	Electoral District and Division.
No. 1. John A. Wallace	Mine and land owner	John A. Wallace	Wooragee ..	Area, over 666 acres	2335	United Shire of Beechworth	Ovens, Beechworth.
No. 2. J. Jas. Roche ..	Hotelkeeper	John A. Wallace	Beach street, Sandridge	Town allotment, Sandridge	37	Borough of Sandridge	Sandridge (Sandridge).
No. 3. John A. Wallace	Mine and land owner	John A. Wallace	Pioneer, near Bright	Suburban allotment	900	Shire of Bright	Ovens, Bright.
No. 4. John A. Wallace	Mine and land owner	John A. Wallace	Near Rye ..	Over 158 acres ..	445	Shire of Flinders and Kangerong	Mornington, Kangerong (Footgarook).
No. 5. John A. Wallace	Mine and land owner	John A. Wallace	Berringa, near Bethanga	Area, over 639 acres	889	Shire of Towong	Benambra (Mitta Mitta).

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Beechworth, Sandridge, Bright, Flinders and Kangerong, and Towong are rated in the rate-books of such municipal districts as follows:—No. 1, rated at £63 per annum; No. 2, rated at £160 per annum; No. 3, rated at £5 per annum; No. 4, rated at £30 per annum; No. 5, rated 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.

"JOHN A. WALLACE."

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

"Kilmany Park, containing 14,741 acres.

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

No. in Rate Book.	Acres.	Net Annual Rent Value.	Electoral District.
577	13,641	£2,630	Western Division.
578	1,100	220	Eastern 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.

"WM. PEARSON."

"In compliance with the provisions of the Act 32 Victoria, No 334, I, JOHN GEORGE DOUGHARTY, 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 capital value of over Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Hinnomungie, Bindi, Tongio, and Omeo, in the county or reputed county of Omeo, the description of which lands and tenements are as follow:—

"Freehold land.

"And I further declare that such of the said lands and tenements as are situate in the shire of Omeo are rated in the rate-books of such municipal district or shire as follows:—At over Two hundred and fifty pounds (£250) per annum.

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

"JOHN G. DOUGHARTY."

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

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

"No. 2. Part allotment 139A, parish of Prahran, county of Bourke, having a frontage of 275 feet to Chapel street, with improvements.

"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 rate-book No. 984, north ward of the borough of St. Kilda, at Two hundred and forty pounds per annum.

"No. 2. Rated in rate-book No. 985, north ward of the borough of St. Kilda, at Fifty pounds per annum.

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

"ALEX. FRASER."

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

"Hensley Park, freehold estate.

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

“At over three hundred pounds a year.

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

“THOS. BROMELL.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM EDWARD HEARN, 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 capital 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 Jika, Kangerong, Wannaeue, and Fingal, in the counties or reputed counties of Bourke and Mornington, the description of which lands and tenements are as follow :—

“One house in the University of Melbourne.

“House and 1107 acres of land in the county of Mornington.

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

“Five hundred and ninety-five acres, Wannaeue—Eighty pounds.

“Four hundred and forty-four acres, Fingal—Forty pounds.

“Sixty-eight acres, and buildings, Dromana—One 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.

“W. E. HEARN.”

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

“House and grounds known as Beleroft, situate in Albany road, Toorak.

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

Rate Book.	Owner and Occupier.	Net Annual Rated Value.	Electoral Province.
No. 335 	James Lorimer	£450 	South 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.

“JAMES LORIMER.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES GRAHAM, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands 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 Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“Allotments Nos. 11, 12, and portion of No. 10, block No. 11, situate 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 :—

Nos. on the Rate Roll.	} At over Two hundred and fifty pounds sterling per annum.
115 to 125	
891 to 899	
1106 to 1109	
1114 and 1115	

“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 seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situated in the parishes

of Carlruhe and city of Melbourne, in the counties or reputed counties of Dalhousie and Bourke, the description of which lands and tenements are as follow :—

- “ 1. Six hundred and thirty-seven acres, more or less, parish of Carlruhe.
- “ 2. Allotment of land and building in King street, in the city of Melbourne.

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

1st. Freehold, lots 17, 18, part of 19 and 20, parish of Carlruhe ...	} In excess of £250 a year.
2nd. Ditto, King street, Melbourne	

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

“ W. CAMPBELL.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM JOHN CLARKE, 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 net annual value of Nine hundred and eighty 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 shire of Merriang and the parishes of Kalkallo, Mickleham, and Merriang, in the county or reputed county of Bourke, the description of which lands and tenements is as follow :—

“ Three thousand eight hundred and ninety-three acres of land, shire of Merriang, parishes of Kalkallo, Mickleham, and Merriang.

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

Name of Municipal District.	Owner.	No. on Rate Book.	Situation and Description of Rated Property.	Full net Annual Value.
Shire of Merriang, Donnybrook Riding	William John Clarke	149	Parishes of Kalkallo, Mickleham, and Merriang, 3893 acres	£980.

“ 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. J. CLARKE.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM McCULLOCH, 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 capital value of over Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Will Will Rook and Lyndhurst, in the counties or reputed counties of Bourke and Mornington, the description of which lands and tenements are as follow :—

“ Freehold land.

“ And I further declare that such of the said lands and tenements as are situate in the municipal districts of Broadmeadows and Cranbourne shires are rated in the rate-books of such municipal districts as follows :—At over Two hundred and fifty pounds (£250) per annum.

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

“ W. McCULLOCH.”

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS FERRIER HAMILTON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital 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 Gisborne, Cut Paw Paw, and Moorabbin, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“ 370 acres and homestead, near Riddell's Creek ;

“ 5 acres and 20 perches, Footscray, fronting the Yarra Yarra ;

“ 5 acres and 39 perches, with house, &c., situate Cole street, Elsternwick.

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

“ 370 acres and homestead near Riddell's Creek, Nos. 621 and 622, rated at £140.

“ 5 acres and 20 perches, Footscray, No. 2144 on rate-book, rated at £50.

“ 5 acres and 39 perches, with house, &c., Cole street, Elsternwick. Number on rate-book, 819 ; rated at £80.

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

“ THOMAS F. HAMILTON.”

COMMISSION.

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

By His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

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

GREETING :

WHEREAS, by the Bill contained in the Schedule to a Statute passed in the Session of the Imperial Parliament holden in the eighteenth and nineteenth years of Her Majesty's 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: NOW THEREFORE I, the Governor aforesaid, do 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.

Given under my hand and the Seal of the Colony at Melbourne, in the said Colony, this twenty-second day of September in the year of our Lord One thousand eight hundred and eighty, and in the forty-fourth year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,
GRAHAM BERRY.

Entered on Record by me, in the Register of Patents,
Book 20, page 333, this twenty-second day of
September, One thousand eight hundred and eighty.

W. H. ODGERS.

PRIVILEGES OF PARLIAMENT BILL.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to preserve the Privileges of Parliament.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time.

DAYS OF BUSINESS.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present session; and that half-past Four o'clock be the time of meeting on each day; and that on Wednesday in each week the transaction of Government business shall take precedence of all other business.

Question—put and passed.

STANDING ORDERS COMMITTEE.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables the President, C. J. Jenner, Sir C. Sladen, W. E. Hearn, and the Mover, be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables J. Balfour, Thos. Cumming, J. G. Dougharty, T. Bromell, and W. Pearson, be appointed a Printing Committee, and that papers presented to the House be referred to the said Committee for report.

Question—put and passed.

LIBRARY COMMITTEE (JOINT).—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables The President, W. McCulloch, F. Robertson, J. MacBain, and J. Graham, be Members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PARLIAMENT BUILDINGS COMMITTEE (JOINT).—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables the President, Sir C. Sladen, J. Lorimer, A. Fraser, and J. Balfour, be Members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

REFRESHMENT ROOMS COMMITTEE (JOINT).—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Honorables T. F. Hamilton, G. F. Belcher, P. Russell, J. Buchanan, and J. A. Wallace, be Members of the Joint Committee of both Houses to manage the Refreshment Rooms.

Question—put and passed.

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

Question—put and passed.

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

VICTORIA.

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

The Honorable George Frederick Belcher,
The Honorable Henry Cuthbert,
The Honorable William Edward Hearn,
The Honorable James Lorimer,
The Honorable Sir Charles Sladen,
The Honorable Dr. Dobson, and
The Honorable Caleb Joshua Jenner

to be Members of a Committee to be called “*The Committee of Elections and Qualifications.*”

Given under my hand, this fourth day of August, 1881.

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

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

The Honorable J. Balfour moved, That a Select Committee be appointed to prepare an Address in reply to the Speech of His Excellency the Governor.

Question—put and passed.

The Honorable J. Balfour moved, That such Committee consist of the Honorables Dr. Dobson, Dr. Hearn, C. J. Jenner, W. J. Clarke, J. Lorimer, J. A. Wallace, and the Mover.

Question—put and passed.

The Select Committee retired to prepare the Address.

The Honorable J. Balfour 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 Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave, of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and St. George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :—

We, Her Most Gracious Majesty's most dutiful and loyal subjects, the Members of 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 brought under our consideration the claims of the public creditor to be at the present moment attended to with promptitude, and for informing us that there are many measures of practical legislation of such pressing urgency that they require to be considered and dealt with without any unnecessary delay.

We thank Your Excellency for informing us that an amending Land Bill will be laid before us.

We thank Your Excellency for informing us that the large investment made, during a series of years, by this colony in Public Works, especially in Railway construction, is gradually beginning to yield an income approaching the interest payable on the capital invested, thus evincing the judicious nature of this outlay, and that a Railway Construction Bill will be submitted to us.

We concur with Your Excellency in the opinion that water for domestic and farming purposes is an absolute condition of successful settlement in various districts of the colony, and its supply in the summer season is a question of even more urgent necessity to Selectors and Miners than Railway Accommodation; and we thank Your Excellency for informing us that valuable reports have been from time to time furnished by experienced engineers, proposing a comparatively cheap and effective system of Water Supply, and that a measure dealing with this important subject, on the lines of these reports, will be laid before us.

We thank Your Excellency for informing us that the yearly increase of expenditure necessitated by the extension of our system of Public Instruction and the alleged grievances of a portion of the population render desirable, in the opinion of your Advisers, a thorough enquiry into the whole administration, organization, and general condition of that system with a view of ascertaining its deficiencies, improving its working, and, while retaining its efficiency, providing the most economic mode of further extending its operation, and that for the purpose of enquiry and to report for the information of Parliament on the evidence publicly taken, a Commission will be issued, composed, as far as possible, of gentlemen who have taken no decided public action on this question, but who by their integrity and personal standing command the respect of the community.

We thank Your Excellency for informing us that many complaints have been from time to time urgently pressed against the continuance in the present Tariff of numerous items which neither yield any considerable revenue nor protect any native industry, while at the same time their inclusion hampers the operations of trade; and that with a view to giving relief in this matter, a Commission will be issued to enquire and report upon the Tariff, composed of leading men of different opinions, who have publicly agreed not to disturb the existing protective system, but are anxious at the same time to facilitate trade.

We thank Your Excellency for informing us that the available balance of the last Loan having been appropriated, it will become necessary to raise a further Loan to meet the proposed extension of the National System of Railways, the necessary Water Supply Works, including the further outlay on the Yan Yean scheme, the erection of additional Schoolhouses, and the completion of our Public Buildings; and that in the event of the conversion of debentures proposed by your Advisers being successfully carried out, the additional interest on a new Loan can be covered by the reduction, within the next four years, of interest on the existing debentures, and that a Bill will be laid before us to authorize a further Loan of a reasonable amount.

We thank Your Excellency for informing us that there will be submitted to us a Bill to amend the Harbor Trust Act, a Bill for regulating Mining on Private Property, a Bill to amend the Local Government Act, and a Bill to restrict the influx of Chinese into Victoria.

We concur with Your Excellency in the opinion that the present basis on which the land tax is founded is admitted on all hands to be unequal and unsatisfactory; and thank Your Excellency for informing us that a Bill based on the taxation of the annual value of all landed property, with the exemption already established of Two thousand five hundred pounds, shall be submitted to us.

We thank Your Excellency for informing us that Bills embodying important law reforms in matters of Procedure, to establish a School of Agriculture, to preserve the Public Reserves of the colony, as also Bills for amending the Public Health Act, the Rabbit Suppression Act, Vines Diseases Eradication Act, the Married Woman's Property Act, and the Diseases of Animals Act will be laid before us.

We beg to assure Your Excellency that all the Bills which Your Excellency informs us will be laid before us will receive our careful consideration.

We trust that our labors will, under the blessing of Divine Providence, conduce to the happiness and prosperity of the people of Victoria.

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

Question—put and passed.

The Honorable J. Balfour moved, That the Address be presented to His Excellency the Governor, in such manner as His Excellency may be pleased to receive it.

Question—put and passed.

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

MR. PRESIDENT—

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

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th August, 1881.

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

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Nine hundred and fifty thousand pounds to the service of the year One thousand eight hundred and eighty-one and two.*"

Question—put and passed.

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

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

CHARLES L. COMYNS,
Acting Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 9TH AUGUST, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

NORMANBY,
Governor.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to apply out of the Consolidated Revenue the sum of Nine hundred and fifty thousand pounds to the service of the year One thousand eight hundred and eighty-one and two.”

Government House,
Melbourne, 5th August, 1881.

DECLARATIONS OF MEMBERS.—The Honorables Thos. F. Cumming, J. MacBain, James Buchanan, Jas. Henty, and T. J. Sumner, severally delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS FORREST CUMMING, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of 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 Malvern, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“Dwelling house and twenty acres of land.

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

Name of Municipal District.	No. on Rate Book.	Situation and Description of Property.	Full net Annual Value.
Prahran 	265	Twenty acres at corner of Glenferrie and Gardiner's Creek Road	£390.

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

“THOS. F. CUMMING.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES MACBAIN, 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 capital value of Six thousand eight hundred pounds sterling money, above all charges and encumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“Certificate of title under the *Transfer of Land Statute*, vol. 305, fol. 60,873.

“All that piece of land delineated and colored red on the map in the margin, containing seven acres two roods and five perches or thereabouts, being part of Crown portion twenty-seven, parish of Prahran, county of Bourke, together with the right of carriage-way over and along the road or way delineated brown on the said map, together with dwelling-house, out-houses, stable, coach-house, &c., erected thereon.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Prahran are rated in the rate-books of such municipal district as follows:— James MacBain, rated on about seven acres land, in the parish of Prahran, corner of Toorak and Boundary roads, on which are erected dwelling-house (12 rooms), out-houses, stable, &c. Capital value (£6800) Six thousand eight hundred pounds sterling. Annual value on which the municipal rates are levied, £340, say Three hundred and forty 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.

"JAS. MACBAIN."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES BUCHANAN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full net annual value of Five hundred and five 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 Berwick in the county or reputed county of Mornington, the description of which lands and tenements are as follow:—

"Four hundred and seventy-eight acres, part sections 7 and 16; 3½ acres, part town allotments 19, 20; house and suburban allotments 7, 8, 9, 11; 1 acre part town allotment 20; 60 acres, part section 6; 250 acres, part section 19; 270 acres, part section 16; 50 acres, part section 19; parish of Berwick, county of Mornington.

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

Number in Rate-Book.	Description.	Rated at—	Locality.
45, 46	478 acres, part sections 7 and 16, and 9 ...	£215	Parish of Berwick.
56	3½ acres, part town allotments 19, 20 ...	7	"
57	House and suburban allotments 7, 8, 9, 11...	75	"
58	1 acre, part town allotment 20	3	"
97	60 acres, part section 6	21	"
146	250 acres, part section 19	94	"
165	270 acres, part section 16	67	"
166, 167	50 acres, part section 19... ..	23	"
		£505	

"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 BUCHANAN."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES HENTY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Six 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 Pakenham and Nar-nar-Goon, in the county or reputed county of Mornington, the description of which lands and tenements are as follow:—

"Freehold land, known as Pakenham Park, Pakenham.

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

"Pakenham Park, four thousand (4000) acres, parishes of Pakenham and Nar-nar-Goon; net annual value Six hundred pounds; No. of rate-book, 366.

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

"JAS. HENTY."

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

"Building land, Sydney road.

Building land, Miller street.

Brick house, King street.

Brick hall, stabling, &c., Glenlyon street.

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

No. on the Rate.				£
40	Building land, Sydney road	...	...	8
897	Building land, Miller street	...	...	9
995	Brick house, King street	...	...	60
1063	Brick hall, &c., Glenlyon street	...	...	450

"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.

"THEO. JNO. SUMNER."

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 continue and amend 'The Tobacco Act 1880,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th August, 1881.

PETER LALOR,
Speaker.

TOBACCO ACT AMENDMENT BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to continue and amend 'The Tobacco Act 1880.'*"

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Legislative 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 continue and amend 'The Beer Duty Act 1880,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th August, 1881.

PETER LALOR,
Speaker.

BEER DUTY ACT AMENDMENT BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to continue and amend 'The Beer Duty Act 1880.'*"

Question—put and passed.

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

ADJOURNMENT.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 20th September next.

Question—put and passed.

The Council adjourned at a quarter to five o'clock until half-past four o'clock on Tuesday, the 20th of September proximo.

CHARLES L. COMYNS,
Acting Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 20TH SEPTEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REPLY OF THE GOVERNOR TO ADDRESS.—The President announced to the Council that the Address of the Council to His Excellency the Governor, adopted on the 4th August, 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—

I thank you for the Address and the assurance you give me that the various important measures to be brought under your notice will receive your serious and careful consideration.

NORMANBY.

Government House,
Melbourne, 9th August, 1881.

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

DECLARATIONS OF MEMBERS.—The Honorables Sir C. Sladen, P. Russell, and G. F. Belcher 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, CHARLES SLADEN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Whoorel and Bambra, in the county or reputed county of Polwarth, the description of which lands and tenements are as follow:—

“The property known as Ripple Vale, near Birregurra, now in the occupation of James Ford Strachan.

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

	Ac.	r.	p.	Net Annual Value.
“Whoorel ...	2605	3	25	£710.
Bambra ...	637	0	0	95.

“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.

“CHARLES SLADEN.”

“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 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 Carngham and Chepstowe, in the counties or reputed counties of Grenville and Ripon, the description of which lands and tenements are as follow:—

“Freehold land at Carngham.

“Freehold land at Chepstowe.

“And I further declare that such of the said lands and tenements as are situate in the shire of Ripon are rated in the rate-books of such municipal district or shire as follows:—At over £250 per annum.

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

“PHILIP RUSSELL.”

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

“Part of allotment number eighteen of block thirty-five, town of North Geelong.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of North Geelong are rated in the rate-books of such municipal district as follow:—Town of Geelong, Geelong North division, Villamanata ward. Number 26 on Roll. Freehold. Moorabool and Ryrie streets. Valuation, Seven hundred and ninety-seven 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.

“G. F. BELCHER.”

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor:—

NORMANBY,
Governor.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Acts of the present session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to continue and amend ‘The Tobacco Act 1880.’”
“An Act to continue and amend ‘The Beer Duty Act 1880.’”

Government House,
Melbourne, 9th August 1881.

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

1. Chinese (Intercolonial Conference).—Despatch from the Right Honorable the Secretary of State (11th May, 1881).
2. Explosives—Progress Report of Board on (20th August, 1881).
3. Melbourne International Exhibition 1880.—Further Despatches from the Right Honorable the Secretary of State (31st December, 1880, to 18th May, 1881).
4. Defences (Intercolonial Conference).—Despatch from the Right Honorable the Secretary of State (11th May, 1881).
5. Intercolonial Conference.—Despatch from the Right Honorable the Secretary of State (11th May, 1881).
6. Statistical Register of Colony of Victoria, 1880.—
Part I.—Blue Book.
Part II.—Finance, &c.
7. Land Act 1869—Regulations under sec. 110.—Order in Council (6th September, 1881).

Ordered severally to lie on the Table.

PAPERS.—The Honorable Dr. Dobson laid on the Table the following Papers:—

1. Public Library, Museums, and National Gallery.—Report of Trustees—for 1880.
2. Public Accounts.—Additional Regulation as to certifying Accounts (6th September, 1881).

Ordered severally to lie on the Table.

CIVIL SERVICE ACT—APPOINTMENTS, ETC., UNDER.—The Honorable Dr. Dobson laid on the Table a Part Return to the Order of the Council made on the 3rd November, 1880.

The Honorable W. E. Hearn moved, That the Part Return be printed.

Question—put and passed.

COMPANIES STATUTE 1864 AMENDMENT BILL.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, for leave to bring in a Bill to amend “*The Companies Statute 1864 Amendment Bill.*”

Question—put and passed.

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

CHURCH PROPERTY TRUSTEES BILL.—The Honorable W. E. Hearn, with leave of the Council, moved, without notice, for leave to bring in a Bill for the better holding of Church Property.

Question—put and passed.

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

ADJOURNMENT.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 27th instant.

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 27TH SEPTEMBER, 1881.

NOTICES OF MOTION:—

1. The Hon. W. E. HEARN: To move for leave to introduce a Bill to consolidate and amend the law relating to the Management of Towns and other populous places, and for the suppression of various offences.
2. The Hon. W. E. HEARN: To move for leave to introduce a Bill to amend the law relating to Landlords and Tenants.

ORDERS OF THE DAY:—

1. COMPANIES STATUTE 1864 AMENDMENT BILL.—To be read a second time.
2. CHURCH PROPERTY TRUSTEES 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, 27TH SEPTEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

DECLARATIONS OF MEMBERS.—The Honorables H. Cuthbert and W. Ross delivered to the Clerk the declarations required by the seventh section 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 CUTHBERT, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of Five thousand pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Cardigan, Burrumbeet, and Ballarat, in the counties of Grenville and Ripon, the description of which lands and tenements are as follow:—

“Allotment 6 of section 11, Cardigan, county of Grenville.

“Allotment 2 of section 14, parish of Cardigan, county of Grenville.

“Part of allotment 4 of section 9, city of Ballarat, county of Grenville.

“Allotment 53 A, parish of Burrumbeet, county of Ripon.

“Allotment 29 of section C, parish of Burrumbeet, county of Ripon.

“Allotment 74, parish of Ballarat, county of Ripon.

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

“HENRY CUTHBERT.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM ROSS, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Purdeet and Yalimba, in the counties or reputed counties of Villiers and Heytesbury, the description of which lands and tenements are as follow:—

“A portion of the Gums Estate.

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

“5326 acres, The Gums Estate—Penshurst Riding.

“Nett annual value, £998.

“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. ROSS.”

LEGISLATIVE COUNCIL OFFICES.—The President laid upon the Table a letter to himself from the Clerk of the Council, with enclosures, on the subject of the offices on the ground floor of the Legislative Council buildings.

The letters were read at the Table by the Clerk.

The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That a Select Committee, of seven members, be appointed to enquire into the circumstances of the letter of complaint of the Clerk of the Council, just read to the House, with regard to the Clerk of the Papers and the Messengers of the House, and to report what steps they would recommend for providing a satisfactory remedy.

Question—put and passed.

The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That such Committee consist of the Honorables W. Campbell, C. J. Jenner, J. Graham, J. A. Wallace, J. Lorimer, W. Ross, and the Mover.

Question—put and passed.

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

1. Friendly Societies.—Report of Government Statist for the Year 1880.
2. Mining Surveyors and Registrars.—Reports of, for Quarter ended 30th June 1881.
3. Penal Establishments and Gaols.—Report of Inspector-General for the Year 1880.

Ordered severally to lie on the Table.

PAPER.—The Honorable Dr. Dobson laid on the Table the following Paper :—

Exhibitions and Studentships to be awarded under Education Act, No. 447.—Amended Regulation.

Ordered to lie on the Table.

POLICE OFFENCES BILL.—The Honorable W. E. Hearn, in accordance with notice, moved, That leave be given to introduce a Bill to consolidate and amend the law relating to the Management of Towns and other populous places, and for the suppression of various offences.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. E. Hearn, read a first time, and ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

LANDLORD AND TENANT BILL.—The Honorable W. E. Hearn, in accordance with notice, moved, That leave be given to introduce a Bill to amend the law relating to Landlords and Tenants.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. E. Hearn, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 11th proximo.

COMPANIES STATUTE 1864 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

CHURCH PROPERTY TRUSTEES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, that the Bill be now read a second time.

Debate ensued.

The Honorable J. MacBain moved, That the debate be now adjourned.

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

The Honorable J. MacBain moved, That the adjournment be until this day fortnight.

Question—put and passed.

LEGISLATIVE COUNCIL OFFICES SELECT COMMITTEE.—The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That the Select Committee on the Legislative Council Offices be empowered to sit on days on which the Council does not sit, and to call for persons and papers.

Question—put and passed.

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

MR. PRESIDENT—

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

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 27th September, 1881.

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

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Nine hundred and seventy-six thousand pounds to the service of the year One thousand eight hundred and eighty-one and two.*"

Question—put and passed.

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

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

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

ORDERS OF THE DAY.

TUESDAY, 4TH OCTOBER, 1881.

1. POLICE OFFENCES BILL.—To be read a second time.
 2. COMPANIES STATUTE 1864 AMENDMENT BILL.—To be further considered in Committee.
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TUESDAY, 11TH OCTOBER.

1. LANDLORD AND TENANT BILL.—To be read a second time.
 2. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.
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MEETINGS OF SELECT COMMITTEES.

Wednesday, 28th September.

LEGISLATIVE COUNCIL OFFICES—At half-past two o'clock.

Tuesday, 4th October.

PARLIAMENT BUILDINGS (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, 4TH OCTOBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council the receipt of the following Message from His Excellency the Governor :—

NORMANBY,
Governor.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Act of the present session, presented to him by the Clerk of the Parliaments, viz. :—

“ An Act to apply out of the Consolidated Revenue the sum of Nine hundred and seventy-six thousand pounds to the service of the year One thousand eight hundred and eighty-one and two.”

Government House,
Melbourne, 28th September, 1881.

DECLARATION OF MEMBER.—The Honorable N. Fitzgerald 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, NICHOLAS FITZGERALD, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the 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 Castlemaine and St. Kilda, in the counties or reputed counties of Talbot and Bourke, the description of which lands and tenements are as follow :—

“ Malt-houses, mill, brewery, and dwelling-house at Castlemaine.

“ House and land at St. Kilda.

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

“ No. 912, sec. B 8	...	...	...	...	£100
„ 1497, sec. D 2 on 62/64, 5 and 6	...	...	...	...	400
„ 2039, sec. C, on 1 and 2	...	...	...	...	50
„ 913, sec. B 8	...	...	...	...	50
House and land, Alma road, St. Kilda	...	...	...	...	350
					£950

“ 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.”

LIBRARY, MUSEUMS, ETC., AMENDMENT BILL.—The Honorable Dr. Dobson, with leave of Council, moved, without notice, That leave be given to introduce a Bill to amend the Library, Museums, and National Gallery Act.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 11th instant.

POLICE OFFENCES BILL.—The order of the day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable W. E. Hearn moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. E. Hearn moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. E. Hearn moved, That the title of the Bill be "*An Act to consolidate and amend the Law relating to the management of Towns and other populous places, and for the suppression of various Offences.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 11th instant :—

" *Companies Statute 1864 Amendment Bill* "—To be further considered in Committee.

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

Question—put and passed.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 11TH OCTOBER, 1881.

NOTICE OF MOTION :—

1. The Hon. W. E. HEARN : To move for leave to bring in a Bill to amend the law relating to Controverted Elections in the Legislative Council.

ORDERS OF THE DAY :—

1. LANDLORD AND TENANT BILL.—To be read a second time.
2. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.
3. LIBRARY, MUSEUMS, ETC., AMENDMENT BILL.—To be read a second time.
4. COMPANIES STATUTE 1864 AMENDMENT BILL.—To be further considered in Committee.

MEETING OF SELECT COMMITTEE.

Wednesday, 5th October.

LEGISLATIVE COUNCIL OFFICES—At one o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 11TH OCTOBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply temporarily out of the Consolidated Revenue, or out of 'The Railway Loan Account 1878,' certain sums of Money for Railways and other Works,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 11th October, 1881.

RAILWAY AND OTHER WORKS TEMPORARY LOAN BILL.—The Honorable J. MacBain moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 12th instant.

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

1. Western Pacific High Commission.—Intercolonial Conference.—Despatches from the Right Honorable the Secretary of State (11th May, 3rd June, and 28th June, 1881).
2. Australasian Statistics, 1880, with Report from Government Statist.
3. Melbourne Harbor Trust.—Accounts for quarter ended 30th June, 1881.

Ordered severally to lie on the Table.

PAPERS.—The Honorable Dr. Dobson laid on the Table the following Papers:—

1. Yan Yean Water Supply.—Cash Statement and Balance Sheet (30th June, 1881).
2. Education.—Report of Minister of Public Instruction for the year 1880-81.

Ordered severally to lie on the Table.

LEGISLATIVE COUNCIL OFFICES—REPORT OF SELECT COMMITTEE.—The Honorable Sir C. Sladen brought up a Report from the Select Committee appointed on the 27th ultimo, "to enquire into the circumstances of the letter of complaint of the Clerk of the Council, just read to the House, with regard to the Clerk of the Papers and the Messengers of the House, and to report what steps they would recommend for providing a satisfactory remedy."

The Report was received, and was read at the Table by the Clerk.

The Honorable Sir C. Sladen moved, That the Report be adopted and be printed, together with a letter received by the Chairman of the Committee from one of the witnesses after the Committee had concluded its enquiries.

Question—put and passed.

CONTROVERTED ELECTIONS (COUNCIL) BILL.—The Honorable W. E. Hearn, in accordance with notice, moved, That leave be given to introduce a Bill to amend the Law relating to Controverted Elections in the Legislative Council.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. E. Hearn, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 18th instant.

LANDLORD AND TENANT BILL.—The order of the day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, That the Bill be now read a second time.

Debate ensued.

The Honorable H. Cuthbert moved, That the debate be adjourned until this day week.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 18th instant :—
 “ *Church Property Trustees Bill* ”—Adjourned debate on second reading.

LIBRARY, MUSEUMS, ETC., AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now be read a second time.

Question—put and passed.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 18th instant :—
 “ *Companies Statute 1864 Amendment Bill* ”—To be further considered in Committee.

The Council adjourned at six o'clock until half-past four o'clock on Wednesday, the 12th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 12TH OCTOBER, 1881.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAY AND OTHER WORKS TEMPORARY LOAN BILL.—To be read a second time.
2. LIBRARY, MUSEUMS, ETC., AMENDMENT BILL.—Adoption of Report.

General Business.

NOTICE OF MOTION :—

1. The Hon. Sir C. SLADEN : To move, That the Report of the Select Committee on the Legislative Council Offices be referred to the Joint Committee of the two Houses of Parliament on the Parliament Buildings.

TUESDAY, 18TH OCTOBER.

ORDERS OF THE DAY :—

1. CONTROVERTED ELECTIONS (COUNCIL) BILL.—To be read a second time.
2. LANDLORD AND TENANT BILL.—Adjourned debate on second reading.
3. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.
4. COMPANIES STATUTE 1864 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, 12TH OCTOBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

NORMANBY,
Governor.

In reply to the Address from the Legislative Council pointing out the anomalous and precarious position, as regards official income of the President and Chairman of Committees of that Honorable House, and asking that steps should be taken to amend and enlarge Part IV. of Schedule D of the Constitution Act, or to otherwise secure permanent provision for the salaries and expenses essential to the maintenance, efficiency, and independence of the Council, the Governor informs the Legislative Council that the Government will be prepared to bring in a measure to make permanent provision for the higher class of officers of the Legislative Council, more particularly of the President and of the Chairman of Committees, that, so far, each House may be reasonably independent of the other.

Government House,
Melbourne, October, 1881.

PAPER.—The Honorable Dr. Dobson laid upon the Table the following Paper:—

Victorian Water Supply.—Statement showing the works, &c., in respect of which moneys have been applied, to 30th June, 1881, out of Item 10, of Schedule 2, of Loan Act, No. 608.

Ordered to lie on the Table.

LIBRARY (JOINT) COMMITTEE—APPOINTMENT OF MEMBER.—The Honorable J. MacBain, with leave of the Council, moved, without notice, That he be relieved from being a member of the Joint Committee of both Houses of Parliament to manage the Library, and that the Honorable W. E. Hearn be appointed in his stead.

Question—put and passed.

RAILWAY AND OTHER WORKS TEMPORARY LOAN BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. MacBain moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to apply temporarily out of the Consolidated Revenue, or out of 'The Railway Loan Account 1878,' certain sums of Money for Railways and other Works.*"

Question—put and passed.

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

LIBRARY, MUSEUMS, ETC., AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council being read, the Honorable J. MacBain moved, That the Report be now adopted.

Question—put and passed.

The Honorable J. MacBain moved, That the third reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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

Question—put and passed.

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

ORDERS OF THE DAY.

TUESDAY, 18TH OCTOBER, 1881.

ORDERS OF THE DAY :—

1. CONTROVERTED ELECTIONS (COUNCIL) BILL.—To be read a second time.
2. LANDLORD AND TENANT BILL.—Adjourned debate on second reading.
3. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.
4. COMPANIES STATUTE 1864 AMENDMENT BILL.—To be further considered in Committee.
5. LIBRARY, MUSEUMS, ETC., AMENDMENT BILL.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

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LEGISLATIVE COUNCIL.

TUESDAY, 18TH OCTOBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

NORMANBY,
Governor.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Act of the present session presented to him by the Clerk of the Parliaments, viz :—

“ An Act to apply temporarily out of the Consolidated Revenue, or out of ‘ The Railway Loan Account 1878,’ certain sums of Money for Railways and other Works.”

Government House,
Melbourne, 18th October, 1881.

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

Police Commission.—Second Progress Report.—Organization of Police Force, &c.

Ordered to lie on the Table.

PETITION.—The Honorable J. Graham presented a Petition from the Bishop of Melbourne, acting on behalf of the Bishop, Clergy, and Laity of the Church of England in Victoria, and praying that the Church Property Trustees' Bill may be passed.

Petition received.

The Petition was read at the Table by the Clerk.

CONTROVERTED ELECTIONS (COUNCIL) BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable W. E. Hearn moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. E. Hearn moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

LANDLORD AND TENANT BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read,

The debate was resumed.

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

The Honorable W. E. Hearn moved, That the Bill be now considered in Committee of the whole Council.

Debate ensued.

Question—put and negatived.

CHURCH PROPERTY TRUSTEES BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the Honorable J. MacBain moved, That the debate be adjourned until this day fortnight.

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

COMPANIES STATUTE 1864 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 the next day of meeting of the Council.

Ordered.

LIBRARY, MUSEUMS, ETC., 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, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be “*An Act to amend ‘The Library, Museums, and National Gallery Act.’*”

Question—put and passed.

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

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

Question—put and passed.

The Council adjourned at five minutes past six o’clock until half-past four o’clock on Tuesday, the 25th instant.

ORDERS OF THE DAY.

TUESDAY, 25TH OCTOBER, 1881.

ORDERS OF THE DAY :—

1. CONTROVERTED ELECTIONS (COUNCIL) BILL.—Adoption of Report.
2. COMPANIES STATUTE 1864 AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 1ST NOVEMBER.

ORDER OF THE DAY :—

1. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.

MEETING OF SELECT COMMITTEE.

Wednesday, 19th October.

PARLIAMENTARY BUILDINGS (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, 25TH OCTOBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Schedule D, 18 & 19 Vict., cap. 55.—Statement of Expenditure 1880-81.

Ordered to lie on the Table.

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

1. Railway Loan Act No. 608.—Estimate of Expenditure proposed to be incurred during year ending 30th June, 1882, £278,000.

2. Discipline Act 1870.—Additional Regulations under (28th September, 1881).

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 'The Victorian Exhibitions Act 1878,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 25th October, 1881.

PETER LALOR,
Speaker.

VICTORIAN EXHIBITIONS ACT AMENDMENT BILL.—The Honorable J. MacBain moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable J. MacBain, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to amend 'The Victorian Exhibitions Act 1878.'*"

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Legislative 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 for the Protection of Animals,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 25th October, 1881.

PETER LALOR,
Speaker.

PROTECTION OF ANIMALS BILL.—The Honorable J. Lorimer moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable J. Lorimer, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 8th proximo.

CONTROVERTED ELECTIONS (COUNCIL) BILL.—The Order of the Day for the adoption of the report of the Committee of the whole Council on this Bill being read, the Honorable W. E. Hearn moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. E. Hearn moved, That the title of the Bill be “ *An Act to amend the Law relating to Controverted Elections to the Legislative Council.* ”

Question—put and passed.

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

COMPANIES STATUTE 1864 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. MacBain moved, That the adoption of the Report be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at ten minutes to six o'clock until half-past four o'clock on Wednesday, the 2nd proximo.

ORDERS OF THE DAY.

WEDNESDAY, 2ND NOVEMBER, 1881.

Government Business.

ORDER OF THE DAY :—

1. COMPANIES STATUTE 1864 AMENDMENT BILL.—Adoption of Report.

General Business.

ORDER OF THE DAY :—

1. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.

TUESDAY, 8TH NOVEMBER.

ORDER OF THE DAY :—

1. PROTECTION OF ANIMALS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

WEDNESDAY, 2ND NOVEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Public Charities.—Report of Inspector for the half-year ending 30th June, 1881.

Ordered to lie on the Table.

PAPER.—The Honorable Dr. Dobson laid on the Table the following Paper :—

Waterworks.—Estimate of Expenditure proposed to be incurred by the Board of Land and Works, under Act No. 701, during the year ending 30th June, 1882.—Geelong and Coliban, £6000 ; Bendigo Waterworks Debentures, 1882, £60,000.

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 make valid the grant of an Annuity by the Victoria Racing Club to the Widow and Children of the late Robert Cooper Bagot, and for other purposes,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 2nd November, 1881.

VICTORIA RACING CLUB BILL.—The Honorable Dr. Dobson moved, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly appointed during the present Session of Parliament on this Bill.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

The Council adjourned at five o'clock until half-past four o'clock on Tuesday, the 8th instant.

ORDERS OF THE DAY.

TUESDAY, 8TH NOVEMBER, 1881.

1. The Hon. W. CAMPBELL: To ask whether practical steps are to be taken this session to construct waterworks in the northern districts.

ORDERS OF THE DAY :—

1. PROTECTION OF ANIMALS BILL.—To be read a second time.
2. COMPANIES STATUTE 1864 AMENDMENT BILL.—Adoption of Report.
3. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.

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

VICTORIA.

No. 11.

Minutes of the Proceedings

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LEGISLATIVE COUNCIL.

TUESDAY, 8TH NOVEMBER, 1881.

There being no quorum present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and without question put, adjourned the Council to the next sitting day.

ORDERS OF THE DAY.

WEDNESDAY, 9TH NOVEMBER, 1881.

Government Business.

ORDER OF THE DAY :—

1. COMPANIES STATUTE 1864 AMENDMENT BILL.—Adoption of Report.

General Business.

1. The Hon. W. CAMPBELL: To ask whether practical steps are to be taken this session to construct waterworks in the northern districts.

ORDERS OF THE DAY :—

1. PROTECTION OF ANIMALS BILL.—To be read a second time.
2. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 12.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH NOVEMBER, 1881.

There being no quorum present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and without question put, adjourned the Council to the next sitting day.

ORDERS OF THE DAY.

THURSDAY, 10TH NOVEMBER, 1881.

1. The Hon. W. CAMPBELL : To ask whether practical steps are to be taken this session to construct waterworks in the northern districts.

ORDERS OF THE DAY :—

1. COMPANIES STATUTE 1864 AMENDMENT BILL.—Adoption of Report.
2. PROTECTION OF ANIMALS BILL.—To be read a second time.
3. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 13.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 10TH NOVEMBER, 1881.

There being no quorum present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and without question put, adjourned the Council to the next sitting day.

ORDERS OF THE DAY.

TUESDAY, 15TH NOVEMBER, 1881.

1. The Hon. W. CAMPBELL: To ask whether practical steps are to be taken this session to construct waterworks in the northern districts.

ORDERS OF THE DAY:—

1. COMPANIES STATUTE 1864 AMENDMENT BILL.—Adoption of Report.
2. PROTECTION OF ANIMALS BILL.—To be read a second time.
3. CHURCH PROPERTY TRUSTEES BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH NOVEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Fisheries Acts.—Notice of intention to alter the close season for Fish at Lake Colac and its Tributaries (30th September, 1881).
2. Statistical Register, Victoria, 1880 :—
Part III.—Vital Statistics, &c.
Part IV.—Interchange.
Part V.—Law, Crime, &c.
3. Police Commission.—Minutes of Evidence.

Ordered severally to lie on the Table.

PAPERS.—The Honorable Dr. Dobson laid on the table the following Papers :—

1. County Court Statute, 1869.—Amended Rules (28th September, 1881).
2. Public Accounts.—General Regulation (24th October, 1881).
3. Exhibition—Melbourne International, 1880–81.—Final Report of Commissioners.

Ordered severally to lie on the Table.

COMPANIES STATUTE 1864 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. MacBain 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. MacBain, was read a third time and *passed*.

The Honorable J. MacBain moved, That the title of the Bill be “ *An Act to amend ‘ The Companies ‘ ‘ Statute 1864.’* ”

Question—put and passed.

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

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 copies of the Report and Proceedings from the Select Committee appointed on the Bill intituled “ *An Act to make valid the ‘ grant of an annuity by the Victoria Racing Club to the widow and children of the late Robert ‘ Cooper Bagot, and for other purposes,’* ” in accordance with the request of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 8th November, 1881.

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

Debate ensued.

The Honorable J. Buchanan raised a point of Order, on the ground that the subject matter of the Bill had been dealt with in the Police Offences Bill of the present session.

Debate ensued.

The President stated that he would give his ruling on the point of Order on the next day of meeting of the Council.

The debate on the second reading of the Bill was adjourned, on the motion of the Honorable W. E. Hearn, until the next day of meeting of the Council.

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

CHURCH PROPERTY TRUSTEES BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

The Honorable J. Lorimer moved, That the debate be adjourned.
Debate ensued.

Question—That the debate be adjourned—put and negatived.

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

The Honorable W. E. Hearn moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 22ND NOVEMBER, 1881.

1. The Hon. W. CAMPBELL : To ask whether practical steps are to be taken this session to construct waterworks in the northern districts.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move, That so much of the Standing Orders as renders the payment of fees necessary to the passing of "*The Victoria Racing Club Bill*," be suspended.

ORDERS OF THE DAY :—

1. PROTECTION OF ANIMALS BILL.—Adjourned debate on second reading.
2. CHURCH PROPERTY TRUSTEES 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.

TUESDAY, 22ND NOVEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT—ISSUE OF—NORTH-WESTERN PROVINCE.—The President announced that a communication had been received from the Private Secretary to His Excellency the Governor, informing the President that His Excellency has received the resignation by the Honorable Alexander Fraser of his seat in the Legislative Council for the North-Western Province.

The President intimated that the Writ for an Election of a Member would be issued on the 25th instant; that the Nomination must take place before the 3rd proximo; that the Day of Polling would be on the 15th proximo; and the day for the Return of the Writ would be the 24th proximo.

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

1. Legislative Assemblies in Colonies possessing Responsible Government.—Reports respecting the Practice and Regulations of.—Despatch from the Right Honorable the Secretary of State, with enclosures (3rd August, 1881).
2. Statistical Register, Victoria, 1880:—
Part VI.—Population.

Ordered to lie on the Table.

PAPER.—The Honorable Dr. Dobson laid on the Table the following Paper:—

Education Department.—Estimate of Expenditure for Erection of School Buildings during the year 1882, £80,000.

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 regulate the Importation and Examination of Tea;*" also a Bill intituled "*An Act to amend the Chinese Immigrants Statute 1865,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th November, 1881.

IMPORTATION AND EXAMINATION OF TEA BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Thursday, the 24th instant.

CHINESE INFLUX RESTRICTION BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Thursday, the 24th instant.

DECLARATION OF MEMBERS.—The Honorable R. S. Anderson and R. Simson 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, ROBERT STIRLING ANDERSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of over 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 Boroondara, in the borough of Kew, in the said parish, the description of which lands and tenements are as follow:—

“Part of portion eighty-one, parish of Boroondara, in the borough of Kew, comprising about thirteen acres, with two residences thereon, in one of which I reside, and situate in the borough of Kew, in the said parish.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Kew are rated in the rate-books of such municipal district as follows:— Three hundred and five pounds stg.

“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 S. ANDERSON.”

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

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

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

“Rate number 538; Simson, Robert; sheep farmer; 5423 acres land; Brewster, Ripon and Hampden; Carngham Division; net annual value, £1220; owner and occupier.

“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.”

VICTORIA RACING CLUB—FEES PAYABLE ON.—The Honorable Dr. Dobson, in accordance with notice, moved, That so much of the Standing Orders as renders the payment of fees necessary to the passing of “The Victoria Racing Club Bill” be suspended.

Debate ensued.

Motion, by leave, withdrawn.

GAME PROTECTION BILL.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, for leave to introduce a Bill to amend “*An Act to protect Game.*”

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time and ordered to be printed, and the second reading made an Order of the Day for Thursday, the 24th instant.

PROTECTION OF ANIMALS BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the President delivered his ruling on the point of order raised by the Honorable J. Buchanan with regard to the Bill, as follows:—

The first Standing Order of the Legislative Council provides “That in all cases not hereinafter provided for, resort shall be had to the rules, forms, usages, and practice of the Imperial Parliament of Great Britain and Ireland.” That is as they existed at the time of the passing of the Constitution Act in 1856. “*May*” declares it to be a rule in both Houses not to permit any question or Bill to be offered which is substantially the same as one on which their judgment has already been expressed in the current session. He adds, that this is necessary in order to avoid contradictory decisions.

The question submitted for my ruling is, whether, having passed in the Bill to be cited as the “*Police Offences Statute 1881,*” sent to the Assembly on the 4th October, 1881, certain provisions which are identical, or nearly so, with provisions in the “*Animals Protection Bill*” now before this House, it is competent for this House to entertain the latter. I may observe that, if the House pass the “*Animals Protection Bill,*” they will, in the main, re-assert what they have already provided in the Bill to be cited as the “*Police Offences Statute 1881.*” This course would be unusual, but it would not be contradictory. I do not think it would be any violation of the rules, practices, and ordinances of the British Parliament.

The debate was resumed on the question, That the Bill be now read a second time.

The Honorable J. Buchanan moved, That the word “now” be omitted with a view to insert the words “this day six months” after the word “time.”

Debate ensued.

Amendment, by leave, withdrawn.

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

The Honorable J. Lorimer 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.

CHURCH PROPERTY TRUSTEES 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 the next day of meeting of the Council.

Ordered.

The Council adjourned at half-past six o'clock until half-past four o'clock on Wednesday, the 23rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 23RD NOVEMBER, 1881.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move, That so much of the Standing Orders be suspended as will enable the Victoria Racing Club Bill to be passed through all its stages in one day.

Contingent Notice : That the Bill be now read a first time.

ORDER OF THE DAY :—

1. CHURCH PROPERTY TRUSTEES BILL.—To be further considered in Committee.

THURSDAY, 24TH NOVEMBER.

ORDERS OF THE DAY :—

1. IMPORTATION AND EXAMINATION OF TEA BILL.—To be read a second time.
2. CHINESE INFLUX RESTRICTION BILL.—To be read a second time.
3. GAME PROTECTION BILL.—To be read a second time.

TUESDAY, 29TH NOVEMBER.

ORDER OF THE DAY :—

1. PROTECTION OF ANIMALS 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, 23RD NOVEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

VICTORIA RACING CLUB BILL.—SUSPENSION OF STANDING ORDERS.—The Honorable Dr. Dobson, in accordance with notice, moved, That so much of the Standing Orders be suspended as will enable the Victoria Racing Club Bill to be passed through all its stages in one day.

Question—put and passed.

VICTORIA RACING CLUB BILL.—The Honorable Dr. Dobson produced a sum of Twenty pounds, paid by the promoters of this Bill, in order to comply, as far as possible, with the CXIIth Standing Order, before the first reading of the Bill; and explained that, in consequence of the Treasury being closed this day—it being a public holiday—it was not in the power of the promoters of the Bill to obtain a certificate of the payment of the said sum to the Treasury. If the House would permit such a course, he would lodge the sum with the Clerk of the Council, with a view to its being returned to the promoters, on production by them of the formal certificate required by the Standing Order.

The Council having acquiesced in the course proposed, the Honorable Dr. Dobson, in accordance with *contingent* notice, moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to make valid the grant of an annuity by the Victoria Racing Club to the widow and children of the late Robert Cooper Bagot, and for other purposes.*"

Question—put and passed.

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

CHURCH PROPERTY TRUSTEES 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 left the Chair.

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

ORDERS OF THE DAY.

THURSDAY, 24TH NOVEMBER, 1881.

ORDERS OF THE DAY :—

1. IMPORTATION AND EXAMINATION OF TEA BILL.—To be read a second time.
 2. CHINESE INFLUX RESTRICTION BILL.—To be read a second time.
 3. GAME PROTECTION BILL.—To be read a second time.
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TUESDAY, 29TH NOVEMBER.

ORDER OF THE DAY :—

1. PROTECTION OF ANIMALS BILL.—To be further considered in Committee.

G. W. RUSDEN, SECRETARY

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

THURSDAY, 24TH NOVEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to further continue and amend 'The Tobacco Act 1880;'*"

Also, a Bill intituled "*An Act to further continue and amend 'The Beer Duty Act 1880,'*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 24th November, 1881.

TOBACCO ACT CONTINUATION BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to further continue and amend 'The Tobacco Act 1880.'*"

Question—put and passed.

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

BEER DUTY ACT CONTINUATION BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be “*An Act to further continue and amend ‘The Beer Duty Act 1880.’*”

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Legislative 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 further amend the Electoral Act 1865,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 24th November, 1881.

PETER LALOR,
Speaker.

ELECTORAL ACT 1865 AMENDMENT BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 29th instant.

IMPORTATION AND EXAMINATION OF TEA BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. MacBain moved, That this Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable J. MacBain 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.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 29th instant :—

“*Chinese Influx Restriction Bill.*”—To be read a second time.

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

The Council adjourned at a quarter to seven o'clock until half-past four o'clock on Tuesday, the 29th instant.

ORDERS OF THE DAY.

TUESDAY, 29TH NOVEMBER, 1881.

ORDERS OF THE DAY :—

1. PROTECTION OF ANIMALS BILL.—To be further considered in Committee.
2. ELECTORAL ACT 1865 AMENDMENT BILL.—To be read a second time.
3. IMPORTATION AND EXAMINATION OF TEA BILL.—To be further considered in Committee.
4. CHINESE INFLUX RESTRICTION BILL.—To be read a second time.
5. GAME PROTECTION BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings
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LEGISLATIVE COUNCIL.

TUESDAY, 29TH NOVEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

NORMANBY,
Governor.

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“ *An Act to amend ‘The Victorian Exhibitions Act 1878,’*”

“ *An Act to further continue and amend ‘The Tobacco Act 1880,’*”

“ *An Act to further continue and amend ‘The Beer Duty Act 1880,’*”

“ *An Act to make valid the grant of an annuity by the Victoria Racing Club to the widow and children of the late Robert Cooper Bagot, and for other purposes.*”

Government House,
Melbourne, 29th November, 1881.

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

Mining Surveyors and Registrars—Reports of—For quarter ended 30th September, 1881.

Ordered to lie on the Table.

PAPER.—The Honorable Dr. Dobson laid on the Table the following paper :—

Public Accounts—Regulation respecting (14th November, 1881).

LEAVE OF ABSENCE TO HONORABLE T. J. SUMNER.—The Honorable J. MacBain, with leave of the Council, moved, without notice, That leave of absence, during the remainder of the session, be granted to the Honorable T. J. Sumner.

Question—put and passed.

PROTECTION OF ANIMALS 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 the next day of meeting of the Council.

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 facilitate the Drainage of Sludge from Mines and to provide for the compulsory taking of Sites for Dams and Channels connected therewith,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th November, 1881.

SLUDGE DRAINAGE BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 6th proximo.

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

NORMANBY,

Governor.

The Governor informs the Legislative Council that he has, on this day, caused an Act intituled "*An Act for the Reform of the Constitution,*" which was reserved on the 27th June last for the signification of Her Majesty's pleasure thereon, and which received Her Majesty's assent on the 26th August ultimo, to be proclaimed in the *Victoria Government Gazette*, a copy of which is transmitted herewith.

Government Offices,
Melbourne, 28th November, 1881.

PROCLAMATION

By His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom ; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland ; a Member of Her Majesty's Most Honorable Privy Council ; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George ; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

WHEREAS by the Constitution Statute it is amongst other things enacted that the provisions of the Act of the fourteenth year of Her Majesty, chapter fifty-nine, and of the Act of the fifth and sixth years of Her Majesty, chapter seventy-six, for the government of New South Wales and Van Diemen's Land, which relate to the giving and withholding of Her Majesty's assent to Bills, and the reservation of Bills for the signification of Her Majesty's pleasure thereon, and the instructions to be conveyed to Governors for their guidance in relation to the matters aforesaid, and the disallowance of Bills by Her Majesty, shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the Constitution Act of Victoria and the now-reciting Statute, and by any other legislative body or bodies which may at any time hereafter be substituted for the present Legislative Council and Assembly : And whereas the Bill hereinafter mentioned was reserved for the signification of Her Majesty's pleasure thereon : And whereas by an Order of the Queen in Council, made on the twenty-sixth day of August, One thousand eight hundred and eighty-one, a copy whereof is hereto appended, Her Majesty has been pleased to assent to the said Bill : Now therefore I, the Governor of Victoria, in pursuance of the provisions of the aforesaid Acts, do by this my Proclamation signify that the Bill intituled "*An Act for the Reform of the Constitution,*" which was reserved for the signification of Her Majesty's pleasure thereon upon the twenty-seventh day of June in the year One thousand eight hundred and eighty-one, has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same.

Given under my Hand and the Seal of the Colony, at Melbourne, this twenty-eighth day of November, in the year of our Lord One thousand eight hundred and eighty-one, and in the forty-fifth year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,
BRYAN O'LOGHLEN,
Attorney-General.

GOD SAVE THE QUEEN !

(L.S.)

At the Court of Holyrood Palace, the twenty-sixth day of August, 1881.

PRESENT :

The Queen's Most Excellent Majesty,	
His Royal Highness the Duke of Connaught and Strathearne,	
Lord President,	Mr. Secretary Childers.
Earl of Rosebery,	

WHEREAS by an Act passed in the fifth and sixth years of Her Majesty's reign, entitled "*An Act for the Government of New South Wales and Van Diemen's Land,*" it is amongst other things enacted, that no Bill which shall be reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the colony of New South Wales until the Governor of the said colony shall signify, either by speech or message to the Legislative Council of the said colony or by proclamation as therein aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same : And whereas by another Act passed in the thirteenth and fourteenth years of Her Majesty's reign, entitled "*An Act for the better Government of Her Majesty's Australian Colonies,*" it was provided, among other things, that the provisions of the said former Act concerning the reservation of Bills for the signification of Her Majesty's pleasure thereon should apply to and be in force in the colony of Victoria : And whereas the said provisions were maintained in force as regards Bills passed by the Legislative Council and Legislative Assembly of the said colony by a subsequent Act passed in the eighteenth and nineteenth years of the reign of Her said Majesty, entitled "*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 :*" And whereas on the twenty-seventh of June One thousand eight hundred and eighty-one the Governor of the said colony of Victoria reserved a certain Bill passed by the Legislative Council and Legislative Assembly of the said colony, entitled "*An Act for the Reform of the Constitution,*" for the signification of Her Majesty's pleasure thereon : And whereas the said Bill so reserved as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her Majesty : Now therefore Her Majesty, in pursuance of the said Acts, and in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare Her assent to the said Bill.

C. L. PEEL.

COUNCIL ELECTIONS 1882 BILL.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to regulate the first periodical elections to be held for the Legislative Council in 1882, and the first preparation of General Rolls and Rolls of Ratepaying Electors.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Thursday, the 1st proximo.

POSTPONEMENT.—The following Order of the Day was postponed until the next day of meeting of the Council:—

“*Electoral Act 1865 Amendment Bill.*”—To be read a second time.

IMPORTATION AND EXAMINATION OF TEA 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 immediately.

Ordered.

HIS EXCELLENCY SIR J. H. LEFROY.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That His Excellency Sir J. H. Lefroy be accommodated with a seat in the House.

Question—put and passed.

IMPORTATION AND EXAMINATION OF TEA BILL.—The President left the Chair in order that the Bill might be further considered in Committee of the whole Council, in accordance with the order of the House.

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

Ordered.

The Council adjourned at twenty minutes to eleven o'clock until half-past four o'clock on Wednesday, the 30th instant.

ORDERS OF THE DAY.

WEDNESDAY, 30TH NOVEMBER, 1881.

Government Business.

ORDERS OF THE DAY:—

1. **IMPORTATION AND EXAMINATION OF TEA BILL.**—To be further considered in Committee.
2. **CHINESE INFLUX RESTRICTION BILL.**—To be read a second time.
3. **GAME PROTECTION BILL.**—To be read a second time.

General Business.

ORDERS OF THE DAY:—

1. **PROTECTION OF ANIMALS BILL.**—To be further considered in Committee.
2. **ELECTORAL ACT 1865 AMENDMENT BILL.**—To be read a second time.

THURSDAY, 1ST DECEMBER.

ORDER OF THE DAY:—

1. **COUNCIL ELECTIONS 1882 BILL.**—To be read a second time.

TUESDAY, 6TH DECEMBER.

ORDER OF THE DAY:—

1. **SLUDGE DRAINAGE BILL.**—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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WEDNESDAY, 30TH NOVEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

IMPORTATION AND EXAMINATION OF TEA 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. MacBain 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. MacBain moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Ordered.

CHINESE INFLUX RESTRICTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Debate ensued.

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

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

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 Conservation and Distribution of Water throughout Victoria,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th November, 1881.

WATER CONSERVATION BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 6th proximo.

GAME PROTECTION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to amend 'An Act to protect 'Game.'*"

Question—put and passed.

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

RABBIT ACT AMENDMENT BILL.—The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to amend the Rabbit Act.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable Sir C. Sladen, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 7th instant.

PROTECTION OF ANIMALS 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. Lorimer moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

ELECTORAL ACT 1865 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. Ross moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

Question—put and passed.

The Council adjourned at a quarter to seven o'clock until half-past four o'clock on Tuesday, the 6th proximo.

ORDERS OF THE DAY.

TUESDAY, 6TH DECEMBER, 1881.

ORDERS OF THE DAY:—

1. SLUDGE DRAINAGE BILL.—To be read a second time.
2. IMPORTATION AND EXAMINATION OF TEA BILL.—Adoption of Report.
3. CHINESE INFLUX RESTRICTION BILL.—Adjourned debate on second reading.
4. WATER CONSERVATION BILL.—To be read a second time.
5. PROTECTION OF ANIMALS BILL.—Adoption of Report.
6. ELECTORAL ACT 1865 AMENDMENT BILL.—To be further considered in Committee.
7. COUNCIL ELECTIONS 1882 BILL.—To be read a second time.

WEDNESDAY, 7TH DECEMBER.

General Business.

ORDER OF THE DAY:—

1. RABBIT 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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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 6TH DECEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

Observatory.—Sixteenth Report of Board of Visitors.

Ordered to lie on the Table.

PAPER.—The Honorable Dr. Dobson laid on the Table the following Paper :—

Savings Banks.—Returns, &c., for year ending 30th June, 1881.

Ordered to lie on the Table.

PETITION.—The Honorable J. A. Wallace presented to the Council a Petition, signed by John Cock and others, styling themselves miners and other residents at Clunes, and praying that modifications may be made in the Sludge Drainage Bill.

Petition received.

The Petition was read at the Table by the Clerk.

PETITIONS.—The Honorable J. A. Wallace presented Petitions adverse to the Sludge Drainage Bill, from Yackandandah, from Bethanga, from Bright, and from Sandhurst.

Petitions received.

PETITION.—The Honorable W. Campbell presented a Petition from the Clunes Water Commissioners, and under their common seal, praying that the Sludge Drainage Bill may be amended.

Petition received.

The Petition was read at the Table by the Clerk.

SLUDGE DRAINAGE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Debate ensued.

PETITION.—The Honorable J. A. Wallace presented a Petition signed by John Christisen and others, styling themselves miners and others resident within the mining district of Beechworth, and praying that the Sludge Drainage Bill may not be passed into law in its present form.

Petition received.

The Petition was read at the Table by the Clerk.

SLUDGE DRAINAGE BILL.—Debate resumed on the question, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

IMPORTATION AND EXAMINATION OF TEA 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. MacBain 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 considered in Committee of the whole Council—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.

POSTPONEMENTS.—The following Orders of the Day were severally postponed as hereunder set down :—

“*Chinese Influx Restriction Bill.*”—Adjourned debate on second reading, Tuesday, the 13th instant ;

“*Water Conservation Bill.*”—To be read a second time, Thursday, the 8th instant.

PROTECTION OF ANIMALS 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. Lorimer 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 considered in Committee of the whole Council—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. Lorimer moved, That the adoption of the Report be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

CHINESE IN VICTORIA.—The Honorable J. Balfour, with leave of the Council, moved, without notice, That the Report by Mr. Hodges, Chinese Interpreter, to the Honorable the Premier, on the Chinese in Victoria, having special reference to their numbers and employment (which was laid on the Table of the Legislative Assembly on the 8th June, 1880), be laid on the Table of this House.

Question—put and passed.

ELECTORAL ACT 1865 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the chair.

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

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

Question—put and passed.

COUNCIL ELECTIONS 1882 BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Debate ensued.

The Honorable Sir C. Sladen moved, That all the words after the word "That" be omitted, with a view to insert instead thereof the words "a Select Committee be appointed to consider this Bill, and to report thereon to this Council on the earliest possible day."

Debate ensued.

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

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

Question—That a Select Committee be appointed to consider this Bill and to report thereon to this Council on the earliest possible day—put and passed.

The Honorable Sir C. Sladen moved, That such Committee consist of the Honorables Dr. Dobson, J. Lorimer, R. S. Anderson, H. Cuthbert, and the Mover.

Question—put and passed.

The Council adjourned at twenty minutes to eleven o'clock until half-past four o'clock on Wednesday, the 7th instant.

ORDERS OF THE DAY.

WEDNESDAY, 7TH DECEMBER, 1881.

Government Business.

ORDER OF THE DAY:—

1. IMPORTATION AND EXAMINATION OF TEA BILL.—To be further reconsidered in Committee.

General Business.

ORDERS OF THE DAY:—

1. RABBIT ACT AMENDMENT BILL.—To be read a second time.
2. PROTECTION OF ANIMALS BILL.—Adoption of Report.
3. ELECTORAL ACT 1865 AMENDMENT BILL.—Adoption of Report.

THURSDAY, 8TH DECEMBER.

ORDER OF THE DAY:—

1. WATER CONSERVATION BILL.—To be read a second time.

TUESDAY, 13TH DECEMBER.

ORDERS OF THE DAY:—

1. SLUDGE DRAINAGE BILL.—To be further considered in Committee.
2. CHINESE INFLUX RESTRICTION BILL.—Adjourned debate on second reading.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 7th December.

COUNCIL ELECTIONS 1882 BILL—at two o'clock.

Thursday, 8th December.

PRINTING—at a quarter past four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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LEGISLATIVE COUNCIL.

WEDNESDAY, 7TH DECEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. A. Wallace presented a Petition, signed by William Radcliffe and others, styling themselves miners and residents of the Buckland division of the mining district of Beechworth, and praying that the Sludge Drainage Bill may not be passed in its present form.

Petition received.

The Petition was read at the Table by the Clerk.

COUNCIL ELECTIONS 1882 BILL.—REPORT OF SELECT COMMITTEE.—The Honorable Sir C. Sladen brought up the Report of the Select Committee appointed to consider the Council Elections 1882 Bill.

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

The Select Committee appointed by your Honorable House, "to consider the Council Elections 1882 Bill, and to report thereon on the earliest possible day," has the honor to submit the following Report:—

The Committee has met to-day and has gone through the Bill, and considered it well in all its bearings.

The Committee is of opinion that (although there are difficulties in the way of providing new Electoral Rolls for the Council periodical Elections of 1882 in the mode suggested by the Bill), yet they are not insuperable.

The efforts ordinarily made by the Municipal Districts for ascertaining the value of property, and collecting the information necessary for completing the Ratepayers' Rolls, would require to be put forth at an earlier period of the year than usual; and, for this purpose, the Committee recommends that a circular be sent to the Council of every Municipal District setting forth clearly the particulars required and the dates to be observed, so that all the Rolls shall be available for the printer not later than 31st August.

The Committee, after consulting with the Government Printer, is of opinion that the polling-day for the several elections cannot safely be earlier than the end of November; and it recommends that the last Thursday in November, 1882, be fixed for such polling-day.

It also recommends that clauses be inserted in the Bill requiring—

- 1st. Municipal Districts to obtain all needful information for new Ratepayers' Rolls on or before 10th June, 1882;
- 2nd. Municipal Clerks to furnish the Electoral Registrars with certified copies of the Citizens, Burgess, and Voters' Rolls on or before 31st August;
- 3rd. For enabling Members retiring by rotation in 1882, to hold their seats until the last Thursday in November.

The Committee further desires to suggest that it would be more convenient if all future periodical elections after 1882 were to be held on the second Thursday in the month of April following the polling-day provided by the Act.

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

Question—put and passed.

Report and proceedings ordered to be printed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and application of certain sums of money as Loans for Water Supply in the country districts, for the service of the year ending the thirtieth day of June, One thousand eight hundred and eighty-two,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th December, 1881.

RAILWAY LOAN ACCOUNT APPLICATION (WATER SUPPLY) BILL.—The Honorable J. MacBain moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable J. MacBain, ordered to be printed, and the second reading made an Order of the Day for Thursday, the 8th instant.

IMPORTATION AND EXAMINATION OF TEA BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

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

Question—put and passed.

RABBIT ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Sir C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable Sir C. Sladen 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 Sir C. Sladen moved, That the adoption of the Report be made an Order of the Day for to-morrow.

Question—put and passed.

PROTECTION OF ANIMALS 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. Lorimer 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. Lorimer, was read a third time and *passed*.

The Honorable J. Lorimer moved, That the title of the Bill be "*An Act for the Protection of Animals.*"

Question—put and passed.

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

ELECTORAL ACT 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 W. Ross moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. Ross moved, That the title of the Bill be "*An Act to further amend the Electoral Act 1865.*"

Question—put and passed.

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

The Council adjourned at ten minutes to seven o'clock until half-past four o'clock on Thursday, the 8th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 8TH DECEMBER, 1881.

NOTICE OF MOTION :—

1. ⁵/₈ The Hon. DR. DOBSON : To move, That the Council Elections 1882 Bill be now read a second time.

ORDERS OF THE DAY :—

1. WATER CONSERVATION BILL.—To be read a second time.
 2. RAILWAY LOAN ACCOUNT APPLICATION (WATER SUPPLY) BILL.—To be read a second time.
 3. IMPORTATION AND EXAMINATION OF TEA BILL.—Adoption of Report.
 4. RABBIT ACT AMENDMENT BILL.—Adoption of Report.
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TUESDAY, 13TH DECEMBER.

ORDERS OF THE DAY :—

1. SLUDGE DRAINAGE BILL.—To be further considered in Committee.
 2. CHINESE INFLUX RESTRICTION BILL.—Adjourned debate on second reading.
-

MEETING OF SELECT COMMITTEE.

Thursday, 8th December.

PRINTING—at a quarter past four o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

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THURSDAY, 8TH DECEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PRINTING COMMITTEE—FIRST REPORT.—The Honorable J. Balfour brought up the first Report of the Printing Committee, and moved, That the same be adopted and printed.
Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Law relating to Residence Areas in Mining Districts,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 8th December, 1881.

RESIDENCE AREAS LAW AMENDMENT BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 13th instant.

RETIREMENT OF THE CLERK OF THE COUNCIL.—The President read to the Council certain correspondence on the subject of the contemplated retirement of the Clerk of the Council, and laid the correspondence upon the Table.

The Honorable Dr. Dobson moved, That a Select Committee of seven Members be appointed to consider and report upon the correspondence now submitted to the House by the President, and upon the consequences involved in the contemplated retirement of Mr. Rusden from the offices of Clerk of the Council and Clerk of the Parliaments.

Debate ensued.

Question—put and passed.

The Honorable Dr. Dobson moved, That the Select Committee consist of the Honorables the President, R. S. Anderson, W. Campbell, H. Cuthbert, W. E. Hearn, Sir C. Sladen, and the Mover.

Question—put and passed.

COUNCIL ELECTIONS 1882 BILL.—With leave of the Council, the Honorable Dr. Dobson postponed a notice to move the second reading of this Bill until a later period of the evening.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable J. MacBain 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.

RAILWAY LOAN ACCOUNT APPLICATION (WATER SUPPLY) BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. MacBain moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to sanction the issue and application of certain sums of money as Loans for Water Supply in the country districts, for the service of the year ending the thirtieth day of June, One thousand eight hundred and eighty-two.*"

Question—put and passed.

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

IMPORTATION AND EXAMINATION OF TEA 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. MacBain moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on clauses 3 and 6.

Question—put and passed.

Question—That the Bill be now re-committed on clauses 3 and 6—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. MacBain 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. MacBain, was read a third time and *passed*.

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to regulate the Importation and Examination of Tea.*"

Question—put and passed.

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

RABBIT 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 called on, the Honorable Sir C. Sladen moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on clause 5.

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 further amendments.

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

Question—put and passed.

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

The Honorable Sir C. Sladen moved, That the title of the Bill be "*An Act to amend 'The Rabbit' 'Suppression Act 1880.'*"

Question—put and passed.

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

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 13TH DECEMBER, 1881.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move, That the Council Elections 1882 Bill be now read a second time.

ORDERS OF THE DAY :—

1. SLUDGE DRAINAGE BILL.—To be further considered in Committee.
2. CHINESE INFLUX RESTRICTION BILL.—Adjourned debate on second reading.
3. RESIDENCE AREAS LAW AMENDMENT BILL.—To be read a second time.
4. WATER CONSERVATION BILL.—To be further considered in Committee.

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

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OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 13TH DECEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

RETIREMENT OF THE CLERK OF THE COUNCIL.—The Honorable Sir C. Sladen brought up the Report prepared by the Select Committee appointed on the 8th instant to “consider and report upon the correspondence now submitted to the House by the President, and upon the consequences involved in the contemplated retirement of Mr. Rusden from the offices of Clerk of the Council and Clerk of the Parliaments.”

The Report was read at the Table by the Clerk Assistant.

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

Question—put and passed.

Ordered—That the Report be printed.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable Sir C. Sladen moved, That an Address be presented to His Excellency the Governor, conveying to him a copy of the Report now adopted.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the following be the Address :—

To His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :—

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

We have the honor of informing Your Excellency that during the last week the President submitted to the Council a correspondence that had taken place between Your Excellency's Private Secretary and the Clerk of the Council, together with the enclosures therein :—

That thereupon we appointed a Select Committee to “consider and report upon the correspondence submitted by the President, and upon the consequences involved in the contemplated retirement of Mr. Rusden from the offices of Clerk of the Council and Clerk of the Parliaments.”

That such Committee made a Report and we adopted the same.

That we now have the honor to transmit to Your Excellency a copy of such report, and to express a hope that the suggestions contained therein may meet with Your Excellency's approval.

Question—That the Address be adopted—put and passed.

CHINESE IN VICTORIA.—The Honorable J. MacBain laid on the Table a Return to the Order of the Council made on the 6th instant.

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

Question—put and passed.

PETITION.—The Honorable J. MacBain presented a Petition, signed by W. Kenwith and others, styling themselves members of an Anti-Chinese League, and praying that the Chinese Influx Restriction Bill may be passed.

Petition received.

Petition was read at the Table by the Clerk.

PETITION.—The Honorable W. Pearson presented a Petition, signed by R. Thomson and others, styling themselves miners and others, resident in the borough of Walhalla, and praying that the Sludge Drainage Bill may not be passed in its present form.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable W. Pearson, presented a Petition from the Borough of Walthalla, and under the corporate seal thereof, praying that the Sludge Drainage Bill may not be passed into law.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable W. Pearson presented a Petition, signed by Robert Bake and others, styling themselves miners and others, in the mining district of Donnelly's Creek, North Gippsland, and praying that the Sludge Drainage Bill may not be passed in its present form.

Petition received.

COUNCIL ELECTIONS 1882 BILL.—The Honorable J. MacBain, in the absence and on behalf of the Honorable Dr. Dobson, moved, in accordance with notice, That this Bill be now read a second time.

Question—put.

The President pointed out to the Council, That, as the Bill came under the provisions of Clause LX of the Constitution Act, it would be requisite that the number of Members voting for the Bill should be recorded, and therefore he required the Members voting for the second reading of the Bill to go to the right of the Chair.

It appeared that there were seventeen Members voting for the second reading of the Bill, and none voting against it.

The question was therefore passed.

Bill read a second time.

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

Question—put and passed.

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

Question—put.

The President required the Members voting for the third reading of the Bill to go to the right of the Chair.

It appeared that there were twenty Members voting for the third reading of the Bill, and none against it.

The question was therefore passed.

Bill read a third time.

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

Question—put and passed.

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to amend 'The Legislative Council Act 1881' so far as relates to the First Periodical Elections to be held thereunder in the year One thousand eight hundred and eighty-two, and to the first preparation of the General Rolls and Rolls of Ratepaying Electors.*"

Question—put and passed.

The Honorable J. MacBain moved, That the Bill be carried to the Legislative Assembly, with a Message desiring their concurrence with the Bill.

Question—put and passed.

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

"*Sludge Drainage Bill.*"—To be further considered in Committee.

"*Chinese Influx Restriction Bill.*"—Adjourned debate on second reading.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable J. MacBain 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.

WATER CONSERVATION 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. MacBain 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. MacBain moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

SLUDGE DRAINAGE 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 15th instant :—

“ *Chinese Influx Restriction Bill.*”—Adjourned debate on second reading.

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

ORDERS OF THE DAY.

WEDNESDAY, 14TH DECEMBER, 1881.

Government Business.

ORDERS OF THE DAY :—

1. RESIDENCE AREAS LAW AMENDMENT BILL.—To be further considered in Committee.
2. WATER CONSERVATION BILL.—Adoption of Report.
3. SLUDGE DRAINAGE BILL.—To be further considered in Committee.

THURSDAY, 15TH DECEMBER.

ORDER OF THE DAY :—

1. CHINESE INFLUX RESTRICTION BILL.—Adjourned debate on second reading.

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

Minutes of the Proceedings
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WEDNESDAY, 14TH DECEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to abolish the payment of Pensions or Superannuation or other allowances in the case of persons hereafter entering the Public Service,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th December 1881.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the 'Electoral Act of 1865,'*" and acquaint the Legislative Council that they have agreed to the several amendments made by the Legislative Council therein.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th December 1881.

PENSIONS ABOLITION BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a first time. Question—put and passed.

Bill read a first time; and, on the motion of the Honorable H. Cuthbert, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

RESIDENCE AREAS 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 an amendment.

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

Question—put and passed.

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

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to amend the Law relating to Residence Areas in Mining Districts.*"

Question—put and passed.

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

WATER CONSERVATION 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. MacBain moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. MacBain, was read a third time and passed.

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to provide for the Conservation and Distribution of Water throughout 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.

PETITION.—The Honorable H. Cuthbert presented a Petition signed by H. Elmslie, styling himself Chairman of the Mining Board of the Mining District of Ballarat, and praying that the Sludge Drainage Bill may not be passed unless certain alterations be made in it.
Petition received.

SLUDGE DRAINAGE 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 left the Chair.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend 'The Local Government Act 1874,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 14th December 1881.

PETER LALOR,
Speaker.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable H. Cuthbert, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to Residence Areas in Mining Districts,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 14th December, 1881.

PETER LALOR,
Speaker.

ADJOURNMENT.—The Honorable Dr. Dobson, 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 ten o'clock until half-past four o'clock on Tuesday, the 20th instant.

ORDERS OF THE DAY.

TUESDAY, 20TH DECEMBER, 1881.

ORDERS OF THE DAY :—

1. PENSIONS ABOLITION BILL.—To be read a second time.
2. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a second time.
3. CHINESE INFLUX RESTRICTION BILL.—Adjourned debate on second reading.

MEETING OF SELECT COMMITTEE.

Thursday, 15th December, 1881.

PARLIAMENT BUILDINGS—at eleven a.m.

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

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TUESDAY, 20TH DECEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

1. Exhibition—Melbourne International, 1880.—Further Despatch from the Right Honorable the Secretary of State, with enclosures (30th July, 1881).
2. Aborigines—Seventeenth Report of Board for Protection of (1st July, 1881).

Ordered severally to lie on the Table.

PARLIAMENT BUILDINGS COMMITTEE (JOINT).—The Honorable Sir C. Sladen brought up a Report from the Joint Committee of both Houses appointed for the management and superintendence of the Parliament Buildings.

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

“ The Select Committee upon the Parliament Buildings have the honor to report : That your Committee having inspected the Chambers of the Legislative Council and of the Legislative Assembly, the Library, and the Refreshment Rooms, are of opinion that the time has arrived when these and several of the rooms in the Parliament Houses should be thoroughly cleaned, painted, and decorated.

“ W. H. F. MITCHELL.”

“ Committee Room,
“ 20th December, 1881.”

The Honorable Sir C. Sladen moved, That the Report be now adopted.
Question—put and passed.

PETITION.—The Honorable H. Cuthbert presented a Petition signed by P. Teulon Beamish, styling himself President of the Assembly of the Church of England in the diocese of Ballarat, and praying that certain modifications may be made in the existing Education Act.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the Petition be printed.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable H. Cuthbert 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 H. Cuthbert, was read a third time and passed.

The Honorable H. Cuthbert moved, That the title of the Bill be “ *An Act to abolish the payment of Pensions or Superannuation or other allowances in the case of persons hereafter entering the Public Service.*”

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 regulate the Importation and Examination of Tea,*" and acquaint the Legislative Council that they have agreed to some of the amendments made therein by the Legislative Council, and have disagreed to others of the said amendments.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th December, 1881.

IMPORTATION AND EXAMINATION OF TEA BILL.—The Honorable J. MacBain moved, That the Message from the Legislative Assembly with this Bill be now considered.

Debate ensued.

Motion, by leave of the Council, amended by the Honorable J. MacBain.

Question—That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to Continue various Expiring Laws,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th December, 1881.

EXPIRING LAWS CONTINUATION BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable Dr. Dobson, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 21st instant.

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

Question—put and passed.

Bill read a second time.

The Honorable H. Cuthbert 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. MacBain moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to amend 'The Local Government Act 1874.'*"

Question—put and passed.

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

CHINESE INFLUX RESTRICTION BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

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

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to amend 'The Chinese Immigrants Statute 1865.'*"

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Legislative 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 apply a sum out of the Consolidated Revenue to the service of the year ending on the last day of June, One thousand eight hundred and eighty-two, and to appropriate the Supplies granted in this Session of Parliament,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th December, 1881.

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

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable J. MacBain, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 21st instant.

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 ‘The Local Government Act 1874,’*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th December, 1881.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to provide for the Conservation and Distribution of Water throughout Victoria,*” and acquaint the Legislative Council that they have agreed to certain of the amendments made by the Legislative Council, and have disagreed to other of the said amendments.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th December, 1881.

WATER CONSERVATION BILL.—The Honorable J. MacBain 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.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 21ST DECEMBER, 1881.

Government Business.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To move, in pursuance of the Act of Parliament numbered 502, that an Address be presented to His Excellency the Governor, praying that Courts of Assize may be held at Benalla, Echuca, Horsham, Shepparton, Stawell, St. Arnaud, and Warrnambool respectively.

ORDERS OF THE DAY :—

1. IMPORTATION AND EXAMINATION OF TEA BILL.—Consideration of Message from Legislative Assembly.
2. EXPIRING LAWS CONTINUATION BILL.—To be read a second time.
3. APPROPRIATION BILL.—To be read a second time.
4. WATER CONSERVATION BILL.—Consideration of Message from Legislative Assembly.

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

Minutes of the Proceedings
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WEDNESDAY, 21ST DECEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT—RETURN OF—NORTH-WESTERN PROVINCE.—The President announced to the Council that the Writ issued by him for the election of a Member for the North-Western Province, in room of the Honorable A. Fraser, resigned, had been returned to him, and that the Returning Officer had certified “that William Edward Stanbridge, of Daylesford, gentleman, was duly elected, in pursuance of” the Writ.

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

Victorian Railways.—Report of Board of Land and Works, for year ending 31st December, 1880.
Ordered to lie on the Table.

COURTS OF ASSIZE.—The Honorable Dr. Dobson, in accordance with notice, moved, That in pursuance of the Act of Parliament numbered 502, an Address be presented to His Excellency the Governor, praying that Courts of Assize may be held at Benalla, Echuca, Horsham, Shepparton, Stawell, St. Arnaud, and Warrnambool respectively.

Question—put and passed.

The Honorable Dr. Dobson moved, That the following be the Address :—

To His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, the Legislative Council of Victoria, in Parliament assembled, pray that Courts of Assize may be held at Benalla, Echuca, Horsham, Shepparton, Stawell, St. Arnaud, and Warrnambool respectively.

Question—put and passed.

The Honorable Dr. Dobson moved, That the Address be transmitted to the Legislative Assembly with a Message desiring their concurrence therewith.

Question—put and passed.

IMPORTATION AND EXAMINATION OF TEA BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable J. MacBain moved, That the Council do not insist on the following amendment made by the Legislative Council and disagreed with by the Legislative Assembly :—

Clause 2, line 9, leave out “Officer of Customs” and insert “Tea Inspector”

Debate ensued.

Question—put and passed.

The Honorable J. MacBain moved, That the Council do not insist on the following amendments severally :—

Clause 3, line 12, leave out “such,” and after “officer” insert “of Customs or by such inspector”

Clause 3, line 12, leave out “he” and insert “such inspector”

Question—put and passed.

The Honorable J. MacBain moved, That the Council do not insist on the following amendment :—

Clause 7, line 18, leave out “in the opinion of the analytical chemist”

Debate ensued.

The Honorable J. Balfour moved, That the word “not” be omitted from the question.

Debate ensued.

Question—That the word “not” proposed to be omitted stand part of the question—put.

Council divided.

Contents, 9.
The Hon. J. MacBain,
P. Russell,
G. F. Belcher,
T. F. Cumming,
W. Ross,
W. Pearson,
T. F. Hamilton,
J. Buchanan,
Dr. Dobson (*Teller.*)

Not-Contents, 6.
The Hon. Sir C. Sladen,
J. Lorimer,
C. J. Jenner,
H. Cuthbert,
J. A. Wallace,
J. Balfour (*Teller.*)

The question was therefore passed.

Question—That the Council do not insist on the amendment—put and passed.

The Honorable J. MacBain moved, That the Council do not insist on the following amendment:—

Clause 8, line 27, leave out “on the table of the Legislative Assembly” and insert “before both Houses of Parliament.”

Debate ensued.

The Honorable H. Cuthbert moved, That the word “not” be omitted from the question.

Debate ensued.

Question—That the word “not” proposed to be omitted stand part of the question—put and negatived.

Question—That the Council do insist on the amendment—put and passed.

The Honorable J. MacBain moved, That the Council do not insist on the following amendment:—

Clause 9, line 31, leave out “as to the destruction of any condemned tea”

Question—put and passed.

The Honorable J. MacBain moved, That the Honorables H. Cuthbert, Sir C. Sladen, Dr. Dobson, J. A. Wallace, and the Mover be a Committee to draw up Reasons for insisting on the amendment in clause 8, line 27.

Question—put and passed.

The Committee brought up Reasons as follows:—

That the Council insist on their amendment in clause 8, line 27, for the following reasons:—

That, inasmuch as the Bill is one which can be altered or amended by this House, the Council claim to be placed in the same position as the Legislative Assembly with regard to regulations to be framed by the Governor in Council for the purpose of carrying the Act into effect; and, in insisting on the exercise of this right, the Council submit that they are acting in accordance with the established usage of Parliament.

The Honorable H. Cuthbert moved, That the Reasons be adopted.

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 certain amendments, but insist on one amendment, for reasons stated, 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 for the Protection of Animals,*” and acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council therein.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st December, 1881.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to continue ‘The Land Act 1869’ and Acts amending the same,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st December, 1881.

LAND ACTS CONTINUATION BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed.*

The Honorable Dr. Dobson moved, That the title of the Bill be “*An Act to continue ‘The Land Act 1869’ and Acts amending the same.*”

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.

EXPIRING LAWS CONTINUATION BILL.—The Order of the Day for the second reading of this Bill being read, The Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to continue various Expiring Laws.*"

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.

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

Question—put and passed.

Bill read a second time.

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

The Honorable J. MacBain moved, That the title of the Bill be "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the last day of June One thousand eight hundred and eighty-two, and to appropriate the Supplies granted in this Session of Parliament.*"

Question—put and passed.

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

WATER CONSERVATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable J. MacBain moved, That the Council do not insist on their several amendments as follows:—

Clause 21, line 29, after "waterworks" insert "unless such order shall happen to be dated on or after the second Thursday in July in any year, in which case such election shall not take place until after the second Thursday in September next following"

„ 21, line 31, leave out "such month" and insert "the time aforesaid"

„ 38, line 39, leave out "the construction or improvement of the works or for securing or improving the water to be supplied or the quality or purity thereof," and insert "any of the purposes of this Act"

„ 38, line 43, leave out "waterwheels hydraulic engines and pumping or any other machinery," and insert "machinery for the purposes of this Act"

Debate ensued.

Questions—severally put and passed.

The Honorable J. MacBain moved, That the Council do not insist on the following amendment:

Clause 48, line 31, leave out "be the property of such trust and"

Debate ensued.

Question—That the Council do not insist on the amendment—put and passed.

The Honorable J. MacBain moved, That the Council do not insist on the following amendment:—

Clause 72, line 2, leave out "unlimited as to liability" and insert "under the Companies' Statute 1864. Provided that the Governor in Council in the case of such persons determining to form an incorporated company with limited liability may declare what amount shall be considered necessary for the capital of such company before the same shall be incorporated."

Debate ensued.

Question—put.

Council divided.

Contents 7.
The Hon. J. Cumming,
C. J. Jenner,
W. Ross,
P. Russell,
J. Balfour,
Dr. Dobson,
J. MacBain (*Teller*).

Not-Contents, 5.
The Hon. W. Campbell,
J. Lorimer,
W. Pearson,
J. A. Wallace,
Sir C. Sladen (*Teller*).

The question was therefore passed.

The Honorable J. MacBain moved, That the Council do not insist on the following amendment :—

Clause 80, line 21, after “referred to” insert “any County Court judge to be named by”

Debate ensued.

Question—put and negatived.

Question—That the Council do insist on the amendment—put and passed.

The Honorable Sir C. Sladen moved, That the Council do insist on the remaining amendments in the Bill which the Legislative Assembly have disagreed with, viz. :—

Clause 80, line 22, leave out “the Minister is hereby authorized if he think fit to” and insert “such judge shall”

„ 80, line 24, leave out “to hear receive and examine evidence upon oath (which oath he is hereby empowered to administer) summon if he think fit two or more assessors, compel the attendance of witnesses, call for the production and examination of documents, commit for contempt and” and insert “may”

„ 80, line 29, leave out “any judge of any County Court in Victoria,” and insert “him”

„ 80, line 30, before “jurisdiction” insert “ordinary,” and after “jurisdiction” leave out all the words to end of clause.

„ 81, line 34, leave out “any” and insert “the”

„ 81, same line, leave out “minister” and insert “judge”

„ 81, line 35, leave out “such” and insert “the”

Question—put and passed.

The Honorable Sir C. Sladen moved, That the following Reasons be given for insisting on the amendments in Clauses 80 and 81 :—

Because the duties of a responsible Minister should be executive and administrative, and not judicial.

Because an executive Minister is not necessarily a good lawyer;

and because a Minister, being a political officer, would be liable to be partial in his judicial capacity.

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 certain amendments in the Bill, and insist on the amendments in clauses 80 and 81 for the reasons stated in the Message.

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 regulate the Importation and Examination of Tea,*” and acquaint the Legislative Council that they do not now insist on disagreeing with the amendment made by the Legislative Council in clause 8, line 27.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st December, 1881.

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

Fisheries Acts 1873—Notice of intention to include English Trout in Second Schedule of (30th November 1881).

Ordered to lie on the Table.

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

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 22ND DECEMBER, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

“Buildings in Vincent street, Daylesford.

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

“At more than Two hundred and fifty pounds a year.

“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.

“W. E. STANBRIDGE.”

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 Conservation and Distribution of Water throughout Victoria,*” and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing with the amendments insisted on by the Council.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1881.

PETER LALOR,
Speaker.

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 further amend ‘The Electoral Act 1865;’*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1881.

PETER LALOR,
Speaker.

NORMANBY,
Governor.

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly for their consideration the following amendments, which he desires to be made in the Bill intituled “*An Act to further amend ‘The Electoral Act 1865,’*” which has been presented to him for Her Majesty’s Assent, viz. :—

After the word “district,” occurring in clauses 5 and 6 respectively, add the words
“or province.”

ELECTORAL ACT 1865 AMENDMENT BILL—AMENDMENTS RECOMMENDED BY THE GOVERNOR.—The Honorable Dr. Dobson moved, That the Council agree to the amendments recommended by His Excellency the Governor in this Bill, with which amendments the Legislative Assembly have agreed.

Question—put and passed.

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

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 concur with the Legislative Council in the Address to His Excellency the Governor praying that Courts of Assize may be held at Benalla, Echuca, Horsham, Shepparton, Stawell, St. Arnaud, and Warrnambool, respectively.

Legislative Assembly Chamber,
Melbourne, 21st December, 1881.

PETER LALOR,
Speaker.

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

NORMANBY,
Governor.

In reply to the Address from the Legislative Council enclosing a copy of a Report of a Select Committee appointed by that Honorable House, to “consider and report upon the correspondence submitted by the President, and upon the consequences involved in the contemplated retirement of Mr. Rusden from the offices of Clerk of the Council and Clerk of the Parliaments,” the Governor transmits to the Legislative Council a copy of a memorandum, which he has received from his Government, embodying their views upon the subject.

Government House,
Melbourne, 22nd December, 1881.

Memorandum for His Excellency the Governor.

In reference to the Address to His Excellency from the Legislative Council of the 17th December, 1881, conveying a report of a Select Committee adopted on that day, Ministers desire to recommend to the Governor the issue from time to time of a Warrant or Warrants when necessary for the purpose of paying Mr. Rusden, Clerk of the Legislative Council, the proportionate part that may, from time to time, become due to him of the superannuation allowance of Five hundred pounds assented to by the Council out of the Five thousand pounds per annum set apart by Schedule D of the Constitution Act.

Such Warrants can be issued for the year 1881-2, and thereafter for succeeding years as long as such a course is not dissented from by the Legislative Council. As a matter of precaution Ministers desire to point out that the existing Council cannot, as a matter of law, bind their successors; but that, nevertheless, a public arrangement of this nature, made by the Legislative Council and sanctioned by the Executive, must have practically, as far as permanency is in question, the force of law.

Ministers further desire to express their concurrence in the view that the wishes of the Legislative Council in the matter of the appointment of the Clerk of the Legislative Council should be respected, on the basis that no person should be nominated by the Council, or appointed by the Executive to that office, whose nomination or appointment may be distasteful to either the Council or the Executive respectively.

22/12/81.

(Signed) BRYAN O'LOGHLEN.

LETTER FROM THE CLERK OF THE COUNCIL.—The President read to the Council the following letter from the Clerk of the Council to the President:—

DEAR SIR WILLIAM,

Parliament Houses,
Melbourne, 14th December, 1881.

As the Legislative Council have by unanimous resolution recorded their assent to my retirement in the manner proposed, I am impelled, though I can only do so in a semi-official form, to tender to the Members, through you, my grateful acknowledgment of a resolution so gratifying to myself and to numerous friends in the colonies.

Such a resolution, accompanied by the kind words which were spoken at the close of a career involving the discharge of important and delicate duties, is one which neither myself nor my friends can ever forget.

I am, yours faithfully,
G. W. RUSDEN.

The Honorable Sir W. H. F. Mitchell,
President of the Legislative Council.

PAPER.—The Honorable Dr. Dobson, by command of His Excellency the Governor, presented to the Council the following Paper—

Land Act 1869—Regulations under section 110 (12th December, 1881).

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 Message from His Excellency the Governor recommending an amendment in the Bill intituled “*An Act to abolish the Payment of Pensions or Superannuation or other allowances in the case of Persons hereafter entering the Public Service,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the said amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1881.

PETER LALOR,
Speaker.

NORMANBY,
Governor.

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly for their consideration the following amendment which he desires to be made in the Bill intituled "*An Act to abolish the payment of Pensions or Superannuation or other allowances in the case of Persons hereafter entering the Public Service,*" which has been presented to him for Her Majesty's assent, viz. :—

In clause 2, after the last word "force" add "nor to any person now employed in the public service."

PENSIONS ABOLITION BILL—AMENDMENT RECOMMENDED BY THE GOVERNOR.—The Honorable Dr. Dobson moved, That the Council do concur with the Legislative Assembly in making the amendment recommended by His Excellency the Governor in this Bill.

Debate ensued.

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the raising of Money for Railways and for other purposes,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1881.

CHAIRMAN OF COMMITTEES FOR THE EVENING.—The Honorable Dr. Dobson moved, That the Honorable J. MacBain be Chairman of Committees during the evening.

Question—put and passed.

RAILWAY LOAN BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Bill as certified was in accordance with the Bill as reported, the Bill, on the motion of the Honorable Dr. Dobson, was read a third time and passed.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to authorize the raising of Money for Railways and for other purposes.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Phylloxera Vine Disease Act 1880,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1881.

PHYLLOXERA ERADICATION ACT AMENDMENT BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act to amend the Phylloxera Vine Disease Act 1880.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Regulation of Mines Statute 1877,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1881.

REGULATION OF MINES STATUTE AMENDMENT BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson 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 Bill, on the motion of the Honorable Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be, "*An Act to Amend the Regulation of Mines Statute 1877.*"

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 a Bill intituled "*An Act to amend 'The Legislative Council Act 1881,' so far as relates to the first periodical Elections to be held thereunder in the year One thousand eight hundred and eighty-two, and to the first preparation of the General Rolls and Rolls of Ratepaying Electors;*" and acquaint the Legislative Council that they have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1881.

COUNCIL ELECTIONS 1882 BILL.—The Honorable Dr. Dobson moved, That the Council concur with the amendments made by the Legislative Assembly in this Bill.

Question—put and passed.

The President pointed out to the Council that the Bill was not accompanied by a certificate that it had been passed by an absolute majority on the second and third readings in the Legislative Assembly.

The Honorable Dr. Dobson moved, That it is the desire of this House that this Bill, although not accompanied by a certificate that it was passed in the Legislative Assembly by an absolute majority on the second and third readings, should be presented to His Excellency the Governor.

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 made by the Legislative Assembly in 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 a Bill intituled "*An Act to amend 'The Chinese Immigrants Statute 1865,'*" and acquaint the Legislative Council that they have agreed to some of the amendments made therein by the Legislative Council, and have disagreed to others of the said amendments, and have disagreed to one of the said amendments, but have made amendments in the words proposed by the Legislative Council to be omitted.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd December, 1881.

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have agreed to the Bill intituled "*An Act to amend 'The Rabbit Suppression Act 1880'*" without amendment.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd December, 1881.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill intituled "*An Act to amend 'The Companies Statute 1864,'*" and have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd December, 1881.

CHINESE INFLUX RESTRICTION BILL.—The Honorable Sir C. Sladen moved, That the Council insist on their amendments in this Bill, for the following reasons:—

That, in the opinion of the Council, there is no necessity for imposing any restriction on Chinese immigrants entering the colony otherwise than by sea, because the neighboring colonies have passed laws requiring all such immigrants to pay the sum of £10 on entering those colonies by sea, and because it would be harsh treatment of such immigrants to impose upon them a second tax.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council insist on their amendments for the reasons stated in the Message.

Question—put and passed.

COMPANIES STATUTE 1864 AMENDMENT BILL.—The Honorable Dr. Dobson moved, That the Council do agree to the amendments made by the Legislative Assembly in this Bill, as follows:—

Clauses 3 to 21 inclusive—Omit these clauses.

Clauses 24 to 46 inclusive—Omit these clauses.

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 made by the Legislative Assembly in the Bill.

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 Chinese Immigrants Statute 1865,*" and acquaint the Legislative Council that they do not now insist on disagreeing with some of the amendments made by the Legislative Council therein, and have amended one of the amendments with which they had previously disagreed.

PETER LALOR,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd December, 1881.

CHINESE INFLUX RESTRICTION BILL.—The Honorable Dr. Dobson moved, That the Council do agree to the amendments made by the Legislative Assembly on the amendment made by the Legislative Council in clause 6 of this Bill, as follows:—

Insert (in line 31) after "colony" the words "by sea"

Leave out (line 33) the words "and to the payment in addition thereto of the said sum of Ten pounds required to be paid by section four hereof"

Leave out (line 35) the words "either" and "or sum"

Leave out (line 36) the words "and sum"

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 above set forth.

PROROGATION.—The Honorable Dr. Dobson announced to the Council that His Excellency the Governor would proceed to the Legislative Council Chamber on Saturday, the 24th instant, at twelve o'clock, to prorogue the Parliament.

The Council having continued to sit until half-past one o'clock on Friday, the 23rd December, adjourned.

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

SATURDAY, 24TH DECEMBER, 1881.

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, the Speaker delivered the Appropriation Bill to the Clerk of the Parliaments, who brought it to the Table.

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

“ An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the last day of June One thousand eight hundred and eighty-two, and to appropriate the Supplies granted in this Session of Parliament.”

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.

“ NORMANBY,
“ Governor.”

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

His Excellency had, at an earlier hour on this day (24th December 1881), given the Royal Assent, at the Government House, to the following Bills of the session presented to him by the Clerk of the Parliaments, viz :—

“ An Act to sanction the issue and application of certain sums of money as Loans for Water Supply in the country districts, for the service of the year ending the thirtieth day of June, One thousand eight hundred and eighty-two.”

“ An Act to further amend ‘ The Electoral Act 1865.’ ”

“ An Act to amend the Law relating to Residence Areas in Mining Districts.”

“ An Act to abolish the payment of Pensions or Superannuation or other allowances in the case of Persons hereafter entering the Public Service.”

“ An Act to amend ‘ The Local Government Act 1874.’ ”

“ An Act for the Protection of Animals.”

“ An Act to continue ‘ The Land Act 1869’ and Acts amending the same.”

“ An Act to continue various Expiring Laws.”

“ An Act to regulate the Importation and Examination of Tea.”

“ An Act to provide for the Conservation and Distribution of Water throughout Victoria.”

“ An Act to authorize the raising of Money for Railways and for other purposes.”

“ An Act to amend ‘ The Phylloxera Vine Disease Act 1880.’ ”

“ An Act to amend the Regulation of Mines Statute 1877.”

“ An Act to amend ‘ The Legislative Council Act 1881,’ so far as relates to the first periodical Elections to be held thereunder in the year One thousand eight hundred and eighty-two, and to the first preparation of the General Rolls and Rolls of Ratepaying Electors.”

“ An Act to amend ‘ The Rabbit Suppression Act 1880.’ ”

“ An Act to amend ‘ The Companies Statute 1864.’ ”

“ An Act to amend ‘ The Chinese Immigrants Statute 1865.’ ”

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 is with pleasure that I release you from the duties of the session, which it has been deemed advisable to close at the present juncture, with the view of returning to the more constitutional practice of commencing a new session at a convenient period before the beginning of the next financial year.

Short as the session has been, you have been enabled to give attention to many important measures. Some of those which you have passed promise to be of great advantage to the country generally.

I regret that from the exigency arising from the shortness of time at your disposal the Land Laws amending Bill and the Bill for the Extension of Railways have had to be postponed ; but I trust that next session you will be enabled to discuss and satisfactorily dispose of these two questions of great practical importance.

The Victorian Water Conservation Act, to which you have given much time and attention, is intended to bring local energy and skill to bear on the pressing question of Water Supply. As little progress has yet been made in dealing with what is admitted to be a great national want, namely, the cheap yet efficient construction of waterworks in country districts, you have judiciously framed a system based on local co-operation, and have also provided for assistance by way of loan to encourage local exertion.

The Loan Act will enable the national system of Railways to be further extended, not only by an addition to the existing main lines, but also by the erection of light branch railways, should it be decided to adopt an economic plan of construction, based on the view of working such lines at a moderate rate of speed, and combined with the use of steel rails laid on the existing gauge, so as to provide strength to carry the ordinary rolling-stock and facilities for its free interchange amongst all lines.

Royal Commissions have been appointed to enquire into and report upon the Tariff and the Educational system respectively, and they have both commenced their enquiries systematically. The Royal Commission on the Police Force has sent in a progress report, accompanied by a mass of evidence that testifies to the assiduity with which they have pursued their labors.

The Chinese Immigrants Amendment Act is intended to carry out, in union with the neighbouring colonies, the course of action agreed on in reference to this subject at the late Inter-colonial Conference.

The Residence Areas Act is to provide for miners a more secure legal title to their holdings, as far as that object could be attained consistently with the general interests of the mining community.

The Act to regulate the Importation of Tea is a step in anticipation of a more general Act providing against the adulteration of food, and will confer a benefit on a large class of consumers.

You have practically amended many important Acts, including the Legislative Council Reform, Trading Companies, Rabbit Suppression, Regulation of Mines, and the Phylloxera Vine Disease Acts.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I thank you on the behalf of the Queen for the liberality of your grants towards carrying on the public services and in aid of the further development of the resources of Victoria.

I am happy to inform you that the finances of the country are in a most satisfactory condition.

The increase of revenue has enabled my Advisers, while keeping the expenditure well within the income of the country, to pay off a considerable portion of the arrears that accumulated during less prosperous times.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

During the recess my Advisers will mature the various Bills which from time to time they have undertaken to lay before you. These and the important Bills which have been postponed from this session will invite your early attention next year.

In relieving you from your duties you must be gratified to be assured that, under the blessing of Divine Providence, all the great producing interests of this country continue to enjoy a more than usual degree of prosperity.

I now, in Her Majesty's name, declare this Parliament to be prorogued to Tuesday, the twenty-eighth day of February next, and it is 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 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 1881.**

No. 1.—STANDING ORDERS.

Appointed 4th August, 1881.

<p>The Hon. The President C. J. Jenner Sir C. Sladen</p>		<p>The Hon. W. E. Hearn Dr. Dobson (<i>Mover</i>).</p>
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No. 2.—PRINTING.

Appointed 4th August, 1881.

<p>The Hon. J. Balfour Thos. Cumming J. G. Dougharty</p>		<p>The Hon. T. Bromell W. Pearson.</p>
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No. 3.—LIBRARY (JOINT).

Appointed 4th August, 1881.

<p>The Hon. The President W. McCulloch F. Robertson</p>		<p>The Hon. J. MacBain J. Graham W. E. Hearn.*</p>
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* Appointed 12th October, 1881, in room of the Hon. J. MacBain, relieved.

No. 4.—PARLIAMENT BUILDINGS (JOINT).

Appointed 4th August, 1881.

<p>The Hon. The President Sir C. Sladen J. Lorimer</p>		<p>The Hon. A. Fraser J. Balfour.</p>
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No. 5.—REFRESHMENT ROOMS (JOINT).

Appointed 4th August, 1881.

<p>The Hon. T. F. Hamilton G. F. Belcher P. Russell</p>		<p>The Hon. J. Buchanan J. A. Wallace.</p>
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No. 6.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant), 4th August, 1881.

<p>The Hon. George Frederick Belcher Henry Cuthbert William Edward Hearn James Lorimer</p>		<p>The Hon. Sir Charles Sladen Dr. Dobson, and Caleb Joshua Jenner.</p>
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No. 7.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 4th August, 1881.

The Hon. Dr. Dobson
 Dr. Hearn
 C. J. Jenner
 W. J. Clarke

The Hon. J. Lorimer
 J. A. Wallace
 J. Balfour (*Mover*).

No. 8.—LEGISLATIVE COUNCIL OFFICES.

Appointed 27th September, 1881.

The Hon. W. Campbell
 C. J. Jenner
 J. Graham
 J. A. Wallace

The Hon. J. Lorimer
 W. Ross, and
 Sir C. Sladen (*Mover*).

No. 9.—COUNCIL ELECTIONS 1882 BILL.

Appointed 6th December, 1881.

The Hon. Dr. Dobson
 J. Lorimer
 R. S. Anderson

The Hon. H. Cuthbert
 Sir C. Sladen (*Mover*).

No. 10.—RETIREMENT OF THE CLERK OF THE COUNCIL.

Appointed 8th December, 1881.

The Hon. The President
 R. S. Anderson
 W. Campbell
 H. Cuthbert

The Hon. W. E. Hearn
 Sir C. Sladen
 Dr. Dobson (*Mover*).

No. 11.—IMPORTATION AND EXAMINATION OF TEA BILL.—TO DRAW UP REASONS FOR INSISTING ON AN AMENDMENT MADE THEREIN.

Appointed 21st December, 1881.

The Hon. H. Cuthbert
 Sir C. Sladen
 Dr. Dobson

The Hon. J. A. Wallace
 J. MacBain (*Mover*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1881.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 29TH NOVEMBER, 1881.

IMPORTATION AND EXAMINATION OF TEA BILL.—Clause 7.—In this Act tea to which the term “exhausted” is applied shall mean and include any tea which has “*in the opinion of the analytical chemist*” been deprived of its proper quality strength or virtue by steeping infusion decoction or other means; and “analytical chemist” shall mean the Government analytical chemist or any other analytical chemist who may be appointed by the Governor in Council to make examinations of tea for the purposes of this Act.

Motion made—That the words “*in the opinion of the analytical chemist*” occurring in the second line of the above clause, be struck out.—(*Hon. J. Lorimer.*)

Question—That the words proposed to be omitted stand part of the Bill—put.

Committee divided.

Contents, 6.

The Hon. Dr. Dobson
 T. F. Cumming
 W. Ross
 J. Buchanan
 P. Russell
 J. MacBain (*Teller*).

Not Contents, 4.

The Hon. W. Campbell
 J. Lorimer
 J. Balfour
 Sir C. Sladen (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1881.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 6TH DECEMBER, 1881.

IMPORTATION AND EXAMINATION OF TEA BILL.—Clause 7.—In this Act tea to which the term “exhausted” is applied shall mean and include any tea which has “*in the opinion of the analytical chemist*” been deprived of its proper quality strength or virtue by steeping infusion decoction or other means ; and “analytical chemist” shall mean the Government analytical chemist or any other analytical chemist who may be appointed by the Governor in Council to make examinations of tea for the purposes of this Act.

Motion made—That the words “*in the opinion of the analytical chemist*” occurring in the second line of the above clause, be struck out.—(Hon. J. Balfour.)

Question—That the words proposed to be omitted stand part of the Bill—put.

Committee divided.

Contents, 10.

The Hon. J. Buchanan
J. MacBain
W. Campbell
T. F. Cumming
Dr. Dobson
W. Ross
N. Fitzgerald
W. Pearson
P. Russell
R. S. Anderson (<i>Teller</i>).

Not Contents, 6.

The Hon. Sir C. Sladen
W. E. Hearn
J. Lorimer
J. A. Wallace
The President
J. Balfour (<i>Teller</i>).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1881.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

WEDNESDAY, 14TH DECEMBER, 1881.

SLUDGE DRAINAGE BILL.—Clause 2.—Any person or company carrying on mining operations may after the making of a warden's order in that behalf as hereinafter provided enter into and upon any lands whether alienated from the Crown or not for the purpose of erecting cutting or constructing dams and reservoirs and cutting and constructing sludge channels to collect or convey sludge to or away from such dams or reservoirs and may erect cut and construct on such lands any dam reservoir and sludge channel as aforesaid. Every person interested in any lands upon which any such dam reservoir or sludge channel shall be erected cut or constructed shall be entitled to compensation from the person or company erecting cutting or constructing such dam reservoir or sludge channel such compensation to be assessed and paid as hereinafter provided.

Motion made and question put—That the Chairman do leave the Chair.—(*Hon. Sir C. Sladen.*)

Committee divided.

Contents, 7.

The Hon. W. Campbell
Sir C. Sladen
P. Russell
W. Pearson
J. G. Dougharty
T. F. Hamilton
J. Graham (*Teller*).

Not Contents, 7.

The Hon. J. MacBain
J. Balfour
N. Fitzgerald
H. Cuthbert
J. Lorimer
J. A. Wallace
Dr. Dobson (*Teller*).

The Tellers having declared that the number for the Contents and for the Not Contents were respectively seven, or equal, the Chairman gave his vote with the Contents, and left the Chair.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1881.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 20TH DECEMBER, 1881.

No. 1.—CHINESE INFLUX RESTRICTION BILL.—Clause 2.—If any vessel having on board a greater number of immigrants (within the meaning of the Act No. 259) than in the proportion of one such immigrant to every hundred tons of the tonnage of such vessel shall arrive at any time in any port in Victoria the owner master or charterer of such vessel shall be liable on conviction to a penalty of One "hundred" pounds for each immigrant so carried in excess of the foregoing limitation.

Number of Chinese immigrants to be brought to colony by vessel.

For the purposes of this Act the tonnage of a vessel shall be ascertained in the manner prescribed by "The Passengers, Harbors, and Navigation Statute 1865."

Motion made—That the word "hundred," occurring in the fifth line of the above clause, be struck out, with the view of inserting the word "ten."—(Hon. J. Balfour.)

Question—That the word proposed to be omitted stand part of the Bill—put. Committee divided.

Contents, 9.

- The Hon. T. F. Hamilton
J. MacBain
J. Buchanan
T. F. Cumming
J. Lorimer
J. A. Wallace
The President
Dr. Dobson
W. Ross (Teller).

Not-Contents, 5.

- The Hon. J. Balfour
W. Campbell
H. Cuthbert
G. F. Belcher
Sir C. Sladen (Teller).

No. 2.—CHINESE INFLUX RESTRICTION BILL.—Clause 5.—Such Collector or other officer as aforesaid upon receiving such sum from or for any immigrant shall forthwith give a certificate in writing under his hand to such immigrant of the payment of such sum which certificate shall be in a form to be prescribed by the Governor in Council. And such certificate whensoever and wheresoever produced by such immigrant shall be conclusive evidence on behalf of himself and of any other person who may have paid such sum for him that such sum has been duly paid. Any officer or constable of police may at any time demand the production of such certificate, and any immigrant neglecting or refusing to produce such certificate when so demanded shall be liable to a penalty of Ten pounds.

Certificate of sum paid to be given to Chinese immigrant and to be evidence.

Motion made and question put—That this clause be struck out.—(Hon. J. A. Wallace.) Committee divided.

Contents, 9.

- The Hon. T. F. Hamilton
W. Campbell
Sir C. Sladen
J. Buchanan
H. Cuthbert
J. Lorimer
J. A. Wallace
G. F. Belcher
J. Balfour (Teller.)

Not-Contents, 4.

- The Hon. Dr. Dobson
W. Ross
T. F. Cumming
J. MacBain (Teller.)

CIVIL SERVICE ACT—APPOINTMENTS, ETC., UNDER.

PART RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. E. HEARN.—3RD NOVEMBER, 1880.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE DR. DOBSON, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 20TH SEPTEMBER, 1881.

PART RETURN showing, with their respective names and dates since the commencement of
“*The Civil Service Act*” :—

1. The appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections ; the grounds of those objections ; the answers, if any, thereto ; and the manner in which each case was finally settled.
 2. The appointments made in pursuance of section 23 of “*The Civil Service Act*” without examination or probation ; the reasons assigned for each such appointment ; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.
 3. The appointments, except to clerkships of courts, made under section 17 of “*The Civil Service Act*” to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.
 4. The cases (if any) in which any officer obtained any increase of salary in any manner other than that provided by “*The Civil Service Act*.”
 5. The cases (if any) in which any officer sustained, except by way of punishment, any reduction of salary in any manner other than that provided by the Act.
 6. The increase (if any) in the total number of officers in the Civil Service, and the title of the Act under which every such increase was authorized.
 7. The cases (if any) in which offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.
 8. The cases (if any) in which officers have been promoted from a lower to a higher class, although no vacancy had occurred in such higher class.
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AUDIT COMMISSIONERS.

1.

RETURN of the Appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections ; the grounds of those objections ; the answers, if any, thereto ; and the manner in which each case was finally settled.

Preliminary remark.—As the Commissioners of Audit have no duties imposed upon them by “*The Civil Service Act*,” No. 160, they have never considered it to be within their province to object to any appointments made under its provisions. In any instance in which the conditions imposed by the Civil Service Act seemed not to have been fulfilled the objections of the Audit Commissioners have been directed, not to the appointment, but to the charge upon the Revenue which resulted from it.

No. 1.

Appointment on the 15th April, 1864, of Mr. H. Brook to act for Mr. H. Colville (on leave at half salary), a fourth-class officer in the department of the Chief Secretary.

Objections, and the grounds of those objections.—The Commissioners of Audit raised the question whether the salary voted for a fourth-class officer and allotted to Mr. Colville should not

be reserved to pay Mr. Colville's half pay; or, on the other hand, whether Mr. Brook could draw pay from that vote, leaving Mr. Colville, in effect, nothing.

Answer.—The question, as above, was submitted to the Attorney-General on 17th December, 1864. A reply was given on 4th January, 1865, that "The salary paid to Mr. Colville was voted for a fourth-class officer in the Chief Secretary's office, and so long as it is paid to such an officer I think the law is complied with; and Mr. Brook came within this description. After the payment of Mr. Brook's salary, the difference, if any, between the rate of that salary and the rate voted must lapse. I do not think the published classification list or the Governor's authority affects the case."

Manner in which settled.—The Commissioners of Audit had some difficulty in dealing with the question, in consequence of the above quoted opinion being apparently in conflict with a previous opinion from the same Law Officer, dated 10th September, 1864, on the general question, upon which opinion the Commissioners had previously been acting. They, however, referred the papers to the Honorable the Treasurer on 9th January, 1865, with an intimation to the effect that, having formerly acted under an erroneous view of what the Law Officers' opinion was, they were inclined to abandon the position they had previously taken up, and to remove the surcharges raised upon the payments to Mr. Brook. Subsequently the surcharges were removed, and thus the question was considered to be settled.

No. 2.

Appointment on 1st January, 1866, of Mr. R. Church, messenger, Parliamentary Library, as a fourth-class officer.

Objections, and the grounds of those objections.—*First:* The Commissioners of Audit, presuming the appointment to have been made under the 23rd section of Act 160, pointed out on 5th March, 1868, that they had not received the Order in Council authorizing the appointment, and that the notice required by the 24th section of the Act had not been published in the *Government Gazette*. *Second:* On learning from the Librarian that the appointment was under section 25 and not under section 23, the Commissioners pointed out to him on 12th March that section 25 "applies only to persons who once belonged to the Civil Service, but have left it;" that "as chief messenger he (Church) did not belong to the Civil Service (sections 2, 3, and 4);" that "the Governor-in-Council had not signified approval of Mr. Church's appointment," and that so far as they were aware, Mr. Church had not undergone the probation and examination required by law. *Third:* On 16th March, 1868, the Commissioners submitted the correspondence to the Honorable the Treasurer in a letter No. 134 setting forth the above objections. The Treasurer submitted it to the Chief Secretary, and the reply of the latter was referred to the Commissioners from the Treasury on 4th May, 1868, viz.: "Church was in the Service before 1862, which meets the requirements of the Act, and the appointment was approved by Parliament." The Commissioners replied, reiterating their objections, and pointing out that messengers were not in the Civil Service; that persons of that grade could only be appointed under the 23rd section; that the requirements of section 24 had not been fulfilled, and that the voting of the salary did not give validity to an appointment not made in accordance with the Act.

Answer.—The above-mentioned letter (No. 134), with the correspondence, was submitted by the Treasurer to the Minister of Justice (the late Mr. Fellows), who, on 20th May, 1868, gave the following opinion, viz.:—"The appointment is illegal. It violates section 17, and is not in accordance with section 23. Assuming Church's 'known ability,' and the 'expediency' of securing his services, he has not been appointed to some of the higher classes."

Manner in which settled.—Mr. Church, notwithstanding the above opinion, and the Commissioners' suggestion of 27th July, 1868, that the classification should be cancelled and excess payments to him recovered, and also opinions from Messrs. G. P. Smith, Attorney-General, and J. J. Casey, Solicitor-General, continued to draw the increased salary and the increment for 1868. The Commissioners on 9th October, 1868, drew the Under Treasurer's attention to the fact, and were informed in reply on 31st October by the Under Secretary through the Treasury, that the salary which Mr. Church was drawing was one voted for an unclassified officer. At this point the question rested till 5th February, 1869, when the Commissioners drew the Under Secretary's attention to the fact, that Mr. Church's name appeared in the list, published in *Gazette*, 29th January, of classified officers in the Civil Service, and reminding him that, in consequence of an opinion given by the Honorable Mr. Fellows on 20th May, 1868, Mr. Church was provided for in "The Appropriation Act 1868" as an *unclassified* officer. Nothing further was done in the matter, so far as the Commissioners were aware, till January, 1870, when Mr. Church was gazetted (page 8, January, 1870) as an officer of the *third* class from 1st January, 1870; and as Messrs. G. P. Smith and J. J. Casey had, in the opinions above referred to, stated that Mr. Church could be legally appointed to that class under the 23rd section of the Act, the Commissioners considered that they could not pursue the question further, and consequently Mr. Church remained and was paid as an officer of the third class.

No. 3.

Appointment of J. C. Newberry to third class on 1st January, 1867, as analyst in the Geological Survey branch under the 23rd section of "The Civil Service Act."

Objections (6th April, 1867), and the grounds of those objections.—The notification of the approval of the Governor-in-Council had not been received by the Commissioners of Audit, nor did they know under what section of the Act the appointment had been made.

Answer, 19/6/67. By the Director of Geological Survey.—“I had not been able to get this earlier. It [the Order-in-Council] is now forwarded for the information of the Commissioners of Audit.”

Manner in which settled.—The Commissioners of Audit say (27/6/67) “We have noted and now return the Order-in-Council, which, together with the publication in the *Government Gazette*, substantially satisfies our query and the provisions of ‘*The Civil Service Act*.’”

No. 4.

Appointment on 5th August, 1867, of Mr. R. McColl, clerk at the Melbourne Gaol.

Objections, and the grounds of those objections.—It was objected on the part of the Commissioners of Audit (letter to Chief Secretary, No. 597 of 3/9/69, and of 3rd October, 1871, No. 686) that Mr. McColl, though not a classified officer, had drawn and was drawing pay (£350 per annum) out of a rate for a fourth-class officer. A copy of the last-mentioned letter is given in Appendix A.

Answer.—By Chief Secretary’s letter of 28th October, 1871, No. 3658, the Commissioners of Audit were informed that instructions had been given to the Sheriff to give Mr. McColl one month’s notice, that his service in connection with that Department (Gaol) would not be required, and that the vacancy would be filled up by the promotion of some officer who had passed the Civil Service examination.

Manner in which settled.—Mr. McColl was discontinued, and he ceased to draw pay on 31st January, 1872.

No. 5.

Appointment on 1st January, 1868, of J. W. H. Williams to the third class in the office of the Minister of Mines.

Objections, and the grounds of those objections.—Mr. Williams not having held an office in the Civil Service for which a salary vote was taken, and having never been paid except out of contingent votes, the Commissioners of Audit considered that, under section No. 1 of “*The Civil Service Act*,” he was ineligible for appointment otherwise than under the ordinary provision of sections 17 and 18 of the Act; and suggested that a statement of the facts should be submitted for the opinion of the Law Officers of the Crown.

Answer—3rd November, 1868, by Secretary for Mines, to the effect, that an opinion had been obtained on the case submitted to the Crown Law Officers, and that the Department (Mines) had been advised that it was not contrary to law to appoint Mr. Williams to an office under the provisions of “*The Civil Service Act*.” The opinion given (Mr. Higinbotham) was to the effect, that Mr. Williams, having been “employed in the public service prior to that time” could be legally appointed an officer of the third class under section 25. It stated also that the legal authority given by the 25th section was larger than was required to provide for the cases to which the section was intended to apply; and that the course adopted in Mr. Williams’s case was not within the *intention* of that section, though it was *authorized* by it.

Manner in which settled.—Mr. Williams retained office as clerk of the third class under “*The Civil Service Act*.”

No. 6.

Appointment of H. B. Jones to the fifth class on 23rd March, 1868, under the 25th section of “*The Civil Service Act*.”

Objections, and the grounds of those objections.—Jones had previously held office as messenger in the Department of Roads and Bridges at 20s. per week, and the Commissioners of Audit considered that that office did not entitle him to appointment under the 25th section of the Act.

Answer.—21st October, 1868. The legality of the appointment was defended by the Acting Deputy Postmaster-General on the ground that it corresponded in every particular with another case (Fredk. Whitby), which latter case had been considered by the Chief Secretary to be sufficiently analogous to a case (Jacob Ferres) upon which an opinion had been given by Mr. Higinbotham, Attorney-General, in favor of its legality. Several cases were referred to by the Deputy Postmaster-General as precedents to be followed in respect of Jones’s appointment, and a willingness was expressed to submit the case, together with the precedents, for the opinion of the then Attorney-General, Mr. G. P. Smith.

Manner in which settled.—The Attorney-General having given an opinion (on 19th November, 1868) that Jones could not be appointed without examination, the latter (as also the Mr. Whitby already alluded to) was informed on 12th December, 1868, by direction of the Postmaster-General, that the appointment was illegal and would not be provided for in the Estimates of 1869.

No. 7.

Appointment on 1st July, 1870, of W. W. Gaggin to the fifth class, Treasury Department.

Objections, and the grounds of those objections.—Mr. Gaggin held an appointment as messenger in the Treasury Department, and the office not being one which, since the passing of “*The Civil Service Act*,” is an office under that Act, the Commissioners of Audit considered that he was

not eligible for appointment under the 25th section of the Act, and quoted in support of that view an opinion given on a previous similar case (Mr. Jones's case, No. 6 herein) by Mr. G. P. Smith, then Attorney-General.

Answer (17th September, 1870) by the Under Treasurer.—“As other similar appointments have been previously made, the Treasurer does not feel bound by Mr. G. P. Smith's opinion, and proposes to maintain the appointment.” * * *

Manner in which settled.—A case was submitted by the Commissioners of Audit on 13th October, 1870, for the opinion of the Law Officers of the Crown, and on 20th of same month the Solicitor-General gave it as his opinion “that any person who has filled an office that since the passing of ‘*The Civil Service Act*’ is an office under that Act, can be dealt with under section 25 of that Act; but if he has not filled such an office, then not.” This opinion was forwarded to the Treasury on 7th November, 1870, and returned to the Commissioners of Audit with the following Minute from the Under Treasurer :—“The above remarks have been submitted to the Honorable the Treasurer.” The Commissioners pointed out that the opinion was adverse to Mr. Gaggin's appointment, seeing that, as messenger, he held an office which “*The Civil Service Act*” did not recognize as belonging to the Civil Service; and they placed all payments to him under surcharge. On 2nd September, 1871, the Commissioners wrote an urgent letter upon the subject to the Under Treasurer, requesting him to bring it under the notice of the Honorable the Treasurer, and suggesting that probably a Bill of Indemnity would be necessary. When the correspondence was returned to the Commissioners, it contained a protest by Mr. Gaggin against being reduced from the permanent to the temporary staff, and quoted precedents in support of his position; and the Commissioners traversed that protest in Minute No. 747, of 3rd November, 1871, copy of which is given in Appendix B. In November, 1871, Mr. Gaggin was transferred to the supernumerary staff, and the Commissioners thinking that arrangement would be permanent, then removed the surcharges that had been raised against his salary. In July, 1872, however, Mr. Gaggin was restored to his former position, and his salary was transferred from the vote for clerical assistance to the vote for a classified officer. In the meantime, viz., on 10th May, 1871, the Commissioners had reported the case to the Legislative Assembly. They again reported to the House on 10th October, 1872, as follows :—“From the 1st September, 1871, to 30th June, 1872, the salary ceased to be paid from a salary vote, and was made a charge under head Contingencies. The fact of the change and the reason for making it were not communicated to us formally; but, on becoming aware of it, we concluded that Mr. Gaggin would in future, until duly classified, be paid as an unclassified officer; and as such an arrangement would obviate all objection on our part, we removed the surcharges which we had previously placed upon the salary. Since then, however, Mr. Gaggin has been reinstated in his former position, and the salary which had been paid as a contingency has been transferred to the salary vote; and the whole question is now in the same position as when mentioned in the report dated 10th May, 1871. We do not think we are entitled to do more in this matter than we have done; and as it is not our duty to carry out ‘*The Civil Service Act*,’ and having brought the question fully under the notice of the Legislative Assembly, we do not feel justified in further surcharging Mr. Gaggin's salary.” And thus the case was settled, because the Governor-in-Council having twice ruled upon it, the Commissioners of Audit did not consider that, in view of the 10th section of Act 160, they could pursue it further.

No. 8.

Appointment on 11th August, 1875, of Mr. J. F. Stretch as an officer of the fifth class in the Department of the Registrar-General.

Objections, and grounds of those objections.—The objections raised by the Commissioners of Audit were, that Mr. Stretch had not passed the prescribed Civil Service examination.

Answer, on 27/1/76, by the Secretary to the Law Department.—The Governor-in-Council, at the time of the appointment, was satisfied that the condition precedent as required by law had been fulfilled.

Further Answer by Secretary, 4th February, 1876.—The certificates for the due compliance with the conditions of section 18 of the Act No. 160 were produced at the time of appointment as probationer. One was from the duly appointed examining body. * * * There was evidence of Mr. Stretch being a graduate of the Melbourne University by examination.

Final Answer on 30th March, 1876, by the Attorney-General in reply to reiterated objections by the Commissioners of Audit.—“The Order-in-Council fixes the standard of education, and Mr. Stretch having complied with that order by passing in the prescribed subjects, it is immaterial whether he did so before or after the date of the order.”

Manner in which settled.—On the strength of the Attorney-General's final answer as given above, the Commissioners of Audit passed the accounts, and removed all the surcharges.

No. 9.

Appointment on 20th May, 1878, of Mr. E. F. Owen as an officer of the fourth class in the Department of Government Statist.

Objections, and the grounds of those objections.—The notice (at page 2359 of the *Government Gazette*) of the appointment of Mr. Owen was not, in the Commissioners' opinion, that which the 24th section of the Act required, inasmuch as it did not give the reasons for appointing Mr. Owen without examination or probation.

Answer, on 10th October, 1878, from the Under Secretary.—“Mr. Owen passed the examination required by ‘*The Civil Service Act*.’”

Manner in which settled.—In view of the circumstances as explained by the Under Secretary, the *Gazette* notice above referred to was considered by the Commissioners sufficient to enable them to pass the accounts, and they were passed accordingly.

No. 10.

Appointment, on 1st July, 1878, of Mr. H. Sedgwick as an officer of the fourth class in the Department of Lands.

Objections, and the grounds of those objections.—The objections of the Commissioners of Audit were, that Mr. Sedgwick had not passed the necessary examination, and was not in the service before “*The Civil Service Act*” came into operation.

Answer, 6th January, 1879, by Secretary for Lands.—“As it now appears that this officer was not in the service prior to ‘*The Civil Service Act*’ coming into force, a notice will be inserted in the next issue of the *Government Gazette*, in accordance with the 23rd clause of such Act.”

Manner in which settled.—The Commissioners of Audit considered that, for the same reasons that governed Mr. Gaggin’s case, the notice which was inserted in *Gazette* No. 5, of 17/1/79, was final.

No. 11.

Appointment, on 1st July, 1878, of Mr. J. Andrews as an officer of the second class in the Department of the Minister of Mines.

Objections, and the grounds of those objections.—The Commissioners of Audit considered that Mr. Andrews, not having passed the Civil Service examination, was not entitled to draw a second-class officer’s pay.

Answer, on 5th July, 1879, from Secretary for Mines.—“Mr. Andrews’s appointment as a second-class officer appears in the *Gazette* yesterday.”

Manner in which settled.—The notification (at page 1696 of the *Gazette* for 1879) of the appointment of Mr. Andrews, under the 23rd section of “*The Civil Service Act*,” was considered by the Commissioners to meet their objection.

No. 12.

Appointment, on 1st July, 1879, of Mr. Benjamin Brook, as an officer of the third class in the Lands Department.

Objections, and the grounds of those objections.—In “*The Appropriation Act*” for 1878–9 the office held by Mr. Brook (Assistant Registrar of Occupation) was shown as *unclassified*, and the Commissioners of Audit, on finding it included as of the third-class in the Estimates for 1879–80, presumed that it had been so included in error, and queried accordingly.

Answer, on 24th October, 1879, by Secretary for Lands.—“This is not an error, inasmuch as it is the intention of the Honorable the Minister of Lands to appoint Mr. Brook a third-class officer.” In reply to enquiries made by the Commissioners of Audit, 26th February, 1880, a further answer was given by the Secretary on 1st March, viz. :—“The appointment has been made, and will be gazetted in next *Gazette*.”

Manner in which settled.—On the appearance of a notice in the *Gazette* (No. 23, page 526, of 5th March, 1880) showing that Mr. Brook had been appointed to the third class by the Governor-in-Council, the Commissioners of Audit considered the case to be settled by the 10th section of Act No. 160.

No. 13.

Appointment, on 1st July, 1879, of Mr. J. L. Thompson, Manager of the Experimental Farm, Dookie.

Objections, and the grounds of those objections.—Mr. Thompson, though an unclassified officer, was paid his salary, viz., £300 per annum, from a vote granted for a fourth-class officer of the Lands Department, and the Commissioners of Audit objected to pass the salary accounts.

Answer.—It was contended by the Secretary for Lands (reply dated 23rd October, 1879) that the salary of a temporary or unclassified officer could always be charged to that of a permanent or classified officer.

Manner in which settled.—After renewal of objections by the Commissioners of Audit, the salary intended for Mr. Thompson was placed upon the Estimates 1880–81 as a salary for an unclassified officer.

No. 14.

Appointment, on 1st September, 1879, of Mr. Benjamin Berry as an officer of the fourth class in the Department of the Treasury.

Objections, and the grounds of those objections.—The Commissioners of Audit, not finding the name on the list, queried on 10th October, 1879, asking under what section of the Act 160 the appointment had been made.

Answer, on the 8th March, 1880, by the Under Treasurer.—“See *Gazette* notice of 3rd March, page 526 of *Gazette* of 5th March, '80.”

Manner in which settled.—The *Gazette* notice referred to in the above answer set forth that Mr. Benjamin Berry was an officer of five years' standing; was at the time discharging the duties of clerk in the Treasury office, and was a person of known ability; and the Commissioners of Audit, in view of that notice, and of the fact that the appointment had been made by the Governor-in-Council, considered the case to be settled, the 10th section of Act 160 making the decision of the Governor-in-Council final as regards the rights under that Act of any officer or class of officers. At a later date, without any further reference to or from the Audit Office, this case passed into a new phase, which is explained in the report of the Commissioners of Audit dated 7th December, 1880, and ordered on the 15th idem by the Legislative Assembly to be printed.

No. 15.

Appointment, on 1st September, 1879, of Mr. F. H. D. Cotter to be an officer of the fourth class in the Treasury Department.

Objections, and the grounds of those objections.—The same as in the case of Mr. Benjamin Berry.

Answer.—The same as in the case of Mr. Benjamin Berry.

Manner in which settled.—The same as in the case of Mr. Benjamin Berry.

No. 16.

Appointment, on 1st January, 1880, of John Forrester, to fourth class, Department of Mines; do. do. do., R. Bradford, do. do. do.; do. do. do., M. D. L. Peirse, do. do. do.; all under the 23rd section of Act No. 160.

Objections, and the grounds of those objections.—The Commissioners of Audit raised no objection to these appointments, but required to be informed why the gentlemen holding them did not commence to draw salary in accordance with their classification till July, 1880, if, as has, on 30th October, 1880, been alleged by the Secretary for Mines, that five vacancies existed in the third and six in the fourth class.

Answer, on 22nd November, 1880, by the Secretary for Mines, as follows:—“They were provided for on last year's Estimates as unclassified officers, and after they were classified it was impossible to alter the Estimates.”

Manner in which settled.—The advice of the Treasury having been obtained by the Secretary for Mines in March, 1880, it was arranged, subject to the concurrence of the Commissioners of Audit, that the gentlemen concerned should continue to draw their salaries out of the votes from which they were paid prior to their classification. The Commissioners of Audit having no objection to the said arrangements, the cases were considered to be settled.

No. 17.

Appointment, on 1st October, 1880, of George Harvey Scott to fourth class, Department of Customs.

Objections, and the grounds of those objections.—The Commissioners of Audit pointed out, by query 66 of 10th November, 1880, that Mr. Scott's name did not appear in the list of those who had passed the Civil Service examination.

Answer.—The Commissioners were informed on 12th November, 1880, that query 66 had been laid before the Honorable the Commissioner of Trade and Customs, who had noted it. In reply to a further enquiry, asking under which section of the Act Mr. Scott was appointed, the Commissioners of Audit were referred to a reply given to another query, No. 1416, which reply, so far as it related to Mr. Scott, was to the effect, that Mr. Scott had been appointed under the Special Qualification clause.

Manner in which settled.—As the *Gazette* notice of Mr. Scott's appointment did not state that the appointment had been made without examination or probation, nor the reasons for which it was made, as required by the 24th section of the Act, the Commissioners of Audit consider the matter to be still unsettled.

C. H. SYMONDS.
ALFRED J. AGG.

No. 18.

Appointment of Messrs. Brooks, Scott, and Cerutti to the fourth class Customs Department.

Objections, and the grounds of those objections.—These appointments, except that of Scott, were not, strictly speaking, objected to; but queries of the 10th November, 1880, and 21st December, 1880, asking for further particulars respecting them, elicited the information that Messrs. Brooks and Scott and also a Mr. Cerutti had been appointed “under the Special Qualification clause” (section 17 of Act 160), and that in making the appointments a precedent had been followed, viz., “that of the appointment of Mr. Macdowell to the fourth class by the Honorable J. G. Francis.” It was then pointed out by the Commissioners of Audit, in renewed query of 8th ultimo, that the precedent quoted was not applicable, as Mr. Macdowell was exempted from examination by Act 186, section 48; that as regards Mr. Cerutti no record could be found of his having been employed before January, 1864, and he could not, therefore, be brought under

section 25 of "*The Civil Service Act*;" and as regards Mr. Brooks, that his employment prior to 18th June, 1862, (the date of "*The Civil Service Act*") had been in a capacity since not classified, and that therefore he was not eligible for classification without examination.

Answer.—The Collector of Customs on 24th January ultimo, after mentioning the several reasons which, it was contended, justified the appointments queried, added "I am also desired to state that, with the view of meeting the objections raised by the Commissioners of Audit, and thoroughly complying with '*The Civil Service Act*,' it is the intention of the Honorable the Commissioner of Trade and Customs to have the appointments under notice re-made and re-gazetted under the Special Qualifications clause."

In what manner settled.—By the *Gazette* notice of 27th January at page 176 of the *Gazette* of 28th January, which disposed of the objections as regards all three appointments.

Audit Office, Melbourne,
4th February, 1881.

C. H. SYMONDS.
ALFRED J. AGG.

APPENDIX A.

No. 686.

Sir, Audit Office, Melbourne, 3rd October, 1871.

We have the honor to call your attention to the case of Mr. R. McColl, who, though not a classified officer, continues to be paid as a clerk in the Melbourne Gaol at the rate of £350 a year, out of a vote for a fourth-class officer.

Mr. McColl was temporarily appointed on the 22nd August, 1867, by an order of the Governor-in-Council, No. 12, in the place of Mr. Edwyn Jones, who afterwards died. The 36th section of "*The Civil Service Act*" gave full authority for this arrangement at the time it was made; but such arrangements can be only of a temporary nature; and it is clear that the vacancy ought, at some time or other, to be filled by an officer who has passed the examination required by "*The Civil Service Act*."

We called the attention of your Department to this, among several irregular appointments, by our letter of the 3rd September, 1869, No. 597, and, so far as Mr. McColl's case is concerned, we have never been favored with a reply. There is no other similar instance of which we are aware throughout the Public Service.

When a discretion is given to Ministers, we are always unwilling to make adverse representations; but there must be some limit to a temporary appointment, and we begin to doubt whether the payments which continue to be made in this case (for which, as in all others, you will understand, that we have to give our acquittance) are not illegal.

We have the honor to be,

Sir,

Your most obedient servants,

(Signed) FRANCIS JONES.
(Signed) ALFRED J. AGG.

The Honorable the Chief Secretary.

APPENDIX B.

71 R/8284.—No. 747.

As was previously pointed out, the precedent of Mr. Tucker does not apply. The date of publication of the first list of classified officers was the 10th September, 1862; and under the 9th section of "*The Civil Service Act*" one month was allowed for appeal. Mr. Tucker was appointed on the 1st October, 1862, before that month had expired, and the first examinations were not made public until the 4th December, 1862, *Gazette*, p. 2421. No question could therefore be raised as to the validity of Mr. Tucker's appointment, His Excellency in Council having had full authority to appoint without examination until "*The Civil Service Act*" came into force.

Mr. Gaggin, on the other hand, was not appointed until 1st July, 1870, nearly eight years after the time for appeal had gone by; and, as reported to us at the time, after he had failed to pass the Civil Service examination. This distinguishes his case from that of all others. We are not aware of any other instance where a gentleman had failed in the necessary examination and had afterwards been appointed, notwithstanding the express provisions of the Act.

The case of Mr. Williams is also, as previously stated, not in point. Mr. Williams never was a messenger, but he had been a supernumerary clerk from 1st August, 1861; and Mr. Higinbotham's opinion was conclusive as to his appointment being good. Mr. G. P. Smith's opinion and that of Mr. Wrixon show, we think, the true distinction. As we understand it, any one who was engaged in an office in the Civil Service before the Act can be appointed under the 25th section without examination; but messengers and persons generally under the 3rd Schedule are not in the Civil Service as defined by the 2nd section of the Act and again by the 51st section.

The cases of Messrs. Robertson and Wheatly are new to us; and if the statements are correct, their appointments may be bad; but that would not justify a further illegality in Mr. Gaggin's case. We have referred to the original appointments, and find that Mr. Robertson was appointed without remark, as if he had passed all examinations; while Mr. Wheatley is expressly said in the appointment to have been employed in the Civil Service prior to and at the time of the passing of "*The Civil Service Act*." Both appointments were on the advice of Mr. Higinbotham, and we now learn for the first time that the appointees had been messengers and had not passed the Civil Service examination. The statement may or may not be correct; and the Law Department may or may not have had grounds in law for the appointments. We should conclude that they had, until the contrary were shown. We are, however, unacquainted with the cases; for, as pointed out in our 1870 report to the Legislative Assembly, p. 97, it is not our duty to carry out "*The Civil Service Act*;" and we accept the Orders-in-Council as conclusive in regard to all the facts stated in them.

But the Order-in-Council in Mr. Gaggin's case disclosed the fact that he had only been in the Service, not in the Civil Service; and he was known to us to have been a messenger, and was believed to have failed in passing the necessary examination. His case was consequently different from all others, and the appointment was shown to be bad by the opinions of various Law Officers, *e.g.* :—

Mr. Fellows	...	Church's case	...	20th May, 1868.
Mr. G. P. Smith	...	"	...	5th August, 1868.
"	...	Jones's case	...	19th November, 1868.
Mr. Casey	...	Church's case	...	22nd September, 1868.
Mr. Wrixon	...	Gaggin's case	...	20th October, 1870.

(Signed) FRANCIS JONES,
(Signed) ALFRED J. AGG,

Audit Office, 3rd November, 1871.

Commissioners of Audit,

CHIEF SECRETARY'S DIVISION.

Question No. 1.—The appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each case was finally settled.

Answer.—*Vide* Audit Commissioners' Return, attached.

Question No. 2.—The appointments made in pursuance of section 23 of "*The Civil Service Act*," without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.

Answer.—*Vide* Statement marked A, attached.

Question No. 3.—The appointments, except to clerkships of courts, made under section 17 of "*The Civil Service Act*," to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.

Answer.—*Vide* Statement marked B, attached.

Question No. 4.—The cases (if any) in which any officer obtained any increase of salary in any manner other than that provided by "*The Civil Service Act*."

Answer.—*Vide* Statement marked C, attached.

Question No. 5.—The cases (if any) in which any officer sustained, except by way of punishment, any reduction of salary in any manner other than that provided by the Act.

Answer.—Nil.

Question No. 6.—The increase (if any) in the total number of officers in the Civil Service, and the title of the Act under which every such increase was authorized.

Answer.—Nil; the number in 1881 being less than in 1862.

Question No. 7.—The cases (if any) in which offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.

Answer.—Nil.

Question No. 8.—The cases (if any) in which officers have been promoted from a lower to a higher class, although no vacancy had occurred in such higher class.

Answer.—*Vide* Statement marked D, attached.

A.

QUESTION NO. 2.—ANSWER.

Name.	Office.	Class.	Date of Appointment.	Reasons assigned for each such Appointment.	When gazetted.	Length of time thereafter wherein they were respectively notified in the <i>Government Gazette</i> .
James Smith	Librarian, Parliament Library	1st	2nd Feb., 1863	Mr. Smith's known ability, extensive knowledge of books, experience as a literary man, and general acquaintance with literature	6th Feb., 1863	Four days.
Edward Paley, M.R.C.S.	Superintendent, Yarra Bend Lunatic Asylum	1st	16th Feb., 1863	None assigned	27th Feb., 1863	Eleven days.
A. Le Sueur ...	Assistant Astronomer	3rd	About 1st Aug., 1866. Observatory at this time was under the Commissioner of Crown Lands.	Ditto	Not gazetted ...	Nil.
S. Le Capelain, C.E.	Superintending Inspector of the Central Board of Health.	3rd	6th Sept., 1867	Special qualifications	13th Sept., 1867	Seven days.
James Farrell	Librarian, Parliament Library.	1st	17th Dec., 1878	Special fitness, and the possession of exceptional experience in Parliamentary literature gathered during the many years he was a Member of Parliament.	23rd Dec., 1878	Six days.

B.

QUESTION NO. 3.—ANSWER.

Name.	Offce.	Class.	Date of Appointment.	Character of Duties.
W. Cleary ...	Clerk in the Public Library ...	4th	1st Dec., 1864	Clerical.
G. H. Jenkins ...	Clerk in the Legislative Assembly ...	4th	1st Dec., 1865	Ditto.
R. Church ...	Ditto, Library of Parliament ...	4th	1st Jan., 1866	Ditto.
C. Moerlin ...	Assistant Astronomer ...	4th	1st Jan., 1867	Astronomical.
E. F. Owen ...	Clerk in the Statist's Office ...	4th	1st June, 1878	Clerical.
J. H. Bowman ...	Reader in the Legislative Assembly ...	4th	1st July, 1879	Reading.
T. Woollard ...	Clerk in Office of Shorthand Writer ...	4th	1st July, 1879	Reading and writing shorthand.

C.

QUESTION NO. 4.—ANSWER.

Name.	Offce.	Date.	Increased Salary.
F. Mueller ...	Government Botanist ...	1st Jan., 1863	From £600 to £610.
Ditto ...	Ditto ...	1st July, 1873	„ 610 to 800.
J. Barker ...	Clerk, Legislative Assembly ...	1st Jan., 1863	„ 900 to 1000.
A. G. Dumas ...	Clerk-Assistant ...	1st Jan., 1864	„ 700 to 800.
E. Paley ...	Superintendent, Yarra Bend Asylum ...	1st Jan., 1865	„ 800 to 900.
R. L. J. Ellery ...	Government Astronomer ...	1st July, 1877	„ 600 to 700.
H. H. Hayter ...	Government Statist ...	1st July, 1878	„ 610 to 675.

D.

QUESTION NO. 8.—ANSWERS.

Department.	Name of Officer.	Class to which promoted.	Date.	Department.	Name of Officer.	Class to which promoted.	Date.
Legislative Assembly	G. H. Jenkins	3rd class	1st July, 1869	Penal— <i>continued.</i>	G. B. Wilson	4th class	1st July, 1878
	Ditto	2nd „	1st July, 1872		J. B. Castieau	2nd „	1st July, 1880
	T. G. Atkinson	3rd „	1st Jan., 1871	Medical ...	T. R. Wilson	3rd class	1st Jan., 1865
	Ditto	2nd „	1st July, 1877		T. F. McGauran	3rd „	1st Jan., 1867
	S. M. Gill	3rd „	1st July, 1880		T. R. Wilson	2nd „	1st July, 1872
Library ...	P. Sinclair	4th class	1st Jan., 1865	Asylum ...	C. Ryford	4th class	1st Jan., 1865
	R. Church	3rd „	1st Jan., 1871		D. C. O'Connor	4th „	1st April, 1867
	W. Dopping	2nd „	1st Jan., 1871		W. Davis	4th „	1st April, 1867
Chief Secretary's Office	T. W. Ware	2nd class	1st Jan., 1865		W. McLean	4th „	1st July, 1871
	H. Brook	3rd „	1st July, 1871	Ditto	3rd „	1st July, 1878	
	J. Lascelles	2nd „	1st July, 1872	Shorthand Writer	G. Bell	3rd class	1st Jan., 1864
	J. J. Killen	4th „	1st July, 1874		F. B. Lincoln	4th „	1st July, 1872
	H. Brook	2nd „	1st Jan., 1879		Ditto	3rd „	1st July, 1880
	Government Statist	H. S. Martin	4th „	1st Jan., 1879	Observatory ...	C. Moerlin	3rd class	1st July, 1871
T. R. Wilson		1st „	1st Jan., 1881	J. E. Gilbert		4th „	1st July, 1875
J. J. Fenton		4th class	1st July, 1878	E. J. White		2nd „	1st July, 1877
Police ...	H. A. Hendren	2nd „	1st July, 1879	Audit Office ...	G. Guillaume	3rd class	1st Jan., 1865
	J. G. Pellet	3rd class	1st Jan., 1866		Walter Shaw	3rd „	1st Jan., 1865
	A. Selleck	4th „	1st Jan., 1870		John Dunn	2nd „	1st Jan., 1866
Penal ...	F. Hemmy	4th „	1st July, 1880		A. J. Carter	3rd „	1st Jan., 1866
	J. Turnham	4th class	1st Jan., 1863		E. C. Symonds	2nd „	1st Jan., 1866
	G. O. Duncan	1st „	1st Jan., 1870		R. H. Carter	4th „	1st Jan., 1870
	W. Snelling	2nd „	1st July, 1872		L. Goldsmith	4th „	1st Jan., 1870
	F. Longland	4th „	1st July, 1873		A. Gates	4th „	1st July, 1872
E. C. Clarke	4th „	1st July, 1878	W. J. Stoddart		4th „	1st Jan., 1879	

NOTE.—Mr. W. Cleary, who had once been a fourth-class clerk in the Public Service, and subsequently held an unclassified office at the Asylum, was restored to fourth-class rank 1st July, 1880.

CHIEF SECRETARY'S DIVISION.—MEMO.

From the intricate character of this Return, and the extensive period covered by it (19 years), it is impossible to vouch for its perfect accuracy. Every care has, however, been taken to make the Return as complete as is possible under the circumstances.

T. R. WILSON,
Acting Under Secretary.

TREASURY DEPARTMENT.

3.

THE Appointments, except to clerkships of courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.

Name.	Office to which appointed.	Date of Appointment.	Special character of the Duties of the office to which appointed.	Remarks.
Coakley, William, sub-overseer of printers, 3rd Schedule	To be an officer of the fourth class, at £350 per annum	1st July, 1878, (Order in Council, 21st October, 1878)	Sub-overseer of Printers	Although the Order in Council making this appointment does not specify the section of the Act under which it was made, it is considered that the appointee possesses the special qualifications which entitle him to be appointed under clause 17 of Civil Service Act.
Stock, John William, sub-overseer in Government Printing Office, 3rd Schedule	To be overseer of bookbinders, and an officer of the fourth class, at £325 per annum	1st July, 1878, (Order in Council, 21st October, 1878)	Overseer of Binders	The same remark applies in this case.

4.

THE cases (if any) in which any Officer obtained any Increase of Salary in any other manner than that provided by the Act.

Name.	Office.	Class.	Date of Increase.	Increase—		Remarks.
				From	To	
Symonds, E. S. Gudemann, R.	Under Treasurer ... Accountant to the Treasury	1st	1st July, 1872	£900	£1000	Afterwards reduced to £700. Again reduced on 1st July, 1880, to £700.
			1st July, 1872	£625	£700	
			1st July, 1874	£700	£800	
			1st July, 1879	£700	£750	
Hull, W. H.	Receiver and Paymaster, Melbourne	1st	1st July, 1873	£625	£650	
			1st July, 1878	£650	£700	

5.

THE cases (if any) in which any Officer sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided by the Act.

Name.	Office.	Date of Reduction.	Reduction—				Remarks.
			From		To		
			Class.	Salary.	Class.	Salary.	
Hall, J. ...	From Inspecting Receiver and Paymaster	11th Feb., 1869	2nd	£600	3rd	£485	This reduction, however, was made at Mr. Hall's request; he himself applying for appointment to the lower class in the Melbourne office.
Megson, C. ...	Receiver and Paymaster	1st Mar., 1869	2nd	£566 13/4	3rd	£485	
Reynell, A. ...	Receiver and Paymaster	1st Mar., 1869	2nd	£600	3rd	£485	
Thomas, J. ...	Clerk ...	1st Jan., 1869	4th	£350	5th	£180	
Gudemann, R.	Accountant to the Treasury	1st June, 1878	1st	£800	1st	£700	Mr. Gudemann's services were dispensed with on 24th January, 1878. He was again appointed to his former office on 1st June, 1878, but at the reduced salary of £700 per annum. This, however, was increased on 1st July, 1879, to £750. A question as to the restoration of this amount to the former figure, viz., £750, now pending (see <i>Hansard</i> , p.).
		1st July, 1880	1st	£750	1st	£700	

6.

THE Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such increase was authorized.

TREASURER'S DIVISION.

I.	Number of officers according to first statutory list of the Civil Service published under Order-in-Council of 8th September, 1862, in the <i>Government Gazette</i> of 1862, page 1671	...	...	...	87 and one vacant.
II.	Number according to latest statutory list, January, 1881, <i>Government Gazette</i> , page 289	...	...	...	75
				Decrease	12

III. The title of the Act under which every such increase was authorized,—No increase; see above.

THE cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which such revival was authorized.

Nil.

TREASURY DEPARTMENT.

RETURN of the cases in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such class.

Date.	Name.	Office.	Promotion—	
			From Class	To Class

[See explanatory Memorandum herewith.]

TREASURY DIVISION.

MEMORANDUM of the cases in which Officers have been promoted from a Lower to a Higher Class.

1. *Joseph Pierce*.—Appointed to an office of the third class, as Assistant Inspector of Stores, this being the revival of an office which formerly existed, the duties of which were combined with the duties of Government Storekeeper. Held a fourth-class clerkship in the Department of Stores and Transport, abolished.

2. *H. F. Eaton*.—A new second-class office was created in the Treasury in the year 1865, and was provided for on the Estimates of that year; the office was not filled until 1866. Mr. Eaton was appointed to the office, promoted thereto from the third class, having been formerly a second-class officer as Accountant of the Department of Stores and Transport.

3. *John Hall*.—The office of Receiving Clerk, to which Mr. Hall was appointed in 1869, was originally classed as of the second class; but on the retirement of the officer (Mr. Thomson) who preceded him, Mr. Hall, who was at that time a second-class officer stationed in country districts, elected to take the office in Melbourne at the reduced classification. In 1874 the office was again restored to its original classification, viz., second class, and Mr. Hall, who continued in the performance of the duties, received the promotion.

4. *Messrs. Plaisted and Manton*.—Two new third-class offices, created in 1874-5, were provided for on the Estimates of that year. Messrs. Plaisted and Manton were on that occasion promoted from the fourth to the third class.

5. *Mr. Coakley*.—It was considered desirable in 1878-9 to class the Sub-Overseer of the Government Printing Office as a fourth-class officer, and provision was accordingly made on the Estimates for that year, and he was elevated to the post, the office having been previously classed as of the third schedule.

6. *Mr. Stephen*.—The duties performed by Mr. Stephen are considered of sufficient importance to be classed as of first class, and he has been so classed accordingly in the Estimates of the present year, 1880-81.

DEPARTMENT OF LANDS AND SURVEY.

THE Appointments in the classified Civil Service in respect of which the Audit Commissioners have made Objections; the Ground of those Objections; the Answers, if any, thereto; and the manner in which each case was finally settled.

Year.	Name.	Nature of Appointment.	Objections to Appointments.	Answers to such Objections.	How finally settled.

[The Audit Commissioners have already supplied the Honorable the Chief Secretary with this information.]

No. 2.

APPOINTMENTS made in pursuance of Section 23 of "*The Civil Service Act*" without Examination or Probation; the Reasons assigned for each such Appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.

Year.	Name.	Nature of Appointment.	Reason for Appointment.	Length of time thereafter when notified in <i>Government Gazette</i> .
1872	Wallis, A. R.	Secretary for Agriculture	Specially and professionally qualified for the position	Appointed on 15th November, 1872; gazetted on 29th.
1876	Guilfoyle, W. R.	Curator of Botanic & Domain Gardens	Ditto	Not gazetted.
1876	Ivey, W. E.	Chemist & Analyst	Ditto	Ditto.
1879	Brook, B.	Third-class clerk	Had been many years as a supernumerary, and specially qualified for the position.	Appointed on 23rd December, 1879; gazetted on 5th March, 1880.

No. 3.

THE Appointments, except to clerkships of Courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the Special Character of the Duties required for the office to which such appointments were respectively made.

Year.	Name.	Nature of Appointment.	Special character of Duties required.
1862	McLachlan, H.	Fourth-class clerk	Special duty in connection with the bringing into operation the 47th section " <i>The Land Act 1862</i> ."
1871	Madden, W.	Fourth-class assistant surveyor	Having passed necessary examination; specially qualified.
1878	Sedgwick, H.	Fourth-class clerk	Had been many years as a supernumerary, and specially qualified for the position.

No. 4.

THE cases (if any) in which any Officer obtained any Increase of Salary in any manner other than that provided by "*The Civil Service Act*."

Year.	Name.	Position.	Nature of Increase to Salary.
1870	Morrah, A.*	Chief clerk	Received an allowance of £50 for acting as Secretary to the Pentland Island Commission.
1873	Hodgkinson, C.	Assistant Commissioner of Lands and Survey	Received an allowance of £150 per annum for superintending Metropolitan Parks from 1st July.
1874	Ditto ...	Ditto	Ditto ditto from 1/1/74 to 11/5/74.
"	Meakin, H. W.	Fourth-class draftsman	Allowance of £100 per annum for onerous duties from 1st July, 1874.
"	Black, Alex.	District surveyor	Allowance of £73 6s. 8d. from 1st July, 1874.
"	Madden, W.	Assistant surveyor	" £125
1875	Meakin, H. W.	Fourth-class draftsman	" 75 from 1st January, 1875.
"	Black, Alex.	District surveyor	" 55
"	Madden, W.	Assistant surveyor	" 100
"	Levey, J. A.	Fourth-class clerk	" 75
"	Cook, W. M.	Fourth-class draftsman	" 25
"	McLachlan, A.	Ditto	" 135
1876	Black, Alex.	Third-class district surveyor ...	" 36 13s. 4d. from 1st January, 1876.
"	Madden, W.	Fourth-class assistant surveyor	" 75
"	Levey, J. A.	Third-class clerk	" 25
"	Meakin, H. W.	Fourth-class draftsman	" 50
"	Cook, W. M.	Ditto	" 25
"	McLachlan, A.	Third-class draftsman	" 110
"	Martin, D.	Third-class clerk	Bonus of £25.
"	Finlay, W.	Fourth-class clerk	" 25.
"	Skene, J. W.	Ditto	" 25.
"	Evershed, W.	Ditto	" 25.
"	Wimble, N.	Third-class clerk	" 50.
"	Biers, Henry	Third-class draftsman	" 60.
1877	Black, Alex.	Third-class district surveyor ...	Allowance of £18 6s. 8d. from 1/1/77 to 30/9/77.
"	McLachlan, A.	Third-class draftsman	" 73 6s. 8d. " "
"	Meakin, H. W.	Fourth-class draftsman	" 25
"	Madden, W.	Assistant surveyor	" 50 from 1/1/77 to 31/4/77, and £75 from 1/5/77 to 30/9/77.
"	Levey, J. A.	Third-class clerk	" 6 13s. 4d. from 1/1/77 to 30/9/77.
"	Wimble, N.	Ditto	" 40
"	Biers, H.	Third-class draftsman	" 50
"	McGauran, T.F.	Fourth-class photographer	" 50
"	Hayes, Jos.	Fourth-class draftsman	" 50
"	Skene, J. W.	Fourth-class clerk	Bonus of £20.
"	Dennehy, R.	Fifth-class draftsman	" 10.
1879	Levey, J. A.	Third-class clerk	Allowance of £10 per annum as Secretary to the Board of Examiners for Contract Surveyors.
"	Skene, A. J.	Surveyor-General	Received £7 7s. for attending as member of Board.
"	Black, Alex.	Assistant Surveyor-General ...	" 7 7s. " "
"	Biers, Henry	Chief draftsman	" 9 9s. " "
"	Vickery, S. K.	Third-class district surveyor ...	" 2 2s. " "
1880	Levey, J. A.	Third-class clerk	Allowance of £50 as Private Secretary to the Minister from 6/3/80 to 31/7/80.
"	Ditto	Ditto	Received £5 as secretary to the Board of Examiners for Contract Surveyors.
"	Vickery, S. K.	Third-class district surveyor ...	Received £1 1s. for attending as member of above Board.
"	Biers, H.	Chief draftsman	" 4 4s. " "
"	Skene, A. J.	Surveyor-General	" 3 3s. " "
"	Black, Alex.	Assistant Surveyor-General ...	" 4 4s. " "
"	Skene, A. J.	Surveyor-General	Received salary at rate of £500 per annum as Land Tax Commissioner from 1st July, 1878, to 30th April, 1880.

* Paid by Chief Secretary's Department.

No. 5.

THE cases (if any) in which any Officer sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided by the Act.

Year.	Name.	Position.	Reduction in Salary.
		Nil.	

No. 6.

THE Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such Increase was authorized.

Year.	Increase in number of Officers.	Title of the Act under which such Increase was authorized.
1863	5	The Constitution Act, authorizing the Governor-in-Council to make appointments.
1866	5	Ditto ditto ditto.
1868	2	Ditto ditto ditto.

No. 7.

THE cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which such revival was authorized.

Year.	Name of Officer whose Office was abolished.	Nature of Office abolished.	Title of the Act under which the Office abolished was revived.
1878	Archer, W. H.	Secretary for Lands	The Appropriation Act.
1878	Moore, H. B.	Assistant Surveyor-General	Ditto.

No. 8.

THE cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such Higher Class.

Year.	Name.	Position.	Nature of Promotion.
1866	Moore, H. B.	Clerk and draftsman	From fourth to third class.
1869	Ditto	District surveyor	" third to second class.
1867	Agg, E. J.	Accountant	" third to second class.
1870	Colville, J. W.	Clerk	" fifth to fourth class.
1872	Finlay, W.	Clerk	" fifth to fourth class.
1872	Skene, J. W.	Clerk	" fifth to fourth class.
1873	Meakin, H. W.	Draftsman	" fifth to fourth class.
1873	Hodgkinson, H. A.	Draftsman	" fifth to fourth class.
1874	Moore, H. B.	Assistant Surveyor-General	" second to first class.
1874	Allan, A. C.	District Surveyor	From third to second class, as Inspector-General of Surveys and Plans.
1875	Morrhah, A.	Chief clerk	From second to first class, as Inspector of the Department.
1876	Allan, A. C.	Inspector-General of Surveys, &c.	From second to first class.
1876	McLachlan, A.	Draftsman	" fourth to third class.
1877	Bedford, John	Draftsman	" fourth to third class.
1878	McGauran, T. F.	Photolithographer	" fifth to fourth class.
1879	Finlay, W.	Clerk	" fourth to third class.
1879	Skene, J. W.	Clerk	" fourth to third class.
1879	Crook, A. W.	Draftsman	" fifth to fourth class.

Department of Lands and Survey,
Melbourne, 19th February, 1881.

R. RICHARDSON,
Commissioner of Crown Lands and Survey.

PUBLIC WORKS DEPARTMENT.

Question No. 1.—The Appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each case was finally settled.

Answer.—This information will be supplied by the Commissioners of Audit.

Question No. 2.—The Appointments made in pursuance of section 23 of "The Civil Service Act" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.

Answer.—The statement is attached on a separate sheet.

Question No. 3.—The Appointments, except to clerkships of Courts, made under section 17 of “*The Civil Service Act*” to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.

Answer.—No Appointments under section 17 have been made in the Public Works Department.

Question No. 4.—The cases (if any) in which any officer obtained any Increase of Salary in any manner other than that provided by “*The Civil Service Act.*”

Answer.—No cases in the Public Works Department.

Question No. 5.—The cases (if any) in which any officer sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided for by the Act.

Answer.—No cases in the Public Works Department.

Question No. 6.—The Increase (if any) in the total number of officers in the Civil Service, and the title of the Act under which every such Increase was authorized.

Answer.—The statement is attached on a separate sheet.

Question No. 7.—The cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.

Answer.—No cases in the Public Works Department.

Question No. 8.—The cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such higher class.

Answer.—The statement, on a separate sheet, is attached.

No. 2.

THE Appointments made in pursuance of section 23 of “*The Civil Service Act*” without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.

Name.	Office.	Class.	Date of Appointment.	Reasons assigned for each such Appointment.	When gazetted.	Length of time thereafter wherein they were respectively notified in the <i>Government Gazette</i> .
Wm. Finlay ...	Travelling Superintending Inspector of Works	3	14/11/65	Special fitness to perform the duties of a newly established office	31/7/66	8½ months.
A. C. Todd ...	Ditto ...	3	14/11/65	Ditto ...	31/7/66	Ditto.
Jas. Hy. Fox...	Measuring and Quantity Surveyor	2	18/8/73	Ditto ...	1/12/73	3½ months.
Peter Finlay...	Travelling Superintending Inspector of Works	3	14/5/75	<i>Vice</i> T. A. Eaton, removed ...	31/5/75	17 days.

No. 6.

THE Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such Increase was authorized.

Increases.

In 1866,	1 Second-class office ...	...	Authorized by the Appropriation Act for that year.
”	3 Third-class office ...	...	Ditto.
1871,	10 Temporary Inspectors of Works placed under the 3rd Schedule	}	Ditto.
1873-4,	1 Second-class office ...		Ditto.

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The increases made in the above years have been affected by reductions made in other years.

Reductions.

In 1868,	2 offices reduced, 1 second and 1 third class.
1869,	1 office reduced, second class.
1874-5,	1 ditto, ditto.
1876-7,	1 ditto, ditto.
1877-8,	7 offices reduced, ditto.
”	1 office reduced, third class.
”	6 offices reduced, third schedule.

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No. 8.

THE cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such higher class.

Name.	Office.	Class.	Date of Promotion.
H. Brotherton ...	Clerk	From fourth to third class ...	1st January, 1864.
John B. Callan ...	Clerk	" fifth to fourth class ...	1st January, 1868.
Wm. Finlay ...	Superintending Inspector of Works ...	" third to second class ...	Ditto.
A. C. Todd ...	Ditto	Ditto	Ditto.
J. T. Kelleher ...	Draftsman	From fifth to fourth class ...	1st July, 1873.
A. Galt ...	Secretary for Public Works ...	" second to first class ...	11th November, 1874.
F. Scurry ...	Clerk	" fourth to third class ...	1st July, 1874.
Alfred T. Snow ...	Assistant architect	" third to second class ...	Ditto.
Wm. H. Steel ...	Assistant engineer	Ditto	Ditto.
H. A. Williams ...	Assistant architect	Ditto	Ditto.
Chas. Barrett ...	Ditto	Ditto	Ditto.
J. J. Clark ...	Ditto	Ditto	Ditto.
H. Moseley ...	Measuring and quantity surveyor ...	Ditto	Ditto.
Arthur Graham ...	Clerk	From fourth to third class ...	1st July, 1877.

CHARLES LE CREN,
Secretary Public Works.
4/12/80.

TRADE AND CUSTOMS DEPARTMENT.

RETURN showing the following information respecting all Appointments, &c., under "*The Civil Service Act*."

No. 1.—The Appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each case was finally settled.

This will be replied to by the Audit Commissioners.

No. 2.—The Appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.

Name.	Office and Year of Appointment.	Reasons for Appointment.	How long gazetted after Appointment.
Brooks, Y. ...	Fourth class; 1880; clerk ...	Known ability; been in the Department since 1858	Appointed from 1st October, 1880; gazetted 28th January 1881.
Burnett, T. M.*	Fifth class; clerk; 1863 ...	Formerly extra clerk ...	Not gazetted.
Cerutti, R. W.	Fourth class; tide surveyor; 1880	Known ability; been in the Department since 1864	Appointed 1st October, 1880; gazetted 28th January, 1881.
Campbell, Thos.*†	Fourth class; 1866; harbour master	Specially qualified ...	Not gazetted.
Doran, George †	Fifth class; 1863; berthing officer	Special qualifications ...	Ditto.
Godkin, J. J.* ...	Fifth class; clerk; 1863 ...	Previously extra clerk ...	Ditto.
O'Connor, T.* ...	Ditto; 1863	Ditto	Ditto.
Scott, G. H. ...	Fourth class; 1880; tide surveyor	Known ability; been in Department since 1865	Appointed 1st October, 1880; gazetted 28th January, 1881.

* It is presumed that these appointments were made under clause 23, but it is not so stated in the schedules of appointment.

† These persons were appointed to positions requiring nautical knowledge and experience, which they possessed. Mr. Campbell had been many years in the Department.

No. 3.—The Appointments, except to clerkships of Courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.

Name.	Office to which appointed, and Date.	Nature of Duties.
McDowell, S. M.*	Fourth class; landing waiter; 1864 ...	General, in connection with duty chargeable on goods.
Hart, John ‖ ...	Fourth class; sub-inspector of distilleries; 1863	Supervision of distilleries.
Webben, B. L. ‖		
Virtue, D. W. ‡		
Falconbridge, J. †‡		
Watson, James ‖		
Hurley, J. ‡ § ...	Ditto; 1st January, 1863	Ditto.
Knevitt, M. T. †‡ ‖	Fourth class; landing waiter; 1st March, 1864	General, in connection with duty chargeable on goods.
Saddler, J. ‖ ...		

* Formerly station master, Victorian Railways. † These were appointments made on the establishment of the Distilleries Department, all on probation. ‡ Also subject to passing the Civil Service examination. § Formerly police constable. ‖ All these persons had previously filled various positions in the Customs Department for lengthened periods.

No. 4.—The cases (if any) in which any Officer obtained any Increase of Salary in any manner other than that provided by “*The Civil Service Act.*”

There have been no such cases in this Department.

No. 5.—The cases (if any) in which any Officers sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided by the Act.

Name.	Office, and Date of Reduction.	Nature of Reduction.
Musgrove, A. W.	Collector, Warrnambool ; 31st December, 1868	Second class to third class.
Elder, D.	Foreman, Marine Yard, Williamstown ; 31st December, 1868	Fourth class to third schedule.
Moore, W. A.	Collector Customs, Portland ; 31st December, 1868	Second class to third class.
Fermaner, D.	Harbour Master, Port Albert ; 31st December, 1868	Fourth class to third schedule.
Hart, J.		
Falconbridge, J. } *	Inspector of Distilleries ; 1877 (1st July)	Ditto.
Hurley, J.		
Watson, J.		

NOTE.—All these persons received compensation for reduction of salary in accordance with the provisions of the Act.

* These reductions were subsequently cancelled, and the officers' back pay has been placed on Estimates 1880-81. Reduction made in 1877 ; re-appointment in 1880.

No. 6.—The Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such Increase was authorized.

The number of classified officers in this Department on 1st January, 1863, was 98 ; on the 1st January, 1881, 64 ; thus showing a *decrease* of 34 classified officers since the original classification under “*The Civil Service Act.*”

No. 7.—The cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.

Nil.

No. 8.—The cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such higher class.

Name.	Date of Promotion.	Office.	Nature of Promotion.
Greville, C.	1st Jan., 1864	Chief clerk, Department Trade and Customs...	Third to second class.
Saddler, J.	1st March, 1864	Landing waiter	Third schedule to fourth class.
Harvey, James... ..	1st March, 1864	Landing waiter	Fifth to fourth class.
Dawson, R. H.	1st March, 1864	Landing waiter	Fifth to fourth class.
Doran, George... ..	1st Jan., 1866	Harbour master	Fifth to fourth class.
Down, R.	1st July, 1873	Inspector of Customs	Second to first class.
Wright, W.	1st July, 1873	Landing waiter	Fourth to third class.
Rowe, S. H.	1st July, 1879	Clerk	Fifth to fourth class.
Bale, W. M.	1st July, 1879	Clerk	Fifth to fourth class.
McKie, J. G.	1st July, 1880	Clerk	Fifth to fourth class.
Musgrove, A. M.	27th Sept., 1880	Chief clerk, Customs	Second to first class.
Fullerton, R.	1st Jan., 1867	Master of “ <i>Pharos</i> ”	Fourth to third class.
Wilson, A.	1st Jan., 1868	Engineer surveyor	Third to second class.
Heath, George... ..	1st Jan., 1871	Inspector of distilleries	Fourth to third class.

HENRY J. LEPLASTRIER,
Acct. & Insp.

F. W. HOWDEN,
Collector of Customs.
28th February, 1881.

POST AND TELEGRAPH DEPARTMENT.

1. The Appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections ; the grounds of those objections ; the answers, if any, thereto ; and the manner in which each case was finally settled.

This Department is not in a position to answer these questions satisfactorily, there being no records of the Audit Office queries, and the replies thereto.

The information required will, it is understood, be furnished by the Audit Office.

The appointments of the following officers were objected to on the ground, that they had not passed the Civil Service examination :—W. H. Hollick, J. H. Kibble, H. J. T. Tymms, B. C. Jones, H. B. Jones, F. Whitty, W. Barton.

The appointments of these officers as classified officers were *cancelled*, and they were subsequently re-appointed as assistant operators under the Third Schedule.

2. The Appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.

John Duigan, telegraph manager, Sandridge, 1st April, 1863.

Mr. Duigan had been previously engaged in the telegraph service of Tasmania, and it was considered that his qualifications were such as to justify his appointment without examination or probation.

The appointment was gazetted on the 16th April, 1863.

3. The Appointments, except to clerkships of Courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance; and the special character of the duties required for the office to which such appointments were respectively made.

John Duigan, telegraph manager, Sandridge, 1st April, 1863.

The special character of the duties required were those of a telegraph operator.

4. The cases (if any) in which any Officer obtained any Increase of Salary in any manner other than that provided by "*The Civil Service Act*."

W. Galbraith, £106 13s. 4d. per annum, as Acting Controller, Money Order and Savings Banks, in addition to salary as a third-class officer.

E. R. Elliott, £25 per annum, as Acting Examiner, Money Order and Savings Banks, in addition to salary as a fourth-class officer.

Approved by the Governor-in-Council 4th September, 1865.

5. The cases (if any) in which any Officer sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided by the Act.

The cases in this Department in which officers sustained, except by way of punishment, reductions in salaries are the following:—S. W. McGowan, General Superintendent of Electric Telegraphs at £850 per annum to Inspector of Postal and Telegraph Service at £700 per annum, upon amalgamation of the Post Office and Electric Telegraph Departments; E. Banks, J. Nicol, A. C. Croft, H. F. O'Connell, W. Shields, H. Salkeld, T. Reed, P. K. Tucker, K. L. Murray, G. E. Groves, P. R. Arkins, J. Duigan, F. Dore, A. L. Krone, fourth-class officers at £350 per annum, reduced to the maximum of the fifth class. These reductions were made 1st April, 1869, in consequence of the general scheme of retrenchment determined upon at the close of the year 1868.

6. The Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such increase was authorized.

No increase in Post and Telegraph Department, there being thirty-six classified officers less provided for in the Estimates 1880–81 compared with the number provided for in the Appropriation Act 1862 for the Post Office and Electric Telegraph Departments.

7. The cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.

The undermentioned fourth-class offices were abolished in 1869:—

Postmaster, Dunolly,	Postmaster, Benalla,
" Wangaratta,	" Ararat,
" Maldon,	" Camperdown.
" Daylesford,	

The office of postmaster at these stations was again made that of the fourth class under section 20 of 37 Vict. No. 455, Post Office Amendment Act 1873, and provided for in the Appropriation Act 1873–4.

8. The cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such higher class.

C. H. Lay Fourth class.	H. Palmer Fourth class.
W. Croft "	W. Galbraith Second class.
J. Duigan "	E. R. Elliott Third class.
E. Smith "	T. E. Slack "
W. R. Buchanan ... Third class.	T. Fagan "
T. W. Jackson ... Second class.	A. Britter Fourth class.
J. H. Gibbs Third class.	G. Smibert "
W. Galbraith... .. "	J. P. Atkinson ... Third class.
T. R. James Second class.	T. Yates "
G. S. Caldwell ... Fourth class.	J. W. Payter "
E. D. Pitman Third class.	T. Gay Fourth class.
J. Watt Fourth class.	K. L. Murray "
F. G. Lawrence "	J. Nicol "
C. Baker "	W. Shields "

E. Mackenzie ...	Fourth class.	E. Scully ...	Fourth class.
H. F. O'Connell ...	"	J. L. Kelling ...	"
G. Collett ...	Third class.	J. H. Quin ...	"
W. Alexander ...	"	A. L. Nott ...	"
W. F. Crofts ...	"	W. H. Sinnott ...	"
W. P. Bechervaise ...	"	V. E. Henderson ...	"
J. Longcroft ...	"	G. W. Fyfe ...	"
H. Palmer ...	"	R. W. Haines ...	"
P. Cunningham ...	Fourth class.	W. Morkham ...	"
E. Miller ...	"	J. C. Stamp ...	"
W. H. Saxe ...	"	J. A. Springhall ...	"
J. Duigan ...	"	E. D. Pitman ...	Second class.
J. A. B. Smith ...	"	E. R. Elliott ...	"
F. L. Outtrim ...	"	J. S. Middlecoat ...	Fourth class.
W. Galbraith ...	First class.	J. R. Hall ...	"
W. P. Hamilton ...	Fourth class.	J. Ryan ...	"
W. W. Williams ...	"	F. L. Merchant ...	"
T. Harte ...	"	J. B. Matthews ...	"
L. S. Daniel ...	"	J. Whitehead ..	"
D. Mickle ...	"	W. Fraser ...	"
C. Miller ...	"	S. Armstrong ...	"
J. W. Wallace ...	"	E. Tuite ...	"
A. Cumming ...	"	S. B. Byrchall ...	Third class.
H. W. Jenvey ...	"	M. Bourke ...	Fourth class.
W. Blandford ...	"	G. S. Caldwell ...	Third class.
J. Fraser ...	"	J. P. Atkinson ...	Second class.
J. H. Fielden ...	"	W. P. Bechervaise ...	"

General Post Office,
29th December, 1880.

T. W. JACKSON,
Deputy Postmaster-General.

MINING DEPARTMENT.

QUESTION 1.

(1) The Appointments in the classified Civil Service in respect of which the Audit Commissioners have made Objections.	(2) The Ground of those Objections.	(3) The Answers (if any) thereto.	(4) The manner in which each case was finally settled.
J. W. H. Williams, appointed under the 25th section as a third-class officer from 1st January, 1868.	The Audit Commissioners considered Mr. Williams ineligible for appointment otherwise than under the 17th and 18th sections.	That the Honorable the Attorney-General had been consulted, and that he considered the appointment could be made under the 25th section of the Act.	Appointment allowed to stand.

QUESTION 2.

(1) The Appointments made in pursuance of section 23 of "The Civil Service Act" without examination or probation.	(2) The Reasons assigned for each such Appointment.	(3) The length of time thereafter wherein they were respectively notified in the <i>Government Gazette</i> .
John Andrews ... Second class	Known ability ...	Appointment made 30th June, 1879; gazetted 4th July, 1879.
John Forrester ... Fourth class	" ...	" 9th Feb., 1880; gazetted 13th Feb., 1880.
M. De L. Piere ... Fourth class	" ...	" " "
Richd. Bradford ... Fourth class	" ...	" " "
Joseph Rowan ... Fourth class	" ...	" " "
C. W. Langtree ... Third class	" ...	" " "

NOTE.—These officers had been in the Government service for periods varying from 8 years to 17½ years prior to their classification.

QUESTIONS 3, 4, 5, 6, and 7.—Nil.

QUESTION 8. The cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such Higher Class.

Richd. Francis, chief clerk, from the third to the second class in February, 1864, (since deceased).

SECRETARY TO THE EDUCATION DEPARTMENT TO THE UNDER SECRETARY.

SIR,

Education Department,
Melbourne, 16th November, 1880.

Referring to your letter of the 13th instant calling for a Return, in compliance with an order of the Legislative Council on the motion of the Honorable Dr. Hearn, relative to appointments, &c., made under "*The Civil Service Act*," I have the honor to inform you that, as none of the appointments in connection with this Department are made under "*The Civil Service Act*," it is apprehended that the information asked for has no reference to this Department, and it is therefore not proposed to furnish any Return to the order.

I have, &c.,
G. WILSON BROWN,
Secretary.

(Signed)

W. H. Odgers, Esq.,
Under Secretary.

SECRETARY TO THE RAILWAY DEPARTMENT TO THE UNDER SECRETARY.

SIR,

Railway Department, Secretary's Office,
Melbourne, 19th November, 1880.

With reference to your letter No. 7108, of the 13th instant, asking that you may be furnished with certain information for a Return required by the Honorable Dr. Hearn, M.L.C., in relation to "*The Civil Service Act*," I have the honor to inform you that I submitted to the Minister of this Department my opinion that, from the terms of the order, it does not apply to the Railway Department, which is not under the provisions of "*The Civil Service Act*." Mr. Patterson concurs in that view.

I have, &c.,
P. P. LABERTOUCHE,
Secretary.

(Signed)

The Under Secretary,
&c., &c., &c.

1881.
VICTORIA.

CHINESE IN VICTORIA.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE J. BALFOUR.—6TH DECEMBER, 1881.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE J. MACBAIN, AND ORDERED BY THE
COUNCIL TO BE PRINTED 13TH DECEMBER, 1881.

THE Report by Mr. Hodges, Chinese Interpreter, to the Honorable the Premier, on the Chinese in
Victoria, having special reference to their numbers and employment (which was laid on the Table
of the Legislative Assembly on the 8th June, 1880).

SIR, Melbourne, 31st May, 1880.

I have the honor, in accordance with your instructions, to submit a report on the Chinese in
Victoria, having special reference to their numbers and employment.

Little Bourke and La Trobe streets are the only localities in the City of Melbourne in which the
Chinese carpenters and cabinetmakers carry on their business, and I found the numbers so employed to be
as follows :—

Shop Owners.		Chinese Employed.		Total.	
Ah Yet,	1	...	30	...	31
Ye Queng,	1	...	17	...	18
Narrm Hop,	1	...	5	...	6
Cheng Kee,	1	...	1	...	2
Ah Yoke,	1	...	1	...	2
Woah Cheong,	1	...	0	...	1
Yoke Kee,	1	...	0	...	1
Ah Cheng,	1	...	0	...	1
Meng Heng,	1	...	0	...	1
Ah Oun,	1	...	0	...	1
Ley Key,	1	...	0	...	1
Hoey Meng,	1	...	0	...	1
Total	...	...	...	...	66

Ah Yet also employs 17 Europeans, 13 of whom are carpenters and cabinetmakers, 2 French-polishers, and 2 woodcarvers. His employment of Europeans, some of whom are first-class artificers, enables him to turn out work equal to most European establishments in Melbourne, and to execute orders for the larger class of furniture. A colonist for 24 years. Ye Queng gives constant work to one European French-polisher, and occasional employment to another. His woodcarving is done outside the establishment by 2 Europeans. A colonist for 18 years. Narrm Hop employs 1 European French-polisher. His woodcarving is also done by Europeans. A colonist for 26 years. The Chinese do not import any article for use in the manufacture of furniture. Besides buying the raw material at the timber yards, they purchase ready made many of the parts which go to make up an article, thus relying on Melbourne sawmills and machinery. The Adelaide chairs have turned legs which are shaped by European lathes and turners, and the front portion of the seat frame is bought with the legs fixed in it. The splats and backs are cut out by Melbourne mills, and the seats are cut out by the same to a suitable size for fitting and dressing. The same remarks generally apply to other kinds of chairs. They also obtain from Europeans the turned pillars, legs, and handles for chests of drawers. The tools used are almost entirely of English manufacture. The following are the prices for making most ruling :—For one chest, each of 8 drawers, £1 11s. to £2 ; of 7 drawers, £1 1s. to £1 6s. ; of 5 drawers, 15s. to 18s. ; of 4 drawers, 12s. to 15s. ; Adelaide chairs, £1 7s. to £1 8s. 6d. per dozen ; Colonial wood bottom, £1 1s. to £1 2s. 6d. per dozen ; mock scoth, £1 4s. to £1 6s. per dozen ; balloon back, £1 16s. per dozen. The making of chairs is entirely done by the Chinese. The Chinese and Europeans work on piece-work at the same rates.

The Europeans make on an average £2 10s. per week. The Chinese workman on wages reckons $9\frac{1}{2}$ hours to be a day. At piece-work he continues on after supper, with a view of earning as much as possible; but does not, as a rule, work into later hours than European shoemakers and tailors engaged in their own business. The European French-polishers are paid £1 15s. per week, and the woodcarvers at the current rates.

The Chinese population of Melbourne is about 500, and of the suburbs 380, as follows:—

Gardeners and servants, buyers and sellers of vegetables	...	...	...	...	250
Storekeepers and servants	...	...	...	...	120
Tea and general hawkers	...	...	...	...	109
Carpenters	...	...	...	...	66
Fish hawkers	...	...	...	...	70
Restaurant-keepers and servants	...	...	...	...	10
Agents and unemployed	...	...	...	...	50
Woodcarvers	...	...	...	...	2
Tailors	...	...	...	...	3
Travellers and visitors	...	...	...	...	200
Total	...	...	...	...	880

In the seasons of 1877, 1878, and 1879, the tobacco growers could not get paying prices for their crops, and this indirectly caused more land to be taken up for market gardens near Melbourne. In the country districts Chinese gardeners and farmers are numerous, holding land under lease or licence from the Crown, or under rental from private persons. In the gold-fields districts they are still regarded as a useful class of men, and many European farmers are glad to depend on them for vegetables, as by doing so time is economized.

There is only one Chinese in Little Bourke street who keeps an ordinary grocer's shop. Stock in trade is of about £80 value. All the other Chinese stores are of their usual character, except that in some sperm candles are sold. There is one general store in Brunswick street, Fitzroy. Three tea hawkers have a horse and cart each, and sell sugar. The number of general hawkers has much diminished during the last two years. Some of them sell tea with their drapery goods. About three-fourths of the tea sold by the hawkers is purchased from European merchants, and the wares of the general hawker are almost wholly of British or German manufacture, which have passed through Melbourne warehouses. In the country districts the hawkers obtain their supplies from the same sources. The fish hawkers purchase at the Melbourne fish market from £100 to £120 worth of fish weekly, for sale in and around Melbourne. Supplies are also purchased there for the Chinese in the country districts. Mr. Ritchie, a fish salesman, stated to me that, for the last 20 years, the Chinese have been the chief support of the market. They have also developed a fish-curing industry on the shores of the Bay.

As regards the Chinese artisans in the country districts, the only carpenters who can be ascertained that work for Europeans are 2, namely, Castlemaine district, 1; Maryborough district, 1. There is a Chinese wheelwright at King River, and another at Oxley. There is a Chinese tobacco manufactory at Wangaratta, owned by tobacco growers; in full work, 9 Europeans and 7 Chinese are employed. A storeman, in Melbourne, is for about three months in the year employed in making cigars. There is 1 tailor in Melbourne who works for Europeans. There are no shoemakers, or watch and clock makers, employed as such in the colony. The foregoing indicates the whole work done by Chinese handicraftsmen in the colony.

The Chinese, being unqualified for very deep alluvial sinking or quartz mining, have ceased to find any attractions in the Victorian gold-fields, to draw them in any very large numbers from their native villages. This is demonstrated by the Mining Surveyor's estimates of Chinese miners over a series of years, given on one of the succeeding pages. As a consequence of this, Chinese business men are not now induced to come to Victoria to embark in trade. The numbers in business have diminished, and are diminishing. The number of Chinese engaged in producing have increased, and these having a more settled way of making a living than they could have in mining, considerably help to increase the quantity of dutiable articles consumed. All the Chinese who arrive in Victoria are unassisted immigrants. The labor party system has not yet been introduced into this colony.

The emigration of Chinese from Hong Kong to all ports other than in China and Japan, according to the returns of the Harbor-master at Hong Kong, was—

In 1877	...	...	...	...	39,741
1878	...	...	...	...	38,653
1879	...	...	...	...	33,529
Total	...	...	...	...	111,923

The arrivals of Chinese in Hong Kong from all ports other than in China and Japan, were—

In 1877	...	...	...	...	48,746
1878	...	...	...	...	47,882
1879	...	...	...	...	50,542
Total	...	...	...	...	147,170

Grand totals—

Arrivals	...	...	...	...	147,170
Departures	...	...	...	...	111,923
Excess of arrivals over departures	...	...	...	...	35,247

The above returns are indicative of the decreasing desire on the part of the Chinese to emigrate from their native country.

By an understanding between the Australian Governments, no steam vessel bound to an intercolonial port, within three days' sail of Melbourne, is cleared by a Custom House officer. Hence the Chinese who leave Victoria for Hong Kong *via* Sydney are not in the Immigration officer's records. I obtained them from the books of Mr. Kong Meng, and verified them by those of Messrs. Bright Brothers. The numbers for the last 4 years and 5 months were as follows:—

In year	1876	...	...	...	535
"	1877	...	...	...	628
"	1878	...	...	...	519
"	1879	...	...	...	534
To 21st May 1880	...	...	...	...	127
Total	...	...	...	...	<u>2,343</u>

The official record of departures by sea covering the same period is as follows:—

In year	1876	...	...	...	266
"	1877	...	...	...	210
"	1878	...	...	...	362
"	1879	...	...	...	203
To 21st May 1880	...	...	...	...	23
Total	...	...	...	...	<u>1,064</u>

The following returns of departures have been furnished by the Shipping Companies, and they also cover the same period:—

By A.S.N. Co.—					
To Hong Kong <i>via</i> Sydney	..	...	...	...	20
To Sydney	...	...	...	...	255
By Melbourne S. Co.—					
To Sydney	...	...	...	...	86
By Union S. Co.—					
To Adelaide	...	...	...	...	200
By Tasmanian S.N. Co.—					
To Tasmania	...	...	...	...	247
To India, as grooms	...	...	...	...	200
Overland—					
To Albury District (excess of departures over arrivals)					500
To Deniliquin District	..	..	..	..	200
					<u>1,708</u>

In reference to the foregoing returns, Mr. John Sweeney, collector of Customs at Albury, thinks that within a radius of 12 miles from Albury there are 600 Chinese settled, who have passed out of Victoria. There are also Chinese distributed through the Wagga Wagga district, who have recently gone there from Victoria, but as I cannot get an approximate number reliably stated, I omit mention of them in the list of departures.

The difficulty of obtaining European labor in the border districts has caused many Chinese to be employed by selectors in clearing land.

About 60 Chinese leave the colony yearly in the capacity of grooms on board vessels taking horses to India. These men are unable to pay their passage to Hong Kong. The following are the official returns of the Chinese who arrived at the Port of Melbourne from January 1876 to 21st May 1880:—

1876	...	...	...	...	377
1877	...	...	...	...	449
1878	...	...	...	...	875
1879	...	...	...	...	819
To 21st May 1880...	...	...	...	...	168
Total	...	...	...	...	<u>2,688</u>

Of this number 2088 came from the Australasian colonies, and 600 from all foreign ports.

Arrivals and Departures from January 1876 to 21st May 1880:—

Arrivals—As per official returns.—Grand total	...	...	...	...	<u>2,688</u>
Departures—					
Booked to Hong Kong by Messrs. Bright Brothers and Mr. Kong Meng	...	...	...	...	2,343
Official returns	...	...	...	...	1,064
As per list above	...	...	...	...	1,708
Grand total	...	...	...	...	<u>5,115</u>
Excess of Departures over Arrivals	...	...	...	...	<u>2,427</u>

The Census returns of the colony do not show the time at which the numbers of Chinese population was greatest. It was between the Census year 1857 and 1859 that the immigration reached its height. But the returns indicate correctly that the wave had commenced to recede rapidly in 1861.

1854	...	...	...	...	...	2,341
1857	...	...	...	...	...	25,424
1861	...	...	...	...	...	24,701
1871	...	...	...	...	...	17,899
From 1861 to 1871—Decrease, 6802.						

By the mining surveyors' estimated number of Chinese miners there were in—

1872	...	...	...	...	...	14,158
1873	...	...	...	...	...	13,528
1874	...	...	...	...	...	12,180
1875	...	...	...	...	...	11,251
1876	...	...	...	...	...	11,167
1877	...	...	...	...	...	9,876
1878	...	...	...	...	...	9,638
1879	...	...	...	...	...	9,110
31st March 1880	...	...	...	...	...	8,955
From 1872 to 1880—Decrease, 5193.						

The 8955 miners were distributed and engaged as follows :—

	Alluvial.	Quartz.	Total.
Ballarat ...	1,776	83	1,859
Beechworth ...	2,009	6	2,015
Sandhurst ...	864	30	894
Maryborough ...	1,559	5	1,564
Castlemaine ...	1,434	0	1,434
Ararat ...	742	3	745
Gippsland ...	444	0	444
	8,828	127	8,955

In looking at the Census returns, it will be observed there was a decrease of Chinese population between 1861 and 1871 of 6802, and in the absence of disturbing causes there would be a further decrease, but possibly not to such an extent in the present decade, because the miners might have more difficulty in getting gold, and business men in accumulating money. There has not been any disturbing causes, and a further decrease of 5000 at the least may be calculated on.

Taking the figures as above to get the probable excess of emigration over immigration between the years 1871 and 1881 they give 5393. It must, however, be remembered that the departures were more numerous in the early years of the decade.

The numbers given below are taken from a statistical account of the imports and exports of rice at Melbourne from the year 1855 to 1859, with other information compiled from the Customs bill of entry and other reliable sources, by Mr. John Lee, 10, Hall of Commerce, Melbourne, bearing date June 1859. The numbers are approximately correct, as the arrivals from South Australia and Guichen Bay alone between March 29th and December 31st., 1857, were nearly 11,000.

Chinese Population—

In 1855	...	...	...	...	10,000
1856	...	...	...	...	15,000
1857	...	...	...	...	30,000
1858	...	...	...	...	40,000
28th May 1859	...	...	...	...	46,000

The whole numbers of Chinese in the Australian Colonies, as nearly as can be ascertained, are as follows :—

Queensland (Blue Book)	...	...	...	...	14,524
Victoria (Estimated)	...	...	...	...	13,000
New South Wales	...	...	...	...	9,500
New Zealand (Census, 1878)	...	...	...	...	4,433
South Australia and Port Darwin	...	...	...	...	2,000
Tasmania	...	...	...	...	750
					44,207

It will thus be seen, that there has been a decrease in the Chinese population in Victoria between the years 1859 and 1880 of 33,000, and that there are now less Chinese in the whole of the Australian Colonies than formerly resided in Victoria.

Queensland was the colony which last attracted the Chinese from China, and that which is going on there may be accepted as a criterion of that which is taking place in the other colonies. The authority above quoted says that, in 1876, there was an increase in population in Queensland from excess of Chinese immigration over emigration of 4314. In 1877 the immigration was 4566 in excess of emigration. But in 1878 there was a decrease of 2136 of population by Chinese emigration in excess of immigration.

I estimate that a population of 13,000 would, under the present Tariff, contribute the sum of £75,400 to the revenue annually. The estimate is based on the following average consumption per man per annum :—Opium, 2 lbs. ; tobacco, 4 lbs. ; rice, 4½ bags ; tea, 6 lbs. ; spirits, 2 gallons. Other dutiable merchandise, aggregate amount of duty, 15s. This gives the following total of duty :—

Opium	...	...	...	...	...	...	£26,000
Tobacco	...	...	...	...	...	...	5,200
Rice (including wharfage dues, 5s. per ton)	...	...	...	...	...	...	20,475
Tea	...	...	...	...	...	...	975
Spirits	...	...	...	...	...	...	13,000
Other merchandise	...	...	...	...	...	...	9,750
							£75,400

This shows an average taxation through the Custom House of £5 16s. per head.

The average taxation per head of the population of Victoria is £1 19s. 10½d.

A reference to the statistical registers of the Custom House shows that in 1878 the number of pounds of opium for Chinese use, on which duty was paid, was 27,493 ; and in 1879, 24,705. Total, 52,198 lbs.

The number of lbs. of tobacco on which duty was paid in 1878 was 19,105 ; and in 1879, 25,556. Total, 39,661 lbs.

The number of gallons of Chinese spirits from Hong Kong, on which duty was paid in 1878, was 5516 ; and in 1879, 6638. Total, 12,154 gallons.

The Chinese are now large consumers of other than Chinese spirits. In the Beechworth District the consumption is almost entirely confined to other foreign and colonial manufactures. I may mention that Mr. Wade, of the Coopers' Arms Hotel, Little Bourke street, informed me that he sells monthly to the Chinese 40 gallons of gin and 40 gallons of other spirits in bottles. The Chinese also obtain supplies from Messrs. Lawrence and Adam, T. Toohey and Co., Lange and Thoneman, and other well-known English firms. Messrs. Lawrence and Adam inform me that their present sales amount to 2000 gallons of spirits, 2000 gallons of bottled ale and porter, chiefly the latter, and 200 gallons of port wine annually.

The statistics of crime indicate decrease of Chinese population. The number of Chinese who passed through the gaols were :—

In 1868	...	...	...	...	...	692
1878	...	...	...	...	...	182
						Decrease
						510
Through the penal establishments—						
In 1868	...	...	...	...	...	164
1878	...	...	...	...	...	16
						Decrease
						148
Through the police gaols—						
In 1868—	No returns then kept.					
1878	...	...	...	...	...	16

In 1878 the number taken into custody was 291, and dealt with as follows :—

Summarily convicted or held to bail	...	...	...	...	...	203
Discharged	...	...	...	...	...	74
Committed for trial	...	...	...	...	...	14
						Total
						291

Of the 14 committed for trial, there were only 9 distinct persons. The police gaols may increase the number at other gaols, as prisoners are sometimes transferred from thence to the nearest gaol. Mr. Hayter, in the *Victorian Year-Book of 1878 and 1879*, says—"It is always found that fewer Victorians are arrested and fewer are committed for trial in proportion to their numbers in the population than persons of any other nationality. This is no doubt mainly due to the fact of a very large proportion of children being embraced within their numbers. The Chinese arrested and committed for trial were below persons of any nationality except Victorians." There has been an almost complete exodus of professional Chinese thieves from the colony. The latest arrivals are mostly agriculturists, and many of them will go to Tasmania, Deniliquin, and Albury.

The number of Chinese lunatics treated in the Government asylums was in—

1868	...	...	...	...	...	47
1878	...	...	...	...	...	75
						Increase
						28

The increase of lunatics does not necessarily imply an increase of Chinese population. Lunatics, if only mentally diseased, their bodily functions being otherwise healthy, and not being violent, are generally long lived.

In a supplementary report will be given the number of Chinese in all gaols, police gaols, and penal establishments ; also the number in all charitable institutions on the 21st May, 1880, together with the amount subscribed by the Chinese to the latter establishments from January, 1876 to that date.

I have the honor to be,

Sir,

Your most obedient servant,

The Honorable the Premier,
Melbourne.

(Signed) C. P. HODGES.

1881.
—
VICTORIA.

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R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

LEGISLATIVE COUNCIL OFFICES;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE, THE MINUTES OF EVIDENCE,
AND APPENDIX.

ORDERED BY THE COUNCIL TO BE PRINTED, 11TH OCTOBER, 1881.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 27TH SEPTEMBER, 1881.

LEGISLATIVE COUNCIL OFFICES.—The President laid upon the Table a letter to himself from the Clerk of the Council, with enclosures, on the subject of the offices on the ground floor of the Legislative Council buildings.

The letters were read at the Table by the Clerk.

The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That a Select Committee, of seven members, be appointed to enquire into the circumstances of the letter of complaint of the Clerk of the Council, just read to the House, with regard to the Clerk of the Papers and the Messengers of the House, and to report what steps they would recommend for providing a satisfactory remedy.

Question—put and passed.

The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That such Committee consist of the Honorables W. Campbell, C. J. Jenner, J. Graham, J. A. Wallace, J. Lorimer, W. Ross, and the Mover.

Question—put and passed.

LEGISLATIVE COUNCIL OFFICES SELECT COMMITTEE.—The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That the Select Committee on the Legislative Council Offices be empowered to sit on days on which the Council does not sit, and to call for persons and papers.

Question—put and passed.

TUESDAY, 11TH OCTOBER, 1881.

LEGISLATIVE COUNCIL OFFICES—REPORT OF SELECT COMMITTEE.—The Honorable Sir C. Sladen brought up a Report from the Select Committee, appointed on the 27th ultimo, “to enquire into the circumstances of the letter of complaint of the Clerk of the Council, just read to the House, with regard to the Clerk of the Papers and the Messengers of the House, and to report what steps they would recommend for providing a satisfactory remedy.”

The Report was received, and was read at the Table by the Clerk.

The Honorable Sir C. Sladen moved, That the Report be adopted, and be printed, together with a letter received by the Chairman of the Committee from one of the witnesses after the Committee had concluded its enquiries.

Question—put and passed.

REPORT.

THE COMMITTEE appointed by your Honorable Council to enquire into and report upon the matters of complaint contained in a letter addressed by the Clerk of the Council to the President, bearing date the 27th September last, has the honor to Report as follows :—

The room at present occupied by the Clerk of the Papers is obscured and deprived of ventilation by the new building, and can only be used now with the help of gas-light, of which, and of the dampness—intensified, as he thinks, by the proximity of the new building—the occupant very justly complains, particularly as he believes that his health has suffered during the last two years from those causes.

Your Committee thinks this room is not fit to be used any longer as an office.

The health of the Messengers has, your Committee regrets to say, been seriously affected by the dampness and draught to which they are exposed in their attendance in the passage leading from the south or back entrance to the Council Chamber; and the deaths of two Messengers in the past few years, as your Committee is led to believe, have been due to, or at least hastened by, those causes.

Your Committee recommends that a temporary room be erected, for the use of the Clerk of the Papers, at the south-east corner of the main building, as soon as possible.

Your Committee further recommends that the south or back entrance, now commonly used, be closed, and that the back entrance be through the door on the east side; and that the Messengers occupy the room on the right hand side of the passage, close to the entrance door, instead of standing in the passage as heretofore.

Your Committee desires to add, that it believes the rooms now occupied by the Clerk of the Council, Clerk-Assistant, and Clerk of the Papers, were never intended to be permanently used as offices, but for the storage of papers, &c.; and so unfit are they for offices, on sanitary and other grounds, that, but for the new building now in progress, it would have recommended that they should be confined to the purposes for which they were originally intended, and other office accommodation provided.

CHARLES SLADEN,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 27TH SEPTEMBER, 1881.

Members present:

The Hon. Sir C. SLADEN, in the Chair ;
The Hon. J. Graham | The Hon. J. A. Wallace
J. Lorimer | W. Campbell.

Letters laid on the Table of the House put before the Committee.
Mr. H. Madden, Housekeeper at the Legislative Council, called in and examined.
Mr. E. Finn, Clerk of the Papers, examined.
J. Lennox, Messenger, examined.
H. Vaughan, Messenger, examined.
Mr. Rusden, Clerk of the Council, examined.
Mr. Comyns, Clerk Assistant, examined.
Mr. P. Kerr, employed on the Parliamentary Buildings as Inspector, examined.
Committee adjourned until three o'clock on Tuesday next.

TUESDAY, 4TH OCTOBER, 1881.

Members present:

The Hon. Sir C. SLADEN, in the Chair ;
The Hon. J. Graham | The Hon. W. Campbell.
J. A. Wallace |

Mr. Kerr called in.
Mr. Kerr produced a sketch of temporary additions as prepared by him, and was questioned with regard to them
Mr. Kerr retired.
Resolved—That the room occupied by the Clerk of the Papers is not fit to be inhabited.
That the present entrance at the south be closed.
That a temporary wooden room be erected for the Clerk of the Papers at the south-east corner of the building.
Committee adjourned until one o'clock on Wednesday the 5th instant.

WEDNESDAY, 5TH OCTOBER, 1881.

Members present:

The Hon. Sir C. SLADEN, in the Chair ;
The Hon. C. J. Jenner | The Hon. J. A. Wallace.

The Chairman submitted a Draft Report.
Draft Report read and agreed to.
Chairman ordered to report.

MINUTES OF EVIDENCE.

WEDNESDAY, 28TH SEPTEMBER, 1881.

Members present :

The Hon. Sir C. SLADEN, in the Chair ;	
The Hon. J. Graham	The Hon. J. A. Wallace
J. Lorimer	W. Campbell.

Mr. Henry Madden examined.

Mr. H. Madden,
28th Sept. 1881.

1. *By the Hon. the Chairman.*—You are the housekeeper here ?—Yes.
2. Is that the name under which your office is known ?—Yes.
3. How long have you been in the employ ?—Since June 1858.
4. How many years ?—Twenty-three years.
5. *By the Hon. J. Graham.*—You do not live upon the premises ?—I live upon the reserve.
6. *By the Hon. W. Campbell.*—Have you ever been engaged below in attending to the entrance ?—Constantly.
7. *By the Hon. the Chairman.*—During that time you have known a great number of messengers who have been here in succession ?—Yes.
8. Have there been complaints constantly, during that period, as to the unhealthiness of the premises here ?—Yes.
9. When did you first hear them—when do you think you first became aware that the want of drainage was causing unhealthiness ?—I do not know that it was want of drainage—it was dampness.
10. Yes ?—More especially since the commencement of the front portion of the building.
11. How many years is that ?—I could not exactly say.
12. Two years ?—I think more than that.
13. During that time, has the health of the messengers been more particularly affected ?—It has.
14. Can you mention the names of those who have been so, beginning from those furthest back that you have known who have been here and whose health has been affected by this cause ?—Latterly, the last two or three years—in fact, I may say all of them, even myself.
15. Would you name particular persons who have been ill—do you recollect Mr. Webb ?—One messenger, John Hunter, who was here sixteen years. I have reason to believe, from what I have heard, that he retired in consequence of suffering every winter, more or less, from the cold, and he feared it would become chronic.
16. When did he leave here ?—I am not sure. I think about two years ago.
17. He used to complain habitually in the winter ?—Yes.
18. What was his particular post at that time—where was his duty ?—He was not hall porter, he used to deliver papers.
19. Do not they take it in turns in the hall ?—There is one man more especially allotted to that purpose, as being more suitable.
20. It is only there where any complaint is made of the premises being unhealthy ?—Messengers in the house are more or less confined about the building, unless when required to deliver messages.
21. Was his health affected—did he suffer from rheumatism, for instance ?—He suffered from cold in the head. I cannot exactly say, but I know I have heard from himself, and from others that he told, that he found the place too unhealthy, and he resigned his position in consequence.
22. Was he a young man ?—Yes, a young man.
23. At what time was Mr. Webb here—the young Mr. Webb ?—I cannot exactly tell that.
24. Before Lennox, who is now a messenger, generally in the corridor below—was there any one laid up ?—Yes.
25. Who was that ?—Henry Vaughan.
26. What time was he here ?—He is here now. He has suffered.
27. He has been laid up ?—He has been laid up, and he states, also, it is in consequence of the cold draughts.
28. Any one else ?—John Lennox. He is stationed mostly in the hall.
29. Is there anyone else that you know who has been suffering ?—The other man only recently came, and he has not complained yet, that I have heard.
30. You have been here over twenty years—have you noticed anything that would indicate unhealthiness about the premises, such as damp or bad smells, or anything of that kind ?—Yes. At times, when the atmosphere is of such a nature that both the flags and the sides of the wall are damp. I have seen the water streaming down the sides of the wall, about five feet high, and the floors quite wet, and constantly a cold stream of wind passing through the halls.
31. Is that in particular weather, or is it commonly so ?—At particular periods, that is, in particular sorts of weather and the atmosphere.
32. Have you noticed anything like bad smells ?—No, I cannot say that I have.
33. *By the Hon. J. A. Wallace.*—You have been here for twenty-three years ?—Yes.

Mr. H. Madden,
continued,
28th Sept. 1881.

34. And have been as much in the house as any of the messengers?—Yes.
35. Did you ever feel any bad effect of this?—Yes.
36. How did it affect you?—It affected me as the doctors say—in the bronchial tubes, and slightly in the lungs. I cough a lot of phlegm up every morning.
37. Do not you think the great draught in the passages has a great deal more to do with it than the natural dampness?—Yes, it has, no doubt; it affects me at any rate.
38. *By the Hon. W. Campbell.*—Have not your duties been generally upstairs?—Mostly downstairs, except when the House is sitting.
39. I thought you were generally in the upper part?—I am caretaker of the building, and, when the House is not sitting, most of my business is downstairs.
40. You are not porter—you do not stay downstairs?—I am not obliged to be there.
41. There is a man there constantly?—Yes.
42. If anything is wrong, he would be the greatest sufferer?—He has suffered.
43. How long has the present man been in that position?—Eight or nine years.
44. Has he complained much?—Yes. Very greatly for the last few months. His life was despaired of. He has only resumed duty for the last ten days.
45. *By the Hon. J. A. Wallace.*—Does he complain of the draughts or the damp?—Of the draughts principally, I believe.
46. *By the Hon. J. Graham.*—Before you were housekeeper, were you one of the messengers?—No, I came here as housekeeper. I am equally below stairs as above.
47. Not as much as a regular messenger?—No, quite as much.
48. *By the Hon. W. Campbell.*—There is a man down there constantly?—Yes, from eight o'clock in the morning to four in the evening.
49. *By the Hon. the Chairman.*—Do you attribute your bronchial affection to the state of the building?—Yes; to the cold stream of wind. I have been bad the last four or five years. Previous to that I was pretty healthy.
50. *By the Hon. J. Lorimer.*—How often in a year is the water noticeable running down the walls, that you refer to?—Some seasons much more than others. It depends upon the state of the atmosphere.
51. What state of the atmosphere causes it most?—Muggy weather.
52. Damp and rainy weather?—Yes. Sometimes it is as good as a barometer. You can tell the weather that is coming by the lines of flags getting damp.
53. Is there any way that occurs to you whereby those draughts might be checked?—Yes. I suggested this morning some remedies—that is, if the basement story is to be continued—by closing up the side door.
54. Could there be any folding or swinging doors half way along?—Yes, more specially in the western passage, and having the entrance to the building through that passage altogether. And then another thing, the messenger obliged to remain in the hall cannot use the room allotted to the messengers; for, at the present time, it is little use to him, because he cannot remain there. He must be in and out; but if the entrance was through the back passage he could remain in the room, and could see and challenge any one passing by.
55. *By the Hon. J. Graham.*—Which room is that?—The room which we call the messengers' room.
56. *By the Hon. W. Campbell.*—Do not you think that, if the place was shut up with folding doors that way, it would increase the damp, if there was no circulation of air through it?—I could not be sure about that.
57. *By the Hon. J. A. Wallace.*—If these swing doors were shut, that would be as comfortable as the room would be?—There are doors better than swing doors.
58. Doors of any sort would make the place as comfortable as any room you have got down stairs?—Yes.

The witness withdrew.

Mr. Edmund Finn examined.

Mr. E. Finn,
28th Sept. 1881.

59. *By the Hon. the Chairman.*—You are clerk of the papers?—Yes.
60. And you have been here over twenty years, have you not?—Twenty-three years.
61. Have you always been in the same room?—Always.
62. Then you have had very considerable experience of this building. Have you usually found it damp?—I have always found my room damp, but it was bearable until four or five years ago, when they began to enclose it.
63. Do you think the new buildings have an effect upon it?—I have no doubt about it. They have, I think, the effect of confining the air closer, and preventing the pure air getting in.
64. Do you recollect if the damp used to rise through the floor, and up the walls in the same way we have observed it the last few years?—As long as I can remember almost. I think it did in the beginning. I at first thought it was the hurried manner in which I knew the buildings were originally put up. I thought it was the want of drainage; but, of course, upon that I cannot speak.
65. But were you not sensible of any injurious effect from it in the earlier period?—No; I am generally of a good constitution, but what I felt most was the gradual increase of the darkness, the deprivation of light, and, when I was obliged to work for any long time in gaslight, I found it become occasionally very offensive. I may also say that, for the last two or three years, I am hardly ever three weeks without a slight sore throat, or something of that kind, and even in the last three days I got a stiff neck; slight affections, because naturally I believe I am of a very good constitution.
66. You attribute those affections to the presence of damp in your room?—I attribute them to damp and to the badness of the air; and I may mention that, some three or four weeks ago, there was a medical gentleman at my place, who, in the course of some conversation, told me that in a room where the air is close and stifling, and where there is no current of free air, that the constant burning of gas has such a vitiating effect upon the air, that it is absolutely destructive to the existence of any person that was obliged to be there continuously and for any lengthened period.

67. There is an absence of ventilation in your room?—The only ventilation is the chimney flue, and sometimes when I go in in the morning, I find a sort of mugginess in the atmosphere, a stifling mouldiness, to which, I think, the gas considerably adds. The burning of gas imparts a kind of heat to the atmosphere which is sometimes almost overpowering.

68. Are you obliged to burn gas all day?—Yes.

69. No matter what the nature of the day may be?—We have not a glimpse of light.

70. For how long past?—For over a year. It is as dark as midnight.

71. Do you consider that a room like that is at all adapted to the office you hold?—I think it is impossible for a person to continue there doing the work of the office without very serious consequences.

72. In the duties which attach to your office, is it necessary that the office in which you sit, the room should be close adjacent to the dépôt of papers?—I do not think it need be very near. It ought to be convenient, but I do not think it need be adjoining; but the office where I do business ought to be sufficiently roomy to allow a large number of volumes of books of reference to be placed there, because sometimes in part of my business—making out returns, and things of that kind—frequent reference to books is indispensable. With regard to the storage of the Parliamentary papers, I think the store ought to be convenient, but not necessarily in proximity.

73. I understand that the room that you have been in the habit of occupying for the last twenty years has, since the new building has been run up, become altogether unfit for an office—due, in the first instance, to the want of light, and consequent upon that to the burning of gas in it, which, you think, fouls the air?—Taking its present state into consideration, I think it is absolutely unfit. Of course I cannot speak medically.

74. If the office were vacated for another, that is to say, if you had another office in place of that, would that be a convenient room for the storage of some of your papers?—If I had an office on any part of the ground floor, of course it would; but it strikes me that, as to the storage of papers, there is plenty of room for the papers to be stored by throwing in the second hall, and arranging them properly.

75. How do you mean the second hall?—There is a hall, turning up by the door which gives entry to my room, and running from front to back of the building.

76. Would not that close up the entrance to the room you now occupy?—I suppose my office would be removed from the room that I at present occupy.

77. But if you make the passage a dépôt for papers, would it not close the entrance to the room that you now occupy—would you not want that room for some other purpose?—It would close it, but I could go through that dépôt.

78. You could utilise the room?—Yes. One thing it could be utilised for specially—we have many bound volumes of the proceedings of past sessions that ought to be kept in some place for preservation, and it would do for that, no doubt.

79. Is the floor of your room a stone floor or a wooden floor?—A wooden floor. My room is carpeted, and the damp cannot be seen in the same way as you can see it oozing up around the edges of the hall flags.

80. Do you notice it upon the walls?—Yes, about four feet high or so upon the walls. I think it is the damp that the walls are discoloured from.

81. Have you any suggestion to make, with a view to any change which you think is possible, with a view to remedy the present state of things?—I do not know that I have. I suggest that some expert or officer of the Public Works should survey the place with the view to offer some suggestions. It occurs to me that the only thing that seems to be possible, is to have some outside erection somewhere, the same as was done for the Legislative Assembly. That might be put up at the back. It occurs to me that any person doing the duties that are assigned to me ought to have a position somewhere upon or near the ground floor, not far from the papers in store. It would not do to put him upstairs.

82. *By the Hon. J. A. Wallace.*—I think you complain more of the gas than of the damp, and of the place being badly ventilated?—I complain of the whole state of the place.

83. How long have you been in that room altogether?—Twenty-three years.

84. Has it never affected you till the last three or four years?—I never felt it till the light was gradually shut out and the air along with it, and the ventilation stopped, and then we were obliged to light gas and keep it lighted there, and all these things came together upon me. It has become almost insupportable. The fact is, when I have a letter to copy I must bring it up stairs, for I could hardly venture to do it down there, unless in case of great emergency.

85. Do you know any room up here that would answer your purpose equally as down below?—I do not think a room up here would suit me, for this reason, that I have such constant occasion to refer to volumes and papers and letters and books, and I ought to be reasonably near where the papers are stored and the volumes kept.

86. It is not as convenient here as it would be to open a door and go through the passage and go into another building?—I think it would be very inconvenient to have a person performing my duties up stairs. If I were put upon the ground floor of the new building I could come in for the papers that I wanted. There would be no coming up or down stairs then. Suppose I am assigned a room up here and the papers and records are down below, it would be very inconvenient for me. I should be trotting up and down always.

87. If you had a room up here you would keep a lot of those papers and documents up here alongside you?—But you do not know the particular one you want.

88. You want some place to do your work in?—Yes, of course.

89. *By the Hon. W. Campbell.*—How many hours do you generally occupy your room?—The hours are uncertain. I am supposed to be here, when the House is not sitting, during the ordinary hours. When the House is sitting my hours cannot be fixed. I have been here all night till morning.

90. When we have long sittings, do you find it affect your health more than at other times?—I feel it much in this way:—Suppose the House adjourned during pleasure from seven or eight to ten o'clock at night, to sit down in that room is something very offensive.

91. You have always gas burning day and night?—We must have it. We cannot have the gas out, for it would then be absolute darkness.

92. Is there any ventilation near the ceiling to take the vitiated air away?—I do not know that there is.

Mr. E. Finn,
continued,
28th Sept. 1881.

93. *By the Hon. the Chairman.*—Have you a window—cannot you open that?—We do that, but the draughts come in.

94. *By the Hon. W. Campbell.*—Is there any ventilation near the ceiling?—I do not know.

95. *By the Hon. J. Lorimer.*—Is there any into the chimney?—I cannot be certain, but I think not. Going round from the passage into my room there is a kind of ventilator near the bottom of the wall.

96. But is there any ventilation from the cornices?—I do not think so.

97. *By the Hon. W. Campbell.*—You are aware that gas, being so light, ascends, and has a better exit near the ceiling than below?—Yes.

98. *By the Hon. J. Lorimer.*—There is plenty of ventilation for the fresh air to come in, but is there any outlet for the foul air above?—I cannot say. I do not think so.

99. *By the Hon. J. Graham.*—Have you nothing in the ceiling like what we saw in Mr. Comyns's room?—I do not know, but I do not think so.

100. *By the Hon. W. Campbell.*—Having an exceptionally good constitution, you have suffered less than the messengers have?—I have been blessed with very good health.

101. Do you think that, if a flue or stove was put down where the messengers are in the passage, it would give ventilation, and warm the room at the same time?—The hall?

102. The hall?—I always thought the hall could be made comfortable by enclosing and having a stove.

103. Do you think it would be worth making the experiment with the hall?—That has occurred more than once to me. I mentioned it to some of the messengers, and I mentioned it once or twice to the housekeeper. He did not seem to think it would do, and I did not bother myself further. As far as I am concerned, I tell you frankly that I would not at all complain so much as I do, if I could get any tolerable amount of daylight, but it is the gaslight that frightens me.

104. You are aware that it has been alleged that deaths have been caused among the messengers through those things?—Yes, I always understood so.

105. Have you any memorandum of the deaths of those different men?—I can tell you when the deaths occurred. I have no memorandum of the cause of death. One Webb died on the 29th August, 1875. His death was generally attributed to the hall.

106. In 1875?—Yes.

107. Was that the first?—We had deaths before, but this was the first I heard the building blamed for.

108. *By the Hon. J. A. Wallace.*—Do not you think that those colds are created more by the draughts than by the damp?—I believe both work together. I believe the draught in the hall is very bad.

109. *By the Hon. J. Lorimer.*—What did Webb die of?—He went home, and was sick awhile, and died at home.

110. You do not know the cause of death?—No.

111. *By the Hon. J. Graham.*—Did he complain while he was here?—It was stated at the time hereabout, and his wife stated so before he died, that the state of the hall caused his death. I went to see him before he died, and he told me it was the hall, but as to the cause of death I cannot say certainly. There cannot be a worse draught than there is there sometimes.

112. *By the Hon. W. Campbell.*—Who was the next one—when was that?—That was Chambers. He died 28th June, 1873.

113. There have been no deaths since 1875 attributable to that cause?—No; but last month Lennox was very bad. We thought he would die within the last three weeks.

114. *By the Hon. J. Graham.*—What did Chambers complain of while he was here?—Really I do not know. I have not much to do with the messengers.

115. *By the Hon. the Chairman.*—Was he a Council messenger?—Yes. I heard it was the hall.

116. Was he out of health while he was here?—A short time before. His death was rather unexpected by me.

117. *By the Hon. J. Lorimer.*—What age was he?—A middle-aged man, I suppose about forty-five. He was a strong middle-aged man.

118. And the other man—what age was he when he died?—He would be about forty, and he was a very strong, vigorous man when he came here.

119. *By the Hon. W. Campbell.*—What was the next death that preceded Chambers's?—They were further back. There were three other deaths. They happened before there was any complaint.

120. How long?—Some of those occurred—I suppose the first of them—about three or four years after I came here.

121. That would be twenty years ago?—Yes, about that.

122. *By the Hon. J. A. Wallace.*—Do not you think the want of exercise has a great deal to do with those troubles?—I think exercise does a great deal of good. It counteracts a great many bad things. Some days this hall is a terrible place for anyone. I have walked through it myself, and walked up and down, just out of curiosity. Some days during the past winter the hall has been a miserable place even to walk in.

123. *By the Hon. the Chairman.*—Webb, I understand, attributed his death to the hall?—Yes, no doubt of it.

124. That was his own idea?—His own and his wife's. I may say Vaughan, another messenger, has been several times ill since he joined as messenger, and he attributes it to the hall.

The witness withdrew.

John Lennox examined.

125. *By the Hon. the Chairman.*—You have been ill lately?—Yes.

126. Are you better?—I am much better, but I am far from being well.

127. I do not think you ought to be about here in the hall?—I was away eight weeks, and I was anxious to get back again.

128. How long have you been in the employment here?—Eight years in March last.

129. You have been usually employed in the hall, have you not?—The last seven years.

John Lennox,
28th Sept. 1881.

John Lennox,
continued,
28th Sept. 1881.

130. What is your opinion of the hall in reference to unhealthiness?—I think the draught is very injurious to health, and the damp sometimes.

131. There is always a great draught there, is there not?—Always.

132. What about the damp?—I do not think it is so bad as the draught. In summer time it is very bad and damp. Our clothes, in fact, get quite wet from it.

133. Your clothes?—Yes, quite damp.

134. That must be very unwholesome, surely; were you in a state of robust health when you came here?—I never was ill so long as I can remember till I was just lately. I never lay in bed a day as long as I remember.

135. You have not been ill in such a manner as you can attribute it to either damp or draught in this hall until this present year?—This present year.

136. You were in good health during the previous time?—Yes.

137. You attribute your late illness to the cold you have caught here?—Yes, at least my doctor told me it was a severe cold that I had, and I attributed my cold to that.

138. Did you use to feel the floor damp—the cloth over the flags?—It will get a damp appearance, but I did not feel it.

139. You are quite a young man, are not you?—I am forty years of age last April, on the first of the month.

140. You feel you are getting round, strong to resume duty?—My legs are still weak, but I am improving; but I have to thank Sir William Mitchell for getting me up to his place for a fortnight to recruit my health. That has done me a deal of good.

141. Have you any suggestion to make with reference to the premises as they stand now, by which anything you complain of could be removed?—When I was appointed to attend the door down there at first the front door was open and the approaches at the side were closed, and I considered that since the side door was opened the draught is much greater than when the front door was opened.

142. How long has that been shut?—Four years now.

143. How long is it since Mr. Rusden told you you might sit in his room whenever there was a fire?—Immediately after that time, when the alterations were made and the draughts began.

144. *By the Hon. J. Graham.*—Are you the messenger particularly told off for that duty?—Yes.

145. You do not take it in turns?—No, I have been nearly constantly there; I may say constantly for the last seven years.

146. What did the medical man say you were suffering from?—Severe cold. I got pains in my legs.

147. Rheumatic pains?—He said it was not rheumatic pains. It was pains in the legs.

148. *By the Hon. the Chairman.*—I thought you had fever?—It was a severe cold. I lost the use of my legs. Just previous to going to Sir William Mitchell's I was upon crutches.

149. *By the Hon. W. Campbell.*—What are your hours?—From eight in the morning till the House rises at night.

150. What have you to do so early?—The offices have to be cleaned, and the offices of Mr. Rusden; and the Parliamentary Papers have to be sorted by me into packets for different men to distribute, and some have to be posted.

151. Are your hours so long when the House is not sitting?—Then I get away at four.

152. *By the Hon. J. Lorimer.*—Are you upon your legs all day?—I may say mostly upon my legs, because if I sit down the place is so cold; you must keep moving about.

153. *By the Hon. W. Campbell.*—I think you complain much of cold down there?—Yes.

154. If you had a stove, and the doors could be kept shut, would it be more comfortable?—A stove may be all very well; but I think a stove would warm one side while the other side was perished with cold.

155. Would it not warm the whole passage?—I think it would warm the atmosphere; but I think if the door could be kept shut, it would be the best thing.

156. *By the Hon. J. Lorimer.*—Could you suggest any plan to check the draught, or cure it?—I think if the doors could be kept closed more than they are, it would be checked.

157. Which door?—In the Assembly they have spring-doors in the passage, that stops a good deal of the draught.

158. Has that ever been suggested?—It has been, but has never been carried out.

159. If there was a spring-door at the end of the passage where you sit, it would be as comfortable as if it was a room?—Yes.

160. When was that suggested?—It has been spoken of several times.

161. Is there anything else besides spring-doors you could suggest?—I think if some kamptulicon or something was put upon the passages to keep the damp down, it would be good.

162. *By the Hon. J. A. Wallace.*—Or heavy India matting?—Yes.

163. *By the Hon. the Chairman.*—What is the principal thoroughfare through the passage? You are there now; and you know exactly who passes through—who passes through, besides members?—Not many strangers—strangers coming looking after members.

164. Are they allowed to go through that way?—They are not allowed to go that way, and that is what I am there principally for; but there are always some coming looking after members and papers, and things of that sort.

165. If the passage were closed against members, and closed altogether to every person, would it cause much inconvenience?—They would have to find their way in some other way. There is a constant communication between the Printing office and all other Government offices with our place, going backwards and forwards.

166. That is only between the Printing office and the rooms occupied by the officers?—All letters and communications for the Legislative Council come in that way.

167. Whose business is it to receive those letters?—That is my business.

168. *By the Hon. J. Graham.*—Are there any other doors, beside this side door, to watch?—There is the back door always open.

169. Is that much required?—It is; messengers are always going in and out.

170. If that were opened, and all the other ones closed, and enlarge the porch a little, to make it a comfortable room to sit in, it would check everybody, and that would take you out of the draughts?—Yes.

John Lennox,
continued,
28th Sept. 1881.

171. *By the Hon. the Chairman.*—What is the other door used for?—That goes to the back passage, and to the other House.

172. Is it necessary to have another outlet there?—Yes; there are the coal cellars and wood houses, and other conveniences out there.

173. *By the Hon. W. Campbell.*—That back door is not much used?—No, except by ourselves and officers and servants of the House.

The witness withdrew.

Henry Vaughan examined.

Henry Vaughan,
28th Sept. 1881.

174. *By the Hon. the Chairman.*—Have you been a messenger here for some time?—Six years.

175. Where is your duty generally?—I relieve Lennox generally in the hall.

176. You have a good deal of duty in the hall?—Yes.

177. Have you been aware of any unwholesomeness in the atmosphere of the hall?—Yes; very much.

178. Damp, or draughts, or anything of that kind?—Very much.

179. Have you suffered much from it?—Yes; I have not been free from cold since last April twelve months.

180. You are not looking well now?—I have been very bad, but I am better now than I have been; but I suffer very much from bronchitis.

181. Before you came here, had you ever suffered from bronchitis?—No; not all.

182. What is it, do you think, that causes it—is it the draughts that gives that, or is it the damp?—The draughts and the damp together.

183. You are sensible of the damp?—Yes; very sensible. When you go out on a message and come back again, if you get warm outside, you feel chilled directly you come in again; and I suffer from lumbago as well, in the back and hips.

184. Have you been laid up at all lately?—Yes.

185. Do you manage to keep about?—I met with an accident about twelve months ago. The steps broke with me, and I fell down about ten feet, and since that I have never been free of cold and a bad cough.

186. You had not been so sensible of the damp and draughts previously to that time?—Yes; very sensible before. I never suffered with a chilblain till I came here, and the first winter I really could not keep myself warm. The cold is intense in here.

The witness withdrew.

George William Rusden, Esq., examined.

G. W. Rusden,
Esq.,
28th Sept. 1881.

187. *By the Hon. the Chairman.*—Can you give us any information upon this subject? You have been living upon the same floor?—I have noticed the cold and dampness very much. I have always heard of illness and colds and coughs occasionally amongst the messengers, attributed to the cold and damp. Coming in on a warm day, it really strikes one with a chill, as the last messenger said. It is most perceptible—like going into some charnel-house. I have repeatedly mentioned the matter, in order to get some better arrangement made for the messengers; and this letter is dated August 1877—more than four years ago. With reference to the new buildings, Mr. Finn felt that they were barring him out from the light. Before they were put there he could open his window and let the western sun in; and letting the sun into a room is a very great assistance to keeping the air pure; but when this building came in front, it became impossible. However, I wrote then, “The works now carried on at the Parliament Houses induce me to mention the exposure to draught and dampness which the messengers incur in the stone passages where they wait. Already there have been more deaths than one among the messengers. In one case a hale strong man succumbed to the dank atmosphere.” I alluded to Webb—he was so strong a man. He was allowed to succeed his father; and I remember that when the father died, the son had been assisting the father—absolutely doing his father’s work. He died, I think, at rather an old age—at any rate, he was an old man. I remember Mr. McCulloch saying, what a shame to appoint, as a messenger, such a powerful hale man as that. When this poor fellow came to sit in the hall he became ill; and he was the man to whom I alluded when I said, “In one case a hale strong man succumbed to the dank atmosphere.” And I have suggested that in former times the draught was severer. The entrance for members was not through that side door, but through the front; and there was no porch there, and the door had to be kept open to let members through. The door was kept open to let members see that the access was free; so that the messengers sat with the wind actually cutting them from the open air. I then asked for a wooden porch to be put up, and that was put up, and in some degree sheltered them from the driving south-westerly wind; but they do not seem to get over the difficulties of the damp and cold. I have spoken several times to the President, in the hope that the Parliamentary Building Committee would do something, and no doubt he mentioned it, but nothing was done; but Mr. Finn having presented to me his letter, dated yesterday, I presented it to the President, and added to it my letter of four years ago, to bring up the case of the messengers, because it is lamentable to see the case of Lennox—a strong man, who never had a day’s illness before, struck down in this way.

188. *By the Hon. J. A. Wallace.*—You have never felt the damp and cold?—I have. I have continually taken work home to avoid sitting in that room. I do not hesitate to say, I sit in it as little as possible on account of the damp.

189. *By the Hon. W. Campbell.*—You can shut out the draught?—Yes, but I feel the damp. At the first session I was living at Brighton, and there were no conveyances, and no trains; and the House sat later when there were more committees. I stayed late reading papers and Bills upon parchment, and sometimes working late, I would sleep upon the sofa, instead of going somewhere else to sleep. I got very ill with inflammation of the ear and other affections, and the doctor said, “Well, you must not do that, that is a most unhealthy place.”

190. *By the Hon. J. Lorimer.*—Do you think it is getting worse of late years in regard to dampness?—I have not so much noticed it in my room; but in Mr. Finn’s room, from its being so much shut out from the light, it is palpable; and I fancy that the complaints of the messengers have been more numerous

lately. Those two men are two powerful men, Lennox and Vaughan, strong, well-built men, and they both say they attribute their illness entirely to the influence of the atmosphere they have to live in.

191. It is impossible for the sun to get into those windows at all now?—Quite; and no doubt that is one main cause of the unhealthiness of the offices of the Legislative Council Department. When young Webb was appointed, Mr. McCulloch said, "What is the use of appointing so powerful a man as messenger," and in a few years the poor man was dead. The ground floor occupied at the north side of the Parliament buildings is, so far as I know, not so damp as that at the south side. The sun shines freely through the windows at the north, and renders the place drier and healthier.

The witness withdrew.

Charles Lilburn Comyns, Esq., examined.

192. *By the Hon. the Chairman.*—Could you give us some of your experience with reference to the office accommodation here, particularly whether you have found your room unhealthy—have you been sensible of its being so?—I have. The walls are damp and unwholesome; they speak for themselves without my saying anything; it strikes very cold upon one, and is altogether very unwholesome. I think it is better than the other rooms. It is less objectionable than Mr. Finn's, or even Mr. Rusden's.

193. Have you suffered in health at all in any way from it?—I am a great sufferer from neuralgia, but I cannot say that it is owing to that.

194. You have been in the habit of sleeping in your room sometimes?—I have done so sometimes, when the House was sitting very late.

195. Did you find any ill effect from that?—I cannot say that I have. I have slept there very seldom, only two or three times in a session. I should be very sorry to have to do it often. I am sure it would have a bad effect.

196. Would you have noticed that your room was unhealthy but for the complaint in the hall, where it is so very patent?—Yes, I have felt it, and find it often necessary to go out into the sun after being there for some time; I have felt chilled.

197. *By the Hon. J. A. Wallace.*—You have no fire there?—Yes, there is a fire.

198. *By the Hon. the Chairman.*—You have no doubt in your own mind that the room is not a wholesome room to sit in for long?—I have no doubt about that at all.

199. You have been in the habit of sitting there, now for how many years?—Since 1856—since the new Constitution.

200. *By the Hon. J. Lorimer.*—Do you think your room is sufficiently ventilated?—It is ventilated at the top, but it is not ventilated elsewhere. There is the same amount of ventilation as there is in most rooms of the kind.

201. Where does that pipe from the top go to?—I do not know.

Mr. Rusden.—I do not think those pipes are all open.

202. *By the Hon. J. Lorimer.*—There appears to be some arrangement, but where does it go?—

Mr. Rusden.—I think some of those orifices are closed above.

203. *By the Hon. J. Lorimer (to the witness).*—If it is close and muggy, that may be owing to defective ventilation, and the opening out of new ventilation may improve it?—It may.

204. *By the Hon. J. A. Wallace.*—Do not you think the damp in your room is owing to some leakage from the closet?—I think it is scarcely that, because the damp appears in other parts of the walls and between the windows.

The witness withdrew.

Peter Kerr, Architect, examined.

205. *By the Hon. the Chairman.*—We have been enquiring into the state of the premises below here occupied by the Clerk of Parliament, the Clerk Assistant, and the Messengers' quarters, and all those officers, and they have given tolerably convincing evidence that the premises certainly are not to be called healthy for general occupation. We want to ask you whether you can suggest any way by which we can either remedy the defects that are now existent, or could suggest any substitution of other rooms which could be occupied by those same officers?—There has always been a complaint about the dampness that occasionally arises there, and to obviate it in the meantime I suggested what I pointed out outside would be best, that is, to erect some temporary place in the meantime till the front is built, as a substitute for these rooms.

206. Have you any idea that the rooms, as they are now, could be improved, without altogether causing them to be vacated for a long time—I mean by some better drainage, or anything of that kind?—I do not think you could do anything in the way of drainage to mend it, because a building like this, all built of bluestone, jammed in by other buildings in front, will be always cold, and always a little damp. As a matter of course, we could take up those passages and floors, and put down wooden floors, which would be more comfortable to stand or to walk upon; but if the messengers are to be up stairs, that suggestion of placing them at the end of the present Library is the best, as far as my judgment goes in the matter, better than in front.

207. You think sufficient accommodation could be put up there to be connected with this floor that we are upon now?—Yes.

208. What would you propose to build—upon one floor or two floors?—It depends just upon the number of rooms that you require.

209. I take it that there are four rooms required at least?—Perhaps it would be as well to make two floors.

210. In fact, there may be five. It has been suggested that the President's sleeping room is an excessively inconvenient one, especially to Sir William Mitchell at the present time, who suffers under considerable infirmity, and probably a building of that kind might comprise a bedroom for him?—That could be very easily arranged.

211. So as to bring it on the same level with the House?—Yes, just attached to his present room.

212. Would that be a very expensive work?—No. It would be simply what we term a temporary wooden building.

213. The same as the other building?—Yes, the same as the other temporary Assembly building.

G. W. Rusden,
Esq.,
continued,
28th Sept. 1881.

C. L. Comyns,
Esq.,
28th Sept. 1881.

Peter Kerr,
28th Sept. 1881.

214. What do you suppose would be the expense involved in providing quarters to meet the circumstances?—Four or five rooms of an ordinary size might be run up for about £700 or £800.

215. As much as that?—To make them comfortable.

216. Have you any idea that the lower floor of a wooden office like that would be also affected by rising damp?—No, because the floor would be off the ground.

217. There would be a draught under it?—There would be a draught under it.

218. *By the Hon. J. Graham.*—That would be upon piles, not a stone foundation?—Yes.

219. With a draught underneath?—With a draught underneath.

220. *By the Hon. J. A. Wallace.*—If the rooms of Mr. Comyns and Mr. Rusden do at the present time, and the room of Mr. Finn will not do at all, and if by any alteration in the passage you can find a room for Mr. Finn, might not that serve the purpose at the present time, till the other buildings are up?—I thought, if the President gave up his room which he occupies at present, and a new one were provided for him next to his own room, Mr. Finn could occupy the President's present room.

221. That would be too far away from his work?—He could have one of the rooms under here. There is plenty of light here.

222. We have it in evidence, and Mr. Rusden says, that he sits in his room as little as possible, because he feels so chilled while he sits there?—Yes.

223. Therefore we should not be justified in asking officers to sit in those rooms to the detriment of their health?—I think that would be obviated a good deal if the west door is built up. It is the west door where the cold comes from.

224. Do not you mean the south door?—Yes, the south door, I should say.

225. Could not the rooms of Mr. Rusden and Mr. Comyns be improved in their ventilation?—Yes, I daresay they could.

226. There is an opening in Mr. Comyns's room, but we are not certain whether the ventilation is not choked up—do you know anything of the ventilation?—I could not positively answer the question whether there is an opening through, but I could ascertain that; but if not, we could make ventilation.

227. Would the preparation of buildings of that kind involve much time?—No.

228. No rooms could be made available, I suppose, for this session?—I think the session will, in all likelihood, run down to about Christmas, and we could get it up before that. We might be able, at the very outside, to put up the rooms in about six weeks.

229. *By the Hon. J. Lorimer.*—Are those new rooms to be available for officers of the House—are they intended for officers?—Yes, they are. There will be ample room when the front is up.

230. Is it intended that these rooms here will be given up and the officers will be taken from the rooms?—Yes; those rooms below were never intended for offices at all, they were merely to be store rooms.

231. How long will it be before those rooms are ready?—It will be four years, at least. It would be very risky to get anyone into them before they are finished, because an accident might happen from the scaffolding above.

232. *By the Hon. W. Campbell.*—Did I understand you, that the lower flat could not be drained and made dry and fit for occupation?—That could be done by inserting a damp course for the whole building; but that would be very expensive, and very tedious.

233. How deep are the foundations below the flagging?—I should say, at the very least, from two feet six inches to three feet.

234. Do not you think, that if a drain were cut round parallel with the walls and some rubble-work put in, that it would keep the damp from getting into the walls—you have got a good fall here to let it away to the low ground?—Yes; we have a drain right round the whole building, which takes all the surface drainage off it.

235. Is that in the exterior part of the building?—Yes, right round it.

236. How deep is that drain?—The drain is, I should say, fully as deep. I would not say that it is more than the depth of the foundations.

237. Then the damp, if the drain is in good order, cannot come from without—you observe that there is damp rising in the floor in the centre of the building?—Yes.

238. Far from the exterior walls?—Yes, a long way from them.

239. Then that must arise from the ground?—Yes.

240. *By the Hon. J. A. Wallace.*—I understand that those flags lie direct upon the ground?—Yes, they do.

241. *By the Hon. W. Campbell.*—Do not you think that a reticulation of drains—even agricultural tile drains, and a lot of rubble broken up, to make a space—would help to dry the place, at no great expense?—We could do that; but the flagging would still be upon the ground.

242. Not if you raise it upon drains and rubble work of this sort?—The only way I see to get it off the ground would be, to turn a barrel arch from wall to wall along the whole of the corridors and lay the floor upon the arch.

243. Would it not be better to take away some of the soil under the flags and put joists down, and then put a wooden floor upon the top of that, and then you get a current of air underneath that takes away the damp entirely?—Yes.

244. *By the Hon. J. Lorimer.*—Are you sure that this damp comes from the soil?—Yes.

245. Have you seen the damp referred to by the witnesses—it is said to run down the walls as well as lie upon the flags?—Yes.

246. Where does it come from—do you think it rises up from the soil at all?—I could not answer that question, but I have seen what you remark, and the honorable member's suggestion of cutting out the earthwork and taking away the flagging and putting joisting into the building would obviate the wet floor and make the floor dry, but that would not cure the walls.

247. I think that arises from the atmosphere?—I think that it very likely does.

248. Have you ever taken up the flags?—Yes, some of them.

249. What was the soil like?—Quite dry.

250. Was the flag wet?—Wet on both sides. I have often noticed it, and turned it over in my mind, and I fancy that the flagging must have been brought upon the ground saturated with salt water, or something of the kind.

251. What was the plaster like?—That is all right, but unless the walls are particularly well built, that is to say, with cube stone, there is a difficulty in keeping down the damp from coming up the walls.

252. *By the Hon. W. Campbell.*—Would it not be possible to lay a wooden floor all over the top of the flags, and leave a current of air between the stone floor and the wooden one?—Yes, you could do that perfectly well, but the real cure for the damp coming up the walls is to insert a damp course in cement, and that becomes very expensive.

253. *By the Hon. J. Lorimer.*—Does the damp rise up to the archway of the vault?—No, it rises up to about the height of the chimney-piece from the ground.

254. *By the Hon. W. Campbell.*—Is not that bluestone very porous—do not many of the pieces let the rain through?—I do not think so; you might force it through by pressure, but I do not think it would come through without.

255. *By the Hon. J. Lorimer.*—Do you know the nature of the ventilation of the rooms down below Mr. Rusden's and Mr. Comyns's?—Yes.

256. It is complete in your opinion?—I do not know. I have not examined it lately. There is ventilation under the floor from the outside, but there is some ventilation in the roof. I cannot say whether it is acting or not.

257. Where does it lead to?—I cannot say; I have not examined it lately.

258. Those rooms ought to be made habitable, ought they not?—They could be.

259. *By the Hon. W. Campbell.*—There is another plan; how would it do to put lining upon the walls, and make a current of air?—It is simply hiding it, that is all. We could put it all away that you could not see it, but still it is there. If any of you gentlemen remember the old country, the lath and plaster is never put upon the wall; it is kept off the wall, simply to obviate that sweating and damp.

260. *By the Hon. the Chairman.*—I suppose any alteration of that kind would be an expensive affair, would it not?—You could strap the walls with lath and plaster.

261. Supposing those rooms down there could be made habitable, it would only involve the necessity of two more rooms; do you see anyway of making other improvements so as to have them convenient for the officers' duties?—I think as far as I understand you, you meant that the messengers complained of the draughts and cold down stairs, and wished them to be upstairs here?

262. Yes?—Those two rooms or three rooms erected out there would obviate that, and shut up this south door—block it up entirely and keep out the cold draught from the south.

263. Do you think you could favour the Committee with a rough sketch of the accommodation which you could put there, to meet the circumstances of all the officers' quarters in lieu of the present quarters, so as to communicate with this floor, including a room for the President?—Yes; I can make a little bit of a sketch and show it to you.

264. Will you also add some calculation of the cost?—I can do that. As I understand you, outside you want two or three rooms.

265. I think we should want more than that; we should have to clear out the rooms down below to make them habitable, and, in the meantime, we want accommodation, so it would be better to provide for substitutes for those rooms; we should want five rooms; could you give us any idea, not that it concerns us very much, except that it would perhaps determine us in seeing what is necessary, and how long it would be before the Parliament Buildings will be ready for occupancy?—The contract is for four years from the time when the quarry is in working operation, and they are just now going into it.

266. They could not be reckoned upon for five years?—That depends all upon whether the contractor pushes it.

267. He is not likely to do it within that time?—No.

268. *By the Hon. W. Campbell.*—Could they not finish a room or two near here sooner than that?—We could finish the whole of the front basement, but I would be afraid of any accident happening. If a stone came down, it would go through, and we do not know what damage it might do.

269. *By the Hon. J. Lorimer.*—Could you also suggest some scheme by which those two rooms down below could be improved?—We can easily ventilate those rooms; but the difficulty is to keep away the damp from the walls. You might strap the walls, and lath and plaster them, and keep a space open, and everything might appear to be perfectly free from damp; then it would not appear, but still the damp would be there.

270. *By the Hon. W. Campbell.*—What would the strapping of a room like that cost?—Strapping and lathing and plastering would run up to £15 or £16.

271. If you are in a hurry, how would it do to strap them with boards instead of plaster?—You could do that.

272. *By the Hon. J. Graham.*—Shall we have to give up all hope of doing anything with Mr. Finn's room?—Yes.

273. Cannot you give it light?—No, I cannot give it light.

274. *By the Hon. W. Campbell.*—If a wooden floor is put in the passage and a stove, would not that be more comfortable?—It would improve it a little round the stove, perhaps.

275. Would it not heat the whole passages?—I do not think it would. Any man down in those passages, supposing they were perfectly dry, they would be always very cold.

276. *By the Hon. the Chairman.*—Is any other part of the basement occupied, in any other part of the building, as these rooms are here?—Yes; on the other side Mr. Jenkins and Mr. Duffy and a Mr. Wall occupy the corresponding rooms.

277. *By Mr. Rusden.*—Are they just the same as these—have they flat ceilings?—They are just the same as your rooms, but they have a north aspect, and the sun shines in.

278. *By the Hon. the Chairman.*—Does the damp rise in their walls?—I cannot tell you; but there have been no complaints about them that I have heard of lately.

279. Will you find that out, and let us know when you send in your sketch?—Yes.

280. *By the Hon. W. Campbell.*—Do you think that a plumber should examine the water-closets, and see that they are in good order?—We have an officer always upon the building to examine them.

281. Are not some of those pipes inaccessible for examination, without taking up the floor?—No, they are all accessible; they all open into a drain.

The witness withdrew.

Ordered—That this Committee be adjourned to Tuesday next, at three o'clock.

TUESDAY, 4TH OCTOBER, 1881.

Members present:

The Hon. Sir C. SLADEN, in the Chair;

The Hon. J. Graham
J. A. WallaceThe Hon. W. Campbell
C. J. Jenner.

Peter Kerr further examined.

Peter Kerr,
4th October 1881.

282. *By the Hon. the Chairman.*—You had a sketch to give us to meet the suggestions made the other day in your presence by the Committee?—Yes.—[*The witness produced a plan, and explained the same to the Committee.*]

283. What do you estimate the cost of those additions to be?—£375.

284. Of what material do you propose to construct them?—Wood.

285. *By the Hon. J. A. Wallace.*—Plastered or paper?—Either lath and plaster or lined with boards. The cost would be about the same.

286. *By the Hon. the Chairman.*—What time would it take to put this up?—About five or six weeks, or a little longer.

287. You see no difficulty about carrying out this plan?—Not at all.

288. What would you do with the south door?—Put a window there.

289. Will you fill up the rest of the opening?—Yes, with stone.

290. *By the Hon. J. Graham.*—Would not you have the rooms for the messengers, and Mr. Rusden, and Mr. Comyns, done up a little?—Yes.

291. *By the Hon. the Chairman.*—Supposing the President's room was not built there, what difference would it make?—About £150 would do it then; but there is a difficulty in getting up the flue if you take away the upper room. The buildings are so high all round it.

292. *By the Hon. W. Campbell.*—I feel very often, sitting in the Chamber, a cold draught about my feet; does that arise from the flues that run down below?—It may be.

293. How are they discharged into the Council Chamber?—You observe down in the passages below, in the walls there are little doors; those are ventilation shafts into the Chamber. They discharge under the seats.

294. Is not that a mistake—should not they discharge near the ceiling?—The object was to give fresh air to supply the chamber.

295. It is brought up from the damp passage that the messengers complain of, and discharged into the Chamber?—Yes.

296. Is not that altogether wrong—ought not the fresh air to come from above, where you get pure air?—A great many people go in for ventilation from below, and a great many people go in for ventilation from above. The Houses of Parliament at home are all ventilated from below, and discharged above.

The witness withdrew.[*Letter received by the Chairman of the Committee on the 11th October.*]Public Works Department,
October 6th, 1881.To Sir Charles Sladen, M.L.C.,
Chairman of Committee.

Sir,

Regarding my examination before the Committee on the 3rd instant, permit me to state, that the whole tenor of it points to damp in the basement floor of the Houses of Parliament, which I do not admit, believing the same to be incorrect. Radiation of heat, in my opinion, condensing on the cold walls and floor, is the sole cause of what is termed "damp." I would therefore suggest for the Committee's approval the word "moist" in lieu of the word "damp."

I have the honor to remain,

Sir,

Your most obedient servant,
P. KERR.

APPENDIX.

Sir,

27th September, 1881.

I do myself the honor to submit for your consideration the enclosed letter, addressed to me by the Clerk of the Papers.

The difficulties complained of have been previously made known to you by me on several occasions, and I am quite of opinion that they call for immediate remedy, if possible.

As that remedy would depend upon parliamentary building arrangements, it is one with which I am powerless to deal.

2. At the same time I enclose a copy of a letter which I addressed to you in 1877, on the subject of the injury to health sustained by the messengers, by reason of the deleterious atmosphere in the passages in which they are compelled to spend much of their time.

The evil is in no manner abated, and again I feel bound to bring the subject under your notice.

I have the honor to be,

Sir,

Your most obedient servant,

G. W. RUSDEN,
C.L.C. & C.P.

The Honorable the President of the Legislative Council.

Sir,

Parliament House,
Melbourne, 27th September, 1881.

On the 24th June, 1880, I brought under your notice the fact that the works being carried on in extension of the Parliament Houses had so thoroughly excluded daylight as to render it almost impossible for me to perform my duties in the room assigned for the purpose; and as the inconvenience then complained of has been much intensified, I am constrained to again trouble you on the subject.

The office referred to, always damp and unhealthy, then darkened, and now continually lighted with gas, has at length become a place absolutely destructive to human life. A person sitting there now from day to day, writing, incurs a risk of blindness from the gas, and the shortening of his existence by the inhalation of vitiated air from the impure atmosphere by which he is surrounded.

There is also a great deficiency in the means available for preserving the Parliamentary papers and the volumes of past sessions; so much so, that there cannot be the classification necessary for obtaining with facility any paper of a former session of the Council that may be readily required. In previous years this inconvenience was the less felt, in consequence of the quantity of the papers not being considerable; but now that the papers have so much accumulated, it is of pressing importance that some re-arrangement and enlargement of the depository for old papers be speedily effected, or some other more suitable and commodious place provided.

I would also observe, that we are obliged to store many bound volumes in an unenclosed portion of the hall, where they are liable to constant injury from exposure to dust and dampness.

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

EDMUND FINN,
Clerk of Papers, Legislative Council.

The Clerk of the Legislative Council.

(Copy.)

Sir,

31st August, 1877.

The works now carried on at the Parliament Houses induce me to mention the exposure to draught and dampness which the messengers incur in the stone passages where they wait. Already there have been more deaths than one among the messengers. In one case a hale strong man succumbed to the dank atmosphere.

Some time ago, in order to mitigate the pressure of the evil, I made a requisition for the wooden porch, which it was hoped would remedy it. I fear, however, that the remedy has been partial. The stone floors become sometimes as wet as if water had been thrown upon them, and the damp exhalations cling to the walls to the manifest injury of the health of those who sit in the passages.

I do not myself know what to suggest as a remedy, but it appears to me that the surrounding of the present building with ground-floor walls will make matters worse, by destroying the existing ventilation to some extent.

The messenger who attends the hall is at this moment laid up with neuralgia, and I feel bound to bring the matter before you, so that it may be cared for.

In the new buildings the ground floor on the south side will be as unhealthy as those now in existence, if something be not done to create ventilation under the floors of those rooms or passages where human beings are expected to work or to sit.

I feel it my duty to bring the matter under your notice.

I have, &c.,
(Signed) G. W. RUSDEN,
&c., &c.

The Honorable the President of the Legislative Council.

1881.
VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

COUNCIL ELECTIONS 1882 BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 7TH DECEMBER, 1881.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 6TH DECEMBER, 1881.

COUNCIL ELECTIONS 1882 BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Debate ensued.

The Honorable Sir C. Sladen moved, That all the words after the word "That" be omitted, with a view to insert instead thereof the words "a Select Committee be appointed to consider this Bill, and to report thereon to this Council on the earliest possible day."

Debate ensued.

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

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

Question—That a Select Committee be appointed to consider this Bill and to report thereon to this Council on the earliest possible day—put and passed.

The Honorable Sir C. Sladen moved, That such Committee consist of the Honorables Dr. Dobson, J. Lorimer, R. S. Anderson, H. Cuthbert, and the Mover.

Question—put and passed.

WEDNESDAY, 7TH DECEMBER, 1881.

COUNCIL ELECTIONS 1882 BILL.—REPORT OF SELECT COMMITTEE.—The Honorable Sir C. Sladen brought up the Report of the Select Committee appointed to consider the Council Elections 1882 Bill.

The Report was read at the Table by the Clerk.

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

Question—put and passed.

Report and proceedings ordered to be printed.

R E P O R T .

THE SELECT COMMITTEE appointed by your Honorable House "to consider the Council Elections 1882 Bill, and to report thereon on the earliest possible day," has the honor to submit the following Report:—

The Committee has met to-day and has gone through the Bill, and considered it well in all its bearings.

The Committee is of opinion that (although there are difficulties in the way of providing new Electoral Rolls for the Council periodical Elections of 1882 in the mode suggested by the Bill), yet they are not insuperable.

The efforts ordinarily made by the Municipal Districts for ascertaining the value of property, and collecting the information necessary for completing the Ratepayers' Rolls, would require to be put forth at an earlier period of the year than usual ; and, for this purpose, the Committee recommends that a circular be sent to the Council of every Municipal District setting forth clearly the particulars required and the dates to be observed, so that all the rolls shall be available for the printer not later than 31st August.

The Committee, after consulting with the Government Printer, is of opinion that the polling-day for the several elections cannot safely be earlier than the end of November, and it recommends that the last Thursday in November, 1882, be fixed for such polling-day.

It also recommends that clauses be inserted in the Bill requiring—

- 1st. Municipal Districts to obtain all needful information for new Ratepayers' Rolls on or before 10th June, 1882 ;
- 2nd. Municipal Clerks to furnish the Electoral Registrars with certified copies of the Citizens, Burgess, and Voters' Rolls, on or before 31st August ;
- 3rd. For enabling Members retiring by rotation in 1882, to hold their seats until the last Thursday in November.

The Committee further desires to suggest that it would be more convenient if all future periodical elections after 1882 were to be held on the second Thursday in the month of April following the polling-day provided by the Act.

CHARLES SLADEN,
Chairman.

7th December, 1881.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 7TH DECEMBER, 1881.

Members present :

The Hon. Sir C. SLADEN, in the Chair ;

The Hon. J. Lorimer
Dr. Dobson

The Hon. R. S. Anderson
H. Cuthbert.

Mr. Ferres called in and consulted as to the facilities and time required for printing the Rolls.

Resolved—That the first elections be held on the last Thursday in November, 1882.

Resolved—That a clause is necessary requiring Municipal Districts to obtain all needful information for new Ratepayers' Rolls on or before the 10th June, 1882.

Resolved—That a clause is necessary requiring Municipal Clerks to furnish the Electoral Registrars with certified copies of the Citizen, Burgess, or Voters' Rolls, on or before the 31st August in each year.

Resolved—That, in consequence of the postponement of the first elections from the second Thursday in September to the last Thursday in November, a clause is necessary to enable the sitting Members to hold their seats until the said last Thursday.

Resolved—That, in the opinion of the Committee, it is desirable that future periodic elections should be held in the March or April succeeding the period named in the Principal Act.

Chairman ordered to report accordingly.

1881.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

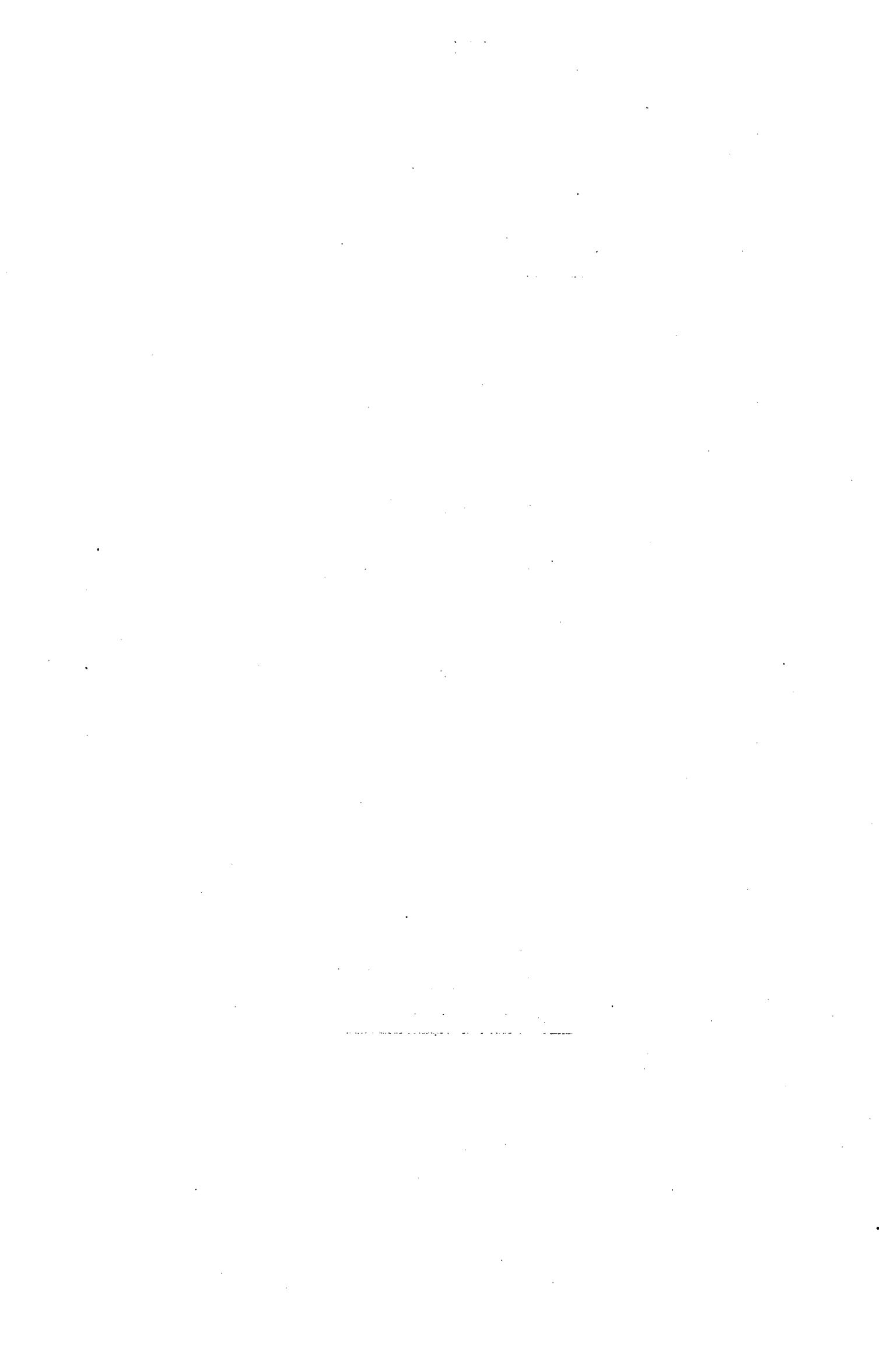
OF THE

PRINTING COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 8TH DECEMBER, 1881.

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.
Chinese (Intercolonial Conference).—Despatch from the Right Honorable the Secretary of State (11th May, 1881)	1881. 20th Sept.	By Command	No order made.
Explosives—Progress Report of Board on (20th August, 1881)	"	"	"
Melbourne International Exhibition 1880.—Further Despatches from the Right Honorable the Secretary of State (31st December, 1880, to 18th May, 1881)	"	"	"
Defences (Intercolonial Conference).—Despatch from the Right Honorable the Secretary of State (11th May, 1881)	"	"	"
Intercolonial Conference.—Despatch from the Right Honorable the Secretary of State (11th May, 1881)	"	"	"
Statistical Register of Colony of Victoria, 1880.— Part I.—Blue Book. Part II.—Finance, &c.	"	"	"
Land Act 1869—Regulations under sec. 110.—Order in Council (6th September, 1881)	"	"	"
Public Library, Museums, and National Gallery.— Report of Trustees—for 1880	"	"
Public Accounts.—Additional Regulation as to certifying Accounts (6th September, 1881)	"	"
Friendly Societies.—Report of Government Statist for the Year 1880	27th Sept.	By Command	"
Mining Surveyors and Registrars.—Reports of, for Quarter ended 30th June 1881	"	"	"
Penal Establishments and Gaols.—Report of Inspector-General for the year 1880	"	"	"
Exhibitions and Studentships to be awarded under Education Act, No. 447—Amended Regulation	"	"
Western Pacific High Commission.—Intercolonial Conference.—Despatches from the Right Honorable the Secretary of State (11th May, 3rd June, and 28th June 1881)	11th October	By Command	"
Australasian Statistics, 1880, with Report from Government Statist	"	"	"
Melbourne Harbor Trust—Accounts for quarter ended 30th June 1881	"	"	"
Yan Yean Water Supply—Cash Statement and Balance Sheet (30th June 1881)	"	"
Education.—Report of Minister of Public Instruction for the year 1880-81	"	"
Victorian Water Supply—Statement showing the Works, &c., in respect of which moneys have been applied, to 30th June 1881, out of item 10 of schedule 2, of Loan Act, No. 608	12th October	... ..	"
Police Commission—Second Progress Report—Organization of Police Force, &c.	18th October	By Command	"
Schedule D, 18 & 19 Vict., cap. 55—Statement of Expenditure 1880-81	25th October	"	"
Railway Loan Act No. 608—Estimate of Expenditure proposed to be incurred during year ending 30th June, 1882, £273,000	"	"
Discipline Act 1870—Additional Regulations under (28th September, 1881)	"	"
Public Charities—Report of Inspector for the half-year ending 30th June, 1881	2nd November	By Command	"
Waterworks—Estimate of Expenditure proposed to be incurred by the Board of Land and Works, under Act No. 701, during the year ending 30th June, 1882—Geelong and Coliban, £6000; Bendigo Waterworks Debentures, 1882, £60,000	"	"
Fisheries Acts—Notice of intention to alter the close season for Fish at Lake Colac and its Tributaries (30th September, 1881)	15th November	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.
Statistical Register, Victoria, 1880 :— Part III.—Vital Statistics, &c. Part IV.—Interchange Part V.—Law, Crime, &c.	1881. 15th November	By Command	No order made.
Police Commission—Minutes of Evidence	”	”	”
County Court Statute, 1869—Amended Rules (28th September, 1881)	”	”
Public Accounts—General Regulation (24th October, 1881)	”	”
Exhibition—Melbourne International, 1880–81—Final Report of Commissioners	”	”
Legislative Assemblies in Colonies possessing Respon- sible Government—Reports respecting the Practice and Regulations of—Despatch from the Right Honor- able the Secretary of State, with enclosures (3rd August, 1881)	22nd November	By Command	”
Statistical Register, Victoria, 1880 :— Part VI.—Population	”	”	”
Education Department—Estimate of Expenditure for Erection of School Buildings during the year 1882, £80,000	”	”
Mining Surveyors and Registrars—Reports of—For quarter ended 30th September, 1881	29th November	By Command	”
Public Accounts—Regulation respecting (14th No- vember, 1881)	”	”
Observatory—Sixteenth Report of Board of Visitors	6th December	By Command	”
Savings Banks—Returns, &c., for year ending 30th June, 1881	”	”

JAMES BALFOUR,
Chairman.

Committee Room,
Parliament House,
Melbourne, 8th December, 1881.

1881.
VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

RETIREMENT OF THE CLERK OF THE COUNCIL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE AND CORRESPONDENCE.

ORDERED BY THE COUNCIL TO BE PRINTED, 13TH DECEMBER, 1881.

By Authority:
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

THURSDAY, 8TH DECEMBER, 1881.

RETIREMENT OF THE CLERK OF THE COUNCIL.—The President read to the Council certain correspondence on the subject of the contemplated retirement of the Clerk of the Council, and laid the correspondence upon the Table.

The Honorable Dr. Dobson moved, That a Select Committee of seven Members be appointed to consider and report upon the correspondence now submitted to the House by the President, and upon the consequences involved in the contemplated retirement of Mr. Rusden from the offices of Clerk of the Council and Clerk of the Parliaments.

Debate ensued.

Question—put and passed.

The Honorable Dr. Dobson moved, That the Select Committee consist of the Honorables the President, R. S. Anderson, W. Campbell, H. Cuthbert, W. E. Hearn, Sir C. Sladen, and the Mover.

Question—put and passed.

TUESDAY, 13TH DECEMBER, 1881.

RETIREMENT OF THE CLERK OF THE COUNCIL.—The Honorable Sir C. Sladen brought up the Report prepared by the Select Committee appointed on the 8th instant to “consider and report upon the correspondence now submitted to the House by the President, and upon the consequences involved in the contemplated retirement of Mr. Rusden from the offices of Clerk of the Council and Clerk of the Parliaments.”

The Report was read at the Table by the Clerk-Assistant.

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

Question—put and passed.

Ordered—That the Report be printed.

The Honorable Sir C. Sladen moved, That an Address be presented to His Excellency the Governor, conveying to him a copy of the Report now adopted.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the following be the Address:—

To His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria, and its Dependencies, &c., &c., &c.

MAX IT PLEASE YOUR EXCELLENCY:—

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

We have the honor of informing Your Excellency that during the last week the President submitted to the Council a correspondence that had taken place between Your Excellency's Private Secretary and the Clerk of the Council, together with the enclosures therein:—

That thereupon we appointed a Select Committee to “consider and report upon the correspondence submitted by the President, and upon the consequences involved in the contemplated retirement of Mr. Rusden from the offices of Clerk of the Council and Clerk of the Parliaments.”

That such Committee made a Report and we adopted the same.

That we now have the honor to transmit to Your Excellency a copy of such report, and to express a hope that the suggestions contained therein may meet with Your Excellency's approval.

Question—That the Address be adopted—put and passed.

R E P O R T .

THE Select Committee “appointed to consider and report upon the correspondence submitted by the President, and upon the consequences involved in the contemplated retirement of Mr. Rusden from the offices of Clerk of the Council and Clerk of the Parliaments” has the honor to make the following report to your Honorable House :—

The Committee recommends that the Council should assent to a Superannuation Allowance of Five Hundred Pounds per annum being granted to Mr. Rusden, on his retirement from the offices of Clerk of the Council and Clerk of the Parliaments, out of the sum of £5000 set apart in Schedule D of the Constitution Act.

Your Committee begs to remind your Honorable House of the third part of the Report of the Select Committee which was appointed by your Honorable House on 27th October, 1880, “to inquire into and report upon Parliamentary Usage in matters relating to the position and emoluments of Officers of your Honorable House.”

That Report was adopted on the 23rd December, 1880, and the portion referred to is in the following words :—“The reference to your Committee includes the position of the officers of the Council in all respects.

“The mode of their appointment seriously affects their position in the House, and demands our notice.

“The 37th section of the Constitution Act vests the formal appointment to all offices under the Government in the Governor, with the advice of the Executive Council, but the Constitution also invests the two Houses of the Legislature with the powers and privileges deemed necessary to secure their independence in the exercise of their functions.

“The provision of the 37th section of the Victorian Constitution was identical with that enacted in the 44th section of the New South Wales Constitution Act, and your Committee are enabled to cite for the information of your Honorable House the manner in which Parliamentary usage and the Statute law have been moulded together in New South Wales.

“In 1860, it was resolved by the Legislative Assembly of New South Wales that ‘in order to maintain the dignity and usefulness of the office of Speaker’ ‘all the clerks and other officers of the House ought to be appointed by the Executive’ on his recommendation ; and, in reply to an Address embodying that resolution, the Governor answered that, having every desire to comply with the wishes of the House, he would ‘direct that, for the future, the Speaker shall be consulted with regard to the appointment of all the officers’ of the House.

“In 1867, Sir T. A. Murray, Speaker in New South Wales, in reply to a question from Sir David Monro, the Speaker of the House of Representatives of New Zealand, conveyed the information sought in these words :—‘All the clerks and the Serjeant-at-Arms are appointed on the nomination of the Speaker. On two

“occasions the Government disputed this right, but my predecessor and myself
 “appealed to the House, and were supported in maintaining it by very large
 “majorities. It is now no longer questioned.’* ”

* N. Z. Parl.
 Paper, 1867.
 D No. 12.

“On the same occasion the Speaker of the Legislative Assembly of Queensland
 “informed Sir David Monro that a similar practice existed there.

“In 1863, when an important appointment (that of the Usher) was filled in
 “Victoria, your Honorable House passed a special resolution in these words—‘That
 “this Council, whilst it does not assume to itself the right of making appointments,
 “such being by the Constitution Act vested in the Governor in Council, expresses a
 “hope that no gentleman in any manner distasteful to them will be placed in an office
 “so intimately connected with them personally as is the Usher of the Council.’ ”

“The wishes of the Council were complied with on that occasion, and there is
 “no reason to believe that on any occasion they would be neglected.”

Your Committee expresses its approval of this portion of the Report, and does
 not doubt that the Executive Government will concur in this view.

Your Committee is satisfied that the course above indicated is essential to the
 satisfactory conduct of Parliamentary business.

W. H. F. MITCHELL.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 13TH DECEMBER, 1881.

Members present :

The Hon. The PRESIDENT, in the Chair ;

The Hon. Sir C. Sladen
W. Campbell

The Hon. W. E. Hearn
R. S. Anderson.

The President informed the Committee that he had received a telegram intimating that the Honorable Dr. Dobson was prevented by illness from attending.

Resolved—That the Committee recommend that the Council should assent to a Superannuation Allowance of £500 per annum being granted to Mr. Rusden, on his retirement from the offices of the Clerk of the Council and Clerk of the Parliaments, out of the sum of £5000 set apart in Schedule D of the Constitution Act.

Resolved—Your Committee begs to remind Your Honorable House of the Third part of the Report of the Select Committee which was appointed by Your Honorable House on 27th October, 1880, to “inquire into and report upon Parliamentary Usage in matters relating “to the position and emoluments of officers of Your Honorable House;” that Report was adopted on the 23rd December, 1880, and the portion referred to is in the following words :—“The reference to your Committee includes the position of the officers of the “Council in all respects.

“The mode of their appointment seriously affects their position in the House, and demands our “notice.

“The 37th section of the Constitution Act vests the formal appointment to all offices under the “Government in the Governor, with the advice of the Executive Council, but the Con- “stitution also invests the two Houses of the Legislature with the powers and privileges “deemed necessary to secure their independence in the exercise of their functions.

“The provision of the 37th section of the Victorian Constitution was identical with that enacted “in the 44th section of the New South Wales Constitution Act, and your Committee are “enabled to cite for the information of your Honorable House the manner in which Parlia- “mentary usage and the Statute law have been moulded together in New South Wales.

“In 1860, it was resolved by the Legislative Assembly of New South Wales that ‘in order to “‘maintain the dignity and usefulness of the office of Speaker’ ‘all the clerks and other “‘officers of the House ought to be appointed by the Executive’ on his recommendation ; “and, in reply to an Address embodying that resolution, the Governor answered that, “having every desire to comply with the wishes of the House, he would ‘direct that, for “‘the future, the Speaker shall be consulted with regard to the appointment of all the “‘officers’ of the House.

“In 1867, Sir T. A. Murray, Speaker in New South Wales, in reply to a question from Sir “David Monro, the Speaker of the House of Representatives of New Zealand, conveyed “the information sought in these words :—‘All the Clerks and the Serjeant-at-Arms “‘are appointed on the nomination of the Speaker. On two occasions the Government “‘disputed this right, but my predecessor and myself appealed to the House, and were “‘supported in maintaining it by very large majorities. It is now no longer questioned.’ *

“On the same occasion the Speaker of the Legislative Assembly of Queensland informed Sir “David Monro that a similar practice existed there.

“In 1863, when an important appointment (that of the Usher) was filled in Victoria, your “Honorable House passed a special resolution in these words :—‘That this Council, whilst “‘it does not assume to itself the right of making appointments, such being by the Consti- “‘tution Act vested in the Governor in Council, expresses a hope that no gentleman in “‘any manner distasteful to them will be placed in an office so intimately connected with “‘them personally as is the Usher of the Council.’

“The wishes of the Council were complied with on that occasion, and there is no reason to “believe that on any occasion they would be neglected.”

Your Committee expresses its approval of this portion of the Report, and does not doubt that the Executive Government will concur in this view.

Your Committee is satisfied that the course above indicated is essential to the satisfactory conduct of Parliamentary business.

The Chairman ordered to report to the House.

* N. Z. Parl. Paper, 1867. D No. 12.

CORRESPONDENCE.

SIR,

6th December, 1881.

I do myself the honor to submit to you a letter which I have received from the Private Secretary to His Excellency the Governor on the subject of my application for a superannuation allowance. The letter encloses a memorandum showing that, subject to the assent of the Legislative Council to my application, it will be complied with.

I conceive that the only way in which I can with propriety take any measures for ascertaining the desire of the Council is, by submitting the correspondence to yourself, and soliciting that you will have the goodness to take such measures as you may think fit.

I have the honor to be,

Sir,

Your most obedient servant,

G. W. RUSDEN,

C.L.C. & C.P.

The Honorable the President of the Legislative Council.

P.S.—I may add, that it is of consequence to me, if possible, that I should be able to retire at the close of the current session.

SIR,

5th December, 1881.

I am directed by the Governor to forward to you a copy of a memorandum he has received from the Honorable the Attorney-General in reference to your application for a superannuation allowance.

I have the honor to be,

Sir,

Your obedient servant,

FREDK. LE PATOUREL,

Private Secretary.

G. W. Rusden, Esq.

Memorandum for His Excellency the Governor.

Subject to the assent of the Legislative Council being obtained to the application of Mr. Rusden, the Clerk of the Council, for a superannuation allowance of £500 per annum, to be paid out of the sum of £5000 appropriated by Schedule D of The Constitution Act to Clerks and Expenses of the Legislative Council, Ministers will be prepared to recommend such application to the Governor for the issue of a warrant to carry out such action of the Council.

In my opinion, the legal power of the Governor to apply to such other purposes connected with the administration of the Government of Victoria, as to Her Majesty, her heirs, and successors, shall seem fit, the yearly sum of £5000 appropriated in Schedule D to Clerks and Expenses of Legislative Council is undoubtedly given by section 48 of The Constitution Act. If this expenditure does not come within the words "Clerks and Expenses of the Legislative Council," as it would appear to do, then the above power operates.

At the same time I would point out, that I am unaware that any precedent exists for such an arrangement, and that the yearly superannuation allowance will have to be provided in each year out of the special item of £5000 by a distinct warrant.

(Signed)

BRYAN O'LOGHLEN.

Government Offices, 28th November, 1881.

SIR,

6th December, 1881.

I do myself the honor to acknowledge the receipt of your letter of the 5th instant, forwarding, by direction of His Excellency the Governor, a copy of a memorandum received from the Honorable the Attorney-General in reference to my application for a superannuation allowance.

In accordance with the apparent intention of the memorandum, I propose now to ask the President of the Legislative Council to lay before the Members of the Council the course indicated in the memorandum which His Excellency has been so good as to cause to be sent to me.

I observe that the memorandum contemplates the necessity of an annual warrant (which, I believe, is customary with regard to other charges on the Civil List), and I presume that this is compatible with the issue of a formal document declaring that the allowance is assigned during life and will periodically be paid. Such formal document would, I presume, be issued at the date of my retirement, if the Council should concur with the arrangement proposed.

I have the honor to be,

Sir,

Your most obedient servant,

G. W. RUSDEN.

The Private Secretary,
&c., &c., &c.

P.S.—I have not thought it needful to dwell in my letter upon the fact (which appears to have escaped notice) that my application was not for any specified allowance. I confined my application to general principles, having no desire to enter into details, and knowing that my application must depend upon the pleasure of Her Majesty.

SIR,

8th December, 1881.

Since writing my note to you of this date I have received a letter from the Private Secretary, enclosing a memorandum from the Honorable the Attorney-General, dated yesterday.

I accordingly submit both documents to you without delay.

I have the honor to be,

Sir,

Your most obedient servant,

G. W. RUSDEN.

The Honorable the President of the Legislative Council.

SIR,

8th December, 1881.

I am directed by His Excellency the Governor to forward to you a copy of a further memorandum which he has received from the Honorable the Attorney-General in reference to your application for a superannuation allowance.

I have the honor to be,

Sir,

Your obedient servant,

FREDK. LE PATOUREL,

Private Secretary.

G. W. Rusden, Esq.
&c., &c., &c.

Memorandum for His Excellency the Governor.

The Attorney-General has the honor, in compliance with His Excellency's desire, to report, in regard to a letter of the 6th instant from the Clerk of the Parliaments, that, in his opinion, the course proposed by Mr. Rusden, of asking the consideration and assent of the Legislative Council to the proposed action on their part, is the right one.

As to a formal document declaring a life allowance, there does not appear to be any authority to issue such a document, as the source from which the allowance is to be paid is essentially an annual special appropriation, under the control, from time to time, of the existing Legislative Council.

Crown Law Offices,
Melbourne, 7th December, 1881.

(Signed)

BRYAN O'LOGHLEN.

SIR,

Parliament Houses,

Melbourne, 8th December, 1881.

Understanding from you that it is your intention to lay before the House this day the formal documents referring to my application for retirement, I would wish, if you should not disapprove, that they might be accompanied by a less formal expression of my deep sense of the courtesy and kindness which, throughout a quarter of a century, I have met at the hands of the first President, Sir James Palmer; of yourself; and, I may add, of every Member of the House during that long period.

It has happened that many Members were my personal friends before they became Members of the Council, but kindly relations have existed independently of personal friendships; and I hope I may say, without fear of contradiction, that my services have been loyally at the disposal of every Member of the House on all occasions.

I have the honor to be,

Sir,

Your most obedient and obliged servant,

G. W. RUSDEN

The Honorable Sir W. H. F. Mitchell,
President of the Legislative Council.

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1881.
—
VICTORIA.

EDUCATION ACT.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 20TH DECEMBER, 1881.

TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA.

The Petition of the Assembly of the Church of England in the diocese of Ballaarat, and of the President thereof, whose name is hereunto subscribed,

SHEWETH :

1. That, while the present system of Public Education in this colony has been successful in many respects, the religious instruction of scholars has been entirely and unnecessarily abandoned as part of the school course, and the name of Christ has been purposely expunged from the school books.

2. That the object of securing unanimity by the adoption of a purely secular system has not been attained, inasmuch as the Roman Catholic Church is actively opposed to the present Act, while a considerable number of Protestants are claiming the restoration of Scriptural instruction.

3. That your Petitioners desire that the present system be modified so as to include provision for religious instruction in some way, which shall be equally advantageous to all sections of the community, without conferring separate privileges upon any.

4. That your Petitioners believe that such a system has been established in New South Wales by the Act of 1880 (No. XXIII), now in successful operation, by the seventh clause of which it is provided, "That in all schools under this Act the teaching shall be strictly non-sectarian, but the words 'secular instruction' shall be held to include general religious teaching, as distinguished from dogmatical or polemical theology, and lessons in the History of England and in the History of Australia shall form part of the course of secular instruction."

5. That, in giving effect to this clause, the Scripture lessons of the Irish Board of National Education form part of the ordinary curriculum, being taught by the teacher and credited in examination by the inspector.

6. That, in addition to this, it is provided by clause seventeen that, while four hours are devoted to secular instruction, as above defined, a fifth hour is placed at the disposal of clergymen or other authorized teachers, by mutual agreement, when the children of any one religious persuasion may be instructed in faith and doctrine; and that during this hour, which is mostly the first hour, the scholars are assembled in a convenient place, and, in the absence of a religious instructor, receive secular instruction.

7. That, under such a system as this, no denomination could complain of the want of such facilities as the State, in dealing with public interests, can be justly called upon to give; and that, by the adoption of such principles in our Act, a more solid and effectual support would be given to the present system of education than at present.

Your Petitioners, therefore, pray that your Honorable House will direct your attention to the provisions of the Education Act of New South Wales, with a view to some modification of the Act of this colony in that direction.

And your Petitioners will ever pray, &c., &c.

P. TEULON BEAMISH, D.D., LL.D.,
President.

VIC. VOTES & PROCEEDINGS OF THE LEG. COUNCIL, SESS. 1881.